

**California State Board of Education
Meeting Agenda Items for July 13-14, 2011**

Item 1 Addendum

State of California

State Board of Education

ITEM ADDENDUM

DATE: July 1, 2011

TO: MEMBERS, STATE BOARD OF EDUCATION

FROM: Sue Burr, Executive Director
California State Board of Education

RE: Item No. 1

SUBJECT: Parent Empowerment — Approve Commencement of a Third 15-day Public Comment Period for Proposed Additions to the *California Code of Regulations, Title 5, Sections 4800–4808*.

RECOMMENDATION

The California Department of Education (CDE) has provided some background documents for consideration. The State Board of Education (SBE) staff recommends that the SBE consider the attached proposed integrated set of options and amendments to the proposed regulations, and take the following actions:

- Approve the proposed changes to the proposed regulations, as directed by SBE;
- Direct CDE staff to format the proposed changes as required by the Office of Administrative Law to illustrate the changes to the text of the proposed regulations;
- If no relevant comments to the proposed changes are received during the third 15-day public comment period, the proposed regulations with changes are deemed adopted, and the California Department of Education (CDE) is directed to complete the rulemaking package and submit it to the Office of Administrative Law (OAL) for approval;
- If any relevant comments to the proposed changes are received during the third 15-day public comment period, CDE is directed to place the proposed regulations on the SBE's September 2011 agenda for action; and
- Authorize the CDE to take any necessary ministerial action to respond to any direction or concern expressed by the OAL during its review of the rulemaking file.

ATTACHMENT

Attachment 1: Proposed Changes to the *California Code of Regulations*, Title 5, Sections 4800–4808 (21 Pages).

1 The State Board of Education Executive Staff has created the following
2 composite document which reflects changes suggested during the prior public
3 comment periods and during public testimony during State Board of Education
4 meetings. This document is intended to be used to help guide the discussion
5 during the July 13-14, 2011 State Board of Education meeting.
6

7 Title 5. EDUCATION

8 Division 1. California Department of Education

9 Chapter 5.2.5. Parent Empowerment

10 Subchapter 1. Parent Empowerment

11 Article 1. General Provisions

12 § 4800. Intent.

13 ~~It was the intent of the Legislature and remains the intent of the State~~
14 ~~Board of Education (SBE) for The Parent Empowerment law shall to remain~~
15 ~~valid in the event of changes to federal law referenced within the legislative~~
16 ~~language of Chapters 2 and 3 of the 5th Extraordinary Session Statutes of~~
17 ~~2010, Senate Bill X5-4 to the extent allowable under the law.~~

18 NOTE: Authority cited: Section 33031, Education Code. Reference:
19 Sections 53202 and 53300, Education Code; and 20 U.S.C. Section 6316.
20
21

22 § 4800.1. Definitions.

23 (a) "Elementary school" means a school, regardless of the number of grade
24 levels, whose graduates matriculate into either a subject elementary, middle or
25 high school.

26 (b) "Eligible signature" means a signature of a parent or legal guardian
27 of a pupil that can be counted toward meeting the requirement that at least
28 one-half of the parents or legal guardians of pupils have signed the petition
29 as set forth in Education Code section 53300.

30 (c) "Final disposition" means the action taken by the local educational
31 agency (LEA) to implement the requested intervention option presented by

1 **a petition or implement one of the other intervention options as set forth in**
2 **Education Code section 53300.**

3 **(d)(b) “High school” means four-year high schools, ~~junior high schools,~~**
4 **senior high schools, continuation high schools, and evening schools.**

5 **(e)(d) “Intervention” or “requested intervention” means:**

6 **(1) one of the four interventions (turnaround model, restart model, school**
7 **closure, and transformation model) identified pursuant to paragraphs (1) to (4),**
8 **inclusive, of subdivision (a) of Education Code section 53202 and as further**
9 **described in Appendix C of the Notice of Final Priorities, Requirements,**
10 **Definitions, Section Criteria for the Race to the Top program published in Volume**
11 **74 of Number 221 of the Federal Register on November 18, 2009; or**

12 **(2) the alternative governance arrangement pursuant to Title 20 U.S.C.**
13 **Section 6316(b)(8)(B)(v).**

14 **(f)(e) “Middle school” means a school, regardless of the number of grade**
15 **levels, whose graduates matriculate into a subject high school. Middle school**
16 **also means a junior high school whose graduates matriculate into a subject**
17 **senior high school.**

18 **(g) “Normally matriculate” means the typical pattern of attendance**
19 **progression from an elementary school to a subject elementary school,**
20 **from an elementary school to a subject middle or high school or from a**
21 **middle school to a subject high school, as determined by the LEA(s)**
22 **pursuant to established attendance boundaries, published policies or**
23 **practices in place on the date the petition is submitted.**

24 **(h)(e) “Parents or legal guardians of pupils” means the natural or adoptive**
25 **parents, legal guardians, or other persons holding the right to make educational**
26 **decisions for the pupil pursuant to Welfare and Institutions Code section 361 or**
27 **727 or Education Code sections 56028 or 56055, including foster parents who**
28 **hold rights to make educational decisions, on the date the petition is**
29 **submitted.**

30 **(i)(f) “Petition” means a petition requesting an ~~local educational agency~~**
31 **(LEA) to implement one of the interventions defined in subdivision (e)(d).**

32 **(j)(g) “Pupils attending the subject school or elementary or middle schools**

1 that normally matriculate into a subject middle or high school” means a pupils
2 attending enrolled in the school on the date the petition is submitted to the LEA.

3 ~~(k)(h)~~ “Subject school” means a school ~~not~~ identified by the Superintendent
4 of Public Instruction following the release of the annual adequate yearly
5 progress report, as a ~~persistently lowest-achieving~~ school that: under
6 Education Code section 53201 which, after one full school year, is subject
7 to corrective action pursuant to 20 U.S.C. Section 6316(b)(7) and continues
8 to fail to make adequate yearly progress, and has an Academic
9 Performance Index (API) score of less than 800.

10 (1) Is not one of the persistently lowest-achieving schools identified by
11 the SBE;

12 (2) Has been in corrective action pursuant to paragraph (7) of Section
13 1116(b) of the federal Elementary and Secondary Education Act for at least
14 one full academic year;

15 (3) Has failed to make adequate yearly progress (AYP); and

16 (4) Has an Academic Performance Index (API) score of less than 800.

17 (5): A school that exits Program Improvement shall not be subject to
18 continued identification on the Parent Empowerment list.

19 (l) “Cannot implement the specific recommended option” means that an
20 LEA is unable to implement the intervention requested in the petition and
21 has a compelling interest to support provided in writing, during a regularly
22 scheduled public meeting, the considerations and reasons for reaching such a
23 finding.

24 (m) “Matriculating School” means all elementary or middle schools that
25 normally matriculate into a subject elementary, middle, or high school.

26 NOTE: Authority cited: Section 33031, Education Code. Reference: Sections
27 53201, 53202, ~~and~~ 53300, 53303, 56028 and 56055, Education Code; and 20
28 U.S.C. Section 6316.

29
30 **§ 4800.3. Requirement to Serve All Pupils.**

31 **Every pupil that attended a subject school prior to the implementation**
32 **of an intervention shall continue to be enrolled in the school during and**

1 after an intervention is implemented pursuant to Education Code section
2 53300, unless the parent or legal guardian of the pupil chooses to enroll the
3 pupil in another school or the school is closed. In addition, any pupil who
4 resides in the attendance area of the subject school during or after the
5 implementation of an intervention has a right to attend the school, subject
6 to any laws or rules pertaining to enrollment.

7 NOTE: Authority cited: Section 33031, Education Code. Reference: Section
8 53300, Education Code.

9
10 § 4800.5. Parental Notice.

11
12 (a) The CDE shall create a website for parents and guardians to obtain further
13 information on circulating a parent empowerment petition.

14 (b) A LEA may create a web site that lists the schools in the LEA subject to
15 the provisions of the Parent Empowerment law, including enrollment data and
16 attendance boundaries for each school. The web site may also ~~and informing~~
17 parents and legal guardians of pupils how they may:

18 (1) Sign a petition requesting the school district to implement one or more
19 interventions to improve the school, and

20 (2) Contact community-based organizations or work with individual school
21 administrators and parent and community leaders to understand the school
22 intervention options and provide input about the best options for the school.

23 (3) Consistent with the requirements of Section 1116(b)(1)(E) of the federal
24 Elementary and Secondary Education Act of 2001 (20 U.S.C. Section 6301 et
25 seq.), on the date the notice of restructuring planning or restructuring status,
26 Program Improvement Year 4 or later, is given pursuant to federal law, the LEA
27 shall provide the parents and guardians of all pupils enrolled in a school in
28 restructuring planning or restructuring status with notice that the school may be
29 eligible for a parent empowerment petition to request a specific intervention
30 pursuant to Education Code section 53300 and shall list the CDE website
31 address created pursuant to section 4800.5 (a). This notice, and any other
32 written communication from the school or the LEA to parents or legal guardians

1 of pupils, must meet the language requirements of Education Code section
2 48985.

3
4 **NOTE: Authority cited: Section 33031, Education Code. Reference:**
5 **Sections 48985 and 53300, Education Code; and 20 U.S.C. Section 6301.**

6
7 **§ 4801. Petition Signatures.**

8 ~~(a)~~ A petition may only contain signatures of parents or legal guardians of
9 pupils attending the subject school or a combination of signatures of parents or
10 legal guardians of pupil(s) attending the subject school and all the elementary or
11 middle schools that normally matriculate into a subject middle or high school. A
12 petition may not consist solely of signatures of parents or legal guardians of
13 pupils attending only the elementary or middle schools that normally matriculate
14 into a subject middle or high school.

15 ~~(a)(b)~~ **A petition may be signed by a parent or legal guardian once for**
16 **each of his or her pupils attending the subject school or, if the petition**
17 **contains a combination of signatures of parents or legal guardians of**
18 **pupils attending the subject school and the elementary or middle schools**
19 **that normally matriculate into a subject middle or high school, it may be**
20 **signed by a parent or legal guardian once for each of his or her pupils**
21 **attending the subject school or the elementary or middle schools that**
22 **normally matriculate into the subject middle or high school. A petition must**
23 **shall contain signatures of parents ~~or~~ or legal guardians of pupils attending**
24 **the subject school, ~~or and~~ may contain a combination of signatures of**
25 **parents ~~and or~~ legal guardians of pupils attending ~~only~~ the elementary or**
26 **middle schools that normally matriculate into a ~~the~~ subject middle or high school**
27 **subject school and signatures of parents or legal guardians of pupils attending**
28 **the matriculating schools. A petition may not consist solely of signatures of**
29 **parents or legal guardians of pupils attending the matriculating schools.**

30 ~~(b)(c)~~ Only one parent or legal guardian **per pupil** may sign a petition.

31 ~~(c)(d)~~ The petition must have boxes **with room that are consecutively**
32 **numbered commencing with number 1, with sufficient space for the**

1 signature of each petition signer as well as his or her printed name, **address,**
2 **city or unincorporated community name and zip code,** date, pupil's name,
3 **the pupil's date of birth,** the name of the school the pupil is currently attending,
4 and the pupil's current grade.

5 **(1) The petition shall state that the disclosure of the address, city or**
6 **unincorporated community name and zip code is voluntary, and cannot be**
7 **made a condition of signing the petition.**

8 **(d)(e) The petition boxes referenced in subdivision (d) must be**
9 **consecutively numbered commencing with the number 1 for each petition**
10 **section. The boxes described in subdivision (c)(d) may also have space for**
11 **the signer's address, city or unincorporated community name, and zip**
12 **code, or request other information, and if so, the petition shall make clear**
13 **that providing such information is voluntary, and cannot be made a**
14 **condition of signing the petition.**

15 **(e)(f) Because a A** petition may be signed by a parent or a legal guardian
16 once for each of his or her pupils attending the subject school or, if the petition
17 contains a combination of signatures of parents or legal guardians of pupils
18 attending the subject school and the elementary or middle schools that normally
19 matriculate into a subject middle or high school, once for each of his or her pupils
20 attending the subject school and the elementary or middle schools that normally
21 matriculate into the subject middle or high school. S separate petition boxes must
22 be completed by the parent or legal guardian for each of his or her pupils.

23 **(f)(g) A** petition may be circulated and presented in sections, so long as each
24 section complies with the requirements **of set forth in** this section and section
25 4802 regarding the content of the petition.

26 *(g) Signature gatherers may not offer gifts, rewards, or tangible incentives to*
27 *parents or legal guardians to sign a petition. Nor shall signature gatherers make*
28 *any threats of coercive action, false statements or false promises of benefits to*
29 *parents or legal guardians in order to persuade them to sign a petition, except*
30 *that signature gatherers, school site staff or other members of the public may*
31 *discuss education related improvements hoped to be realized by implementing*
32 *any intervention described in these regulations. Signature gatherers, students,*

1 school site staff, LEA staff, members of the community and parents and legal
2 guardians of eligible pupils shall be free from harassment, threats, and
3 intimidation related to circulation or signature of a petition, or to the discouraging
4 of signing a petition or to the revocation of signatures from the petition. Signature
5 gatherers shall disclose if they are being paid, and shall not be paid per
6 signature.

7 (h): All parties involved in the signature gathering process shall adhere to all
8 school site hours of operation, school and LEA safety policies, and visitor sign in
9 procedures.

10 (i): School or district resources shall not be used to impede the signature
11 gathering process pursuant to this section.

12
13 NOTE: Authority cited: Section 33031, Education Code. Reference: Section
14 53300, Education Code.

15
16 **§ 4802. Content of the Petition.**

17 The petition ~~or~~ and each section of the petition shall contain the following
18 elements:

19 (a) A heading which states that it is a Petition of Parents, Legal Guardians,
20 and Persons Holding the Right to Make Educational Decisions for Pupils,
21 Including Foster Parents **who hold rights to make educational decisions** to
22 **request implement** an Intervention **be implemented** at the specified subject
23 school and to be submitted to a specified LEA;

24 **(b) A statement that the petition seeks the signatures of the parents or**
25 **legal guardians of the pupils attending the subject school or, in the**
26 **alternative, the signatures of the parents or legal guardians of the pupils**
27 **attending the subject school and the signatures of the parents or legal**
28 **guardians of the pupils attending elementary or middle schools who would**
29 **normally matriculate into the subject school;**

30 **(c)(b)** The name and public contact information of the person to be contacted
31 by either persons interested in the petition or by the LEA;

32 **(d)(e)** Identification of the requested intervention;

1 (e)(d) A description of the requested intervention using the language set forth
2 in either sections 4803, 4804, 4805, 4806, or 4807, **without omission to ensure**
3 **full disclosure of the impact of the intervention;**

4 (f)(e) The name of the subject school;

5 (g)(f) Boxes as designated in section 4801(d) **and (e);**

6 (h)(e) An affirmation that the signing parent or legal guardian is requesting
7 the LEA to implement the identified intervention at the subject school; and

8 (i)(h) A request to an LEA to implement the restart model intervention
9 identified pursuant to paragraph (2) of subdivision (a) of Education Code section
10 53202 may also request that the subject school be reopened under a specific
11 charter school operator, charter management organization or education
12 management organization **and, if so, that information must be clearly stated**
13 **on the front page of the petition** including contact information of the charter
14 school operator, charter management organization or education management
15 organization **that has been selected by a rigorous review process.**

16 (j) **The names of any agencies or organizations** that the person identified
17 in subdivision (c) is affiliated with **that are supporting the petition, either**
18 **through direct financial assistance or in-kind contributions of staff and**
19 **volunteer support, must be prominently displayed on the front page of the**
20 **petition.**

21 (k) *The CDE shall develop a sample petition that can be used by interested*
22 *petitioners. The sample petition shall be available on the CDE website for*
23 *interested petitioners to use. The CDE shall make the sample petition available in*
24 *other languages pursuant to Education Code section 48985. Petitioners shall not*
25 *be required to use the sample petition however alternate petitions must contain*
26 *all required components pursuant to statutory and regulatory requirements.*

27
28 NOTE: Authority cited: Section 33031, Education Code. Reference: Sections
29 53202 and 53300, Education Code.

30
31 §4802.05: *Submission of Petition.*

32 (a) *Petitioners may not submit a petition until they reach or exceed the 50*

1 percent threshold based on accurate and current enrollment data provided by the
2 LEA. The date of submission of the petition shall be the start date for
3 implementation of all statutory and regulatory requirements.

4 (b) An exception shall be made for a one-time resubmission opportunity to
5 correct a petition based on errors identified by the LEA, verify signatures after a
6 good faith effort is made by the LEA to do so first, or submit additional
7 signatures. The start date for a resubmitted petition shall be the date it is
8 resubmitted. No rolling petitions shall be accepted by the LEA.

9 (c) At the time of submission the petitioners shall submit a separate document
10 that identifies at least one but no more than five lead petitioners with their contact
11 information.

12 (d) The role of lead petitioners is to assist and facilitate communication
13 between the parents who have signed the petition and the LEA. The lead
14 petitioner contacts shall not be authorized to make decisions for the petitioners or
15 negotiate on behalf of the parents.

16
17 § 4802.1. Verification of Petition Signatures and Obligations of the LEA.

18 (a) An LEA must provide, in writing, to any persons who request it,
19 information as to how the LEA intends to implement section 4800.1(g) as to any
20 subject school and any normally matriculating elementary or middle schools,
21 including providing enrollment data and the number of signatures that would be
22 required pursuant to section 4802.1(e).

23 (b) ~~(a)~~ Upon receipt of the petition, the LEA may make reasonable efforts to
24 verify that the signatures on the petition can be counted consistent with these
25 regulations. The LEA and matriculating LEAs shall use common verification
26 documents that contain parent or guardian signatures to verify petition signatures
27 such as emergency verification cards signed by all parents or guardians. In order
28 to verify the enrollment of a pupil in a school that normally matriculates into the
29 subject school, but is not within the jurisdiction of the LEA, an LEA may contact
30 the school or the LEA of the school. The matriculating LEA or school shall be
31 required to provide information necessary to the subject school and LEA in order
32 to assist in verifying signatures. An LEA shall not invalidate the signature of a

1 parent or legal guardian of an eligible pupil on a minor technicality assuming the
2 parent or legal guardian is entitled to sign it. The LEA and the matriculating LEA
3 or school shall make a good faith effort to contact parents or guardians when a
4 signature is not clearly identifiable including phone calls to the parent or
5 guardian.

6 ~~(c)(b)~~ If, on the date the petition is submitted, a school is identified pursuant to
7 section 4800.1(k), it shall remain a subject school until final disposition of the
8 petition by the LEA even if it thereafter ceases to meet the definition of a subject
9 school unless that school has exited federal Program Improvement and is at or
10 over 800 on the Academic Performance Index.

11 ~~(d)(e)~~ If a petition has sought only signatures of parents of pupils attending
12 the subject school, then for purposes of calculating whether parents or legal
13 guardians of at least one-half of pupils ~~at least one-half of the parents or legal~~
14 guardians of all students pupils attending the subject school on the date the
15 petition has been submitted have signed the petition, only those signatures of
16 parents or legal guardians of pupils attending the subject school on the date the
17 petition is submitted to the LEA shall be counted.

18 ~~(e)(d)~~ If a petition has sought signatures of parents or legal guardians of
19 pupils attending the subject school and the elementary or middle schools that
20 normally matriculate into the subject school, then for purposes of calculating
21 whether ~~at least one-half of the parents or legal guardians of at least one-half of~~
22 pupils attending the subject school and the elementary or middle schools that
23 normally matriculate into the subject school on the date the petition has been
24 submitted have signed the petition, only those signatures of parents or legal
25 guardians of pupils attending the subject school and the parents or legal
26 guardians of pupils attending the elementary or middle schools who would
27 normally matriculate into the subject school at the time the petition is submitted to
28 the LEA shall be counted. Where pupils attend elementary or middle schools
29 that normally matriculate into more than one subject school, only those pupils
30 attending the subject school and those pupils that normally matriculate, as
31 defined in section 4800.1(g), into the subject school, shall be counted in
32 calculating whether the parents or legal guardians of at least one-half of pupils

1 attending the subject school and the elementary or middle schools that normally
2 matriculate into the subject school on the date the petition has been submitted
3 have signed the petition. There is no specified ratio required of signatures
4 gathered at each school, rather the total ratio of signatures gathered must meet
5 the one-half requirement.

6 ~~(f)(e)~~ In connection with the petition, the LEA may only contact parents or
7 legal guardians to verify eligible signatures on the petition. The identified lead
8 petitioners for the petition shall be consulted to assist in contacting parents or
9 legal guardians when the LEA fails to reach a parent or legal guardian.

10 ~~(g)(f)~~ Upon receipt, the LEA may, within ~~20-25 business~~ 40 calendar days,
11 return the petition to the person designated as the contact person or persons as
12 specified in section 4802(c), if the LEA determines any of the following:

13 (1) One half of the parents or legal guardians of pupils meeting the
14 requirements of section 4801(a) have not signed the petition;

15 (2) The school named in the petition is not a subject school; or

16 (3) The petition does not substantially meet the requirements specified in
17 section 4802. In such a case, the LEA shall immediately provide the contact
18 person written notice of its reasons for returning the petition and its supporting
19 findings.

20 (h) If the LEA finds that sufficient signatures cannot be verified by the LEA
21 they shall immediately notify the lead petitioner contacts and provide the lead
22 petitioner the names of those parents and legal guardians they cannot verify. The
23 lead petitioner contacts shall be provided 60 calendar days to assist the LEA to
24 verify the signatures. A number of methods may be used including but not limited
25 to an official notarization process or having the parent or guardian appear at the
26 school or district office.

27 (i) If the LEA finds a discrepancy or problem with a submitted petition they
28 shall notify the lead petition contacts in writing and request assistance and
29 clarification prior to the final disposition of the petition. The LEA shall identify
30 which signatures need verification, any errors found in the petition or need for
31 further clarification regarding the petition.

32 ~~(j)(h)(g)~~ If the petition is returned pursuant to section 4802.1(g)(1), the same

1 petition may be resubmitted to the LEA with additional verified signatures as long
2 as no substantive changes are made to the petition. The petitioners shall be
3 provided one resubmission opportunity which must be completed within a
4 window of 60 calendar days after the return of the petition pursuant to 4802.1.
5 This is the same window for verification of signatures and any corrections or
6 additional signatures submitted. The LEA shall have 25 calendar days to verify
7 the resubmitted signatures, additional signatures or corrections to the petition.
8 The resubmitted petition may not contain substantive changes or amendments. If
9 substantive changes are made to the petition, it must be recirculated for
10 signatures before it may be resubmitted submitted to the LEA and it shall be
11 deemed a new petition.

12 ~~(k)(i)(g)~~ If the LEA does not return the petition pursuant to subdivision (g)(f),
13 the LEA shall have 45 business calendar days from the date the petition is
14 received to reach a final disposition. The date may be extended by an additional
15 25 calendar days if the LEA and the person listed in section 4802(c) agree to the
16 extension in writing.

17 ~~(l)(i)(h)~~ The LEA shall notify the SSPI and the SBE in writing within fifteen
18 calendar days of its receipt of a petition and within five calendar days of the final
19 disposition of the petition. The notice of final disposition shall state that the LEA
20 will implement the recommended option or include the written finding stating the
21 reason it cannot implement the specific recommended option designating which
22 of the other options it will implement and stating that the alternative option
23 selected has substantial promise of enabling the school to make adequate yearly
24 progress.

25 ~~(m)(k)(i)~~ If the number of schools identified in a petition and subject to an
26 intervention by a final disposition will exceed the maximum of 75 schools
27 pursuant to Education Code section 53302, and the SSPI and the SBE receive
28 two or more notifications of final dispositions that agree to implement an
29 intervention on the same day, the petition will be chosen by random selection.]

30 **NOTE: Authority cited: Section 33031, Education Code. Reference:**
31 **Sections 53202, 53300, 53301 and 53302, Education Code.**

32

1 § 4802.2. Restart Requirements for Parent Empowerment Petitions.

2 (a) Except where specifically designated in this section, a charter school
3 proposal submitted through a parent empowerment petition, shall be subject to
4 all the provisions of law that apply to other charter schools.

5 (b) Parents or legal guardians of pupils will only need to sign the parent
6 empowerment petition to indicate their support for and willingness to enroll their
7 children in the requested charter school. A separate petition for the establishment
8 of a charter school will not need to be signed.

9 The signatures to establish a charter school pursuant to Education Code sections
10 47605(a)(1) through (3) and 47605(b)(3) will not be required if the petition that
11 requests that the subject school be reopened under a charter operator, charter
12 management organization or education management organization otherwise
13 meets all the requirements of Education Code section 53300.

14 (c) A petition that requests that the subject school be reopened under a
15 specific charter school operator, charter management organization or education
16 management organization may be circulated for signature with the proposed
17 charter for the school. Upon receipt of the petition that requests a restart model
18 as intervention and that includes a charter petition, the LEA must follow the
19 provisions of section 4802.1 and determine whether it will implement the
20 requested intervention options in Education Code section 53300. If a petition
21 requests that the subject school be operated under a specific charter school
22 operator, charter management organization or education management
23 organization, and the LEA does not reject the petition pursuant to Section
24 4802.1(g) then the rigorous review process required by Education Code section
25 53300 and section 4804 shall be the review process and timelines set forth in
26 Education Code section 47605(b), excepting 47605(b)(3).

27 (d) If a parent empowerment petition does not include the proposed charter
28 but requests that the subject school be operated under a charter school operator,
29 charter management organization or education management organization, and
30 the LEA does not reject the petition pursuant to section 4802.1(g), then the LEA
31 shall promptly notify the petitioners that it has adopted the restart model and give
32 the petitioners the option to solicit charter proposals from charter school

1 operators, charter management organizations and education management
2 organizations and select a specific charter school operator or decline to do so.

3 (1) If the petitioners opt to solicit charter proposals and select a specific
4 charter school operator, they must submit the proposed charter school operator
5 to the LEA within 90 calendar days. Upon submittal of the charter proposal, the
6 LEA shall conduct the rigorous review process required by Education Code
7 section 53300 and section 4804, which shall be the review process and timelines
8 set forth in Education Code section 47605(b) excepting 47605(b)(3).

9 (2) If the petitioners inform the LEA that they have declined the option to
10 solicit charter proposals and select a charter school operator, the LEA shall,
11 within 20 calendar days, solicit charter proposals from charter school operators,
12 charter management organizations and education management
13 organizations. Thereafter, the LEA shall select a charter school operator, charter
14 management organization or education management organization, through the
15 rigorous review process required by Education Code section 53300 and section
16 4804. The rigorous review process shall be the review process and timelines set
17 forth in Education Code section 47605(b), excepting 47605(b)(3), and shall begin
18 at the end of a solicitation period not to exceed 90 calendar days.

19
20 (e) If the parents petition for a restart option to operate the school under an
21 educational management organization that is not a charter school, the LEA shall
22 work in good faith to implement a contract with a provider selected by the
23 parents. In the absence of parent selection of a specific provider, the LEA shall
24 immediately solicit proposals from educational management organizations, and
25 shall select an education management organization, through the rigorous review
26 process required by Education Code section 53300 and section 4804 unless the
27 LEA is unable to implement the option requested by the parents and shall
28 implement one of the other options specified in Education Code section 53300.

29
30 **NOTE: Authority cited: Section 33031, Education Code. Reference:**
31 **Sections 47605 and 53300, Education Code.**

32

1 **§ 4803. Description of Intervention – Turnaround Model.**

2 (a) A turnaround model is one in which an **local educational agency (LEA)**
3 must:

4 (1) Replace the principal and grant the principal sufficient operational
5 flexibility (including in staffing, calendars/time, and budgeting) to implement fully
6 a comprehensive approach in order to substantially improve student achievement
7 outcomes and increase high school graduation rates;

8 (2) Using locally adopted competencies to measure the effectiveness of staff
9 who can work within the turnaround environment to meet the needs of students;

10 (A) Screen all existing staff and rehire no more than 50 percent; and

11 (B) Select new staff;

12 (3) Implement such strategies as financial incentives, increased opportunities
13 for promotion and career growth, and more flexible work conditions that are
14 designed to recruit, place, and retain staff with the skills necessary to meet the
15 needs of the students in the turnaround school;

16 (4) Provide staff with ongoing, high-quality, job-embedded professional
17 development that is aligned with the school's comprehensive instructional
18 program and designed with school staff to ensure that they are equipped to
19 facilitate effective teaching and learning and have the capacity to successfully
20 implement school reform strategies;

21 (5) Adopt a new governance structure, which may include, but is not limited
22 to, requiring the school to report to a new “turnaround office” in the LEA, hire a
23 “turnaround leader” who reports directly to the Superintendent or Chief Academic
24 Officer, or enter into a multi-year contract with the LEA or State Educational
25 Agency (SEA) to obtain added flexibility in exchange for greater accountability;

26 (6) Use data to identify and implement an instructional program that is
27 research-based and “vertically aligned” from one grade to the next as well as
28 aligned with State academic standards;

29 (7) Promote the continuous use of student data (such as from formative,
30 interim, and summative assessments) to inform and differentiate instruction in
31 order to meet the academic needs of individual students;

32 (8) Establish schedules and implement strategies that provide increased

1 learning time (as defined in the United States Department of Education notice
2 published in the Federal Register at 74 Federal Register 59805 (Nov.18, 2009);
3 and

4 (9) Provide appropriate social-emotional and community-oriented services
5 and supports for students.

6 (b) A turnaround model may also implement other strategies such as:

7 (1) Any of the required and permissible activities under the transformation
8 model; or

9 (2) A new school model (e.g., themed, dual language academy).

10 NOTE: Authority cited: Section 33031, Education Code. Reference: Sections
11 53202 and 53300, Education Code; and 20 U.S.C. Section 6301.

12
13 **§ 4804. Description of Intervention – Restart Model.**

14 A restart model is one in which an ~~local educational agency (LEA)~~ converts
15 a school or closes and reopens a school under a charter school operator, a
16 charter management organization (CMO), or an education management
17 organization (EMO) that has been selected through a rigorous review process. (A
18 CMO is a non-profit organization that operates or manages charter schools by
19 centralizing or sharing certain functions and resources among schools. An EMO
20 is a for-profit or non-profit organization that provides “whole-school operation”
21 services to an LEA.) A restart model must enroll, within the grades it serves, any
22 former student who wishes to attend the school.

23 NOTE: Authority cited: Section 33031, Education Code. Reference: Sections
24 53202 and 53300, Education Code; and 20 U.S.C. Section 6301.

25
26 **§ 4805. Description of Intervention – School Closure.**

27 School closure occurs when an ~~local educational agency (LEA)~~ closes a
28 school and enrolls the students who attended that school in other schools in the
29 LEA that are higher achieving. These other schools should be within reasonable
30 proximity to the closed school and may include, but are not limited to, charter
31 schools or new schools for which achievement data is not yet available.

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

1 53202 and 53300, Education Code; and 20 U.S.C. Section 6301.

2
3 **§ 4806. Description of Intervention – Transformation Model.**

4 A transformation model is one in which an ~~local educational agency (LEA)~~
5 implements each of the following strategies:

6 (a) Developing and increasing teacher and school leader effectiveness.

7 (1) Required activities. The LEA must:

8 (A) Replace the principal who led the school prior to commencement of the
9 transformation model;

10 (B) Use rigorous, transparent, and equitable evaluation systems for teachers
11 and principals that:

12 1. Take into account data on student growth (as defined in the United States
13 Department of Education notice published in the Federal Register at 74 Federal
14 Register 59806 (Nov. 18, 2009)) as a significant factor as well as other factors
15 such as multiple observation-based assessments of performance and ongoing
16 collections of professional practice reflective of student achievement and
17 increased high-school graduations rates; and

18 2. Are designed and developed with teacher and principal involvement.

19 (C) Identify and reward school leaders, teachers, and other staff who, in
20 implementing this model, have increased student achievement and high school
21 graduation rates and identify and remove those who, after ample opportunities
22 have been provided for them to improve their professional practice, have not
23 done so;

24 (D) Provide staff with ongoing, high-quality, job-embedded professional
25 development (e.g., regarding subject-specific pedagogy, instruction that reflects a
26 deeper understanding of the community served by the school, or differentiated
27 instruction) that is aligned with the school's comprehensive instructional program
28 and designed with school staff to ensure they are equipped to facilitate effective
29 teaching and learning and have the capacity to successfully implement school
30 reform strategies; and

31 (E) Implement such strategies as financial incentives, increased opportunities
32 for promotion and career growth, and more flexible work conditions that are

1 designed to recruit, place, and retain staff with the skills necessary to meet the
2 needs of the students in a transformation school.

3 (2) Permissible activities. An LEA may also implement other strategies to
4 develop teachers' and school leaders' effectiveness, such as:

5 (A) Providing additional compensation to attract and retain staff with the skills
6 necessary to meet the needs of the students in a transformation school;

7 (B) Instituting a system for measuring changes in instructional practices
8 resulting from professional development; or

9 (C) Ensuring that the school is not required to accept a teacher without the
10 mutual consent of the teacher and principal, regardless of the teacher's seniority.

11 (b) Comprehensive instructional reform strategies.

12 (1) Required activities. The LEA must:

13 (A) Use data to identify and implement an instructional program that is
14 research-based and “vertically aligned” from one grade to the next as well as
15 aligned with State academic standards; and

16 (B) Promote the continuous use of student data (such as from formative,
17 interim, and summative assessments) to inform and differentiate instruction in
18 order to meet the academic needs of individual students.

19 (2) Permissible activities. An LEA may also implement comprehensive
20 instructional reform strategies, such as:

21 (A) Conducting periodic reviews to ensure that the curriculum is being
22 implemented with fidelity, is having the intended impact on student achievement,
23 and is modified if ineffective;

24 (B) Implementing a school wide “response-to-intervention” model;

25 (C) Providing additional supports and professional development to teachers
26 and principals in order to implement effective strategies to support students with
27 disabilities in the least restrictive environment and to ensure that limited-English-
28 proficient students acquire language skills to master academic content;

29 (D) Using and integrating technology-based supports and interventions as
30 part of the instructional program; and

31 (E) In secondary schools:

32 1. Increasing rigor by offering opportunities for students to enroll in advanced

1 coursework (such as Advanced Placement or International Baccalaureate; or
2 science, technology, engineering, and mathematics courses, especially those
3 that incorporate rigorous and relevant project-, inquiry-, or design-based
4 contextual learning opportunities), early-college high schools, dual enrollment
5 programs, or thematic learning academies that prepare students for college and
6 careers, including by providing appropriate supports designed to ensure that low-
7 achieving students can take advantage of these programs and coursework;

8 2. Improving student transition from middle to high school through summer
9 transition programs or freshman academies;

10 3. Increasing graduation rates through, for example, credit-recovery
11 programs, re-engagement strategies, smaller learning communities, competency-
12 based instruction and performance-based assessments, and acceleration of
13 basic reading and mathematics skills; or

14 4. Establishing early-warning systems to identify students who may be at risk
15 of failing to achieve to high standards or graduate.

16 (c) Increasing learning time and creating community-oriented schools.

17 (1) Required activities. The LEA must:

18 (A) Establish schedules and implement strategies that provide increased
19 learning time (as defined in 74 Federal Register 59805 (Nov. 18, 2009)); and

20 (B) Provide ongoing mechanisms for family and community engagement.

21 (2) Permissible activities. An LEA may also implement other strategies that
22 extend learning time and create community-oriented schools, such as:

23 (A) Partnering with parents and parent organizations, faith- and community-
24 based organizations, health clinics, other State or local agencies, and others to
25 create safe school environments that meet students' social, emotional, and
26 health needs;

27 (B) Extending or restructuring the school day so as to add time for such
28 strategies as advisory periods that build relationships between students, faculty,
29 and other school staff;

30 (C) Implementing approaches to improve school climate and discipline, such
31 as implementing a system of positive behavioral supports or taking steps to
32 eliminate bullying and student harassment; or

1 (D) Expanding the school program to offer full-day kindergarten or pre-
2 kindergarten.

3 (d) Providing operational flexibility and sustained support.

4 (1) Required activities. The LEA must:

5 (A) Give the school sufficient operational flexibility (such as staffing,
6 calendars/time, and budgeting) to implement fully a comprehensive approach to
7 substantially improve student achievement outcomes and increase high school
8 graduation rates; and

9 (B) Ensure that the school receives ongoing, intensive technical assistance
10 and related support from the LEA, the State Educational Agency (SEA), or a
11 designated external lead partner organization (such as a school turnaround
12 organization or an EMO).

13 (2) Permissible activities. The LEA may also implement other strategies for
14 providing operational flexibility and intensive support, such as:

15 (A) Allowing the school to be run under a new governance arrangement, such
16 as a turnaround division within the LEA or SEA; or

17 (B) Implementing a per-pupil school-based budget formula that is weighted
18 based on student needs.

19 NOTE: Authority cited: Section 33031, Education Code. Reference: Sections
20 53202 and 53300, Education Code; and 20 U.S.C. Section 6301.

21
22 **§ 4807. Description of Intervention – Alternative Governance Arrangement.**

23 Alternative governance is one in which an LEA institutes any other major
24 restructuring of the school's governance arrangement that makes fundamental
25 reforms, such as significant changes in the school's staffing and governance, to
26 improve student academic achievement in the school and that has substantial
27 promise of enabling the school to make adequate yearly progress as defined in
28 the State plan under Section 6311(b)(2) of the federal Elementary and
29 Secondary Education Act. **In the case of a rural LEA with a total of less than**
30 **600 students in average daily attendance at the schools that are served by**
31 **the agency and all of whose schools have a School Locale Code of 7 or 8,**
32 **as determined by the Secretary, the Secretary shall, at such agency's**

1 ~~request, provide technical assistance to such agency for the purpose of~~
2 ~~implementing this clause.~~

3 NOTE: Authority cited: Section 33031, Education Code. Reference: Sections
4 53202 and 53300, Education Code; and 20 U.S.C. Sections 6311 and 6316.

5

6 **§ 4808. Prospective Effect of Regulations.**

7 **The regulations in Article 1 are to apply prospectively. Any actions**
8 **taken in reasonable reliance upon emergency regulations in effect at the**
9 **time are to be deemed in compliance with these regulations.**

10 **NOTE: Authority cited: Section 33031, Education Code. Reference:**
11 **Sections 11346.1 and 11349.6, Government Code.**

12 5-20-11 [California Department of Education]

**California State Board of Education
Meeting Agenda Items for July 13-14, 2011**

Item 2 Addendum

ITEM ADDENDUM

DATE: July 7, 2011

TO: MEMBERS, State Board of Education

FROM: TOM TORLAKSON, State Superintendent of Public Instruction

SUBJECT: Item 2 – Update on Issues Related to California’s Implementation of the Elementary and Secondary Education Act and Other Federal Programs.

Summary of Key Issues

Attachment 3 provides California’s response to the Targeted Monitoring Review of School Improvement Grants (SIG).

Attachment(s)

Attachment 3: California’s (CA’s) Draft Response to the Targeted Monitoring Review of School Improvement Grants (SIG) under section 1003(g) of the Elementary and Secondary Education Act of 1965, March 7–11, 2011 (36 Pages total) (Pages 1–6)

- Part I: California Monitoring Plan for School Improvement Grant Sub-Grantees (Pages 7–9)
- Part II: SIG Phone Call Protocol (Pages 10–15)
- Part III: The Cohort 1 Local Educational Agencies and Schools Recommended for Year 2 Renewal of School Improvement Grant Funding (Pages 16–36)

**California's (CA's) Draft Response to the Targeted Monitoring Review of
School Improvement Grants (SIG) under section 1003(g) of the
Elementary and Secondary Education Act of 1965
March 7–11, 2011**

Monitoring Area: School Improvement Grant

Critical Element 1: The SEA ensures that its application process was carried out consistent with the final requirements of the SIG program.

Finding (1): The SEA did not ensure that its application process was carried out consistent with its approved SIG application. The CDE conducted the application review and identified schools to be funded. The SEA directed the CDE to prepare a request for waiver not to carry over the required 25 percent of 2009 SIG funds and to impose a school size funding cap for each school. This allowed all approvable priority one and priority two LEAs to be funded, regardless of application score. The CDE then asked all LEAs with approvable applications to reduce their budgets, not to exceed the school size maximum allocation amount.

Further action required: Prior to taking its FY 2010 slate to the California State Board of Education (SBE) for approval, the CDE must provide to ED evidence that it administered its competition consistent with its approved FY 2010 SIG application. The evidence must include the number of reviews conducted and the specific criteria used to determine individual school budgets. (Also see Further Action Required for finding 2.)

Status: In progress

Documentation: Sections II.B. of the final requirements for the School Improvement Grants authorized under section 1003(g) of Title I of the Elementary and Secondary Education Act of 1965, as amended (75 FR 66363 [October 28, 2010]), requires a State to submit to ED for approval an application that contains such information as the Secretary may reasonably require. The FY 2009 SIG application required States to describe their process for reviewing LEA applications.

CA July 2011 Response: California is requesting a waiver to carryover 100 percent of the 2010 SIG allocation to be used in combination with the FY 2011 SIG allocation to conduct a competition Fall 2010. Schools awarded SIG will begin pre-implementation spring 2012, and full implementation will begin SY 2012–13. CDE will provide ED a summary of the competition review process prior to taking recommendation approval to the SBE.

Finding (2): The CDE did not ensure that award amounts were made consistent with the SIG requirements. In SFUSD, Mission High School was awarded \$2,014,668.00, which exceeds the amount permitted by the final requirements.

Further action required: Prior to taking its FY 2010 slate to the California State Board of Education for approval, the CDE must provide to ED evidence that it administered its

competition consistent with its approved FY 2010 SIG application. The evidence must include the number of reviews conducted and the specific criteria used to determine individual school budgets. (Also see Further Action Required for Finding 1.)

Status: In progress

Documentation: Section II.B.5 of the final requirements for the School Improvement Grants authorized under section 1003(g) of Title I of the Elementary and Secondary Education Act of 1965, as amended (75 FR 66363 [October 28, 2010]), requires that an LEA's total grant may be not less than \$50,000 or more than \$2,000,000 per year for each Tier I, Tier II and Tier III school the LEA commits to serve.

CA July 2011 Response: California is requesting a waiver to carryover 100 percent of the 2010 SIG allocation to be used in combination with the FY 2011 SIG allocation to conduct a competition Fall 2010. Schools awarded SIG will begin pre-implementation spring 2012, and full implementation will begin SY 2012–13. CDE will provide ED a summary of the competition review process prior to taking recommendation approval to the SBE.

The grant award for SFUSD, Mission High School has been adjusted to \$2 million per year. The amended grant award letter has been mailed to the district for signature and the corrected award amount has been posted on the CDE Web page at <http://www.cde.ca.gov/sp/sw/t1/documents/sig09result.xls>.

Critical Element 2: The SEA ensures that the SIG intervention models are being implemented consistent with the final requirements of the SIG program.

Finding (1): The CDE did not ensure that schools implementing the turnaround model rehire no more than 50 percent of the staff. SFUSD did not replace staff in schools implementing the turnaround model before the start of the 2010–2011 school year as required.

Further action required: The CDE must submit to ED evidence that it has reviewed the progress of all schools that received FY 2009 SIG funds to implement the turnaround model to ensure that these schools have, using locally developed competencies to measure the effectiveness of staff who can work in the turnaround environment, screened all existing staff and rehired no more than 50 percent as required. The CDE also must submit to ED the results of that review and the steps it will take to ensure that all schools that received FY 2009 SIG funds to implement the turnaround model that have not already screened and rehired no more than 50 percent of the staff using locally develop competencies, have done so by the beginning of the 2011-2012 school year. (Also see finding for Critical Element 5.)

Status: In progress

Documentation: Section I.A.2(a)(ii)(A) of the final requirements for the School Improvement Grants authorized under section 1003(g) of Title I of the Elementary and

Secondary Education Act of 1965, as amended (75 FR 66363 [October 28, 2010]) requires that an LEA implementing the turnaround model, using locally developed competencies to measure the effectiveness of staff who can work within the turnaround environment to meet the needs of students, screen and rehire no more than 50 percent of the staff.

CA July 2011 Response: California's monitoring process for SIG sub-grantees includes fiscal monitoring and programmatic monitoring. (See Part I). As part of the Cohort 1 (FY 2009) year one monitoring process, and to inform the decision for renewal of year two funding, CDE staff has conducted conference calls with each of the 41 LEAs funded using the SIG Phone Call Protocol. (See Part II.) Each call averaged 90–120 minutes initially with some follow-up calls. Provided is a summary of Cohort 1 LEAs including identified areas of concern. (See Part III.) Any LEA that had not fully implemented a required component of the SIG will be required to complete and submit to CDE a "corrective plan" addressing specific areas that have not been fully implemented, timeline for full implementation, and evidence of full implementation. CDE staff will continue to provide ongoing monitoring and technical support to all SIG-funded LEAs.

As a result of a follow-up conference call with ED where additional clarification was provided about the increased learning time requirement for the Turnaround and Transformation models, a secondary rigorous review was completed. CDE staff reviewed applications submitted by all 41 Cohort I LEAs. A thorough review of the implementation charts and budget documents was completed to ensure that activities fully address and increase the three areas discussed in the guidance: core, enrichment, and teacher collaboration, and are available to all students. Areas of concern that were identified, such as lack of clarity, inappropriate activities, and budget concerns, were documented on a summary sheet for each LEA/school, and follow-up calls are being conducted with those districts to develop a corrective plan or revision to the application as appropriate.

Finding (2): The CDE did not ensure that SFUSD replaced the principal in a school implementing the turnaround model consistent with the SIG final requirements. The SFUSD hired the principal at Everett Middle School within the two-year period during which the regulations permit an LEA to continue a previously implemented intervention. However, although the principal was hired within the previous two years, the principal was not hired as part of a broader reform effort.

Further action required: The CDE must submit to ED evidence that it has reviewed the progress of all schools that received FY 2009 SIG funds to implement the transformation and turnaround model to ensure that any principal hired within the last two years who was retained, was retained consistent with the SIG requirement. The CDE also must submit to ED the results of that review and the steps the CDE will take to ensure these schools are either in compliance with the SIG requirements or indicate how it will take this into account in determining whether to continue the grant for the 2011-2012 school year. (Also see finding for Critical Element 5.)

Status: In progress

Documentation: Section I.B.1 of the final requirements for the School Improvement Grants authorized under section 1003(g) of Title I of the Elementary and Secondary Education Act of 1965, as amended (75 FR 66363 [October 28, 2010]), states an SEA may award school improvement funds to an LEA for a Tier I or Tier II school that has implemented in whole or in part, an intervention that meets the requirements under section I.A.2(a), 2(b) or 2(d) of these requirements within the last two years so that the LEA and school can continue or complete the intervention being implemented in that school.

CA July 2011 Response: California's monitoring process for SIG sub-grantees includes fiscal monitoring and programmatic monitoring. (See Part I.) As part of the Cohort 1 (FY 2009) year one monitoring process, and to inform the decision for renewal of year two funding, CDE staff has conducted conference calls with each of the 41 LEAs funded using the SIG Phone Call Protocol. (See Part II.) Each call averaged 90–120 minutes initially with some follow-up calls. Provided is a summary of Cohort 1 LEAs including identified areas of concern. (See Part III.) Any LEA that had not fully implemented a required component of the SIG will be required to complete and submit to CDE a "corrective plan" addressing specific areas that have not been fully implemented, timeline for full implementation, and evidence of full implementation. CDE staff will continue to provide ongoing monitoring and technical support to all SIG-funded LEAs.

As a result of a follow-up conference call with ED where additional clarification was provided about the increased learning time requirement for the Turnaround and Transformation models, a secondary rigorous review was completed. CDE staff reviewed applications submitted by all 41 Cohort I LEAs. A thorough review of the implementation charts and budget documents was completed to ensure that activities fully address and increase the three areas discussed in the guidance: core, enrichment, and teacher collaboration, and are available to all students. Areas of concern that were identified, such as lack of clarity, inappropriate activities, and budget concerns, were documented on a summary sheet for each LEA/school, and follow-up calls are being conducted with those districts to develop a corrective plan or revision to the application as appropriate.

Finding (3): The CDE did not ensure that SFUSD implemented extended time in Everett Middle School, as required for the turnaround model. SFUSD believed that Everett Middle School extended the school day by an hour six years ago and due to this reason was not required to implement any additional time.

Further action required: The CDE must submit evidence to ED that it has reviewed each LEA that received FY 2009 SIG funds to implement the transformation model to determine if extended learning time is actually being provided consistent with the SIG final requirements. Additionally, the CDE must submit to ED a timeline for implementation of extended learning for any school it determines is not currently doing so.

Status: In progress

Documentation: Section I.A.2(a)(viii) of the final requirements for the School Improvement Grants authorized under section 1003(g) of Title I of the Elementary and Secondary Education Act of 1965, as amended (75 FR 66363 [October 28, 2010]), requires an LEA implementing the Turnaround model to establish schedules and implement strategies that provide increased learning time (as defined in the final requirements.)

CA July 2011 Response: California's monitoring process for SIG sub-grantees includes fiscal monitoring and programmatic monitoring. (See Part I.) As part of the Cohort 1 (FY 2009) year one monitoring process, and to inform the decision for renewal of year two funding, CDE staff has conducted conference calls with each of the 41 LEAs funded using the SIG Phone Call Protocol. (See Part II.) Each call averaged 90–120 minutes initially with some follow-up calls. Provided is a summary of Cohort 1 LEAs including identified areas of concern. (See Part III.) Any LEA that had not fully implemented a required component of the SIG will be required to complete and submit to CDE a “corrective plan” addressing specific areas that have not been fully implemented, timeline for full implementation, and evidence of full implementation. CDE staff will continue to provide ongoing monitoring and technical support to all SIG-funded LEAs.

As a result of a follow-up conference call with ED where additional clarification was provided about the increased learning time requirement for the Turnaround and Transformation models, a secondary rigorous review was completed. CDE staff reviewed applications submitted by all 41 Cohort I LEAs. A thorough review of the implementation charts and budget documents was completed to ensure that activities fully address and increase the three areas discussed in the guidance: core, enrichment, and teacher collaboration, and are available to all students. Areas of concern that were identified, such as lack of clarity, inappropriate activities, and budget concerns, were documented on a summary sheet for each LEA/school, and follow-up calls are being conducted with those districts to develop a corrective plan or revision to the application as appropriate.

Critical Element 3: The SEA ensures LEAs and schools are using funds consistent with the final requirements of the SIG program.

Finding: Everett Middle School, in SFUSD, plans to use the SIG funds to support a summer bridge program that will enroll 20 students. Students participating in the program will come from both Everett Middle School and Horace Mann Middle school, another SIG school located within the LEA. Student participation in the summer bridge program is limited to a small number of students and it is not clear how the program will contribute to turning around either school.

Further action required: The CDE must notify SFUSD that it must submit an amendment to its approved SIG application if it wants to use SIG funds to implement a summer bridge program. The amendment must include the criteria that SFUSD will use

to determine which students may participate and a rationale for how the program supports the overall goal of turning around both Everett Middle School and Horace Mann Middle Schools. The CDE must review the amendment to determine if the proposed expenditure is consistent with the overall goals of SIG and whether it is reasonable and necessary to carry out SIG implementation in both schools.

Status: In progress

Documentation: Section I of the final requirements for the School Improvement Grants authorized under section 1003(g) of Title I of the Elementary and Secondary Education Act of 1965, as amended (75 FR 66363 [October 28, 2010]) requires that schools implement rigorous interventions designed to support significant reforms to improve educational outcomes in our nation's lowest-performing schools. Office of Management and Budget Circular A-87, which governs the use of Federal funds (including SIG), requires that the use of funds for a specific purpose be necessary and reasonable for the proper and efficient performance and administration of the program and be authorized and not prohibited under State and local laws or regulations.

CA July 2011 Response: The CDE is working with SFUSD to develop a corrective plan and revision to its application. Once completed and approved by CDE, a copy of the revised application will be posted on the CDE Webpage.

Critical Element 5: The SEA ensures that monitoring of LEAs and schools is being conducted consistent with the final requirements of the SIG program.

Finding: The CDE is not monitoring SIG implementation as outlined in its approved application.

Further action required: The CDE must submit to ED a timeline and monitoring protocol for onsite and offsite monitoring for FY 2009 and FY 2010 SIG recipients. The CDE must also submit to ED evidence that the timeline is being implemented.

Status: Resolved

Documentation: Section 80.40 of the Education Department General Administrative Regulations (EDGAR) states that grantees must monitor grant and subgrant activities to ensure compliance with applicable Federal requirements. Section 9304(a) of the ESEA requires that the SEA must ensure that (1) programs authorized under the ESEA are administered in accordance with all applicable statutes, regulations, program plans, and applications; and (2) the State will use fiscal control and funds accounting procedures that will ensure the proper disbursement of and accounting for Federal funds.

CA July 2011 Response: California's monitoring process for SIG sub-grantees includes fiscal monitoring and programmatic monitoring. (See Part I.)

California Monitoring Plan for School Improvement Grant Sub-Grantees

Background

The School Improvement Grant (SIG), authorized under Section 1003(g) of Title I, Part A, of the Elementary and Secondary Education Act (ESEA), provides funding, through state educational agencies (SEAs), to local educational agencies (LEAs) and independent charter schools that received Title I funds and have at least one school identified in Tier I, II, or III. These funds are for schools identified as “persistently lowest-achieving” that demonstrate the greatest need and the strongest commitment to use the funds. These sub-grants are intended to provide adequate resources to implement one of four specific options in order to raise substantially the achievement of students and enable the schools to make adequate yearly progress and exit improvement status.

As with any Federal education program administered through a state, the California Department of Education (CDE) and the State Board of Education are responsible for ensuring that SIG funds are awarded to LEAs and are used by LEAs in accordance with the statutory requirements and the SIG final requirements. This requires the CDE to ensure that SIG funds awarded to an LEA are used to implement one of the four school intervention models in each Tier I and Tier II school the LEA commits to serve and to carry out school improvement activities in the Tier III schools the LEA commits to serve. Fulfilling this responsibility includes designing an LEA application, carrying out the application review process, and monitoring implementation.

The CDE is also required to ensure that LEAs use SIG funds to supplement, not supplant, existing services and that funds are not used to supplant federal, state, local, or nonfederal funds. An LEA that commits to serve one or more Tier I, Tier II, or Tier III schools that do not receive Title I, Part A funds must ensure that each of those schools receives all of the state and local funds it would have received in the absence of the SIG funds.

Fiscal Monitoring

SIG sub-grantees must submit quarterly expenditure reports (Part I) to the CDE by the following dates: October 31, January 31, April 30, and July 31 for the duration of their sub-grant award. The LEA or chartering authority is responsible for ensuring that reports are accurate, complete, and submitted on time. The expenditure report form must be downloaded from the CDE’s SIG Web page and submitted through the California Accountability and Improvement System (CAIS). Expenditure reports will be reviewed to ensure that each school is expending at least 75 percent of the SIG funds that have been disbursed to it thus far. Future disbursements for individual schools will be based on this criteria.

Programmatic Monitoring

IMPLEMENTATION PROGRESS MONITORING

Online Monitoring of Implementation Chart (Form 10)

The Implementation Charts provided by the LEA as part of their application contain activities and timeline information that will be entered into the CAIS in the form of School Plans, also referred to as the Single Plan for Student Achievement (SPSA), by CDE staff. The CAIS system uses a tiered structure to organize the SPSA based on goals, strategies, actions steps, and tasks. Once the plan is entered, CDE staff will contact LEAs to ensure that the information entered into the CAIS correctly reflects what the LEA provided in the school's Implementation Chart. LEA personnel will be required to provide updates on the status of each school's intervention activities. The CAIS will also provide useful project management and documentation tools for LEAs implementing the SIG.

Conference Calls

CDE staff will conduct phone conferences with LEA personnel using a phone call protocol developed specifically for SIG (Part II). The CDE will schedule a 60–90 minute conference call between Regional Coordination and Support Office staff and LEA and school staff on a bi-annual basis to verify that required school intervention model components are being implemented. LEAs will be asked to complete a questionnaire regarding LEA implementation of the SIG prior to the call.

COMPLIANCE MONITORING

Desk Review and On-Site Visits

CDE staff will conduct a minimum of one site visit, over the three year grant period, to SIG-funded LEAs and schools in order to verify the information provided through the desk review process. A monitoring tool (Part III) has been developed to conduct these visits. The monitoring tool will be included in CAIS. LEAs will be required to upload evidence of compliance with grant requirements. Documents that have been uploaded in the CAIS will be reviewed by CDE staff prior to the on-site visit. The monitoring visit will include interviews with LEA staff, school staff, students (for grades 6–12), and parents. In addition, LEA and school plans and financial documents will be reviewed by CDE staff to ensure proper management of SIG funds.

DATA COLLECTION

The following reporting metrics are new for the SIG program and must be annually reported by schools in each SEA receiving a SIG grant:

- (1) Which intervention the school used (i.e., turnaround, restart, school closure, or transformation);

- (2) Number of minutes within the school year;
- (3) Average scale scores on State assessments in reading/language arts and mathematics, by grade, for the all student groups, for each achievement quartile, and for each subgroup;
- (4) Number and percentage of students completing advanced coursework (e.g., AP/IB), early-college high schools, or dual enrollment classes; and
- (5) Teacher attendance rate.

The CDE will request both initial baseline data as well as require LEAs to submit subsequent yearly data through the OPUS – CBEDS system for SIG sub grantees.

MONITORING OF PROGRESS TOWARD ANNUAL SCHOOL GOALS

The LEA must monitor each Tier I and Tier II school that receives SIG funds to determine whether the school:

- (1) Is meeting annual goals established by the LEA for student achievement on the State's ESEA assessments in both reading/language arts and mathematics; and
- (2) Is making progress on the leading indicators described in the final requirements.

The CDE will review annually the LEA's progress on its annual school goals for student achievement for each of its Tier I and Tier II schools. This data will be used in part to determine whether to renew an LEA's SIG grant with respect to one or more Tier I or Tier II schools within the LEA that are not meeting those goals and making progress on the leading indicators.

SIG Phone Call Protocol

District Name: _____

Staff Interviewed: _____

General

1. How is the LEA ensuring that each SIG school:
 - Is fully implementing the selected intervention model in the school year?

 - Is meeting the requirements of the school's intervention model?

2. How is the LEA ensuring the SIG funds are being spent as described in your application? Do you anticipate having any carryover funds?

3. How is the LEA ensuring that district-level activities conducted with SIG funds are specifically supporting SIG schools?

4. Has the LEA made any structural changes to support the implementation of the SIG intervention model?

5. How is the LEA ensuring that a school being served with SIG funds is still receiving all the funds that it would have received without the SIG award?

SIG Phone Call Protocol

Transformation Model Specific Questions

1. How long has the principal been at this school? Was a retained principal part of a previous reform effort?

School	Principal	Date

2. How is the staff evaluated? How was that system developed?
3. What systems of rewards are in place for staff that are having a positive impact on student achievement and graduation rates? How does the school support teachers who may be struggling?
4. What types of strategies have been implemented to recruit, place, and retain staff who have the skills necessary to meet the needs of the students in the transformation school (e.g., financial incentives, increased opportunities for promotion and career growth, and more flexible work conditions)?
5. What types of professional development or professional support systems have been provided to support the implementation of school reform strategies (e.g., implementing new instructional programs, analyzing data, or teaching LEP students)?

SIG Phone Call Protocol

Turnaround Model Specific Questions

1. How long has the principal been at this school? Was a retained principal part of a previous reform effort?

School	Principal	Date

2. What new authority has been given to the principal with regards to the implementation of your school reform effort (e.g., staffing, calendars, scheduling, budgeting)?
3. What locally adopted competencies were used to measure the effectiveness of staff who can work within the turnaround environment to meet the needs of students for the purpose of: (1) screening all existing staff and rehiring no more than 50 percent; and (2) selecting new staff?
4. What types of strategies have been implemented to recruit, place, and retain staff who have the skills necessary to meet the needs of the students in the turnaround school (e.g., financial incentives, increased opportunities for promotion and career growth, and more flexible work conditions)?
5. What types of professional development or professional support systems have been provided to support the implementation of school reform strategies (e.g., implementing new instructional programs, analyzing data, or teaching LEP students)?

SIG Phone Call Protocol

6. What type of new governance structure has been adopted? This may include, but is not limited to, requiring the school to report to a new turnaround office in the LEA, hiring a turnaround leader who reports directly to the Superintendent or Chief Academic Officer, or the school entering into a multi-year contract with the LEA to obtain added flexibility in exchange for greater accountability.

7. What instructional programs or strategies are being used? Which of these are new?

8. How has data been used to drive decisions?

9. Describe in which ways learning time (e.g., longer school year, longer school day, before or after school, summer school, weekend school) has increased and indicate whether the increase is in: (1) core academic subjects; (2) other subjects and enrichment activities; or (3) teacher collaboration and professional development. Please note: learning time must increase in all three areas listed above.

10. What types of social-emotional and community-oriented services and supports are being provided for students?

**The Cohort 1 Local Educational Agencies and Schools
Recommended for Year 2 Renewal of School Improvement Grant Funding**

Region	Charter	LEA / School	Tier	Model	Principal Replacement*	Staff Replacement*	Increased Learning Time (ILT)*	Implementation Concerns	Year 2 Request	Renewal	
										Budget Revision	Corrective Action Plan
11		ABC Unified							\$98,665.00		
		Pharis F. Fedde Middle	II	Transformation	Yes	NA	No	It is not clear that core instructional time increased from the previous year by the beginning of 2010-11 SY. Some activities in the Implementation Charts are not available to all students and do not satisfy ILT criteria.	\$1,119,059.00		X
									\$1,217,724.00		
8		Adelante Charter							\$0.00		
	Yes	Adelante Charter	I	Transformation	Yes	NA	No	Instructional time has not increased in core by the beginning of 2010-11 SY. Some activities in the Implementation Charts are not available to all students and do not satisfy ILT criteria.	\$298,824.00		X
									\$298,824.00		
10		Alvord Unified							\$0.00		
		Norte Vista High	II	Turnaround	Yes	Yes	No	Instructional time has not increased in core by the beginning of 2010-11 SY. Some activities in the Implementation Charts are not available to all students and do not satisfy ILT criteria.	\$1,894,722.24	X	X
									\$1,894,722.24		
11		Antelope Valley Union High							\$91,259.00		

* Implementation required on day 1 of year 1 of the 3-year grant period; other required elements may be implemented during year 1.

**The Cohort 1 Local Educational Agencies and Schools
Recommended for Year 2 Renewal of School Improvement Grant Funding**

Region	Charter	LEA / School	Tier	Model	Principal Replacement*	Staff Replacement*	Increased Learning Time (ILT)*	Implementation Concerns	Year 2 Request	Renewal	
										Budget Revision	Corrective Action Plan
		Eastside High	II	Transformation	Yes	NA	No	Instructional time has not increased in core or enrichment by the beginning of 2010-11 SY. Activities identified in the Implementation Charts are not available to all students and do not satisfy ILT criteria.	\$1,669,000.00		X
		Littlerock High	II	Transformation	Yes	NA	No	Instructional time has not increased in core or enrichment by the beginning of 2010-11 SY. Activities identified in the Implementation Charts are not available to all students and do not satisfy ILT criteria.	\$1,722,900.00	X	X
									\$3,483,159.00		
5		Aromas/San Juan Unified							\$147,066.00		
		San Juan	I	Transformation	Yes	NA	No	Instructional time has not increased in core or enrichment by the beginning of 2010-11 SY. Activities identified in the Implementation Charts are not available to all students and do not satisfy ILT criteria.	\$1,410,233.00		X
									\$1,557,299.00		
8		Buttonwillow Union Elementary							\$0.00		
		Buttonwillow Elementary	I	Transformation	Yes	NA	No	It is not clear that instructional time in enrichment increased from the previous year for all students by the beginning of 2010-11 SY. Some activities in the Implementation Charts are not available to all students and do not satisfy ILT criteria.	\$432,943.00		X
									\$432,943.00		

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**The Cohort 1 Local Educational Agencies and Schools
Recommended for Year 2 Renewal of School Improvement Grant Funding**

Region	Charter	LEA / School	Tier	Model	Principal Replacement*	Staff Replacement*	Increased Learning Time (ILT)*	Implementation Concerns	Year 2 Request	Renewal	
										Budget Revision	Corrective Action Plan
5		Chualar Union Elementary							\$88,673.00		
		Chualar Elementary	I	Transformation	Yes	NA	No	Instructional time has not increased in core. Increased enrichment time did not commence until 10/01/2011.	\$205,508.00	X	X
									\$294,181.00		
10		Coachella Valley Unified							\$451,819.00		
		West Shores High	I	Turnaround	Yes	Yes	No	Instructional time has not increased in core or enrichment for all students by the beginning of 2010-11 SY. Activities identified in the Implementation Charts are either not available to all students or are not directly related to ILT.	\$1,214,848.00	X	X
									\$1,666,667.00		
9		Escondido Union Elementary							\$71,223.00		
		Felicita Elementary	I	Turnaround	Yes	Yes	No	Instructional time has not increased in core or enrichment by the beginning of 2010-11 SY. Activities identified in the Implementation Charts are not available to all students and do not satisfy ILT criteria.	\$1,604,119.00	X	X
									\$1,675,342.00		
10		Fontana Unified							\$0.00		
		Fontana A. B. Miller High	II	Transformation	Yes	NA	No	It is not clear that core instructional time increased from the previous year by the beginning of 2010-11 SY. It is not clear how some activities in the Implementation Chart relate to ILT.	\$2,000,000.00	X	X

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**The Cohort 1 Local Educational Agencies and Schools
Recommended for Year 2 Renewal of School Improvement Grant Funding**

Region	Charter	LEA / School	Tier	Model	Principal Replacement*	Staff Replacement*	Increased Learning Time (ILT)*	Implementation Concerns	Year 2 Request	Renewal	
										Budget Revision	Corrective Action Plan
									\$2,000,000.00		
7		Fresno Unified							\$395,893.00		
		Carver Academy	I	Turnaround	Yes	Yes	No	It is not clear that instructional time increased teacher collaboration by the beginning of 2010-11 SY. Some of the activities listed as ILT in the Implementation Chart are not a form of ILT.	\$856,794.00	X	X
		Webster Elementary	I	Turnaround	Yes	Yes	No	It is not clear that instructional time increased teacher collaboration by the beginning of 2010-11 SY. Some of the activities listed as ILT in the Implementation Chart are not a form of ILT.	\$1,557,691.00	X	X
		Yosemite Middle	I	Turnaround	Yes	Yes	No	It is not clear that instructional time increased for enrichment or teacher collaboration by the beginning of 2010-11 SY. Some of the activities listed as ILT in the Implementation Chart are not a form of ILT.	\$1,733,715.00		X
									\$4,544,093.00		
5		Greenfield Union Elementary							\$368,928.00		
		Greenfield Elementary	I	Transformation	Yes	NA	No	Instructional time has not increased in core by the beginning of 2010-11 SY. Activities identified in the Implementation Charts are not available to all students and do not satisfy ILT criteria.	\$476,525.00	X	X

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**The Cohort 1 Local Educational Agencies and Schools
Recommended for Year 2 Renewal of School Improvement Grant Funding**

Region	Charter	LEA / School	Tier	Model	Principal Replacement*	Staff Replacement*	Increased Learning Time (ILT)*	Implementation Concerns	Year 2 Request	Renewal	
										Budget Revision	Corrective Action Plan
		Vista Verde Middle	I	Transformation	Yes	NA	No	Instructional time has not increased in core by the beginning of 2010-11 SY. Activities identified in the Implementation Charts are not available to all students and do not satisfy ILT criteria.	\$494,998.00	X	X
									\$1,340,451.00		
4		Hayward Unified							\$390,224.00		
		Burbank Elementary	I	Transformation	Yes	NA	No	Instructional time has not increased in core, enrichment, or teacher collaboration by the beginning of 2010-11 SY. Activities identified in the Implementation Charts are not sufficiently explained, may not be available to all students, or do not meet ILT requirements.	\$1,587,115.00		X
		Longwood Elementary	I	Turnaround	Yes	Yes	No	Instructional time has not increased in core, enrichment, or teacher collaboration by the beginning of 2010-11 SY. Activities identified in the Implementation Charts are not sufficiently explained, may not be available to all students, or do not meet ILT requirements.	\$1,626,978.00		X
		Tennyson High	II	Transformation	Yes	NA	No	Instructional time has not increased in core, enrichment, or teacher collaboration by the beginning of 2010-11 SY. Activities identified in the Implementation Charts are not sufficiently explained, may not be available to all students, or do not meet ILT requirements.	\$1,795,293.00		X
									\$5,399,610.00		
9		King-Chavez Arts Academy							\$465,262.50		

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**The Cohort 1 Local Educational Agencies and Schools
Recommended for Year 2 Renewal of School Improvement Grant Funding**

Region	Charter	LEA / School	Tier	Model	Principal Replacement*	Staff Replacement*	Increased Learning Time (ILT)*	Implementation Concerns	Year 2 Request	Renewal	
										Budget Revision	Corrective Action Plan
	Yes	King-Chavez Arts Academy	I	Transformation	Yes	NA	No	Instructional time has not increased in core, enrichment, or teacher collaboration by the beginning of 2010-11 SY. Activities identified in the Implementation Charts are not sufficiently explained, may not be available to all students, or do not meet ILT requirements.	\$873,437.50	X	X
									\$1,338,700.00		
4		La Honda-Pescadero Unified							\$110,608.00		
		Pescadero Elementary and Middle	I	Transformation	Yes	NA	No	The LEA needs to clarify the students served and areas addressed for the summer, early morning, and Saturday programs. Activities identified in the Implementation Charts are not sufficiently explained, may not be available to all students, or do not meet ILT requirements.	\$674,340.00	X	X
									\$784,948.00		
7		Lakeside Union Elementary							\$73,582.00		
		Lakeside Elementary	I	Transformation	Yes	NA	No	Instructional time has not increased in core or enrichment by the beginning of 2010-11 SY. Some activities in the Implementation Charts are not available to all students and do not satisfy ILT criteria.	\$934,140.00		X
									\$1,007,722.00		
7		Lindsay Unified							\$43,901.00		

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**The Cohort 1 Local Educational Agencies and Schools
Recommended for Year 2 Renewal of School Improvement Grant Funding**

Region	Charter	LEA / School	Tier	Model	Principal Replacement*	Staff Replacement*	Increased Learning Time (ILT)*	Implementation Concerns	Year 2 Request	Renewal	
										Budget Revision	Corrective Action Plan
		Jefferson Elementary	I	Turnaround	Yes	NA	No	It is not clear that instructional time increased in enrichment for all students by the beginning of 2010-11 SY.	\$878,015.00	X	X
									\$921,916.00		
11		Los Angeles Unified							\$895,629.00		
		Edwin Markham Middle	I	Restart	NA	NA	NA		\$1,822,117.00		
		Florence Griffith Joyner Elementary	I	Restart	NA	NA	NA	Student incentives are not an allowable expenditure.	\$1,849,952.00	X	
		Gardena Senior High	I	Transformation	Yes	NA	No	It is not clear that instructional time in core increased from the previous year for all students by the beginning of 2010-11 SY. It is also not evident that teacher collaboration increased from the previous year. Some activities do not qualify as ILT due to lack of evidence in addressing core, enrichment, teacher collaboration as well as including all students.	\$1,636,960.00	X	X
		George Washington Carver Middle	I	Restart	NA	NA	NA		\$1,855,687.00		
		Hillcrest Drive Elementary	I	Transformation	Yes	NA	No	Some activities do not qualify as ILT due to lack of evidence in addressing core, enrichment, teacher collaboration as well as including all students.	\$1,855,212.00		X
		Maywood Academy High	II	Transformation	Yes	NA	No	Instructional time has not increased in core or enrichment for all students by the beginning of 2010-11 SY. Activities identified in the Implementation Charts are either not available to all students or are not directly related to ILT.	\$1,892,854.00		X
		Robert Louis Stevenson Middle	I	Restart	NA	NA	NA	Student incentives are not an allowable expenditure.	\$1,855,358.00	X	
		Samuel Gompers Middle	I	Restart	NA	NA	NA	Student incentives are not an allowable expenditure.	\$1,855,056.00	X	

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**The Cohort 1 Local Educational Agencies and Schools
Recommended for Year 2 Renewal of School Improvement Grant Funding**

Region	Charter	LEA / School	Tier	Model	Principal Replacement*	Staff Replacement*	Increased Learning Time (ILT)*	Implementation Concerns	Year 2 Request	Renewal	
										Budget Revision	Corrective Action Plan
		Thomas Jefferson Senior High	I	Transformation	Yes	NA	No	Instructional time has not increased in core or enrichment for all students. Activities identified in the Implementation Charts are either not available to all students or are not directly related to ILT.	\$1,855,782.00	X	X
									\$17,374,607.00		
3		Marysville Joint Unified							\$90,433.00		
		Ella Elementary	I	Turnaround	Yes	Yes	No	It is not clear that instructional time increased in enrichment for all students by the beginning of 2010-11 SY. Some activities listed as ILT in the Implementation Chart are not a form of ILT.	\$1,806,549.00	X	X
									\$1,896,982.00		
8		McFarland Unified							\$129,600.00		
		McFarland High	I	Transformation	Yes	NA	No	An increase in learning time did not occur in core and enrichment for all students or in teacher collaboration at the beginning of 2010-11 SY. Some activities listed as ILT in the Implementation Chart are not a form of ILT.	\$997,851.83		X
									\$1,127,451.83		
5		Monterey Peninsula Unified							\$1,472,291.00		

* Implementation required on day 1 of year 1 of the 3-year grant period; other required elements may be implemented during year 1.

**The Cohort 1 Local Educational Agencies and Schools
Recommended for Year 2 Renewal of School Improvement Grant Funding**

Region	Charter	LEA / School	Tier	Model	Principal Replacement*	Staff Replacement*	Increased Learning Time (ILT)*	Implementation Concerns	Year 2 Request	Renewal	
										Budget Revision	Corrective Action Plan
		Highland Elementary	I	Turnaround	Yes	Yes	No	An increase in learning time did not occur in core instruction for all students at the beginning of the 2010-11 SY. It is not clear that an increase in learning time in enrichment for all students occurred at the beginning of the 2010-11 SY. Activities listed as ILT in the implementation chart are not a form of ILT.	\$1,126,483.00		X
		Martin Luther King	I	Turnaround	Yes	Yes	No	An increase in learning time did not occur in core instruction for all students at the beginning of the 2010-11 SY. It is not clear that an increase in learning time in enrichment for all students occurred at the beginning of the 2010-11 SY. Activities listed as ILT in the Implementation Chart are not a form of ILT.	\$1,126,483.00		X
		Seaside High	II	Turnaround	Yes	Yes	No	An increase in learning time did not occur in core and enrichment for all students or in teacher collaboration at the beginning of 2010-11 SY. Activities listed as ILT in the Implementation Chart are not a form of ILT.	\$1,608,078.00		X
									\$5,333,335.00		
10		Moreno Valley Unified							\$9,431.00		
		March Mountain High	II	Transformation	No	NA	No	An increase in learning time did not occur in core and enrichment for all students or in teacher collaboration at the beginning of 2010-11 SY. The principal was replaced as part of a previous reform effort.	\$511,787.00		X
									\$521,218.00		
4		Mt. Diablo Unified							\$933,557.00		

* Implementation required on day 1 of year 1 of the 3-year grant period; other required elements may be implemented during year 1.

**The Cohort 1 Local Educational Agencies and Schools
Recommended for Year 2 Renewal of School Improvement Grant Funding**

Region	Charter	LEA / School	Tier	Model	Principal Replacement*	Staff Replacement*	Increased Learning Time (ILT)*	Implementation Concerns	Year 2 Request	Renewal	
										Budget Revision	Corrective Action Plan
		Bel Air Elementary	I	Transformation	Yes	NA	No	An increase in learning time did not occur in core and enrichment for all students or in teacher collaboration at the beginning of 2010-11 SY.	\$1,441,662.00		X
		Glenbrook Middle	II	Transformation	Yes	NA	No	An increase in learning time did not occur in core and enrichment for all students or in teacher collaboration at the beginning of 2010-11 SY.	\$584,002.00		X
		Rio Vista Elementary	I	Transformation	Yes	NA	No	An increase in learning time did not occur in core and enrichment for all students or in teacher collaboration at the beginning of 2010-11 SY.	\$443,230.00		X
		Shore Acres Elementary	I	Transformation	Yes	NA	No	An increase in learning time did not occur in core and enrichment for all students or in teacher collaboration at the beginning of 2010-11 SY.	\$1,635,189.00		X
									\$5,037,640.00		
4		Oakland Unified							\$153,333.00		
		Elmhurst Community Prep	I	Transformation	Yes	NA	No	An increase in learning time in core instruction did not occur for all students at the beginning of the 2010-11 SY. It is not clear if an increase in learning time in enrichment for all students occurred at the beginning of the 2010-11 SY. Some of the activities listed as ILT in the Implementation Chart are not a form of ILT.	\$1,277,931.00	X	X

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**The Cohort 1 Local Educational Agencies and Schools
Recommended for Year 2 Renewal of School Improvement Grant Funding**

Region	Charter	LEA / School	Tier	Model	Principal Replacement*	Staff Replacement*	Increased Learning Time (ILT)*	Implementation Concerns	Year 2 Request	Renewal	
										Budget Revision	Corrective Action Plan
		United for Success Academy	I	Transformation	Yes	NA	No	An increase in learning time in core instruction did not occur for all students at the beginning of the 2010-11 SY. It is not clear if an increase in learning time in enrichment for all students occurred at the beginning of the 2010-11 SY. Some of the activities listed as ILT in the Implementation Chart are not a form of ILT.	\$1,340,875.00	X	X
									\$2,772,139.00		
5		Pajaro Valley Unified							\$716,395.00		
		Calabasas Elementary	I	Transformation	Yes	NA	No	An increase in learning time did not occur in core and enrichment for all students or in teacher collaboration at the beginning of 2010-11 SY.	\$536,370.00		X
		Hall District Elementary	I	Transformation	Yes	NA	No	An increase in learning time did not occur in core and enrichment for all students or in teacher collaboration at the beginning of 2010-11 SY.	\$523,942.00		X
		T. S. MacQuiddy Elementary	I	Transformation	Yes	NA	No	An increase in learning time did not occur in core and enrichment for all students or in teacher collaboration at the beginning of 2010-11 SY.	\$480,228.00		X
									\$2,256,935.00		
11		Palmdale Elementary							\$258,823.00		

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**The Cohort 1 Local Educational Agencies and Schools
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Region	Charter	LEA / School	Tier	Model	Principal Replacement*	Staff Replacement*	Increased Learning Time (ILT)*	Implementation Concerns	Year 2 Request	Renewal	
										Budget Revision	Corrective Action Plan
		Cactus Middle	II	Turnaround	Yes	Yes	No	An increase in learning time in core instruction did not occur for all students at the beginning of the 2010-11 SY. It is not clear if an increase in learning time in enrichment for all students occurred at the beginning of the 2010-11 SY. Some of the activities listed as ILT in the Implementation Chart are not a form of ILT.	\$1,858,140.00	X	X
		Tumbleweed Elementary	I	Turnaround	Yes	Yes	No	An increase in learning time in core instruction did not occur for all students at the beginning of the 2010-11 SY. It is not clear if an increase in learning time in enrichment for all students occurred at the beginning of the 2010-11 SY. Some of the activities listed as ILT in the Implementation Chart are not a form of ILT.	\$1,614,976.00	X	X
									\$3,731,939.00		
11		Pomona Unified							\$202,329.00		
		Emerson Middle	II	Transformation	Yes	NA	Yes	LEA appears to have met requirement of ILT. However, Implementation Charts need to be revised to remove the designation of ILT from non-ILT related activities.	\$1,494,649.00		X
		Fremont Middle	II	Transformation	Yes	NA	Yes	LEA appears to have met requirement of ILT. However, Implementation Charts need to be revised to remove the designation of ILT from non-ILT related activities.	\$1,758,495.00		X
		Pomona Senior High	II	Transformation	Yes	NA	Yes	LEA appears to have met requirement of ILT. However, Implementation Charts need to be revised to remove the designation of ILT from non-ILT related activities.	\$1,877,304.00		X

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**The Cohort 1 Local Educational Agencies and Schools
Recommended for Year 2 Renewal of School Improvement Grant Funding**

Region	Charter	LEA / School	Tier	Model	Principal Replacement*	Staff Replacement*	Increased Learning Time (ILT)*	Implementation Concerns	Year 2 Request	Renewal	
										Budget Revision	Corrective Action Plan
									\$5,332,777.00		
4		Ravenswood City Elementary							\$298,236.00		
		Costano Elementary	I	Turnaround	Yes	No	No	It is not clear that instructional time increased teacher collaboration by the beginning of 2010-11 SY. Replaced staff after the beginning of the school year on January 3.	\$1,358,062.00		X
		Ronald McNair Intermediate	I	Turnaround	Yes	No	No	It is not clear that instructional time increased teacher collaboration by the beginning of 2010-11 SY. Replaced staff after the beginning of the school year on August 26.	\$1,358,062.00		X
									\$3,014,360.00		
10		Riverside COE							\$287,489.00		
		Riverside County Community	I	Transformation	Yes	NA	No	The LEA needs to implement increased learning time in teacher collaboration and revise its implementation charts to remove the designation of ILT from non-ILT activities.	\$1,563,941.00	X	X
									\$1,851,430.00		
10		San Bernardino City Unified							\$1,554,087.00		
		Arroyo Valley High	II	Transformation	Yes	NA	No	It is not clear if an increase in learning time in core and enrichment for all students and teacher collaboration occurred at the beginning of the 2010-11 SY.	\$2,000,000.00		X

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**The Cohort 1 Local Educational Agencies and Schools
Recommended for Year 2 Renewal of School Improvement Grant Funding**

Region	Charter	LEA / School	Tier	Model	Principal Replacement*	Staff Replacement*	Increased Learning Time (ILT)*	Implementation Concerns	Year 2 Request	Renewal	
										Budget Revision	Corrective Action Plan
		Barton Elementary	I	Turnaround	Yes	Yes	No	It is not clear if an increase in learning time in core and enrichment for all students and teacher collaboration occurred at the beginning of the 2010-11 SY.	\$1,797,470.00	X	X
		Davidson Elementary	I	Transformation	Yes	NA	No	It is not clear if an increase in learning time in core and enrichment for all students and teacher collaboration occurred at the beginning of the 2010-11 SY.	\$1,142,900.00		X
		Hunt Elementary	I	Turnaround	Yes	Yes	No	An increase in learning time did not occur in core and enrichment for all students or in teacher collaboration at the beginning of 2010-11 SY. Some of the activities listed as ILT in the Implementation Chart are not a form of ILT.	\$1,177,187.00		X
		Marshall Elementary	I	Turnaround	Yes	Yes	No	It is not clear if an increase in learning time in core and enrichment for all students and teacher collaboration occurred at the beginning of the 2010-11 SY.	\$1,652,010.00		X
		Pacific High	I	Transformation	Yes	NA	No	An increase in learning time did not occur in core and enrichment for all students or in teacher collaboration at the beginning of 2010-11 SY. Some of the activities listed as ILT in the Implementation Chart are not a form of ILT.	\$2,000,000.00	X	X
		Rio Vista Elementary	I	Transformation	Yes	NA	No	It is not clear if an increase in teacher collaboration occurred at the beginning of the 2010-11 SY. Some activities listed as ILT in the Implementation Chart are not a form of ILT.	\$1,300,030.00		X

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**The Cohort 1 Local Educational Agencies and Schools
Recommended for Year 2 Renewal of School Improvement Grant Funding**

Region	Charter	LEA / School	Tier	Model	Principal Replacement*	Staff Replacement*	Increased Learning Time (ILT)*	Implementation Concerns	Year 2 Request	Renewal	
										Budget Revision	Corrective Action Plan
		San Gorgonio High	II	Transformation	Yes	NA	No	An increase in learning time did not occur in core and enrichment for all students or in teacher collaboration at the beginning of 2010-11 SY. Some of the activities listed as ILT in the Implementation Chart are not a form of ILT.	\$2,000,000.00	X	X
		Serrano Middle	II	Turnaround	Yes	Yes	No	It is not clear if an increase in learning time in core and enrichment for all students and teacher collaboration occurred at the beginning of the 2010-11 SY. Some of the activities listed as ILT in the Implementation Chart are not a form of ILT.	\$1,522,140.00	X	X
		Shandin Hills Middle	II	Turnaround	Yes	Yes	NO	It is not clear if an increase in learning time in core and enrichment for all students and teacher collaboration occurred at the beginning of the 2010-11 SY. Some of the activities listed as ILT in the Implementation Chart are not a form of ILT.	\$1,558,500.00		X
		Wilson Elementary	I	Turnaround	Yes	Yes	No	It is not clear if an increase in learning time occurred in enrichment for all students at the beginning of the 2011-11 SY.	\$800,030.00		X
									\$18,504,354.00		
9		San Diego Unified							\$31,257.00		
		Burbank Elementary (San Diego)	I	Transformation	Yes	NA	No	Instructional time has not increased in core, enrichment, or teacher collaboration by the beginning of 2010-11 SY. Activities identified in the Implementation Charts are not sufficiently explained, may not be available to all students, or do not meet ILT requirements.	\$1,347,295.00	X	X

* Implementation required on day 1 of year 1 of the 3-year grant period; other required elements may be implemented during year 1.

**The Cohort 1 Local Educational Agencies and Schools
Recommended for Year 2 Renewal of School Improvement Grant Funding**

Region	Charter	LEA / School	Tier	Model	Principal Replacement*	Staff Replacement*	Increased Learning Time (ILT)*	Implementation Concerns	Year 2 Request	Renewal	
										Budget Revision	Corrective Action Plan
									\$1,378,552.00		
4		San Francisco Unified							\$1,128,511.00		
		Brown, Jr., (Willie L.) Elementary	I	Closure	NA	NA	NA		\$0.00		
		Bryant Elementary	I	Turnaround	Yes	No	No	Activities identified in the Implementation Charts are not sufficiently explained, may not be available to all students, or do not meet ILT requirements. Staff Replacement will not be in place until year 2.	\$1,937,377.67		X
		Cesar Chavez Elementary	I	Transformation	Yes	NA	No	Activities identified in the Implementation Charts are not sufficiently explained, may not be available to all students, or do not meet ILT requirements.	\$1,986,239.00		X
		Everett Middle	I	Turnaround	Yes	No	No	Activities identified in the Implementation Charts are not sufficiently explained, may not be available to all students, or do not meet ILT requirements. Staff Replacement will not be in place until year 2.	\$1,342,237.00		X
		George Washington Carver	I	Turnaround	Yes	No	No	Activities identified in the Implementation Charts are not sufficiently explained, may not be available to all students, or do not meet ILT requirements. Staff Replacement will not be in place until year 2.	\$1,840,419.26		X
		Horace Mann Middle	I	Transformation	Yes	NA	No	Activities identified in the Implementation Charts are not sufficiently explained, may not be available to all students, or do not meet ILT requirements.	\$1,411,335.00		X

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**The Cohort 1 Local Educational Agencies and Schools
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Region	Charter	LEA / School	Tier	Model	Principal Replacement*	Staff Replacement*	Increased Learning Time (ILT)*	Implementation Concerns	Year 2 Request	Renewal	
										Budget Revision	Corrective Action Plan
		John Muir Elementary	I	Turnaround	Yes	No	No	Activities identified in the Implementation Charts are not sufficiently explained, may not be available to all students, or do not meet ILT requirements. Staff Replacement will not be in place until year 2.	\$1,863,400.00		X
		John O'Connell Alternative High	II	Transformation	Yes	NA	No	Activities identified in the Implementation Charts are not sufficiently explained, may not be available to all students, or do not meet ILT requirements.	\$1,636,855.20		X
		Mission High	II	Transformation	Yes	NA	No	Activities identified in the Implementation Charts are not sufficiently explained, may not be available to all students, or do not meet ILT requirements.	\$1,951,683.00		X
		Paul Revere Elementary	I	Transformation	Yes	NA	No	Activities identified in the Implementation Charts are not sufficiently explained, may not be available to all students, or do not meet ILT requirements.	\$1,999,259.00		X
									\$17,097,316.13		
3		San Juan Unified							\$207,516.80		
		Encina Preparatory High	II	Turnaround	Yes	Yes	No	Instructional time has not increased in core, enrichment, or teacher collaboration by the beginning of 2010-11 SY. Activities identified in the Implementation Charts are not sufficiently explained, may not be available to all students, or do not meet ILT requirements.	\$1,086,082.85		X
									\$1,293,599.65		
4		San Lorenzo Unified							\$31,881.00		

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**The Cohort 1 Local Educational Agencies and Schools
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Region	Charter	LEA / School	Tier	Model	Principal Replacement*	Staff Replacement*	Increased Learning Time (ILT)*	Implementation Concerns	Year 2 Request	Renewal	
										Budget Revision	Corrective Action Plan
		Hillside Elementary	I	Transformation	Yes	NA	No	Instructional time has not increased in core, enrichment, or teacher collaboration by the beginning of 2010-11 SY. Activities identified in the Implementation Charts are not sufficiently explained, may not be available to all students, or do not meet ILT requirements.	\$521,532.00		X
									\$553,413.00		
9		Santa Ana Unified							\$154,725.00		
		Century High	I	Transformation	Yes	NA	No	Instructional time has not increased in core, enrichment, or teacher collaboration by the beginning of 2010-11 SY. Activities identified in the Implementation Charts are not sufficiently explained, may not be available to all students, or do not meet ILT requirements.	\$1,975,000.00	X	X
		Saddleback High	II	Transformation	Yes	NA	No	Instructional time has not increased in core, enrichment, or teacher collaboration by the beginning of 2010-11 SY. Activities identified in the Implementation Charts are not sufficiently explained, may not be available to all students, or do not meet ILT requirements.	\$1,972,228.00	X	X
		Santa Ana High	II	Transformation	Yes	NA	No	Instructional time has not increased in core, enrichment, or teacher collaboration by the beginning of 2010-11 SY. Activities identified in the Implementation Charts are not sufficiently explained, may not be available to all students, or do not meet ILT requirements.	\$1,972,228.00	X	X

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**The Cohort 1 Local Educational Agencies and Schools
Recommended for Year 2 Renewal of School Improvement Grant Funding**

Region	Charter	LEA / School	Tier	Model	Principal Replacement*	Staff Replacement*	Increased Learning Time (ILT)*	Implementation Concerns	Year 2 Request	Renewal	
										Budget Revision	Corrective Action Plan
		Sierra Intermediate	II	Transformation	Yes	NA	No	Instructional time has not increased in core, enrichment, or teacher collaboration by the beginning of 2010-11 SY. Activities identified in the Implementation Charts are not sufficiently explained, may not be available to all students, or do not meet ILT requirements.	\$2,000,000.00	X	X
		Valley High	I	Transformation	Yes	NA	No	Instructional time has not increased in core, enrichment, or teacher collaboration by the beginning of 2010-11 SY. Activities identified in the Implementation Charts are not sufficiently explained, may not be available to all students, or do not meet ILT requirements.	\$1,972,228.00	X	X
		Willard Intermediate	I	Transformation	Yes	NA	No	Instructional time has not increased in core, enrichment, or teacher collaboration by the beginning of 2010-11 SY. Activities identified in the Implementation Charts are not sufficiently explained, may not be available to all students, or do not meet ILT requirements.	\$1,811,515.00	X	X
									\$11,857,924.00		
8		Semitropic Elementary							\$1,333,333.00		
		Semitropic Elementary	I	Transformation	Yes	NA	Yes	Governance and social emotional elements has not been implemented.	\$1,155,291.00		X
									\$2,488,624.00		
5		Soledad Unified							\$75,691.00		

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**The Cohort 1 Local Educational Agencies and Schools
Recommended for Year 2 Renewal of School Improvement Grant Funding**

Region	Charter	LEA / School	Tier	Model	Principal Replacement*	Staff Replacement*	Increased Learning Time (ILT)*	Implementation Concerns	Year 2 Request	Renewal	
										Budget Revision	Corrective Action Plan
		Rose Ferrero Elementary	I	Turnaround	Yes	Yes	Yes	LEA appears to have met requirement of ILT. However, Implementation Charts need to be revised to remove the designation of ILT from non-ILT related activities.	\$1,489,992.00		X
									\$1,565,683.00		
4		Stanford New School							\$68,820.00		
	Yes	Stanford New School	I	Transformation	Yes	NA	Yes	LEA appears to have met requirement of ILT. However, Implementation Charts need to be revised to remove the designation of ILT from non-ILT related activities.	\$1,320,423.00	X	X
									\$1,389,243.00		
3		Twin Rivers Unified							\$288,393.00		
		Highlands High	II	Transformation	Yes	NA	No	Instructional time has not increased in core, enrichment, or teacher collaboration by the beginning of 2010-11 SY. Activities identified in the Implementation Charts are not sufficiently explained, may not be available to all students, or do not meet ILT requirements.	\$1,591,711.00	X	X
									\$1,880,104.00		
8		Wasco Union Elementary							\$33,017.00		

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**The Cohort 1 Local Educational Agencies and Schools
Recommended for Year 2 Renewal of School Improvement Grant Funding**

Region	Charter	LEA / School	Tier	Model	Principal Replacement*	Staff Replacement*	Increased Learning Time (ILT)*	Implementation Concerns	Year 2 Request	Renewal	
										Budget Revision	Corrective Action Plan
		Palm Avenue Elementary	I	Transformation	No	NA	No	Instructional time has not increased in core, enrichment, or teacher collaboration by the beginning of 2010-11 SY. Activities identified in the Implementation Charts are not sufficiently explained, may not be available to all students, or do not meet ILT requirements. The principal was replaced as part of a previous reform effort.	\$1,178,753.00	X	X
									\$1,211,770.00		
4		West Contra Costa Unified							\$111,957.00		
		Lincoln Elementary	I	Turnaround	Yes	Yes	No	Instructional time has not increased in core, enrichment, or teacher collaboration by the beginning of 2010-11 SY. Activities identified in the Implementation Charts are not sufficiently explained, may not be available to all students, or do not meet ILT requirements.	\$1,833,319.00	X	X
									\$1,945,276.00		

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**California State Board of Education
Meeting Agenda Items for July 13-14, 2011**

Item 3 Addendum

ITEM ADDENDUM

DATE: July 8, 2011

TO: MEMBERS, State Board of Education

FROM: TOM TORLAKSON, State Superintendent of Public Instruction

SUBJECT: Item 3 – Elementary and Secondary Education Act: School Improvement Grant: Approval of Renewal of Funding for Year 2 of Cohort 1 Fiscal Year 2009 Local Educational Agencies and Schools for the Sub-Grants Under Section 1003(g).

Summary of Key Issues

Attachment 1 provides the recommended list of Cohort 1 local educational agencies and their respective schools for year 2 renewals and a summary of their intervention model activities identified for corrective action.

Attachment(s)

Attachment 1: The Cohort 1 Local Education Agencies and Schools Recommended for Year 2 Renewal of School Improvement Grant Funding (21 Pages)

**The Cohort 1 Local Educational Agencies and Schools
Recommended for Year 2 Renewal of School Improvement Grant Funding**

Region	Charter	LEA / School	Tier	Model	Principal Replacement*	Staff Replacement*	Increased Learning Time (ILT)*	Implementation Concerns	Year 2 Request	Renewal	
										Budget Revision	Corrective Action Plan
11		ABC Unified							\$98,665.00		
		Pharis F. Fedde Middle	II	Transformation	Yes	NA	No	It is not clear that core instructional time increased from the previous year by the beginning of 2010-11 SY. Some activities in the Implementation Charts are not available to all students and do not satisfy ILT criteria.	\$1,119,059.00		X
									\$1,217,724.00		
8		Adelante Charter							\$0.00		
	Yes	Adelante Charter	I	Transformation	Yes	NA	No	Instructional time has not increased in core by the beginning of 2010-11 SY. Some activities in the Implementation Charts are not available to all students and do not satisfy ILT criteria.	\$298,824.00		X
									\$298,824.00		
10		Alvord Unified							\$0.00		
		Norte Vista High	II	Turnaround	Yes	Yes	No	Instructional time has not increased in core by the beginning of 2010-11 SY. Some activities in the Implementation Charts are not available to all students and do not satisfy ILT criteria.	\$1,894,722.24	X	X
									\$1,894,722.24		
11		Antelope Valley Union High							\$91,259.00		

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**The Cohort 1 Local Educational Agencies and Schools
Recommended for Year 2 Renewal of School Improvement Grant Funding**

Region	Charter	LEA / School	Tier	Model	Principal Replacement*	Staff Replacement*	Increased Learning Time (ILT)*	Implementation Concerns	Year 2 Request	Renewal	
										Budget Revision	Corrective Action Plan
		Eastside High	II	Transformation	Yes	NA	No	Instructional time has not increased in core or enrichment by the beginning of 2010-11 SY. Activities identified in the Implementation Charts are not available to all students and do not satisfy ILT criteria.	\$1,669,000.00		X
		Littlerock High	II	Transformation	Yes	NA	No	Instructional time has not increased in core or enrichment by the beginning of 2010-11 SY. Activities identified in the Implementation Charts are not available to all students and do not satisfy ILT criteria.	\$1,722,900.00	X	X
									\$3,483,159.00		
5		Aromas/San Juan Unified							\$147,066.00		
		San Juan	I	Transformation	Yes	NA	No	Instructional time has not increased in core or enrichment by the beginning of 2010-11 SY. Activities identified in the Implementation Charts are not available to all students and do not satisfy ILT criteria.	\$1,410,233.00		X
									\$1,557,299.00		
8		Buttonwillow Union Elementary							\$0.00		
		Buttonwillow Elementary	I	Transformation	Yes	NA	No	It is not clear that instructional time in enrichment increased from the previous year for all students by the beginning of 2010-11 SY. Some activities in the Implementation Charts are not available to all students and do not satisfy ILT criteria.	\$432,943.00		X
									\$432,943.00		

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**The Cohort 1 Local Educational Agencies and Schools
Recommended for Year 2 Renewal of School Improvement Grant Funding**

Region	Charter	LEA / School	Tier	Model	Principal Replacement*	Staff Replacement*	Increased Learning Time (ILT)*	Implementation Concerns	Year 2 Request	Renewal	
										Budget Revision	Corrective Action Plan
5		Chualar Union Elementary							\$88,673.00		
		Chualar Elementary	I	Transformation	Yes	NA	No	Instructional time has not increased in core. Increased enrichment time did not commence until 10/01/2011.	\$205,508.00	X	X
									\$294,181.00		
10		Coachella Valley Unified							\$451,819.00		
		West Shores High	I	Turnaround	Yes	Yes	No	Instructional time has not increased in core or enrichment for all students by the beginning of 2010-11 SY. Activities identified in the Implementation Charts are either not available to all students or are not directly related to ILT.	\$1,214,848.00	X	X
									\$1,666,667.00		
9		Escondido Union Elementary							\$71,223.00		
		Felicita Elementary	I	Turnaround	Yes	Yes	No	Instructional time has not increased in core or enrichment by the beginning of 2010-11 SY. Activities identified in the Implementation Charts are not available to all students and do not satisfy ILT criteria.	\$1,604,119.00	X	X
									\$1,675,342.00		
10		Fontana Unified							\$0.00		
		Fontana A. B. Miller High	II	Transformation	Yes	NA	No	It is not clear that core instructional time increased from the previous year by the beginning of 2010-11 SY. It is not clear how some activities in the Implementation Chart relate to ILT.	\$2,000,000.00	X	X

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**The Cohort 1 Local Educational Agencies and Schools
Recommended for Year 2 Renewal of School Improvement Grant Funding**

Region	Charter	LEA / School	Tier	Model	Principal Replacement*	Staff Replacement*	Increased Learning Time (ILT)*	Implementation Concerns	Year 2 Request	Renewal	
										Budget Revision	Corrective Action Plan
									\$2,000,000.00		
7		Fresno Unified							\$395,893.00		
		Carver Academy	I	Turnaround	Yes	Yes	No	It is not clear that instructional time increased teacher collaboration by the beginning of 2010-11 SY. Some of the activities listed as ILT in the Implementation Chart are not a form of ILT.	\$856,794.00	X	X
		Webster Elementary	I	Turnaround	Yes	Yes	No	It is not clear that instructional time increased teacher collaboration by the beginning of 2010-11 SY. Some of the activities listed as ILT in the Implementation Chart are not a form of ILT.	\$1,557,691.00	X	X
		Yosemite Middle	I	Turnaround	Yes	Yes	No	It is not clear that instructional time increased for enrichment or teacher collaboration by the beginning of 2010-11 SY. Some of the activities listed as ILT in the Implementation Chart are not a form of ILT.	\$1,733,715.00		X
									\$4,544,093.00		
5		Greenfield Union Elementary							\$368,928.00		
		Greenfield Elementary	I	Transformation	Yes	NA	No	Instructional time has not increased in core by the beginning of 2010-11 SY. Activities identified in the Implementation Charts are not available to all students and do not satisfy ILT criteria.	\$476,525.00	X	X

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Region	Charter	LEA / School	Tier	Model	Principal Replacement*	Staff Replacement*	Increased Learning Time (ILT)*	Implementation Concerns	Year 2 Request	Renewal	
										Budget Revision	Corrective Action Plan
		Vista Verde Middle	I	Transformation	Yes	NA	No	Instructional time has not increased in core by the beginning of 2010-11 SY. Activities identified in the Implementation Charts are not available to all students and do not satisfy ILT criteria.	\$494,998.00	X	X
									\$1,340,451.00		
4		Hayward Unified							\$390,224.00		
		Burbank Elementary	I	Transformation	Yes	NA	No	Instructional time has not increased in core, enrichment, or teacher collaboration by the beginning of 2010-11 SY. Activities identified in the Implementation Charts are not sufficiently explained, may not be available to all students, or do not meet ILT requirements.	\$1,587,115.00		X
		Longwood Elementary	I	Turnaround	Yes	Yes	No	Instructional time has not increased in core, enrichment, or teacher collaboration by the beginning of 2010-11 SY. Activities identified in the Implementation Charts are not sufficiently explained, may not be available to all students, or do not meet ILT requirements.	\$1,626,978.00		X
		Tennyson High	II	Transformation	Yes	NA	No	Instructional time has not increased in core, enrichment, or teacher collaboration by the beginning of 2010-11 SY. Activities identified in the Implementation Charts are not sufficiently explained, may not be available to all students, or do not meet ILT requirements.	\$1,795,293.00		X
									\$5,399,610.00		
9		King-Chavez Arts Academy							\$465,262.50		

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Region	Charter	LEA / School	Tier	Model	Principal Replacement*	Staff Replacement*	Increased Learning Time (ILT)*	Implementation Concerns	Year 2 Request	Renewal	
										Budget Revision	Corrective Action Plan
	Yes	King-Chavez Arts Academy	I	Transformation	Yes	NA	No	Instructional time has not increased in core, enrichment, or teacher collaboration by the beginning of 2010-11 SY. Activities identified in the Implementation Charts are not sufficiently explained, may not be available to all students, or do not meet ILT requirements.	\$873,437.50	X	X
									\$1,338,700.00		
4		La Honda-Pescadero Unified							\$110,608.00		
		Pescadero Elementary and Middle	I	Transformation	Yes	NA	No	The LEA needs to clarify the students served and areas addressed for the summer, early morning, and Saturday programs. Activities identified in the Implementation Charts are not sufficiently explained, may not be available to all students, or do not meet ILT requirements.	\$674,340.00	X	X
									\$784,948.00		
7		Lakeside Union Elementary							\$73,582.00		
		Lakeside Elementary	I	Transformation	Yes	NA	No	Instructional time has not increased in core or enrichment by the beginning of 2010-11 SY. Some activities in the Implementation Charts are not available to all students and do not satisfy ILT criteria.	\$934,140.00		X
									\$1,007,722.00		
7		Lindsay Unified							\$43,901.00		

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**The Cohort 1 Local Educational Agencies and Schools
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Region	Charter	LEA / School	Tier	Model	Principal Replacement*	Staff Replacement*	Increased Learning Time (ILT)*	Implementation Concerns	Year 2 Request	Renewal	
										Budget Revision	Corrective Action Plan
		Jefferson Elementary	I	Turnaround	Yes	NA	No	It is not clear that instructional time increased in enrichment for all students by the beginning of 2010-11 SY.	\$878,015.00	X	X
									\$921,916.00		
11		Los Angeles Unified							\$895,629.00		
		Edwin Markham Middle	I	Restart	NA	NA	NA		\$1,822,117.00		
		Florence Griffith Joyner Elementary	I	Restart	NA	NA	NA	Student incentives are not an allowable expenditure.	\$1,849,952.00	X	
		Gardena Senior High	I	Transformation	Yes	NA	No	It is not clear that instructional time in core increased from the previous year for all students by the beginning of 2010-11 SY. It is also not evident that teacher collaboration increased from the previous year. Some activities do not qualify as ILT due to lack of evidence in addressing core, enrichment, teacher collaboration as well as including all students.	\$1,636,960.00	X	X
		George Washington Carver Middle	I	Restart	NA	NA	NA		\$1,855,687.00		
		Hillcrest Drive Elementary	I	Transformation	Yes	NA	No	Some activities do not qualify as ILT due to lack of evidence in addressing core, enrichment, teacher collaboration as well as including all students.	\$1,855,212.00		X
		Maywood Academy High	II	Transformation	Yes	NA	No	Instructional time has not increased in core or enrichment for all students by the beginning of 2010-11 SY. Activities identified in the Implementation Charts are either not available to all students or are not directly related to ILT.	\$1,892,854.00		X
		Robert Louis Stevenson Middle	I	Restart	NA	NA	NA	Student incentives are not an allowable expenditure.	\$1,855,358.00	X	
		Samuel Gompers Middle	I	Restart	NA	NA	NA	Student incentives are not an allowable expenditure.	\$1,855,056.00	X	

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Region	Charter	LEA / School	Tier	Model	Principal Replacement*	Staff Replacement*	Increased Learning Time (ILT)*	Implementation Concerns	Year 2 Request	Renewal	
										Budget Revision	Corrective Action Plan
		Thomas Jefferson Senior High	I	Transformation	Yes	NA	No	Instructional time has not increased in core or enrichment for all students. Activities identified in the Implementation Charts are either not available to all students or are not directly related to ILT.	\$1,855,782.00	X	X
									\$17,374,607.00		
3		Marysville Joint Unified							\$90,433.00		
		Ella Elementary	I	Turnaround	Yes	Yes	No	It is not clear that instructional time increased in enrichment for all students by the beginning of 2010-11 SY. Some activities listed as ILT in the Implementation Chart are not a form of ILT.	\$1,806,549.00	X	X
									\$1,896,982.00		
8		McFarland Unified							\$129,600.00		
		McFarland High	I	Transformation	Yes	NA	No	An increase in learning time did not occur in core and enrichment for all students or in teacher collaboration at the beginning of 2010-11 SY. Some activities listed as ILT in the Implementation Chart are not a form of ILT.	\$997,851.83		X
									\$1,127,451.83		
5		Monterey Peninsula Unified							\$1,472,291.00		

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Region	Charter	LEA / School	Tier	Model	Principal Replacement*	Staff Replacement*	Increased Learning Time (ILT)*	Implementation Concerns	Year 2 Request	Renewal	
										Budget Revision	Corrective Action Plan
		Highland Elementary	I	Turnaround	Yes	Yes	No	An increase in learning time did not occur in core instruction for all students at the beginning of the 2010-11 SY. It is not clear that an increase in learning time in enrichment for all students occurred at the beginning of the 2010-11 SY. Activities listed as ILT in the implementation chart are not a form of ILT.	\$1,126,483.00		X
		Martin Luther King	I	Turnaround	Yes	Yes	No	An increase in learning time did not occur in core instruction for all students at the beginning of the 2010-11 SY. It is not clear that an increase in learning time in enrichment for all students occurred at the beginning of the 2010-11 SY. Activities listed as ILT in the Implementation Chart are not a form of ILT.	\$1,126,483.00		X
		Seaside High	II	Turnaround	Yes	Yes	No	An increase in learning time did not occur in core and enrichment for all students or in teacher collaboration at the beginning of 2010-11 SY. Activities listed as ILT in the Implementation Chart are not a form of ILT.	\$1,608,078.00		X
									\$5,333,335.00		
10		Moreno Valley Unified							\$9,431.00		
		March Mountain High	II	Transformation	No	NA	No	An increase in learning time did not occur in core and enrichment for all students or in teacher collaboration at the beginning of 2010-11 SY. The principal was replaced as part of a previous reform effort.	\$511,787.00		X
									\$521,218.00		
4		Mt. Diablo Unified							\$933,557.00		

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Recommended for Year 2 Renewal of School Improvement Grant Funding**

Region	Charter	LEA / School	Tier	Model	Principal Replacement*	Staff Replacement*	Increased Learning Time (ILT)*	Implementation Concerns	Year 2 Request	Renewal	
										Budget Revision	Corrective Action Plan
		Bel Air Elementary	I	Transformation	Yes	NA	No	An increase in learning time did not occur in core and enrichment for all students or in teacher collaboration at the beginning of 2010-11 SY.	\$1,441,662.00		X
		Glenbrook Middle	II	Transformation	Yes	NA	No	An increase in learning time did not occur in core and enrichment for all students or in teacher collaboration at the beginning of 2010-11 SY.	\$584,002.00		X
		Rio Vista Elementary	I	Transformation	Yes	NA	No	An increase in learning time did not occur in core and enrichment for all students or in teacher collaboration at the beginning of 2010-11 SY.	\$443,230.00		X
		Shore Acres Elementary	I	Transformation	Yes	NA	No	An increase in learning time did not occur in core and enrichment for all students or in teacher collaboration at the beginning of 2010-11 SY.	\$1,635,189.00		X
									\$5,037,640.00		
4		Oakland Unified							\$153,333.00		
		Elmhurst Community Prep	I	Transformation	Yes	NA	No	An increase in learning time in core instruction did not occur for all students at the beginning of the 2010-11 SY. It is not clear if an increase in learning time in enrichment for all students occurred at the beginning of the 2010-11 SY. Some of the activities listed as ILT in the Implementation Chart are not a form of ILT.	\$1,277,931.00	X	X

* Implementation required on day 1 of year 1 of the 3-year grant period; other required elements may be implemented during year 1.

**The Cohort 1 Local Educational Agencies and Schools
Recommended for Year 2 Renewal of School Improvement Grant Funding**

Region	Charter	LEA / School	Tier	Model	Principal Replacement*	Staff Replacement*	Increased Learning Time (ILT)*	Implementation Concerns	Year 2 Request	Renewal	
										Budget Revision	Corrective Action Plan
		United for Success Academy	I	Transformation	Yes	NA	No	An increase in learning time in core instruction did not occur for all students at the beginning of the 2010-11 SY. It is not clear if an increase in learning time in enrichment for all students occurred at the beginning of the 2010-11 SY. Some of the activities listed as ILT in the Implementation Chart are not a form of ILT.	\$1,340,875.00	X	X
									\$2,772,139.00		
5		Pajaro Valley Unified							\$716,395.00		
		Calabasas Elementary	I	Transformation	Yes	NA	No	An increase in learning time did not occur in core and enrichment for all students or in teacher collaboration at the beginning of 2010-11 SY.	\$536,370.00		X
		Hall District Elementary	I	Transformation	Yes	NA	No	An increase in learning time did not occur in core and enrichment for all students or in teacher collaboration at the beginning of 2010-11 SY.	\$523,942.00		X
		T. S. MacQuiddy Elementary	I	Transformation	Yes	NA	No	An increase in learning time did not occur in core and enrichment for all students or in teacher collaboration at the beginning of 2010-11 SY.	\$480,228.00		X
									\$2,256,935.00		
11		Palmdale Elementary							\$258,823.00		

* Implementation required on day 1 of year 1 of the 3-year grant period; other required elements may be implemented during year 1.

**The Cohort 1 Local Educational Agencies and Schools
Recommended for Year 2 Renewal of School Improvement Grant Funding**

Region	Charter	LEA / School	Tier	Model	Principal Replacement*	Staff Replacement*	Increased Learning Time (ILT)*	Implementation Concerns	Year 2 Request	Renewal	
										Budget Revision	Corrective Action Plan
		Cactus Middle	II	Turnaround	Yes	Yes	No	An increase in learning time in core instruction did not occur for all students at the beginning of the 2010-11 SY. It is not clear if an increase in learning time in enrichment for all students occurred at the beginning of the 2010-11 SY. Some of the activities listed as ILT in the Implementation Chart are not a form of ILT.	\$1,858,140.00	X	X
		Tumbleweed Elementary	I	Turnaround	Yes	Yes	No	An increase in learning time in core instruction did not occur for all students at the beginning of the 2010-11 SY. It is not clear if an increase in learning time in enrichment for all students occurred at the beginning of the 2010-11 SY. Some of the activities listed as ILT in the Implementation Chart are not a form of ILT.	\$1,614,976.00	X	X
									\$3,731,939.00		
11		Pomona Unified							\$202,329.00		
		Emerson Middle	II	Transformation	Yes	NA	Yes	LEA appears to have met requirement of ILT. However, Implementation Charts need to be revised to remove the designation of ILT from non-ILT related activities.	\$1,494,649.00		X
		Fremont Middle	II	Transformation	Yes	NA	Yes	LEA appears to have met requirement of ILT. However, Implementation Charts need to be revised to remove the designation of ILT from non-ILT related activities.	\$1,758,495.00		X
		Pomona Senior High	II	Transformation	Yes	NA	Yes	LEA appears to have met requirement of ILT. However, Implementation Charts need to be revised to remove the designation of ILT from non-ILT related activities.	\$1,877,304.00		X

* Implementation required on day 1 of year 1 of the 3-year grant period; other required elements may be implemented during year 1.

**The Cohort 1 Local Educational Agencies and Schools
Recommended for Year 2 Renewal of School Improvement Grant Funding**

Region	Charter	LEA / School	Tier	Model	Principal Replacement*	Staff Replacement*	Increased Learning Time (ILT)*	Implementation Concerns	Year 2 Request	Renewal	
										Budget Revision	Corrective Action Plan
									\$5,332,777.00		
4		Ravenswood City Elementary							\$298,236.00		
		Costano Elementary	I	Turnaround	Yes	No	No	It is not clear that instructional time increased teacher collaboration by the beginning of 2010-11 SY. Replaced staff after the beginning of the school year on January 3.	\$1,358,062.00		X
		Ronald McNair Intermediate	I	Turnaround	Yes	No	No	It is not clear that instructional time increased teacher collaboration by the beginning of 2010-11 SY. Replaced staff after the beginning of the school year on August 26.	\$1,358,062.00		X
									\$3,014,360.00		
10		Riverside COE							\$287,489.00		
		Riverside County Community	I	Transformation	Yes	NA	No	The LEA needs to implement increased learning time in teacher collaboration and revise its implementation charts to remove the designation of ILT from non-ILT activities.	\$1,563,941.00	X	X
									\$1,851,430.00		
10		San Bernardino City Unified							\$1,554,087.00		
		Arroyo Valley High	II	Transformation	Yes	NA	No	It is not clear if an increase in learning time in core and enrichment for all students and teacher collaboration occurred at the beginning of the 2010-11 SY.	\$2,000,000.00		X

* Implementation required on day 1 of year 1 of the 3-year grant period; other required elements may be implemented during year 1.

**The Cohort 1 Local Educational Agencies and Schools
Recommended for Year 2 Renewal of School Improvement Grant Funding**

Region	Charter	LEA / School	Tier	Model	Principal Replacement*	Staff Replacement*	Increased Learning Time (ILT)*	Implementation Concerns	Year 2 Request	Renewal	
										Budget Revision	Corrective Action Plan
		Barton Elementary	I	Turnaround	Yes	Yes	No	It is not clear if an increase in learning time in core and enrichment for all students and teacher collaboration occurred at the beginning of the 2010-11 SY.	\$1,797,470.00	X	X
		Davidson Elementary	I	Transformation	Yes	NA	No	It is not clear if an increase in learning time in core and enrichment for all students and teacher collaboration occurred at the beginning of the 2010-11 SY.	\$1,142,900.00		X
		Hunt Elementary	I	Turnaround	Yes	Yes	No	An increase in learning time did not occur in core and enrichment for all students or in teacher collaboration at the beginning of 2010-11 SY. Some of the activities listed as ILT in the Implementation Chart are not a form of ILT.	\$1,177,187.00		X
		Marshall Elementary	I	Turnaround	Yes	Yes	No	It is not clear if an increase in learning time in core and enrichment for all students and teacher collaboration occurred at the beginning of the 2010-11 SY.	\$1,652,010.00		X
		Pacific High	I	Transformation	Yes	NA	No	An increase in learning time did not occur in core and enrichment for all students or in teacher collaboration at the beginning of 2010-11 SY. Some of the activities listed as ILT in the Implementation Chart are not a form of ILT.	\$2,000,000.00	X	X
		Rio Vista Elementary	I	Transformation	Yes	NA	No	It is not clear if an increase in teacher collaboration occurred at the beginning of the 2010-11 SY. Some activities listed as ILT in the Implementation Chart are not a form of ILT.	\$1,300,030.00		X

* Implementation required on day 1 of year 1 of the 3-year grant period; other required elements may be implemented during year 1.

**The Cohort 1 Local Educational Agencies and Schools
Recommended for Year 2 Renewal of School Improvement Grant Funding**

Region	Charter	LEA / School	Tier	Model	Principal Replacement*	Staff Replacement*	Increased Learning Time (ILT)*	Implementation Concerns	Year 2 Request	Renewal	
										Budget Revision	Corrective Action Plan
		San Gorgonio High	II	Transformation	Yes	NA	No	An increase in learning time did not occur in core and enrichment for all students or in teacher collaboration at the beginning of 2010-11 SY. Some of the activities listed as ILT in the Implementation Chart are not a form of ILT.	\$2,000,000.00	X	X
		Serrano Middle	II	Turnaround	Yes	Yes	No	It is not clear if an increase in learning time in core and enrichment for all students and teacher collaboration occurred at the beginning of the 2010-11 SY. Some of the activities listed as ILT in the Implementation Chart are not a form of ILT.	\$1,522,140.00	X	X
		Shandin Hills Middle	II	Turnaround	Yes	Yes	NO	It is not clear if an increase in learning time in core and enrichment for all students and teacher collaboration occurred at the beginning of the 2010-11 SY. Some of the activities listed as ILT in the Implementation Chart are not a form of ILT.	\$1,558,500.00		X
		Wilson Elementary	I	Turnaround	Yes	Yes	No	It is not clear if an increase in learning time occurred in enrichment for all students at the beginning of the 2011-11 SY.	\$800,030.00		X
									\$18,504,354.00		
9		San Diego Unified							\$31,257.00		
		Burbank Elementary (San Diego)	I	Transformation	Yes	NA	No	Instructional time has not increased in core, enrichment, or teacher collaboration by the beginning of 2010-11 SY. Activities identified in the Implementation Charts are not sufficiently explained, may not be available to all students, or do not meet ILT requirements.	\$1,347,295.00	X	X

* Implementation required on day 1 of year 1 of the 3-year grant period; other required elements may be implemented during year 1.

**The Cohort 1 Local Educational Agencies and Schools
Recommended for Year 2 Renewal of School Improvement Grant Funding**

Region	Charter	LEA / School	Tier	Model	Principal Replacement*	Staff Replacement*	Increased Learning Time (ILT)*	Implementation Concerns	Year 2 Request	Renewal	
										Budget Revision	Corrective Action Plan
									\$1,378,552.00		
4		San Francisco Unified							\$1,128,511.00		
		Brown, Jr., (Willie L.) Elementary	I	Closure	NA	NA	NA		\$0.00		
		Bryant Elementary	I	Turnaround	Yes	No	No	Activities identified in the Implementation Charts are not sufficiently explained, may not be available to all students, or do not meet ILT requirements. Staff Replacement will not be in place until year 2.	\$1,937,377.67		X
		Cesar Chavez Elementary	I	Transformation	Yes	NA	No	Activities identified in the Implementation Charts are not sufficiently explained, may not be available to all students, or do not meet ILT requirements.	\$1,986,239.00		X
		Everett Middle	I	Turnaround	Yes	No	No	Activities identified in the Implementation Charts are not sufficiently explained, may not be available to all students, or do not meet ILT requirements. Staff Replacement will not be in place until year 2.	\$1,342,237.00		X
		George Washington Carver	I	Turnaround	Yes	No	No	Activities identified in the Implementation Charts are not sufficiently explained, may not be available to all students, or do not meet ILT requirements. Staff Replacement will not be in place until year 2.	\$1,840,419.26		X
		Horace Mann Middle	I	Transformation	Yes	NA	No	Activities identified in the Implementation Charts are not sufficiently explained, may not be available to all students, or do not meet ILT requirements.	\$1,411,335.00		X

* Implementation required on day 1 of year 1 of the 3-year grant period; other required elements may be implemented during year 1.

**The Cohort 1 Local Educational Agencies and Schools
Recommended for Year 2 Renewal of School Improvement Grant Funding**

Region	Charter	LEA / School	Tier	Model	Principal Replacement*	Staff Replacement*	Increased Learning Time (ILT)*	Implementation Concerns	Year 2 Request	Renewal	
										Budget Revision	Corrective Action Plan
		John Muir Elementary	I	Turnaround	Yes	No	No	Activities identified in the Implementation Charts are not sufficiently explained, may not be available to all students, or do not meet ILT requirements. Staff Replacement will not be in place until year 2.	\$1,863,400.00		X
		John O'Connell Alternative High	II	Transformation	Yes	NA	No	Activities identified in the Implementation Charts are not sufficiently explained, may not be available to all students, or do not meet ILT requirements.	\$1,636,855.20		X
		Mission High	II	Transformation	Yes	NA	No	Activities identified in the Implementation Charts are not sufficiently explained, may not be available to all students, or do not meet ILT requirements.	\$1,951,683.00		X
		Paul Revere Elementary	I	Transformation	Yes	NA	No	Activities identified in the Implementation Charts are not sufficiently explained, may not be available to all students, or do not meet ILT requirements.	\$1,999,259.00		X
									\$17,097,316.13		
3		San Juan Unified							\$207,516.80		
		Encina Preparatory High	II	Turnaround	Yes	Yes	No	Instructional time has not increased in core, enrichment, or teacher collaboration by the beginning of 2010-11 SY. Activities identified in the Implementation Charts are not sufficiently explained, may not be available to all students, or do not meet ILT requirements.	\$1,086,082.85		X
									\$1,293,599.65		
4		San Lorenzo Unified							\$31,881.00		

* Implementation required on day 1 of year 1 of the 3-year grant period; other required elements may be implemented during year 1.

**The Cohort 1 Local Educational Agencies and Schools
Recommended for Year 2 Renewal of School Improvement Grant Funding**

Region	Charter	LEA / School	Tier	Model	Principal Replacement*	Staff Replacement*	Increased Learning Time (ILT)*	Implementation Concerns	Year 2 Request	Renewal	
										Budget Revision	Corrective Action Plan
		Hillside Elementary	I	Transformation	Yes	NA	No	Instructional time has not increased in core, enrichment, or teacher collaboration by the beginning of 2010-11 SY. Activities identified in the Implementation Charts are not sufficiently explained, may not be available to all students, or do not meet ILT requirements.	\$521,532.00		X
									\$553,413.00		
9		Santa Ana Unified							\$154,725.00		
		Century High	I	Transformation	Yes	NA	No	Instructional time has not increased in core, enrichment, or teacher collaboration by the beginning of 2010-11 SY. Activities identified in the Implementation Charts are not sufficiently explained, may not be available to all students, or do not meet ILT requirements.	\$1,975,000.00	X	X
		Saddleback High	II	Transformation	Yes	NA	No	Instructional time has not increased in core, enrichment, or teacher collaboration by the beginning of 2010-11 SY. Activities identified in the Implementation Charts are not sufficiently explained, may not be available to all students, or do not meet ILT requirements.	\$1,972,228.00	X	X
		Santa Ana High	II	Transformation	Yes	NA	No	Instructional time has not increased in core, enrichment, or teacher collaboration by the beginning of 2010-11 SY. Activities identified in the Implementation Charts are not sufficiently explained, may not be available to all students, or do not meet ILT requirements.	\$1,972,228.00	X	X

* Implementation required on day 1 of year 1 of the 3-year grant period; other required elements may be implemented during year 1.

**The Cohort 1 Local Educational Agencies and Schools
Recommended for Year 2 Renewal of School Improvement Grant Funding**

Region	Charter	LEA / School	Tier	Model	Principal Replacement*	Staff Replacement*	Increased Learning Time (ILT)*	Implementation Concerns	Year 2 Request	Renewal	
										Budget Revision	Corrective Action Plan
		Sierra Intermediate	II	Transformation	Yes	NA	No	Instructional time has not increased in core, enrichment, or teacher collaboration by the beginning of 2010-11 SY. Activities identified in the Implementation Charts are not sufficiently explained, may not be available to all students, or do not meet ILT requirements.	\$2,000,000.00	X	X
		Valley High	I	Transformation	Yes	NA	No	Instructional time has not increased in core, enrichment, or teacher collaboration by the beginning of 2010-11 SY. Activities identified in the Implementation Charts are not sufficiently explained, may not be available to all students, or do not meet ILT requirements.	\$1,972,228.00	X	X
		Willard Intermediate	I	Transformation	Yes	NA	No	Instructional time has not increased in core, enrichment, or teacher collaboration by the beginning of 2010-11 SY. Activities identified in the Implementation Charts are not sufficiently explained, may not be available to all students, or do not meet ILT requirements.	\$1,811,515.00	X	X
									\$11,857,924.00		
8		Semitropic Elementary							\$1,333,333.00		
		Semitropic Elementary	I	Transformation	Yes	NA	Yes	Governance and social emotional elements has not been implemented.	\$1,155,291.00		X
									\$2,488,624.00		
5		Soledad Unified							\$75,691.00		

* Implementation required on day 1 of year 1 of the 3-year grant period; other required elements may be implemented during year 1.

**The Cohort 1 Local Educational Agencies and Schools
Recommended for Year 2 Renewal of School Improvement Grant Funding**

Region	Charter	LEA / School	Tier	Model	Principal Replacement*	Staff Replacement*	Increased Learning Time (ILT)*	Implementation Concerns	Year 2 Request	Renewal	
										Budget Revision	Corrective Action Plan
		Rose Ferrero Elementary	I	Turnaround	Yes	Yes	Yes	LEA appears to have met requirement of ILT. However, Implementation Charts need to be revised to remove the designation of ILT from non-ILT related activities.	\$1,489,992.00		X
									\$1,565,683.00		
4		Stanford New School							\$68,820.00		
	Yes	Stanford New School	I	Transformation	Yes	NA	Yes	LEA appears to have met requirement of ILT. However, Implementation Charts need to be revised to remove the designation of ILT from non-ILT related activities.	\$1,320,423.00	X	X
									\$1,389,243.00		
3		Twin Rivers Unified							\$288,393.00		
		Highlands High	II	Transformation	Yes	NA	No	Instructional time has not increased in core, enrichment, or teacher collaboration by the beginning of 2010-11 SY. Activities identified in the Implementation Charts are not sufficiently explained, may not be available to all students, or do not meet ILT requirements.	\$1,591,711.00	X	X
									\$1,880,104.00		
8		Wasco Union Elementary							\$33,017.00		

* Implementation required on day 1 of year 1 of the 3-year grant period; other required elements may be implemented during year 1.

**The Cohort 1 Local Educational Agencies and Schools
Recommended for Year 2 Renewal of School Improvement Grant Funding**

Region	Charter	LEA / School	Tier	Model	Principal Replacement*	Staff Replacement*	Increased Learning Time (ILT)*	Implementation Concerns	Year 2 Request	Renewal	
										Budget Revision	Corrective Action Plan
		Palm Avenue Elementary	I	Transformation	No	NA	No	Instructional time has not increased in core, enrichment, or teacher collaboration by the beginning of 2010-11 SY. Activities identified in the Implementation Charts are not sufficiently explained, may not be available to all students, or do not meet ILT requirements. The principal was replaced as part of a previous reform effort.	\$1,178,753.00	X	X
									\$1,211,770.00		
4		West Contra Costa Unified							\$111,957.00		
		Lincoln Elementary	I	Turnaround	Yes	Yes	No	Instructional time has not increased in core, enrichment, or teacher collaboration by the beginning of 2010-11 SY. Activities identified in the Implementation Charts are not sufficiently explained, may not be available to all students, or do not meet ILT requirements.	\$1,833,319.00	X	X
									\$1,945,276.00		

* Implementation required on day 1 of year 1 of the 3-year grant period; other required elements may be implemented during year 1.

**California State Board of Education
Meeting Agenda Items for July 13-14, 2011**

Item 5 Addendum

ITEM ADDENDUM

DATE: July 1, 2011

TO: MEMBERS, State Board of Education

FROM: TOM TORLAKSON, State Superintendent of Public Instruction

SUBJECT: Item 5—Elementary and Secondary Education Act: Supplemental Educational Services Providers: Approval of Additional Providers to the 2011–13 State Board of Education-Approved Supplemental Educational Services Provider List.

Summary of Key Issues

Attachment 2 is the 2011–13 Supplemental Educational Services Providers Application Summary based on the Request for Application that was re-released on May 4, 2011. The Summary provides information about the specific criteria for each application category and the number and percentage of applicants within each category.

Attachment 3 is the California Department of Education Recommended 2011–13 Supplemental Educational Services Provider Applicants that met the standard of adequate as defined in the State Board of Education (SBE) adopted rubric in all four program elements (Attachment 1).

Attachment 4 is the California Department of Education Recommended 2011–13 Local Educational Agencies Identified for Improvement or Corrective Action Supplemental Educational Services Provider Applicant List. These LEAs are eligible to apply based on the request for a waiver from the U.S. Department of Education (ED) of *Code of Federal Regulations (CFR)* Section 200.47(b)(1)(iv)(A) and (B), which currently prohibits LEAs identified for improvement or corrective action from serving as SES providers. The waiver is pending approval by the ED. Attachments 3 and 4 identify the content areas for which the applicant is authorized to provide service(s) as well as the specific populations it is authorized to serve, pending approval by the SBE.

Attachment 5 is the Academic Achievement Data for Local Educational Agencies Identified for Improvement or Corrective Action Recommended for Approval.

Attachment(s)

Attachment 2: 2011–13 Supplemental Educational Services Providers Application Summary (3 Pages)

Attachment 3: California Department of Education Recommended 2011–13 Supplemental Educational Services Provider Applicant List (5 Pages)

Attachment 4: California Department of Education Recommended 2011–13 Local Educational Agencies Identified for Improvement or Corrective Action Supplemental Educational Services Provider Applicant List (1 Page)

Attachment 5: Academic Achievement Data for Local Educational Agencies Identified for Improvement or Corrective Action Recommended for Approval (17 Pages)

2011–13 Supplemental Educational Services Providers Application Summary

The California Department of Education (CDE) received 159 applications for the Re-Released 2011 Supplemental Education Services (SES) providers' application period. The following is a summary of these applications.

Application Category	Criteria
Applications Recommended for Approval in the identified content area(s) and with specific population(s)	75 (47% of 159) The applicant met the standard of adequate in all four program elements: <ul style="list-style-type: none"> • Program Design • Staff and Resources • High Quality Research and Program Effectiveness • Evaluation and Monitoring
Incomplete or Late Applications or Applications that Failed to meet one or more of the Application Specifications	20 (13% of 159) <ul style="list-style-type: none"> • Did not provide electronic and hard copy of online profile with confirmation • Did not sign all pertinent assurances • Did not submit all four required elements in the narrative • Did not complete Template for Quality Verification of Testing Instrument • Did not submit sufficient supporting documentation; e.g., lack of proof of being legally constituted and qualified to do business in California and/or being fiscally sound to operate as a provider • Did not meet the submission deadline
Applications Not Recommended for Approval	64 (40% of 159) <ul style="list-style-type: none"> • Failed to describe an instructional program that meets the specifics identified in regulations • Failed to describe staffing, resources and monitoring as identified • Failed to provide a two-year record of academic effectiveness and/or provide sufficient evidence that their selected testing instrument meets the standards for validity and reliability • Failed to describe procedures for evaluation and monitoring of student progress, program effectiveness and LEA consultation • Identified as Program Improvement LEA for 2008–2009 or 2009–2010 • Did not provide 2009–2010 SES Accountability Report
Total	159

**Cohort 11 2011–2013 Supplemental Educational Services Providers Window 1
Application Summary Including Results of Appeals**

Appeals Received	14 (6% of 249 Window 1 Applications)
Appeals Recommended for Approval	0 (0% of 14)

CDE staff used the rubric approved by the State Board of Education (SBE) in January 2005 to evaluate the applications. Pending SBE approval of the July 2011 list of recommended providers, the CDE will post the list on the CDE SES Web page at <http://www.cde.ca.gov/ta/ac/ti/supplemental.asp>. Providers approved at the July 2011 meeting will be authorized to provide services from July 1, 2011, through June 30, 2013.

Distribution by Type of Provider

Type of Entity	2010 Approved for 2010–12 Service Period	2011 Approved in May for 2011–13 Service Period	2011 Recommended for Approval in July for 2011–13 Service Period	Total
Charter Schools (not in PI)	1	0	0	1
Community-Based	0	0	0	0
County Offices of Education	0	1	4	5
Faith-Based	1	0	1	2
For-Profit	54	121	37	212
Local Educational Agencies (not in PI)	8	3	0	11
Local Educational Agencies (in PI)	0	0	16	16
Non-Profit	21	30	13	64
Private School	0	1	0	1
Public Schools (not in PI)	1	0	0	1
Sole Proprietor	5	5	4	14
Total	91	161	75	327

**California Department of Education Recommended 2011–13 Supplemental
Educational Services Provider Applicants**

Provider Name	English- Language Arts	Math	Science	EL	SWD	Online	Type of Entity
#1 A+ Student Learning Academy/Center	X	X		X	X		Faith-based entity
# 1 WE CAN - Querer es Poder (West East Community Access Network, Inc.)	X	X		X	X		Non-profit agency
1 2 3 MATH: Mathnasium (Woodland Hills Learning, Inc.)		X		X	X		For-profit agency
40 Acres and A Mind, Inc. , dba: Sylvan Learning – Bonita	X	X		X	X		For-profit agency
40 Acres and A Mind, Inc., dba: Sylvan Learning - La Mesa	X	X		X	X		For-profit agency
100% Learning Fun Center	X	X		X	X		For-profit agency
A Better Tomorrow Education	X	X		X	X		Sole Proprietorship
A Plus Tutorial Center (previously Seyedehmaryam Seyedroodbari)		X		X	X		For-profit agency
ABC Phonetic Reading School, Inc.	X			X	X		For-profit agency
Academic Achievement Inc.	X	X		X	X		For-profit agency
Ace It! Tutoring Powered by Sylvan operated by Knowledge Boost, LLC	X	X		X	X		For-profit agency

Provider Name	English-Language Arts	Math	Science	EL	SWD	Online	Type of Entity
Ace It! Tutoring Powered by Sylvan Learning (Zoglin, Inc.)	X						For-profit agency
African American Unity Center	X	X	X	X	X		Non-profit agency
After School Programs, Inc. dba: ASP	X	X		X	X		Non-profit agency
Alexandria Learning Academy	X	X		X	X		For-profit agency
Alpha! Innovation through Education	X	X		X	X		For-profit agency
Alpha Learning Centers (dba for Alpha Treatment Centers)	X	X		X			Non-profit agency
Alpha Tutoring Services	X	X		X	X		For-profit agency
American Center for Learning	X	X	X	X			For-profit agency
ARITHMETIC SOLUTIONS		X	X	X	X		For-profit agency
Arriba Education!	X	X		X	X		For-profit agency
B.E.L.L. Foundation, dba: BELL (Building Educated Leaders for Life Foundation)	X	X					Non-profit agency
Boys & Girls Clubs of Windsor, dba: Boys & Girls Clubs of Central Sonoma County	X	X		X			Non-profit agency
Brainfuse, Inc.	X	X		X		X	For-profit agency
Carney Educational Services	X	X		X	X		For-profit agency

Provider Name	English-Language Arts	Math	Science	EL	SWD	Online	Type of Entity
Datamatics, Inc. dba: Achieve HighPoints		X				X	For-profit agency
DND Learning, Inc. dba: Sylvan Learning of Visalia	X	X		X	X		For-profit agency
Educate Online Learning, LLC	X	X		X	X	X	For-profit agency
EduThink	X	X		X	X	X	Sole Proprietorship
Elohim Dream Builders, dba: Dream Builders Tutorial Center	X	X		X	X		Non-profit agency
First Nation Community Services, Inc. dba: Z & S Tutoring	X	X		X	X		Non-profit agency
Future Stars Tutoring Services Center	X	X		X	X		Sole Proprietorship
Global Partnership Schools	X	X		X	X		For-profit agency
Grades Up, LLC, dba: A+ Grades Up Tutoring	X	X		X	X		For-profit agency
ICES Education, LLC	X	X		X	X		For-profit agency
Kimberly and Associates, Inc., dba: Allright Reading and Writing Solutions	X			X	X		For-profit agency
KnowledgeQuest, Inc.	X	X		X	X		For-profit agency
Learn It Online, LLC (LION)	X	X		X	X	X	For-profit agency
Learning Foundation Services (LFS)	X	X		X	X		Sole Proprietorship

Provider Name	English-Language Arts	Math	Science	EL	SWD	Online	Type of Entity
Lecciones Educational Services, LLC	X	X		X	X		For-profit agency
Madera County Office of Ed.	X	X		X	X		Local Educational Agencies (not in PI)
Mathnasium LLC	X	X					For-profit agency
Milestones Family Learning Center	X	X	X	X	X	X	Non-profit agency
Napa County Office of Ed.	X			X	X		Local Educational Agencies (not in PI)
New Vision Partners	X			X	X		Non-profit agency
One Hundred Percent Computer Learning	X	X		X	X		Non-profit agency
One More Chance Family Outreach Services, Inc.	X	X		X	X		For-profit agency
Placer County Office of Ed.	X	X		X	X		Local Educational Agencies (not in PI)
Preferred Choice	X	X		X	X		For-profit agency
Project IMPACT	X	X		X	X		Non-profit agency
STAR Inc. (STAR Education)	X	X		X	X		Non-profit agency
SurferMath		X		X	X		For-profit agency
Sylvan Learning Center of Laguna Niguel operated by Knowledge Boost, LLC	X	X					For-profit agency

Provider Name	English- Language Arts	Math	Science	EL	SWD	Online	Type of Entity
Sylvan Learning Center of Mira Mesa operated by Knowledge Boost, LLC	X	X					For-profit agency
Sylvan Learning Center of Oceanside operated by Knowledge Boost, LLC	X	X		X	X	X	For-profit agency
Sylvan Learning Center of Rancho Bernardo operated by Knowledge Boost, LLC	X	X					For-profit agency
Tulare County Office of Ed.	X	X	X	X	X		Local Educational Agencies (not in PI)
Tutors & More Inc.	X	X		X	X		For-profit agency
VanMorgan Learning Systems, Inc., dba: Corona-Norco Tutoring Club	X	X		X	X		For-profit agency

**California Department of Education Recommended 2011–13 Local
Educational Agencies Identified for Improvement or Corrective Action
Supplemental Educational Services Provider Applicant List**

Local Educational Agencies	English- Language Arts	Math	Science	EL	SWD	Year Identified for Improvement	Corrective Action
Antioch Unified	X	X		X	X	2008-09	X
Baldwin Park Unified	X	X		X	X	2008-09	X
Capistrano Unified	X	X	X	X	X	2010-11	
Dixon Unified	X	X		X	X	2008-09	X
Fresno Unified	X	X		X	X	2004-05	X
Garden Grove Unified	X	X		X	X	2008-09	X
Hanford Elementary	X			X	X	2004-05	X
Lodi Unified	X			X	X	2004-05	X
Red Bluff Union Elementary	X		X	X	X	2006-07	X
Roseland Elementary	X		X	X	X	2006-07	X
San Bernardino City Unified	X	X		X	X	2004-05	X
San Juan Unified	X	X		X	Y	2008-09	X
Santa Ana Unified	X		X	X	X	2004-05	X
Shasta County Office of Ed.	X		X	X	X	2010-11	
Today's Fresh Charter School	X	X				2008-09	
Twin Rivers Unified	X	X	X	X	X	2010-11	X

**Academic Achievement Data for Local Educational Agencies
Identified for Improvement or Corrective Action Recommended for Approval**

2009-10 District Accountability Dashboard

CD: 0761648

County: Contra Costa

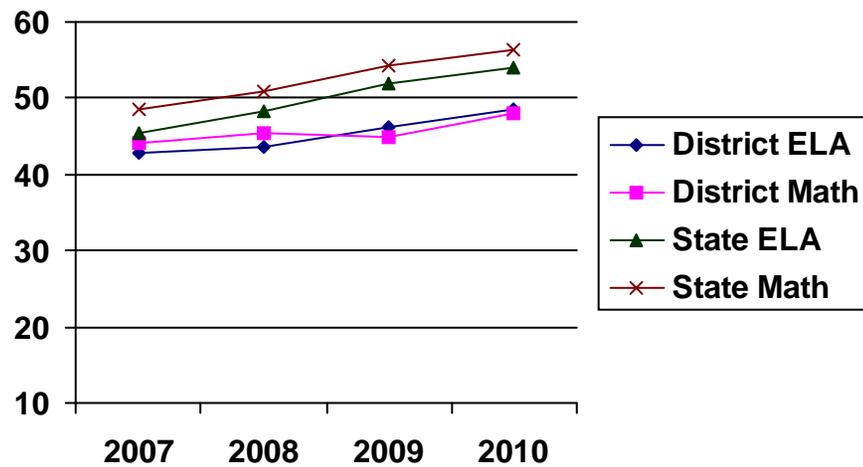
District: Antioch Unified

District Type: Unified

Adequate Yearly Progress (AYP) Percent Proficient Over 4 Years

Groups	* 2007 ELA District	2007 ELA State	* 2007 Math District	2007 Math State	** 2010 ELA District	2010 ELA State	** 2010 Math District	2010 Math State	ELA District Change	ELA State Change	Math District Change	Math State Change
Overall	42.9	45.5	44.2	48.5	48.5	53.9	47.9	56.3	5.6	8.4	3.7	7.8
Black/African American	29.6	32.7	28.3	31.1	35.7	41.3	32.7	39.6	6.1	8.6	4.4	8.5
American Indian/Alaska Native	36.3	40.6	46.0	40.9	41.2	46.7	44.8	46.9	4.9	6.1	-1.2	6.0
Asian	53.7	68.9	61.3	76.6	64.9	76.8	67.3	82.5	11.2	7.9	6.0	5.9
Filipino	58.5	63.0	60.1	65.6	69.6	71.5	69.6	72.0	11.1	8.5	9.5	6.4
Hispanic	33.8	31.1	38.4	37.0	43.0	41.7	45.0	46.7	9.2	10.6	6.6	9.7
Native Hawaiian/Pacific Islander	41.4	43.4	45.4	47.0	39.4	50.7	47.1	53.1	-2.0	7.3	1.7	6.1
White	55.6	64.3	54.2	62.8	61.3	70.9	58.0	69.0	5.7	6.6	3.8	6.2
Socioeconomically Disadvantaged	28.5	30.4	34.7	36.7	38.5	41.1	40.1	46.3	10.0	10.7	5.4	9.6
English Learners	24.9	25.8	35.0	35.8	31.1	35.6	39.4	45.6	6.2	9.8	4.4	9.8
Students with Disabilities	18.5	20.7	20.3	24.1	28.2	31.8	31.9	34.5	9.7	11.1	11.6	10.4

District Overall Percent Proficient Growth



District Program Improvement (PI) status (2010-11)

Current Status: In PI First Year Identified: 2008-2009

School PI Status (2010-11)

School Type	Num. of Schools	Num. in Title I	Num. in PI	Year 1	Year 2	Year 3	Year 4	Year 5
Elementary	7	7	7	2	2	0	0	3
Middle	2	2	2	0	0	0	0	2
High	1	1	1	0	0	0	1	0
Total	10	10	10	2	2	0	1	5

Number of Schools That Made AYP and Academic Performance Index (API)

School Type	AYP 2007	AYP 2008	AYP 2009	AYP 2010	API 2007	API 2008	API 2009	API 2010
Elementary	10	3	0	0	4	1	2	5
Middle	0	1	0	0	1	1	1	1
High	4	0	0	3	0	1	0	2
Total	14	4	0	3	5	3	3	8

* 2007 Targets: English-language arts (ELA) 23.0% Math 23.7%
** 2010 Targets: ELA 56.0% Math 56.4%

2009-10 District Accountability Dashboard

CD: 1964287

County: Los Angeles

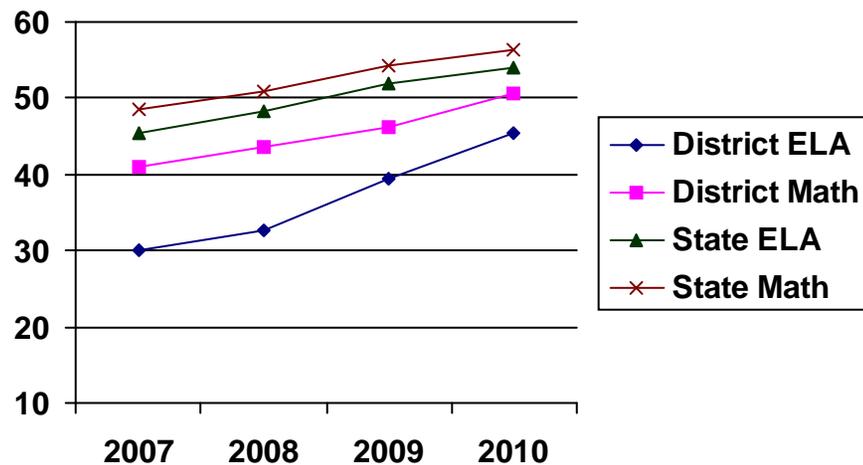
District: Baldwin Park Unified

District Type: Unified

Adequate Yearly Progress (AYP) Percent Proficient Over 4 Years

Groups	* 2007 ELA District	2007 ELA State	* 2007 Math District	2007 Math State	** 2010 ELA District	2010 ELA State	** 2010 Math District	2010 Math State	ELA District Change	ELA State Change	Math District Change	Math State Change
Overall	30.0	45.5	41.0	48.5	45.3	53.9	50.7	56.3	15.3	8.4	9.7	7.8
Black/African American	29.6	32.7	32.4	31.1	49.3	41.3	39.1	39.6	19.7	8.6	6.7	8.5
American Indian/Alaska Native	14.3	40.6	35.7	40.9		46.7		46.9		6.1		6.0
Asian	65.8	68.9	78.5	76.6	75.8	76.8	84.9	82.5	10.0	7.9	6.4	5.9
Filipino	50.2	63.0	61.2	65.6	66.8	71.5	69.4	72.0	16.6	8.5	8.2	6.4
Hispanic	27.9	31.1	38.9	37.0	43.4	41.7	48.7	46.7	15.5	10.6	9.8	9.7
Native Hawaiian/Pacific Islander		43.4		47.0		50.7		53.1		7.3		6.1
White	38.3	64.3	48.1	62.8	51.7	70.9	56.9	69.0	13.4	6.6	8.8	6.2
Socioeconomically Disadvantaged	27.3	30.4	39.4	36.7	43.1	41.1	49.1	46.3	15.8	10.7	9.7	9.6
English Learners	19.5	25.8	33.4	35.8	38.5	35.6	47.0	45.6	19.0	9.8	13.6	9.8
Students with Disabilities	15.1	20.7	22.8	24.1	30.7	31.8	35.1	34.5	15.6	11.1	12.3	10.4

District Overall Percent Proficient Growth



District Program Improvement (PI) status (2010-11)

Current Status: In PI First Year Identified: 2008-2009

School PI Status (2010-11)

School Type	Num. of Schools	Num. in Title I	Num. in PI	Year 1	Year 2	Year 3	Year 4	Year 5
Elementary	13	13	10	0	2	3	2	3
Middle	4	4	4	0	0	1	0	3
High	3	3	2	0	2	0	0	0
Total	20	20	16	0	4	4	2	6

Number of Schools That Made AYP and Academic Performance Index (API)

School Type	AYP 2007	AYP 2008	AYP 2009	AYP 2010	API 2007	API 2008	API 2009	API 2010
Elementary	2	2	6	4	2	7	9	10
Middle	0	1	0	0	1	2	4	3
High	0	1	2	1	3	1	1	0
Total	2	4	8	5	6	10	14	13

* 2007 Targets: English-language arts (ELA) 23.0% Math 23.7%
** 2010 Targets: ELA 56.0% Math 56.4%

2009-10 District Accountability Dashboard

CD: 3066464

County: Orange

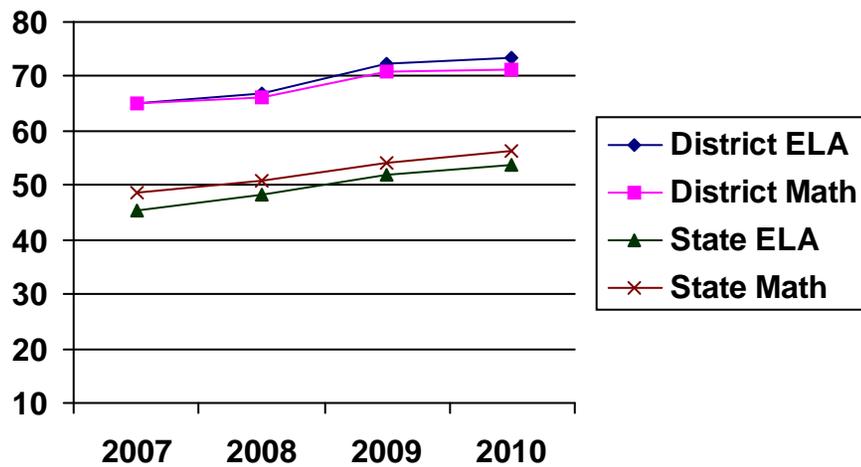
District: Capistrano Unified

District Type: Unified

Adequate Yearly Progress (AYP) Percent Proficient Over 4 Years

Groups	* 2007 ELA District	2007 ELA State	* 2007 Math District	2007 Math State	** 2010 ELA District	2010 ELA State	** 2010 Math District	2010 Math State	ELA District Change	ELA State Change	Math District Change	Math State Change
Overall	64.9	45.5	64.9	48.5	73.4	53.9	71.2	56.3	8.5	8.4	6.3	7.8
Black/African American	54.5	32.7	47.4	31.1	62.7	41.3	54.0	39.6	8.2	8.6	6.6	8.5
American Indian/Alaska Native	62.6	40.6	58.1	40.9	62.4	46.7	57.3	46.9	-0.2	6.1	-0.8	6.0
Asian	82.0	68.9	86.6	76.6	89.3	76.8	90.9	82.5	7.3	7.9	4.3	5.9
Filipino	73.8	63.0	75.0	65.6	77.9	71.5	79.6	72.0	4.1	8.5	4.6	6.4
Hispanic	35.5	31.1	40.2	37.0	50.6	41.7	51.6	46.7	15.1	10.6	11.4	9.7
Native Hawaiian/Pacific Islander	71.9	43.4	68.8	47.0	75.0	50.7	65.9	53.1	3.1	7.3	-2.9	6.1
White	71.5	64.3	70.1	62.8	80.3	70.9	76.7	69.0	8.8	6.6	6.6	6.2
Socioeconomically Disadvantaged	31.5	30.4	36.3	36.7	46.0	41.1	48.3	46.3	14.5	10.7	12.0	9.6
English Learners	30.1	25.8	38.1	35.8	38.0	35.6	44.4	45.6	7.9	9.8	6.3	9.8
Students with Disabilities	31.7	20.7	34.3	24.1	39.4	31.8	35.8	34.5	7.7	11.1	1.5	10.4

District Overall Percent Proficient Growth



District Program Improvement (PI) status (2010-11)

Current Status: In PI First Year Identified: 2010-2011

School PI Status (2010-11)

School Type	Num. of Schools	Num. in Title I	Num. in PI	Year 1	Year 2	Year 3	Year 4	Year 5
Elementary	5	5	3	1	0	0	0	2
Middle	1	1	0	0	0	0	0	0
High	1	1	0	0	0	0	0	0
Total	7	7	3	1	0	0	0	2

Number of Schools That Made AYP and Academic Performance Index (API)

School Type	AYP 2007	AYP 2008	AYP 2009	AYP 2010	API 2007	API 2008	API 2009	API 2010
Elementary	32	28	31	19	28	27	31	24
Middle	9	6	6	7	7	6	8	8
High	6	4	3	5	1	2	3	1
Total	47	38	40	31	36	35	42	33

* 2007 Targets: English-language arts (ELA) 23.0% Math 23.7%
** 2010 Targets: ELA 56.0% Math 56.4%

2009-10 District Accountability Dashboard

CD: 4870532

County: Solano

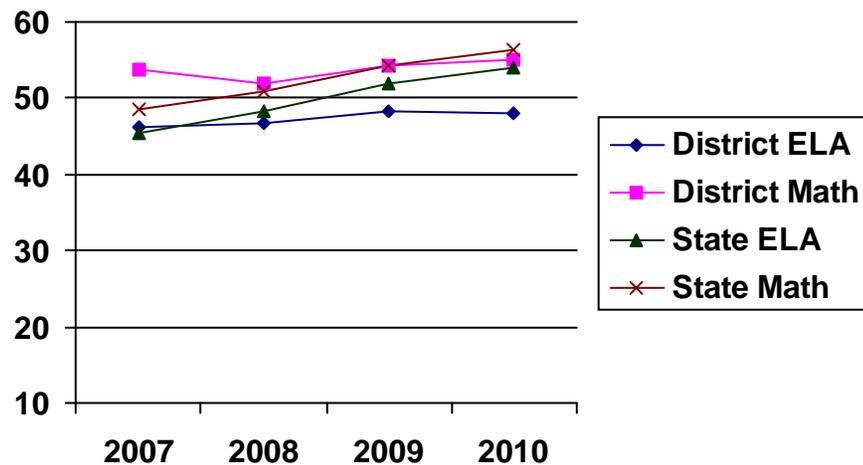
District: Dixon Unified

District Type: Unified

Adequate Yearly Progress (AYP) Percent Proficient Over 4 Years

Groups	* 2007 ELA District	2007 ELA State	* 2007 Math District	2007 Math State	** 2010 ELA District	2010 ELA State	** 2010 Math District	2010 Math State	ELA District Change	ELA State Change	Math District Change	Math State Change
Overall	46.2	45.5	53.8	48.5	48.0	53.9	55.1	56.3	1.8	8.4	1.3	7.8
Black/African American	37.5	32.7	38.3	31.1	38.0	41.3	28.2	39.6	0.5	8.6	-10.1	8.5
American Indian/Alaska Native	41.7	40.6	66.7	40.9		46.7		46.9		6.1		6.0
Asian	63.8	68.9	68.1	76.6	53.1	76.8	75.0	82.5	-10.7	7.9	6.9	5.9
Filipino	58.5	63.0	68.3	65.6	59.4	71.5	65.6	72.0	0.9	8.5	-2.7	6.4
Hispanic	30.5	31.1	44.2	37.0	36.6	41.7	44.9	46.7	6.1	10.6	0.7	9.7
Native Hawaiian/Pacific Islander	40.0	43.4	40.0	47.0		50.7		53.1		7.3		6.1
White	62.1	64.3	63.8	62.8	61.2	70.9	68.6	69.0	-0.9	6.6	4.8	6.2
Socioeconomically Disadvantaged	27.7	30.4	41.2	36.7	33.0	41.1	42.1	46.3	5.3	10.7	0.9	9.6
English Learners	26.6	25.8	41.6	35.8	30.1	35.6	40.9	45.6	3.5	9.8	-0.7	9.8
Students with Disabilities	14.9	20.7	22.1	24.1	17.5	31.8	25.8	34.5	2.6	11.1	3.7	10.4

District Overall Percent Proficient Growth



District Program Improvement (PI) status (2010-11)

Current Status: In PI First Year Identified: 2008-2009

School PI Status (2010-11)

School Type	Num. of Schools	Num. in Title I	Num. in PI	Year 1	Year 2	Year 3	Year 4	Year 5
Elementary	2	2	2	0	0	0	0	2
Middle	1	1	1	0	1	0	0	0
High	0	0	0	0	0	0	0	0
Total	3	3	3	0	1	0	0	2

Number of Schools That Made AYP and Academic Performance Index (API)

School Type	AYP 2007	AYP 2008	AYP 2009	AYP 2010	API 2007	API 2008	API 2009	API 2010
Elementary	4	1	3	0	1	0	1	0
Middle	1	0	0	0	1	0	0	1
High	1	0	0	3	0	0	0	1
Total	6	1	3	3	2	0	1	2

* 2007 Targets: English-language arts (ELA) 23.0% Math 23.7%
** 2010 Targets: ELA 56.0% Math 56.4%

2009-10 District Accountability Dashboard

CD: 1062166

County: Fresno

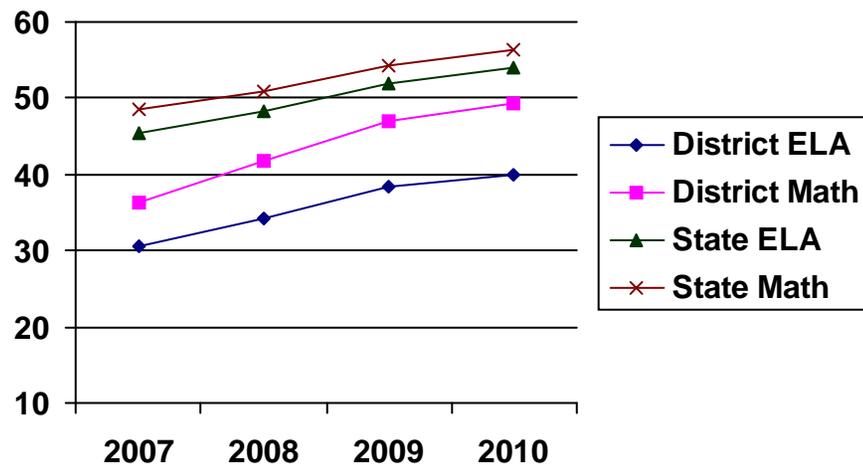
District: Fresno Unified

District Type: Unified

Adequate Yearly Progress (AYP) Percent Proficient Over 4 Years

Groups	* 2007 ELA District	2007 ELA State	* 2007 Math District	2007 Math State	** 2010 ELA District	2010 ELA State	** 2010 Math District	2010 Math State	ELA District Change	ELA State Change	Math District Change	Math State Change
Overall	30.7	45.5	36.3	48.5	40.0	53.9	49.3	56.3	9.3	8.4	13.0	7.8
Black/African American	25.8	32.7	26.0	31.1	33.5	41.3	38.1	39.6	7.7	8.6	12.1	8.5
American Indian/Alaska Native	32.1	40.6	36.7	40.9	38.4	46.7	45.4	46.9	6.3	6.1	8.7	6.0
Asian	26.1	68.9	41.7	76.6	38.9	76.8	58.2	82.5	12.8	7.9	16.5	5.9
Filipino	57.0	63.0	62.4	65.6	72.6	71.5	73.2	72.0	15.6	8.5	10.8	6.4
Hispanic	26.3	31.1	32.0	37.0	36.4	41.7	46.1	46.7	10.1	10.6	14.1	9.7
Native Hawaiian/Pacific Islander	49.6	43.4	54.8	47.0	55.8	50.7	64.8	53.1	6.2	7.3	10.0	6.1
White	55.6	64.3	54.7	62.8	63.1	70.9	64.3	69.0	7.5	6.6	9.6	6.2
Socioeconomically Disadvantaged	25.4	30.4	32.2	36.7	36.1	41.1	46.8	46.3	10.7	10.7	14.6	9.6
English Learners	18.5	25.8	30.6	35.8	29.5	35.6	46.2	45.6	11.0	9.8	15.6	9.8
Students with Disabilities	11.1	20.7	14.8	24.1	24.5	31.8	29.0	34.5	13.4	11.1	14.2	10.4

District Overall Percent Proficient Growth



District Program Improvement (PI) status (2010-11)

Current Status: In PI First Year Identified: 2004-2005

School PI Status (2010-11)

School Type	Num. of Schools	Num. in Title I	Num. in PI	Year 1	Year 2	Year 3	Year 4	Year 5
Elementary	63	63	40	5	4	1	0	30
Middle	15	15	10	0	0	0	0	10
High	13	13	10	1	1	1	1	6
Total	91	91	60	6	5	2	1	46

Number of Schools That Made AYP and Academic Performance Index (API)

School Type	AYP 2007	AYP 2008	AYP 2009	AYP 2010	API 2007	API 2008	API 2009	API 2010
Elementary	28	19	32	16	28	43	42	36
Middle	3	3	2	2	2	6	8	5
High	9	5	2	4	2	2	1	3
Total	40	27	36	22	32	51	51	44

* 2007 Targets: English-language arts (ELA) 23.0% Math 23.7%
** 2010 Targets: ELA 56.0% Math 56.4%

2009-10 District Accountability Dashboard

CD: 3066522

County: Orange

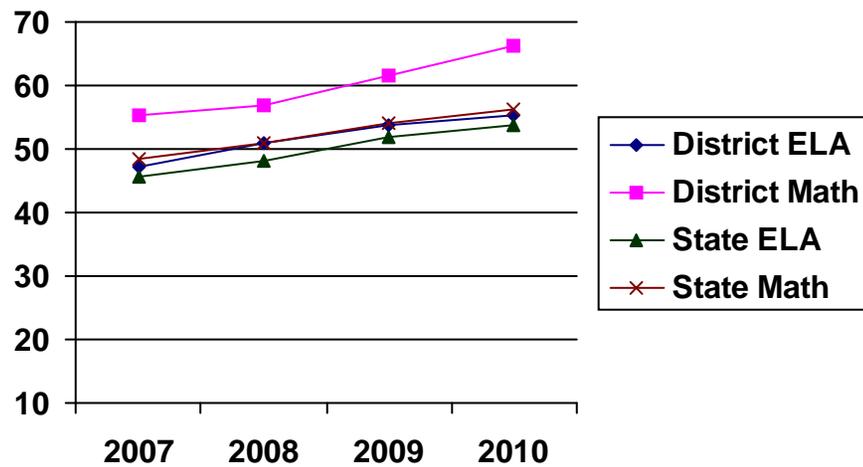
District: Garden Grove Unified

District Type: Unified

Adequate Yearly Progress (AYP) Percent Proficient Over 4 Years

Groups	* 2007 ELA District	2007 ELA State	* 2007 Math District	2007 Math State	** 2010 ELA District	2010 ELA State	** 2010 Math District	2010 Math State	ELA District Change	ELA State Change	Math District Change	Math State Change
Overall	47.3	45.5	55.3	48.5	55.4	53.9	66.3	56.3	8.1	8.4	11.0	7.8
Black/African American	41.2	32.7	41.9	31.1	54.1	41.3	58.4	39.6	12.9	8.6	16.5	8.5
American Indian/Alaska Native	45.2	40.6	48.4	40.9	55.8	46.7	67.3	46.9	10.6	6.1	18.9	6.0
Asian	67.4	68.9	78.8	76.6	76.0	76.8	86.7	82.5	8.6	7.9	7.9	5.9
Filipino	67.0	63.0	73.9	65.6	75.5	71.5	78.9	72.0	8.5	8.5	5.0	6.4
Hispanic	32.7	31.1	40.6	37.0	40.5	41.7	53.4	46.7	7.8	10.6	12.8	9.7
Native Hawaiian/Pacific Islander	37.5	43.4	46.3	47.0	47.9	50.7	56.8	53.1	10.4	7.3	10.5	6.1
White	60.6	64.3	62.4	62.8	68.1	70.9	71.7	69.0	7.5	6.6	9.3	6.2
Socioeconomically Disadvantaged	40.4	30.4	49.7	36.7	48.1	41.1	61.8	46.3	7.7	10.7	12.1	9.6
English Learners	41.5	25.8	52.6	35.8	46.3	35.6	62.2	45.6	4.8	9.8	9.6	9.8
Students with Disabilities	19.7	20.7	26.4	24.1	32.4	31.8	43.4	34.5	12.7	11.1	17.0	10.4

District Overall Percent Proficient Growth



District Program Improvement (PI) status (2010-11)

Current Status: In PI First Year Identified: 2008-2009

School PI Status (2010-11)

School Type	Num. of Schools	Num. in Title I	Num. in PI	Year 1	Year 2	Year 3	Year 4	Year 5
Elementary	42	42	19	6	8	4	1	0
Middle	10	10	6	2	4	0	0	0
High	9	9	6	6	0	0	0	0
Total	61	61	31	14	12	4	1	0

Number of Schools That Made AYP and Academic Performance Index (API)

School Type	AYP 2007	AYP 2008	AYP 2009	AYP 2010	API 2007	API 2008	API 2009	API 2010
Elementary	44	20	25	14	20	26	34	32
Middle	10	3	4	1	3	1	7	4
High	10	9	4	3	3	0	2	3
Total	64	32	33	18	26	27	43	39

* 2007 Targets: English-language arts (ELA) 23.0% Math 23.7%
** 2010 Targets: ELA 56.0% Math 56.4%

2009-10 District Accountability Dashboard

CD: 1663917

County: Kings

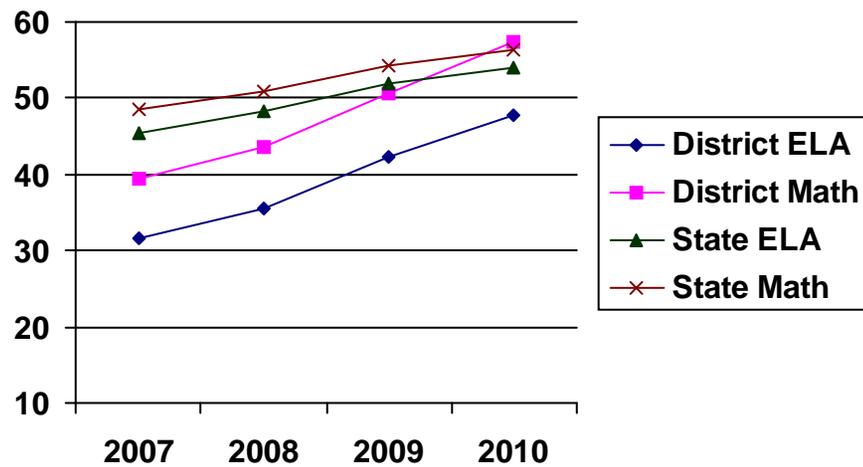
District: Hanford Elementary

District Type: Elementary

Adequate Yearly Progress (AYP) Percent Proficient Over 4 Years

Groups	* 2007 ELA District	2007 ELA State	* 2007 Math District	2007 Math State	** 2010 ELA District	2010 ELA State	** 2010 Math District	2010 Math State	ELA District Change	ELA State Change	Math District Change	Math State Change
Overall	31.6	45.5	39.4	48.5	47.7	53.9	57.4	56.3	16.1	8.4	18.0	7.8
Black/African American	29.2	32.7	37.2	31.1	44.6	41.3	50.0	39.6	15.4	8.6	12.8	8.5
American Indian/Alaska Native	19.0	40.6	20.0	40.9	42.1	46.7	52.6	46.9	23.1	6.1	32.6	6.0
Asian	59.2	68.9	64.8	76.6	73.8	76.8	85.2	82.5	14.6	7.9	20.4	5.9
Filipino	67.2	63.0	72.4	65.6	77.1	71.5	83.3	72.0	9.9	8.5	10.9	6.4
Hispanic	25.3	31.1	34.2	37.0	42.1	41.7	54.0	46.7	16.8	10.6	19.8	9.7
Native Hawaiian/Pacific Islander		43.4		47.0		50.7		53.1		7.3		6.1
White	44.2	64.3	49.7	62.8	62.0	70.9	66.9	69.0	17.8	6.6	17.2	6.2
Socioeconomically Disadvantaged	24.7	30.4	33.5	36.7	42.3	41.1	53.4	46.3	17.6	10.7	19.9	9.6
English Learners	18.0	25.8	28.9	35.8	36.0	35.6	51.2	45.6	18.0	9.8	22.3	9.8
Students with Disabilities	13.5	20.7	20.8	24.1	35.7	31.8	42.3	34.5	22.2	11.1	21.5	10.4

District Overall Percent Proficient Growth



District Program Improvement (PI) status (2010-11)

Current Status: In PI First Year Identified: 2004-2005

School PI Status (2010-11)

School Type	Num. of Schools	Num. in Title I	Num. in PI	Year 1	Year 2	Year 3	Year 4	Year 5
Elementary	9	9	4	0	2	1	0	1
Middle	2	2	2	0	1	1	0	0
Total	11	11	6	0	3	2	0	1

Number of Schools That Made AYP and Academic Performance Index (API)

School Type	AYP 2007	AYP 2008	AYP 2009	AYP 2010	API 2007	API 2008	API 2009	API 2010
Elementary	4	2	5	5	2	3	5	7
Middle	1	0	0	0	0	1	2	2
High	0	0	0	0	0	0	0	0
Total	5	2	5	5	2	4	7	9

2009-10 District Accountability Dashboard

CD: 3968585

County: San Joaquin

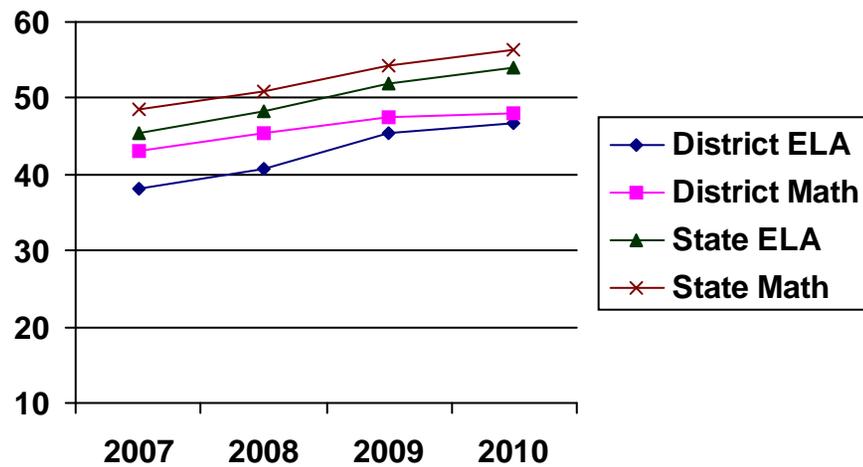
District: Lodi Unified

District Type: Unified

Adequate Yearly Progress (AYP) Percent Proficient Over 4 Years

Groups	* 2007 ELA District	2007 ELA State	* 2007 Math District	2007 Math State	** 2010 ELA District	2010 ELA State	** 2010 Math District	2010 Math State	ELA District Change	ELA State Change	Math District Change	Math State Change
Overall	38.0	45.5	43.2	48.5	46.6	53.9	47.9	56.3	8.6	8.4	4.7	7.8
Black/African American	26.7	32.7	28.1	31.1	33.2	41.3	29.4	39.6	6.5	8.6	1.3	8.5
American Indian/Alaska Native	46.5	40.6	46.4	40.9	41.2	46.7	49.1	46.9	-5.3	6.1	2.7	6.0
Asian	37.7	68.9	48.6	76.6	50.2	76.8	55.8	82.5	12.5	7.9	7.2	5.9
Filipino	52.4	63.0	57.7	65.6	61.6	71.5	62.4	72.0	9.2	8.5	4.7	6.4
Hispanic	27.4	31.1	34.6	37.0	36.7	41.7	39.8	46.7	9.3	10.6	5.2	9.7
Native Hawaiian/Pacific Islander	34.7	43.4	40.7	47.0	41.8	50.7	41.8	53.1	7.1	7.3	1.1	6.1
White	52.4	64.3	53.0	62.8	60.6	70.9	57.9	69.0	8.2	6.6	4.9	6.2
Socioeconomically Disadvantaged	26.8	30.4	35.2	36.7	37.6	41.1	40.8	46.3	10.8	10.7	5.6	9.6
English Learners	24.2	25.8	35.4	35.8	31.5	35.6	39.6	45.6	7.3	9.8	4.2	9.8
Students with Disabilities	17.4	20.7	23.7	24.1	27.7	31.8	30.7	34.5	10.3	11.1	7.0	10.4

District Overall Percent Proficient Growth



District Program Improvement (PI) status (2010-11)

Current Status: In PI First Year Identified: 2004-2005

School PI Status (2010-11)

School Type	Num. of Schools	Num. in Title I	Num. in PI	Year 1	Year 2	Year 3	Year 4	Year 5
Elementary	14	14	11	0	0	0	2	9
Middle	0	0	0	0	0	0	0	0
High	0	0	0	0	0	0	0	0
Total	14	14	11	0	0	0	2	9

Number of Schools That Made AYP and Academic Performance Index (API)

School Type	AYP 2007	AYP 2008	AYP 2009	AYP 2010	API 2007	API 2008	API 2009	API 2010
Elementary	20	11	12	9	16	14	12	15
Middle	1	1	1	1	3	2	2	3
High	3	2	1	1	4	1	1	2
Total	24	14	14	11	23	17	15	20

* 2007 Targets: English-language arts (ELA) 23.0% Math 23.7%
** 2010 Targets: ELA 56.0% Math 56.4%

2009-10 District Accountability Dashboard

CD: 5271621

County: Tehama

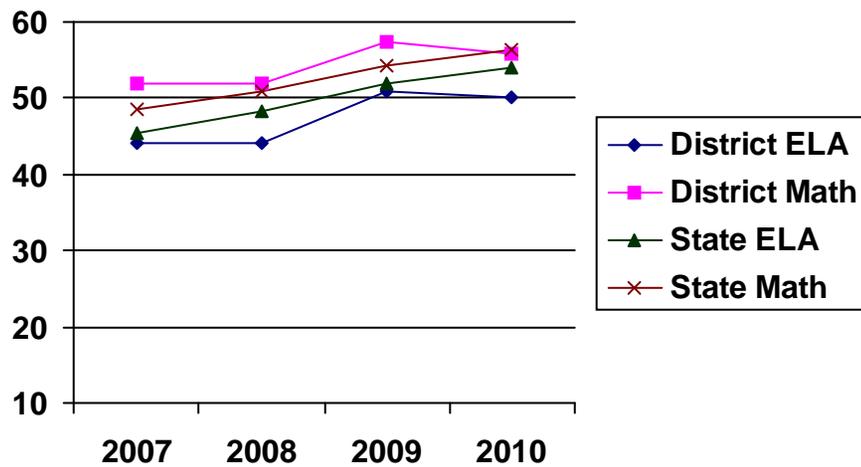
District: Red Bluff Union Elementary

District Type: Elementary

Adequate Yearly Progress (AYP) Percent Proficient Over 4 Years

Groups	* 2007 ELA District	2007 ELA State	* 2007 Math District	2007 Math State	** 2010 ELA District	2010 ELA State	** 2010 Math District	2010 Math State	ELA District Change	ELA State Change	Math District Change	Math State Change
Overall	44.1	45.5	52.0	48.5	50.1	53.9	55.8	56.3	6.0	8.4	3.8	7.8
Black/African American	53.8	32.7	61.5	31.1	52.9	41.3	47.1	39.6	-0.9	8.6	-14.4	8.5
American Indian/Alaska Native	31.8	40.6	47.7	40.9	51.6	46.7	61.3	46.9	19.8	6.1	13.6	6.0
Asian	50.0	68.9	75.0	76.6	18.2	76.8	45.5	82.5	-31.8	7.9	-29.5	5.9
Filipino		63.0		65.6		71.5		72.0		8.5		6.4
Hispanic	29.2	31.1	40.0	37.0	40.2	41.7	47.6	46.7	11.0	10.6	7.6	9.7
Native Hawaiian/Pacific Islander		43.4		47.0		50.7		53.1		7.3		6.1
White	49.2	64.3	56.0	62.8	55.2	70.9	59.5	69.0	6.0	6.6	3.5	6.2
Socioeconomically Disadvantaged	35.6	30.4	44.0	36.7	43.6	41.1	48.7	46.3	8.0	10.7	4.7	9.6
English Learners	21.9	25.8	33.9	35.8	32.2	35.6	42.1	45.6	10.3	9.8	8.2	9.8
Students with Disabilities	13.4	20.7	20.4	24.1	38.7	31.8	36.2	34.5	25.3	11.1	15.8	10.4

District Overall Percent Proficient Growth



District Program Improvement (PI) status (2010-11)

Current Status: In PI First Year Identified: 2006-2007

School PI Status (2010-11)

School Type	Num. of Schools	Num. in Title I	Num. in PI	Year 1	Year 2	Year 3	Year 4	Year 5
Elementary	3	3	1	0	0	0	1	0
Middle	1	1	1	0	0	0	0	1
Total	4	4	2	0	0	0	1	1

Number of Schools That Made AYP and Academic Performance Index (API)

School Type	AYP 2007	AYP 2008	AYP 2009	AYP 2010	API 2007	API 2008	API 2009	API 2010
Elementary	3	2	3	1	2	2	3	1
Middle	2	1	1	1	1	0	1	0
High	0	0	0	0	0	0	0	0
Total	5	3	4	2	3	2	4	1

2009-10 District Accountability Dashboard

CD: 4970904

County: Sonoma

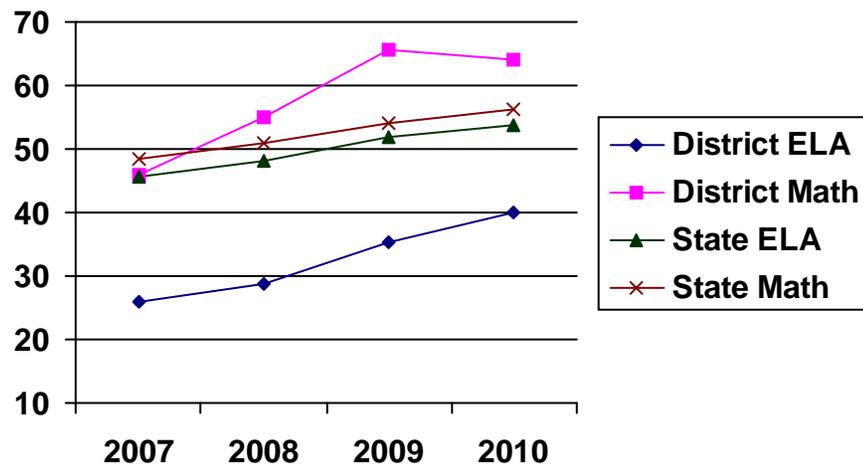
District: Roseland Elementary

District Type: Elementary

Adequate Yearly Progress (AYP) Percent Proficient Over 4 Years

Groups	* 2007 ELA District	2007 ELA State	* 2007 Math District	2007 Math State	** 2010 ELA District	2010 ELA State	** 2010 Math District	2010 Math State	ELA District Change	ELA State Change	Math District Change	Math State Change
Overall	26.0	45.5	46.0	48.5	40.0	53.9	64.0	56.3	14.0	8.4	18.0	7.8
Black/African American	53.8	32.7	46.2	31.1	64.3	41.3	57.1	39.6	10.5	8.6	10.9	8.5
American Indian/Alaska Native	25.0	40.6	43.8	40.9	33.3	46.7	38.9	46.9	8.3	6.1	-4.9	6.0
Asian	51.5	68.9	72.7	76.6	40.0	76.8	72.0	82.5	-11.5	7.9	-0.7	5.9
Filipino		63.0		65.6		71.5		72.0		8.5		6.4
Hispanic	23.1	31.1	44.5	37.0	38.9	41.7	64.7	46.7	15.8	10.6	20.2	9.7
Native Hawaiian/Pacific Islander		43.4		47.0		50.7		53.1		7.3		6.1
White	36.2	64.3	46.8	62.8	57.9	70.9	56.8	69.0	21.7	6.6	10.0	6.2
Socioeconomically Disadvantaged	24.7	30.4	45.7	36.7	38.5	41.1	63.3	46.3	13.8	10.7	17.6	9.6
English Learners	22.8	25.8	44.5	35.8	36.5	35.6	64.0	45.6	13.7	9.8	19.5	9.8
Students with Disabilities	8.4	20.7	25.3	24.1	28.7	31.8	43.9	34.5	20.3	11.1	18.6	10.4

District Overall Percent Proficient Growth



District Program Improvement (PI) status (2010-11)

Current Status: In PI First Year Identified: 2006-2007

School PI Status (2010-11)

School Type	Num. of Schools	Num. in Title I	Num. in PI	Year 1	Year 2	Year 3	Year 4	Year 5
Elementary	2	2	1	0	0	0	1	0
Total	2	2	1	0	0	0	1	0

Number of Schools That Made AYP and Academic Performance Index (API)

School Type	AYP 2007	AYP 2008	AYP 2009	AYP 2010	API 2007	API 2008	API 2009	API 2010
Elementary	1	0	2	1	1	2	2	1
Middle	0	0	0	0	0	0	0	0
High	0	0	0	0	0	0	0	0
Total	1	0	2	1	1	2	2	1

2009-10 District Accountability Dashboard

CD: 3667876

County: San Bernardino

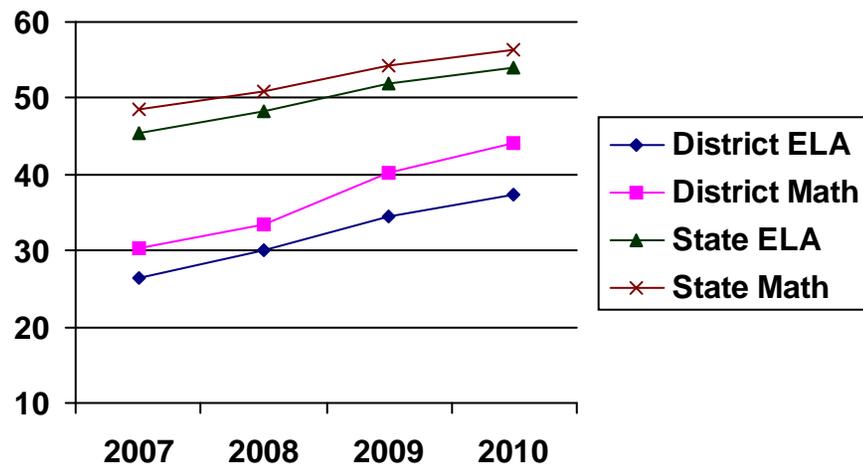
District: San Bernardino City Unified

District Type: Unified

Adequate Yearly Progress (AYP) Percent Proficient Over 4 Years

Groups	* 2007 ELA District	2007 ELA State	* 2007 Math District	2007 Math State	** 2010 ELA District	2010 ELA State	** 2010 Math District	2010 Math State	ELA District Change	ELA State Change	Math District Change	Math State Change
Overall	26.3	45.5	30.4	48.5	37.4	53.9	44.0	56.3	11.1	8.4	13.6	7.8
Black/African American	22.9	32.7	23.4	31.1	33.9	41.3	35.4	39.6	11.0	8.6	12.0	8.5
American Indian/Alaska Native	34.3	40.6	34.6	40.9	39.5	46.7	44.3	46.9	5.2	6.1	9.7	6.0
Asian	44.8	68.9	53.5	76.6	57.3	76.8	69.8	82.5	12.5	7.9	16.3	5.9
Filipino	59.2	63.0	60.8	65.6	65.5	71.5	65.7	72.0	6.3	8.5	4.9	6.4
Hispanic	23.2	31.1	28.9	37.0	34.9	41.7	43.3	46.7	11.7	10.6	14.4	9.7
Native Hawaiian/Pacific Islander	30.3	43.4	30.3	47.0	34.7	50.7	40.0	53.1	4.4	7.3	9.7	6.1
White	43.8	64.3	42.7	62.8	55.5	70.9	57.2	69.0	11.7	6.6	14.5	6.2
Socioeconomically Disadvantaged	22.5	30.4	27.6	36.7	34.9	41.1	42.3	46.3	12.4	10.7	14.7	9.6
English Learners	18.7	25.8	27.2	35.8	30.7	35.6	42.5	45.6	12.0	9.8	15.3	9.8
Students with Disabilities	11.0	20.7	14.0	24.1	25.5	31.8	28.9	34.5	14.5	11.1	14.9	10.4

District Overall Percent Proficient Growth



District Program Improvement (PI) status (2010-11)

Current Status: In PI First Year Identified: 2004-2005

School PI Status (2010-11)

School Type	Num. of Schools	Num. in Title I	Num. in PI	Year 1	Year 2	Year 3	Year 4	Year 5
Elementary	45	45	29	2	2	1	2	22
Middle	10	10	6	0	0	0	1	5
High	9	9	6	1	0	1	0	4
Total	64	64	41	3	2	2	3	31

Number of Schools That Made AYP and Academic Performance Index (API)

School Type	AYP 2007	AYP 2008	AYP 2009	AYP 2010	API 2007	API 2008	API 2009	API 2010
Elementary	15	10	15	13	17	27	28	30
Middle	1	1	1	2	1	4	2	7
High	3	4	2	1	2	2	2	2
Total	19	15	18	16	20	33	32	39

* 2007 Targets: English-language arts (ELA) 23.0% Math 23.7%
** 2010 Targets: ELA 56.0% Math 56.4%

2009-10 District Accountability Dashboard

CD: 3467447

County: Sacramento

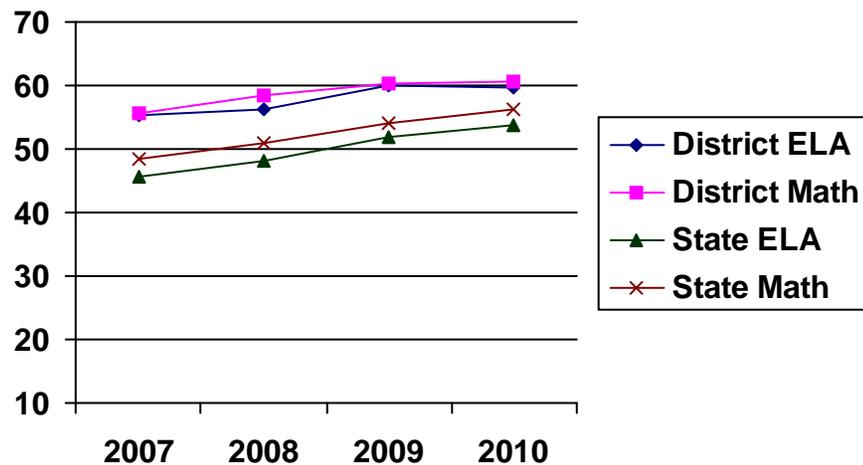
District: San Juan Unified

District Type: Unified

Adequate Yearly Progress (AYP) Percent Proficient Over 4 Years

Groups	* 2007 ELA District	2007 ELA State	* 2007 Math District	2007 Math State	** 2010 ELA District	2010 ELA State	** 2010 Math District	2010 Math State	ELA District Change	ELA State Change	Math District Change	Math State Change
Overall	55.3	45.5	55.5	48.5	59.8	53.9	60.6	56.3	4.5	8.4	5.1	7.8
Black/African American	34.2	32.7	34.4	31.1	39.0	41.3	38.7	39.6	4.8	8.6	4.3	8.5
American Indian/Alaska Native	51.5	40.6	50.0	40.9	56.1	46.7	58.3	46.9	4.6	6.1	8.3	6.0
Asian	72.3	68.9	76.4	76.6	78.5	76.8	82.1	82.5	6.2	7.9	5.7	5.9
Filipino	64.6	63.0	64.2	65.6	68.6	71.5	65.6	72.0	4.0	8.5	1.4	6.4
Hispanic	36.4	31.1	39.2	37.0	40.9	41.7	45.6	46.7	4.5	10.6	6.4	9.7
Native Hawaiian/Pacific Islander	49.3	43.4	54.1	47.0	49.8	50.7	50.9	53.1	0.5	7.3	-3.2	6.1
White	60.5	64.3	59.9	62.8	65.8	70.9	65.6	69.0	5.3	6.6	5.7	6.2
Socioeconomically Disadvantaged	35.7	30.4	40.4	36.7	42.7	41.1	46.9	46.3	7.0	10.7	6.5	9.6
English Learners	25.4	25.8	38.2	35.8	34.0	35.6	47.0	45.6	8.6	9.8	8.8	9.8
Students with Disabilities	22.3	20.7	24.9	24.1	32.7	31.8	32.9	34.5	10.4	11.1	8.0	10.4

District Overall Percent Proficient Growth



District Program Improvement (PI) status (2010-11)

Current Status: In PI First Year Identified: 2008-2009

School PI Status (2010-11)

School Type	Num. of Schools	Num. in Title I	Num. in PI	Year 1	Year 2	Year 3	Year 4	Year 5
Elementary	12	12	8	3	0	0	2	3
Middle	2	2	2	0	0	0	0	2
High	7	7	1	0	1	0	0	0
Total	21	21	11	3	1	0	2	5

Number of Schools That Made AYP and Academic Performance Index (API)

School Type	AYP 2007	AYP 2008	AYP 2009	AYP 2010	API 2007	API 2008	API 2009	API 2010
Elementary	36	33	27	17	20	22	28	21
Middle	6	3	3	1	4	3	3	4
High	14	9	8	8	4	2	2	2
Total	56	45	38	26	28	27	33	27

* 2007 Targets: English-language arts (ELA) 23.0% Math 23.7%
** 2010 Targets: ELA 56.0% Math 56.4%

2009-10 District Accountability Dashboard

CD: 3066670

County: Orange

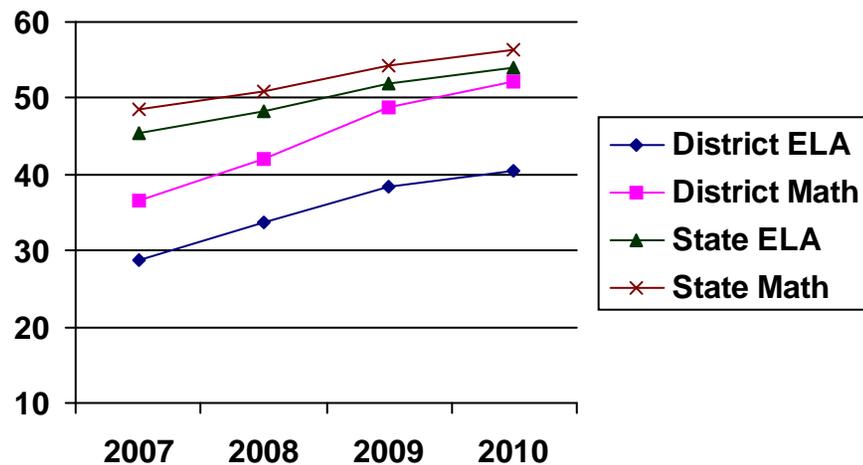
District: Santa Ana Unified

District Type: Unified

Adequate Yearly Progress (AYP) Percent Proficient Over 4 Years

Groups	* 2007 ELA District	2007 ELA State	* 2007 Math District	2007 Math State	** 2010 ELA District	2010 ELA State	** 2010 Math District	2010 Math State	ELA District Change	ELA State Change	Math District Change	Math State Change
Overall	28.7	45.5	36.6	48.5	40.5	53.9	52.2	56.3	11.8	8.4	15.6	7.8
Black/African American	41.8	32.7	42.1	31.1	61.4	41.3	60.2	39.6	19.6	8.6	18.1	8.5
American Indian/Alaska Native	10.0	40.6	25.0	40.9		46.7		46.9		6.1		6.0
Asian	62.1	68.9	70.6	76.6	74.2	76.8	81.6	82.5	12.1	7.9	11.0	5.9
Filipino	61.8	63.0	57.4	65.6	67.7	71.5	76.9	72.0	5.9	8.5	19.5	6.4
Hispanic	27.0	31.1	35.0	37.0	39.0	41.7	51.1	46.7	12.0	10.6	16.1	9.7
Native Hawaiian/Pacific Islander	40.0	43.4	51.3	47.0	42.5	50.7	48.7	53.1	2.5	7.3	-2.6	6.1
White	59.7	64.3	58.4	62.8	69.2	70.9	67.4	69.0	9.5	6.6	9.0	6.2
Socioeconomically Disadvantaged	25.9	30.4	34.6	36.7	38.3	41.1	50.8	46.3	12.4	10.7	16.2	9.6
English Learners	20.6	25.8	31.0	35.8	32.2	35.6	47.5	45.6	11.6	9.8	16.5	9.8
Students with Disabilities	12.7	20.7	18.0	24.1	21.9	31.8	29.1	34.5	9.2	11.1	11.1	10.4

District Overall Percent Proficient Growth



District Program Improvement (PI) status (2010-11)

Current Status: In PI First Year Identified: 2004-2005

School PI Status (2010-11)

School Type	Num. of Schools	Num. in Title I	Num. in PI	Year 1	Year 2	Year 3	Year 4	Year 5
Elementary	35	35	20	1	2	0	0	17
Middle	9	9	9	1	1	0	0	7
High	10	10	7	0	0	1	3	3
Total	54	54	36	2	3	1	3	27

Number of Schools That Made AYP and Academic Performance Index (API)

School Type	AYP 2007	AYP 2008	AYP 2009	AYP 2010	API 2007	API 2008	API 2009	API 2010
Elementary	13	16	22	11	24	30	32	26
Middle	2	2	0	0	0	6	3	5
High	2	3	4	1	2	1	3	2
Total	17	21	26	12	26	37	38	33

* 2007 Targets: English-language arts (ELA) 23.0% Math 23.7%
** 2010 Targets: ELA 56.0% Math 56.4%

2009-10 District Accountability Dashboard

CD: 4510454

County: Shasta

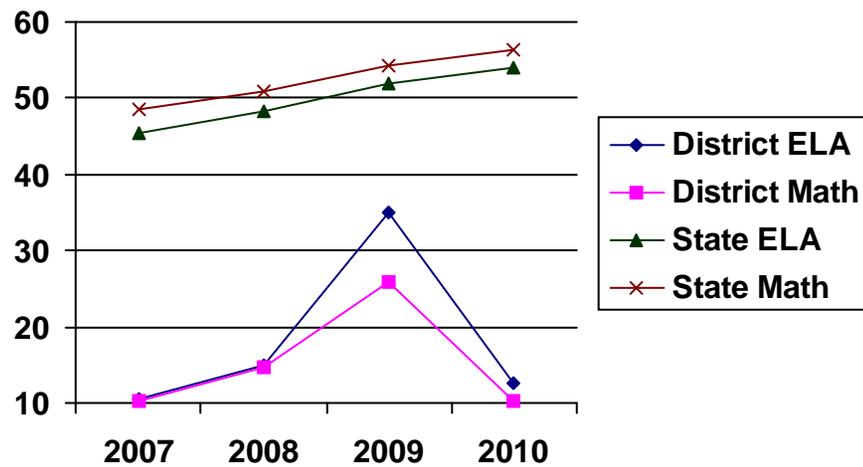
District: Shasta County Office of Education

District Type: Unified

Adequate Yearly Progress (AYP) Percent Proficient Over 4 Years

Groups	* 2007 ELA District	2007 ELA State	* 2007 Math District	2007 Math State	** 2010 ELA District	2010 ELA State	** 2010 Math District	2010 Math State	ELA District Change	ELA State Change	Math District Change	Math State Change
Overall	10.6	45.5	10.2	48.5	12.7	53.9	10.2	56.3	2.1	8.4	0.0	7.8
Black/African American	16.7	32.7		31.1		41.3		39.6		8.6		8.5
American Indian/Alaska Native		40.6		40.9		46.7		46.9		6.1		6.0
Asian		68.9		76.6		76.8		82.5		7.9		5.9
Filipino		63.0		65.6		71.5		72.0		8.5		6.4
Hispanic		31.1		37.0		41.7	9.1	46.7		10.6		9.7
Native Hawaiian/Pacific Islander		43.4		47.0		50.7		53.1		7.3		6.1
White	11.6	64.3	12.2	62.8	13.8	70.9	8.1	69.0	2.2	6.6	-4.1	6.2
Socioeconomically Disadvantaged	11.0	30.4	10.1	36.7	11.8	41.1	10.0	46.3	0.8	10.7	-0.1	9.6
English Learners		25.8		35.8		35.6		45.6		9.8		9.8
Students with Disabilities	11.0	20.7	7.7	24.1	18.5	31.8	12.0	34.5	7.5	11.1	4.3	10.4

District Overall Percent Proficient Growth



District Program Improvement (PI) status (2010-11)

Current Status: In PI First Year Identified: 2010-2011

School PI Status (2010-11)

School Type	Num. of Schools	Num. in Title I	Num. in PI	Year 1	Year 2	Year 3	Year 4	Year 5
Elementary	0	0	0	0	0	0	0	0
High	2	2	1	0	0	0	0	1
Total	2	2	1	0	0	0	0	1

Number of Schools That Made AYP and Academic Performance Index (API)

School Type	AYP 2007	AYP 2008	AYP 2009	AYP 2010	API 2007	API 2008	API 2009	API 2010
Elementary	0	1	1	0	0	0	0	0
Middle	0	0	0	0	0	0	0	0
High	1	1	1	3	0	0	0	1
Total	1	2	2	3	0	0	0	1

* 2007 Targets: English-language arts (ELA) 23.0% Math 23.7%
** 2010 Targets: ELA 56.0% Math 56.4%

2009-10 Accountability Dashboard

CDS: 19101990102020

County: Los Angeles

School: Today's Fresh Charter

School Type: Direct Funded Charter

Adequate Yearly Progress (AYP) Proficient for 1 Year

Groups	*2010 ELA Charter	**2010 ELA State	*2010 Math Charter	**2010 Math State
Overall	35.3	53.9	47.1	56.3
Black/African American	32.4	41.3	40.0	39.6
American Indian/Alaska Native	--	46.7	--	46.9
Asian	--	76.8	--	82.5
Filipino	--	71.5	--	72.0
Hispanic	39.6	41.7	60.6	46.7
Native Hawaiian/Pacific Islander	--	50.7	--	53.1
White	--	70.9	--	69.0
Socioeconomically Disadvantaged	35.1	41.1	47.2	46.3
English Learners	42.9	35.6	63.9	45.6
Students with Disabilities	18.8	31.8	21.7	34.5

*2010 Targets: English Language Arts (ELA) 56.8%

Math 58.0%

**2010 Targets: English Language Arts (ELA) 56.0%

Math 56.4%

Met all ELA percent proficient rate criteria: No

Met all Math percent proficient rate criteria: Yes

Made AYP: No

Made API: Yes

Program Improvement (PI) status

Current Status: In PI, Year 2

First Year Identified: 2008-09

2009-10 District Accountability Dashboard

CD: 3476505

County: Sacramento

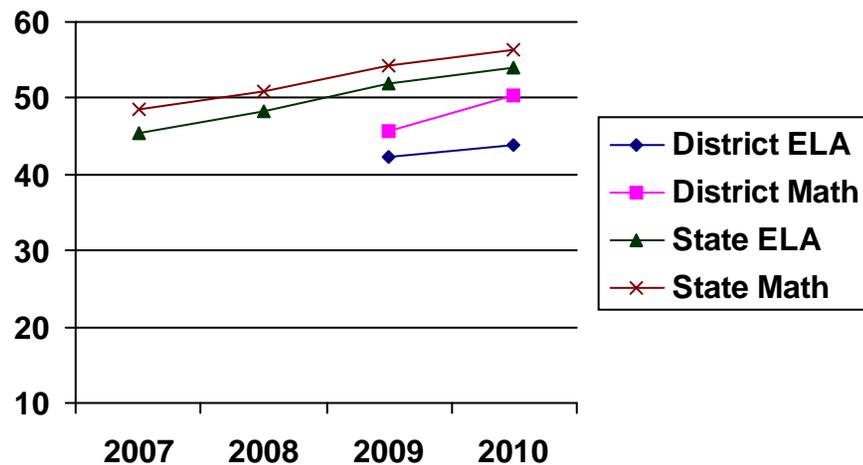
District: Twin Rivers Unified

District Type: Unified

Adequate Yearly Progress (AYP) Percent Proficient Over 4 Years

Groups	* 2007 ELA District	2007 ELA State	* 2007 Math District	2007 Math State	** 2010 ELA District	2010 ELA State	** 2010 Math District	2010 Math State	ELA District Change	ELA State Change	Math District Change	Math State Change
Overall		45.5		48.5	43.9	53.9	50.3	56.3		8.4		7.8
Black/African American		32.7		31.1	33.9	41.3	36.8	39.6		8.6		8.5
American Indian/Alaska Native		40.6		40.9	35.5	46.7	45.2	46.9		6.1		6.0
Asian		68.9		76.6	46.5	76.8	59.1	82.5		7.9		5.9
Filipino		63.0		65.6	62.5	71.5	65.3	72.0		8.5		6.4
Hispanic		31.1		37.0	39.0	41.7	46.9	46.7		10.6		9.7
Native Hawaiian/Pacific Islander		43.4		47.0	36.2	50.7	48.6	53.1		7.3		6.1
White		64.3		62.8	54.0	70.9	58.2	69.0		6.6		6.2
Socioeconomically Disadvantaged		30.4		36.7	40.4	41.1	48.0	46.3		10.7		9.6
English Learners		25.8		35.8	36.2	35.6	49.3	45.6		9.8		9.8
Students with Disabilities		20.7		24.1	26.2	31.8	30.7	34.5		11.1		10.4

District Overall Percent Proficient Growth



District Program Improvement (PI) status (2010-11)

Current Status: In PI First Year Identified: 2010-2011

School PI Status (2010-11)

School Type	Num. of Schools	Num. in Title I	Num. in PI	Year 1	Year 2	Year 3	Year 4	Year 5
Elementary	36	36	22	9	4	0	1	8
Middle	7	7	6	0	1	0	1	4
High	6	6	6	1	1	1	1	2
Total	49	49	34	10	6	1	3	14

Number of Schools That Made AYP and Academic Performance Index (API)

School Type	AYP 2007	AYP 2008	AYP 2009	AYP 2010	API 2007	API 2008	API 2009	API 2010
Elementary	0	0	16	7	0	0	18	20
Middle	0	0	1	1	0	0	3	3
High	0	0	0	2	0	0	0	1
Total	0	0	17	10	0	0	21	24

* 2007 Targets: English-language arts (ELA) 23.0% Math 23.7%
** 2010 Targets: ELA 56.0% Math 56.4%

**California State Board of Education
Meeting Agenda Items for July 13-14, 2011**

Item 8 Addendum

ITEM ADDENDUM

DATE: July 8, 2011

TO: MEMBERS, State Board of Education

FROM: TOM TORLAKSON, State Superintendent of Public Instruction

SUBJECT: Item 08 – Assignment of Numbers for Charter School Petitions.

Summary of Key Issues

Below are additional requests for charter school numbers:

Number	Charter Name	County	Authorizing Entity	Charter School Contact
1355	Urban Corps of San Diego County Charter School	Mono	Mono County Office of Education	Dan Thomas 3127 Jefferson Street San Diego, CA 92110
1356	College Ready Academy High School #18	Los Angeles	Los Angeles Unified School District	Judy Burton 1940 South Figueroa Street Los Angeles, CA 90007
1357	Rocketship Six Elementary School	Santa Clara	Santa Clara County Office of Education	Adele McCarthy-Beauvais 420 Florence Street Palo Alto, CA 94301
1358	Rocketship Seven Elementary School	Santa Clara	Santa Clara County Office of Education	Adele McCarthy-Beauvais 420 Florence Street Palo Alto, CA 94301
1359	Rocketship Eight Elementary School	Santa Clara	Santa Clara County Office of Education	Adele McCarthy-Beauvais 420 Florence Street Palo Alto, CA 94301
1360	TEAM Charter School	San Joaquin	Stockton Unified School District	Debra Eison 810 North Hunter Stockton, CA 95202

Attachment(s)

None

**California State Board of Education
Meeting Agenda Items for July 13-14, 2011**

Item 15 Addendum

State of California

State Board of Education

ITEM ADDENDUM

DATE: July 12, 2011

TO: **MEMBERS, STATE BOARD OF EDUCATION**

FROM: Sue Burr, Executive Director
California State Board of Education

RE: Item No. 15

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; update on litigation; bylaw review and revision; Board policy; approval of minutes; Board liaison reports; training of Board members; and other matters of interest.

RECOMMENDATION

The State Board of Education (SBE) staff recommends that the SBE approve the attached draft minutes for the July 2010, August 2, 2010, August 24, 2010, September 2010, November 2010, December 2010, January 2011, February 2011, March 2011, April 21, 2011, and May 2011, SBE meetings.

ATTACHMENT

Attachment 1: Draft minutes for the following SBE meetings:

- Attachment A: July 2010, SBE Meeting (38 Pages)
- Attachment B: August 2, 2010, SBE Meeting (17 Pages)
- Attachment C: August 24, 2010, SBE Meeting (6 Pages)
- Attachment D: September 2010, SBE Meeting (43 Pages)
- Attachment E: November 2010, SBE Meeting (21 Pages)
- Attachment F: December 2010, SBE Meeting (7 Pages)
- Attachment G: January 2011, SBE Meeting (19 Pages)
- Attachment H: February 2011, SBE Meeting (8 Pages)
- Attachment I: March 2011, SBE Meeting (16 Pages)
- Attachment J: April 21, 2011, SBE Meeting (15 Pages)
- Attachment K: May 2011, SBE Meeting (24 Pages)

State Board of Education
State Board of Education Board Room
July 14-15, 2010
Draft Minutes

Members Present

Ted Mitchell, President
Ruth Bloom, Vice President
Alan Arkatov
Benjamin Austin
Yvonne Chan
Greg Jones
David Lopez

Members Absent

James Aschwanden
Charlene Lee, Student Member
Johnathan Williams

Secretary and Executive Officer

Jack O'Connell, State Superintendent of Public Instruction

Principal Staff

Theresa Garcia, Executive Director, State Board of Education (SBE)
Patricia de Cos, Deputy Executive Director, SBE
Joseph Egan, Interim Legal Counsel, SBE
Jennifer Johnson, Education Policy Consultant, SBE
Beth Rice, Education Programs Consultant, SBE
Geno Flores, Chief Deputy Superintendent, California Department of Education (CDE)
Marsha Bedwell, General Counsel, CDE
Jaime Hastings, Associate Government Analyst, CDE

Call to Order

President Mitchell called the meeting to order at 9:16 a.m.

Salute to the Flag

Member Austin led the Board, staff, and audience in the Pledge of Allegiance

Announcements/Communications

President Mitchell announced that the Board would first meet in Closed Session and follow with Open Session at approximately 10:25 a.m.

CLOSED SESSION REPORT

Joseph Egan, Interim Legal Counsel for the State Board of Education reported that the Board did not take any action in Closed Session.

REPORT OF THE SUPERINTENDENT

State Superintendent of Public Instruction (SSPI) Jack O'Connell spoke on California's Race to the Top Phase II application process, and explained that the application was written through the perspective of the state's school districts, specifically led by seven school districts that focused on implementing systemic reform. He explained that finalists would be announced July 26, 2010, and if California were selected, a state delegation would meet with federal reviewers to provide an oral presentation August 9, 2010, in Washington D.C.

The SSPI reminded the board that under the California *Education Code*, it was required to adopt the Common Core Content Standards in mathematics and English-language arts by August 2, 2010.

Finally, SPPI O'Connell informed the board that he forwarded a letter to both the Governor and legislative leadership that explained the need for a statewide pre-kindergarten through university bond to be listed on the November 2010 ballot.

Item 1: 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; update on litigation; bylaw review and revision; Board policy; Approval of minutes; Board Liaison Reports; and other matters of interest.

Board Liaison Assignments/Appointments

Member Bloom announced that the California State Summer School for the Arts hired Adrienne Luce to serve as its executive director.

Member Chan informed the board that the Advisory Commission on Special Education allocated a substantive portion of its meeting to address alternative means for the California High School Exit Examination for students with disabilities.

Member Lopez informed the board that the Early Learning Advisory Council (ELAC) had held three meetings since its formation. He explained that before California could apply for federal funding through the American Recovery and Reinvestment Act, the federal Head Start Act required states to create state

advisory councils. Member Lopez explained that the mission of the ELAC was to promote and enhance the development of young children across all domains, including promoting school preparedness. The Council's mission would be achieved through a coordinated, comprehensive, and high quality early care and education system throughout California for young children aged birth to school entry with access for children, families, and communities.

President Mitchell informed the board that both he and Member Arkatov who served as the board's testing liaisons had been working with CDE, Department of Finance (DOF), and Educational Testing Service (ETS) on the Standardized Testing and Reporting (STAR) contract renewal, and that additional information would be addressed during the board's discussion of Item 6. In addition, he informed the public that the SBE held a joint meeting with the California Community College Board of Governors on July 13, 2011, to discuss joint efforts for career and technical education; California's leadership in developing the Early Assessment Program (EAP) to determine students' college readiness; and demographic trends, which have placed increasing pressure on all segments of higher education.

Public Comment:

Public comment was received from Gladys Williams, California Teachers Association (CTA); and Juan Godinez, Los Angeles Unified School District (LAUSD) District Advisory Committee (DAC).

No action was taken on this item.

Item 2: 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.

The following individuals addressed the Board:

- Zella Knight, LAUSD, DAC, spoke to her concerns regarding the projected cuts to the McKinney-Vento Homeless Assistance Act given the increased need for these services.
- Juanita Arevalo, LAUSD, DAC, spoke to her concern regarding the proper use of parent centers within the LAUSD.
- Maria Medina, President, State Parents Advisory Council (SPAC), shared her concerns regarding the need for parental involvement at the state level.
- Bill Ring, Parent Collaborative, thanked the board for its continued support of public comment, and noted that the same policy was not practiced within his school district.

- Monica Cano, parent, asked the board to encourage migrant parental involvement at the state level, and asked the board to make thoughtful decisions for both Alisal and Greenfield school districts.
- Larry Carlin, CTA, asked the board to adhere to under the Bagley-Keene Open Meeting Act when posting board documents.
- Walter Richardson, LAUSD DAC, shared his concerns regarding the number of African American students enrolled in special education, and recommended that these students be reevaluated for proper placement.
- Juan Godinez, LAUSD, DAC, spoke to the importance of the sharing of best practices of parental involvement.
- Connie Williams, past President, California School Library Association, asked the board to agendaize the Model School Library Standards for a future meeting.
- Penelope Glover, Atkinson, Andelson, Loya, Ruud, & Romo, Attorneys at Law, spoke in support of the Model School Library Standards.
- Martha Rowland, Sacramento City Unified School District, spoke in support of the Model School Library Standards.
- David Page, San Diego Unified School District, DAC, asked the board to provide guidance for the role of the DAC.

No action was taken on this item.

Item 3: Elementary and Secondary Education Act: Request for Release of Trustee and District Assistance and Intervention Team in the Coachella Valley Unified School District.

Presenter: Debbie Rury, Interim Director of the District & School Improvement Division, presented on this item.

Public Comment:

Public comment was received from Doug McRae, retired test publisher.

President Mitchell stated that based on the presentation and supporting documentation it was clear that as a result of the District Assistance and Intervention Team (DAIT) and leadership of the trustee, the school district had made a marked level of academic improvement.

ACTION: Member Lopez moved to approve CDE's recommendation to release the Trustee and the District Assistance and Intervention Team assigned to the Coachella Valley USD with the condition that the District and the County Office of Education execute an agreement that would stipulate future work in critical areas, and that the agreement be filed both with CDE and SBE. Member Chan

seconded the motion. The board voted, by show of hands, 7-0 to approve the motion.

Item 4: Elementary and Secondary Education Act: Initial Trustee Report and Recommendations on Progress Made by Greenfield Elementary Union School District.

Presenter: Deborah Sigman, Deputy Superintendent of the Curriculum, Learning, and Accountability Branch, presented on this item.

Member Lopez informed the board that he had visited the parents of Greenfield, and was impressed by their dedication for the education of their children. After reading Trustee Martinez's report, he was confident the board had hired the right person for the job.

Public Comment: Public comment was not offered on this item.

ACTION: Member Lopez moved to approve Trustee Martinez's report and recommendations. Member Jones seconded the motion. The board voted, by show of hands, 6-0 to approve the motion. Member Arkatov was absent for the vote.

Item 5: Elementary and Secondary Education Act: Initial Trustee Report and Recommendations on Progress Made by Alisal Union Elementary School District.

Presenter: Deborah Sigman, Deputy Superintendent of the Curriculum, Learning, and Accountability Branch, presented on this item.

Public Comment:

Public comment was received by Rosa Miller, parent, Alisal Union Elementary School District (UESD); Juvenal Ibarra, parent, Alisal UESD; Jose Ibarra, Alisal UESD; Maria Medina, President, SPAC; and Nancy Kotowski, Superintendent, Monterey County Office of Education.

President Mitchell thanked Trustee Franco for agreeing to serve as trustee at Alisal Elementary UESD, acknowledging the work being done there was challenging. Member Lopez also thanked Ms. Franco for the great work done in the short time she had served as trustee.

ACTION: Member Chan moved to approve Trustee Franco's report and recommendations. Member Bloom seconded the motion. The board voted, by show of hands, 7-0 to approve the motion.

Item 8: California High School Exit Examination: Analysis and Consideration of Alternative Means for the California High School Exit Examination.

Presenter: Rachel Perry, Director of the Assessment, Accountability, & Awards Division, introduced this item before inviting the CAHSEE independent evaluator, Dr. Laress L. Wise with the Human Resources Research Organization to speak to his organization's analysis of the AB 2040 Panel's proposed CAHSEE Performance Validation Process.

Public Comment:

Public comment was received from Lori Ring, parent; Doug McRae, retired test publisher; Walter Richardson, LAUSD DAC; Dick Bray, Superintendent, Tustin Unified School District and also speaking on behalf of ACSA; Pixie Hayward-Schickele, CTA; Michelle Britton Bass, AB 2040 Panel Member; Kristin Wright, Chair, Advisory Commission on Special Education (ACSE); and Jim Woodhead, member, ACSE.

Speaking in her role as board liaison to the Advisory Commission on Special Education and special education practitioner, Member Chan expressed her frustration that the education field was still waiting for a definitive answer as to how best to assist students requesting alternative means to the CAHSEE.

ACTION: Member Chan moved that the SBE work to implement an alternative means for all eligible students that would include the CDE's Tier I recommendation, and an analysis to measure equivalency scores between the California Standards Test (CST), the California Modified Assessment (CMA), and CAHSEE for all eligible students. Member Bloom seconded the motion. The board voted, by show of hands, 7-0 to approve the motion.

Member Chan moved to declare that it is feasible to create alternative means by which eligible pupils with disabilities may demonstrate the same level of academic achievement required for passage of the high school exit examination. Member Bloom seconded the motion. The board voted, by show of hands, 7-0 to approve the motion.

Member Chan moved that the adoption of regulations for alternative means is not feasible until an analysis to measure equivalency of the scores is completed, and therefore an extension of the January 1, 2011, commencement date for participation in alternative means will be postponed until July 1, 2012, because it is necessary for appropriate implementation of alternative means. Member Bloom seconded the motion. The board voted, by show of hands, 7-0 to approve the motion.

Member Chan moved that the CDE, in consultation with board staff, create

emergency and permanent regulation packages extending the commencement date for participation in alternative means from January 1, 2011, until July 1, 2012, for action at the board's September 2010 meeting. Member Bloom seconded the motion. The board voted, by show of hands, 7-0 to approve the motion.

Member Chan moved that the CDE, in consultation with board staff, create a plan to complete the measurement of the equivalency scores utilizing remaining AB 2040 and other available funds for action at the board's September 2010 meeting. Member Bloom seconded the motion. The board voted, by show of hands, 6-0 to approve the motion. Member Lopez was absent for the vote.

Member Austin moved that the SBE continue to analyze options for the cohort of students who have demonstrated success in California's K-12 school system but who have not been able to pass the standardized tests, pending the analysis and the results of Tier I. Member Chan seconded the motion. The board voted, by show of hands, 6-0 to approve the motion. Member Lopez was absent for the vote.

Item 14: Request for Budget Crisis Mitigating Circumstances Flexibility for Current Senate Bill 740 Funding Determination Period for California Virtual Academy at Kern, California Virtual Academy at Jamestown, California Virtual Academy at Sonoma, California Virtual Academy at Sutter, California Virtual Academy at San Mateo, California Virtual Academy at Kings, Desert Sands Charter High School, Vista Real Charter High School, Crescent View West Charter School, Antelope Valley Learning Academy, Mission View Public School, Sierra Charter School, Julian Charter School, and Pacific View Charter School.

Presenter: Beth Hunkapiller, Director of the Charter Schools Division, presented on this item.

Public Comment:

Public comment was received from Ken Burt, CTA; Dick Bray, Superintendent, Tustin USD and speaking on behalf of ACSA; Colin Miller, California Charter School Association; Jeff Rice, Association of Personalized Learning Schools & Services (APLUS+); Skip Hanson, representing Desert Sands Charter High School, Mission View Public School, Vista Real Charter High School, and Crescent View West Charter School; Jennifer Cauzza, Executive Director, Julian Charter School; Katrina Abston, California Virtual Academy; and Gina Campbell, Founding Director, Pacific View Charter School.

Following the concerns raised during public comment, which questioned the appropriate use of mitigation circumstances versus the board's regular waiver

process, the board engaged in a substantive discussion with CDE and SBE staff for guidance in clarifying the issues raised.

ACTION: Member Arkatov moved to defer action on Item 14 to the following business day. Member Austin seconded the motion. The board voted, by show of hands, 4-3 to approve the motion. The motion failed.

Yes Votes: Members Arkatov, Austin, Bloom, and Mitchell

No Votes: Members Chan, Jones, and Lopez

Member Jones moved to consider mitigating circumstances excluding the mitigation of teacher-to-pupil ratio. Member Lopez seconded the motion. The board voted, by show of hands, 7-0 to approve the motion.

Member Bloom moved to approve the mitigating circumstances, excluding the mitigation of teacher-to-pupil ratios, for California Virtual Academy at Jamestown, California Virtual Academy at Sonoma, California Virtual Academy at Sutter, California Virtual Academy at San Mateo, and California Virtual Academy at Kings for a period of one year. Member Jones seconded the motion. The board voted, by show of hands, 7-0 to approve the motion.

Member Chan moved to approve the mitigating circumstances, excluding the mitigation of teacher-to-pupil ratios, for Desert Sands Charter High School, Vista Real Charter High School, Crescent View West Charter School, Antelope Valley Learning Academy, and Mission View Public School for a period of one year. Member Bloom seconded the motion. The board voted, by show of hands, 7-0 to approve the motion.

Member Chan moved to approve the mitigating circumstances for the 2009-10 school year, excluding the mitigation of teacher-to-pupil ratios, for Julian Charter School. Member Bloom seconded the motion. The board voted, by show of hands, 6-1, to approve the motion. President Mitchell voted against the motion.

*****PUBLIC HEARING*****

Item 16: Petition for Renewal of a Charter School Under the Oversight of the State Board of Education: Consideration of the Today's Fresh Start Charter School Petition, Which Was Denied by the Los Angeles County Board of Education.

Presenter: Michelle Ruskofsky, Administrator of the Charter Schools Division, introduced this item.

OPEN PUBLIC HEARING: 6:37 p.m.

CLOSE PUBLIC HEARING: 8:37 p.m.

Public Comment:

Public comment was received from Caroline Hunger, charter school consultant; Malaki Seku-Amen, National Association for the Advancement of Colored People; Maury Wills, board member, Today's Fresh Start Charter School (TFSCS); and Kara Hutchins, teacher, TFSCS.

ACTION: Member Jones moved to recommend that the SBE approve the appeal of the Today's Fresh Start Charter School renewal petition based on the CDE's conditions, and upon the condition that in the next Academic Performance Index (API) release, the school would have to meet the 50-point growth target schoolwide and for its reportable subgroups. Member Lopez seconded the motion. The board voted, by show of hands, 2-5, to approve the motion. The motion failed.

Yes Votes: Members Jones and Lopez

No Votes: Members Arkatov, Austin, Bloom, Chan, and Mitchell

*****END OF PUBLIC HEARING*****

*****PUBLIC HEARING*****

Item 19: 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.

Presenter: Bonnie Galloway from the Charter Schools Division presented on this item.

OPEN PUBLIC HEARING: 8:43 p.m.

CLOSE PUBLIC HEARING: 9:12 p.m.

Public Comment:

Public comment was received from Lynn Hane, school board member and grandparent of student attending Long Valley Charter School (LVCS); Loretta Donahue, independent studies teacher, LVCS; and Colin Miller, California Charter School Association (CCSA).

Member Austin asked CDE staff to clarify whether Fort Sage USD provided any supporting rationale for its decision to deny the Long Valley Charter School

petition, and Beth Hunkapiller explained that the district did not provide a rationale with good cause for denying the charter petition despite LVCS's outperformance compared to surrounding schools within the district.

ACTION: Member Bloom moved to adopt CDE's recommendation to approve the petition to renew the Long Valley Charter School under the oversight of the SBE and to incorporate CDE's recommended provisions in its approval action. Member Austin seconded the motion. The board voted, by show of hands, 7-0 to approve the motion.

*****END OF PUBLIC HEARING*****

*****PUBLIC HEARING*****

Item 18: Petition for Establishment of a Charter School Under the Oversight of the State Board of Education: Consideration of the National Career Academy Petition, Which Was Denied by the Sacramento Unified School District and the Sacramento County Board of Education.

Presenter: Darrell Parsons from the Charter Schools Division presented on this item, and informed the board that both the CDE and the ACCS recommended that the board deny the petition to establish the National Career Academy under the oversight of the SBE.

OPEN PUBLIC HEARING: 9:42 p.m.

CLOSE PUBLIC HEARING: 9:44 p.m.

Public Comment: Public comment was not offered on this item.

ACTION: Member Chan moved to adopt CDE's recommendation to deny the petition to establish the National Career Academy under the oversight of the SBE. Member Bloom seconded the motion. The board voted, by show of hands, 7-0 to approve the motion.

*****END OF PUBLIC HEARING*****

*****PUBLIC HEARING*****

Item 17: Island Union Elementary Charter School District: Consideration of Petition to Renew District wide Charter.

Presenter: Darrell Parsons from the Charter Schools Division presented on this item.

OPEN PUBLIC HEARING: 9:51 p.m.

The board heard from Robin Jones, Superintendent, Island Union Elementary Charter School District.

CLOSE PUBLIC HEARING: 9:58 p.m.

Public Comment: Public comment was not offered on this item.

ACTION: Member Jones moved to adopt CDE's recommendation to renew the districtwide charter for the Island Union Elementary Charter School District for a five-year term ending on June 30, 2015. Member Lopez seconded the motion. The board voted, by show of hands, 7-0 to approve the motion.

*****END OF PUBLIC HEARING*****

*****PUBLIC HEARING*****

Item 20: Alvina Elementary Charter School District: Consideration of Petition to Renew District wide Charter.

Presenter: Bonnie Galloway from the Charter Schools Division presented on this item, and informed the board that both the CDE and ACCS voted unanimously to approve the charter school petition.

OPEN PUBLIC HEARING: 10:11 p.m.

The board heard from Mike Iribarren, Superintendent, Alvina Elementary Charter School District.

CLOSE PUBLIC HEARING: 10:17 p.m.

Public Comment: Public comment was not offered on this item.

ACTION: Member Bloom moved to adopt CDE's recommendation to approve the petition to renew the districtwide charter for the Alvina Elementary Charter School District. Member Lopez seconded the motion with CDE's recommended provisions. The board voted, by show of hands, 7-0 to approve the motion.

*****END OF PUBLIC HEARING*****

*****PUBLIC HEARING*****

Item 21: Request by the Lifeline Education Charter School to Extend Approval of its Charter under the Oversight of the State Board of Education for up to Two Years until June 30, 2012.

Presenter: Darrell Parsons and Bonnie Galloway from the Charter Schools Division presented on this item.

OPEN PUBLIC HEARING: 10:28 p.m.

The board heard from Jim Armstrong, Academic Consultant, Lifeline Education Charter School (LECS) and Paula DeGroat, Executive Director, LECS.

CLOSE PUBLIC HEARING: 10:44 p.m.

President Mitchell thanked the LECS representatives for agreeing with the board that not enough academic growth had taken place for the students attending this charter school, but emphasized that if the board were to approve the charter school petition, a discussion would need to take place that would address an alternative plan for the students, should the API growth targets not meet the board's expectations.

Public Comment:

Public comment was received from Colin Miller, CCSA; and Emi Johnson, Special Education Local Plan Area (SELPA) Director, El Dorado County Office of Education.

ACTION: Member Bloom moved to adopt CDE's recommendation to approve the request by the Lifeline Education Charter School (Lifeline), extend approval of its charter for up to two years with the condition that if Lifeline does not make its 2010 API growth targets, Lifeline must return to the ACCS in the fall of 2010. If the board granted a two-year extension, the extension would allow Lifeline to complete a full five-year term, ending June 30, 2012. Member Lopez seconded the motion. The board voted, by show of hands, 7-0 to approve the motion.

*****END OF PUBLIC HEARING*****

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

President Mitchell adjourned the day's meeting at 10:54 p.m.

State Board of Education
State Board of Education Board Room
July 14-15, 2010
Draft Minutes

**Thursday, July 15, 2010 – 9:00 a.m. ± Pacific Time
(Upon adjournment of Closed Session if held)**

California Department of Education
1430 N Street, Room 1101
Sacramento, California

Members Present

Ted Mitchell, President
Ruth Bloom, Vice President
Alan Arkatov
Benjamin Austin
Yvonne Chan
Greg Jones
David Lopez

Members Absent

James Aschwanden
Charlene Lee, Student Member
Johnathan Williams

Call to Order

President Mitchell called the meeting to order at 9:15 a.m.

Salute to the Flag

Member Chan led the Board, staff, and audience in the Pledge of Allegiance.

Item 32: Open Enrollment Act—Approve the Finding of Emergency and Proposed Emergency Regulations for Additions to the *California Code of Regulations*, Title 5.

Presenter: Cindy Cunningham, Deputy Superintendent, P-16 Policy & Information Branch, presented on this item.

Public Comment:

Public comment was received from the Honorable Senator Joe Simitian; Monica Jones; parent volunteer and former site school council president; Ken Burt, CTA; Walter Richardson, LAUSD, DAC; Juan Godinez, LAUSD DAC; Patty Scriptor and Suzan Solomon, California State Parent Teacher Association; Holly Jacobson, California School Boards Association (CSBA); Sherry Griffith,

Association of California School Administrators (ACSA); Dick Bray, Superintendent, Tustin USD; Bill Ring, LAUSD Parent Collaborative and Transparent; and Terry Anderson, representing Alhambra and Clovis USDs.

Member Bloom explained that while there could possibly be some initial confusion regarding the implementation of the proposed emergency regulations at the local level, this concern was ultimately outweighed by her belief that parents and students have the opportunity to move to another school if they so choose. Member Bloom emphasized that if a need to amend this law arose, which would take place the following year.

ACTION: Member Austin moved to adopt CDE's recommendation to approve the proposed emergency regulations. Member Lopez seconded the motion. The board voted, by show of hands, 7-0 to approve the motion.

Item 33: Open Enrollment Act—Approve Commencement of the Rulemaking Process for Additions to the *California Code of Regulations*, Title 5.

Presenter: Cindy Cunningham, Deputy Superintendent, P-16 Policy & Information Branch, presented on this item.

Public Comment:

Public comment was received from Ken Burt, CTA; Bill Ring, LAUSD Parent Collaborative and Transparent; Walter Richardson, LAUSD DAC; Juan Godinez, LAUSD, DAC; Holly Jacobson, CSBA; Dick Bray, Superintendent, Tustin USD; and Sherry Griffith, ACSA.

President Mitchell applauded the suggestion of creating a workgroup, and asked that SBE and CDE staff work together to create one that would include relevant stakeholders in an effort to make the first public hearing as productive as possible. Member Lopez requested that the proposed workgroup include a strong contingency of parent organizations since parents would ultimately be impacted by the proposed regulations.

ACTION: Member Lopez moved to adopt CDE's recommendation to approve the methodology for calculating the 1,000 lowest-achieving schools as required by Senate Bill X5 4 and to take the following actions:

- Approve the Notice of Proposed Rulemaking;
- Approve the proposed regulations and Initial Statement of Reasons;

- Direct the CDE to commence the rulemaking process subject to technical changes made to the proposed Open Enrollment Act Emergency Regulations;
- Replace language referring to “1,000 low-achieving schools” to “Open Enrollment schools;” and
- Create a workgroup that would be comprised largely of parent groups.

Member Austin seconded the motion. The board voted, by show of hands, 7-0 to approve the motion.

Item 34: Parent Empowerment—Approve the Finding of Emergency and Proposed Emergency Regulations for Additions to the *California Code of Regulations*, Title 5.

Member Austin announced that while he did not believe he had a conflict of interest under the legal definition, he wanted to nevertheless recuse himself from taking part in the Parent Empowerment conversation and vote given that he had been involved in the drafting, lobbying, and implementation of this law.

Presenter: Geno Flores, Chief Deputy Superintendent, presented on this item.

Following a substantive board discussion and hearing from members of the public, Member Bloom noted that parents had the right to make changes at their respective schools. Noting that the proposed regulations were not without flaws, she explained that she would support the regulations because an emergency existed for a large number of parents throughout the state who wanted to provide better educational options for their children.

President Mitchell explained that the emergency was warranted given the conditions in which a number of students attend school and created by parents acting on the law without any guidance. Moving forward with the emergency regulations would provide parents the needed guidance to follow the law and allow the board to address the residual issues of concern in the permanent regulations.

Member Chan spoke to her experiences as a teacher and administrator working with parents and stated that the only way she had found to engage parents was to provide them the opportunity to make decisions regarding their children’s education. Speaking to the creation of her conversion charter school, Member Chan explained that the conversion was made largely in part by concerned parents who felt there was an emergency to better educate their children. This emergency resulted in four new charter schools. Based on these experiences,

she stated that she would not stand in the way of parents wanting a better education for their children and would support the proposed emergency regulations.

Member Jones stated that when schools failed, it was the adults that failed the children, which qualified as an emergency. Member Jones stated that great change derived from the bottom up and that that was the case before them. Acknowledging the issues that still needed to be resolved in the regulations' package, Member Jones indicated that he would vote in support of the proposed regulations.

Public Comment:

Public Comment was received from Ken Burt, CTA; Bill Ring, LAUSD Parent Collaborative and Transparent; Zella Knight, LAUSD Parent Collaborative, Lydia Grant, parent; Pastor K.W. Tulloss; Pastor Frederick E. Howard, Southside Bethel Baptist Church, Los Angeles; Christina Johnson, parent, LAUSD; Walter Richardson, LAUSD DAC; Jackie Jones, parent, Westchester High School; Gabe Rose, Deputy Executive Director, Parent Revolution; Shirley Ford, Founding Member, Los Angeles Parents Union and Director of African American Affairs; Alberta Rocho, parent, LAUSD; Andie Corso, teacher, Sacramento City Unified School District; Juan Godinez, LAUSD, DAC; Patty Scriptor, California State PTA; Sophia Wall, California State PTA; Holly Jacobson, CSBA; and Sherry Griffith, ACSA.

ACTION: Member Arkatov moved to: 1) approve the Finding of Emergency and Proposed Emergency Regulations for additions to the *California Code of Regulations*, Title 5; 2) direct the CDE to circulate the required Notice of Proposed Emergency Action; 3) submit the Emergency Regulations to the Office of Administrative Law for approval; 4) direct the Board President and Executive Director to work with CDE to create an advisory committee to begin work on the permanent regulations to be brought back to the board in September; and 5) direct SBE and CDE staff to continue to work together to clarify important issues including but not limited to the development of the list.

Member Lopez seconded the motion. The board voted, by show of hands, 6-0 to approve the motion. Member Austin recused himself from both the board discussion and vote.

Item 15: Charter Revocation Pursuant to California *Education Code* Section 47604.5(c) – Approve Commencement of 15-Day Public Comment Period for Proposed Changes to Proposed *California Code of Regulations*, Title 5, Section 11968.5.

Presenter: Lupita Cortez Alcala, Deputy Superintendent of the Government Affairs & Charter Development Branch, presented on this item.

Member Austin stated that the proposed regulations addressed what he believed to be a glaring problem for this board in that it did not have a strong history of holding low-performing charter schools accountable for low academic performance. Addressing the issue of the board having flexibility when hearing from low-performing charter schools, he stated that if the proposed regulations were approved, the board would still have the discretion whether to revoke the petition of a low-performing charter school as they could take into consideration a number of variables, some of which could help explain the charter's low academic performance.

Public Comment:

Public comment was received from Larry Carlin, CTA; Colin Miller, CCSA; Doug McRae, retired test publisher; Stephanie Farland, CSBA; Sherry Griffith, ACSA; Walter Richardson, LAUSD DAC; and Juanita Arevalo, LAUSD, DAC.

ACTION: Member Arkatov moved to adopt the CDE's recommendation with two technical changes: 1) change the language on Attachment 2, page 3 of 3, lines 18 through 20 to read: "...address the sustained low academic achievement and may include, but is not limited to, a plan to address any subgroups failing to make academic progress; and 2) corrective actions, which may include, but are not limited to, restructuring of the school's staffing or governance, et al. . ."

- Approve the proposed changes to the proposed regulations;
- Direct that the proposed changes be circulated for a 15-day public comment period in accordance with the Administrative Procedure Act;
- If no relevant comments to the proposed changes are received during the 15-day public comment period, the proposed regulations with changes are deemed adopted, and the CDE is directed to complete the rulemaking package and submit it to the Office of Administrative Law (OAL) for approval;
- If any relevant comments to the proposed changes are received during the 15-day public comment period, the CDE is directed to place the proposed regulations on the SBE's September 2010 agenda for action; and
- Authorize the CDE to take any necessary ministerial action to respond to any direction or concern expressed by the OAL during its review of the rulemaking file.

Member Austin seconded the motion. The board voted, by show of hands, 6-0 to approve the motion. Member Lopez was absent for the vote.

Item 6: Standardized Testing and Reporting Program: Two-Year Extension of Educational Testing Service Contract.

Presenter: Deborah Sigman, Deputy Superintendent of the Curriculum, Learning, and Accountability Branch, presented on this item.

The board engaged in a substantive discussion in which it heard from and dialogued with CDE staff and John Oswald, Senior Vice President and General Manager of the Educational Testing Service, the state's current testing provider. Following the presentation, President Mitchell acknowledged that the CDE, because of its expertise and responsibility to monitor and manage this program, the State Superintendent understandably needed to be a part of the program, but that the contractual relationship with the state was ultimately with the board.

President Mitchell stated that he preferred the board act to approve an extension but also to designate the testing liaisons to work on behalf of the board with the CDE, the DOF, and ETS to work through the final scope of work to such an extent that the State Superintendent would be confident in signing off in his capacity to monitor this program.

Public Comment:

Public comment was received from Doug McRae, retired test publisher; Sherry Griffith, ACSA; and Juan Godinez, LAUSD DAC.

ACTION: Member Arkatov moved to approve the STAR contract extension with the caveat to develop a long-term strategic plan for two years with ETS, appoint the board testing liaisons and staff to work on behalf of the Board with the CDE, the DOF, and ETS to work out the final scope of work for the contract, and make the contract and budget available online to the public. Member Lopez seconded the motion. The board voted, by show of hands, 7-0 to approve the motion.

Item 11: 2010–15 Federal Public Charter Schools Grant Program Request for Applications.

Presenter: Michelle Ruskofsky, Administrator of the Charter Schools Division, introduced this item.

Member Bloom stated that the dissemination of charter schools' best practices had not yet become a top priority for California or amongst charter schools, and that she would welcome the sharing of such practices. Ms. Ruskofsky responded

that while the dissemination of charter schools' best practices did not fall under this particular grant, the Charter Schools Division would begin preparing a separate Request for Applications (RFA) for board approval and that they would work with SBE staff and the board to develop it.

Public Comment: Public comment was not offered on this item.

ACTION: Member Chan moved to recommend that, contingent on the availability of federal funds, the SBE approve the 2010–15 Public Charter Schools Grant Program (PCSGP) RFA and direct the CDE, in consultation with the Executive Director of the SBE and/or the SBE charter school liaisons, to perform all necessary actions required, which would include making technical amendments to both the State Educational Agency (SEA) application and RFA, if necessary, and to finalize the RFA and the SEA application. Member Bloom seconded the motion. The board voted, by show of hands, 6-0 to approve the motion. Member Jones was absent for the vote.

Item 23: Update on Issues Related to California's Implementation of the Elementary and Secondary Education Act and Other Federal Programs

Presenter: Debbie Rury, Interim Director of the District & School Improvement Division, and Lupita Cortez Alcala, Deputy Superintendent of the Government Affairs & Charter Development Branch, presented on this item.

Member Bloom asked for an update to the board's discussion addressing the collection of student and staff race and ethnicity data, and the status of a follow-up letter from State Superintendent O'Connell directed to school districts regarding third-party identification requirements. Deputy Superintendent Sigman explained that State Superintendent O'Connell wrote to school districts, prior to the board's direction, to direct them to refrain from using a third-party identification of students' race and ethnicity, and therefore went against the ED guidance, which complemented the board's desires as expressed at its January 2010 board meeting.

Deputy Superintendent Sigman noted that the board had agreed to submit the letter when the CDE submitted data to the ED, and that the Data Management Division was currently in the process of preparing an item that would be coming to the boards, and CDE staff had been working with both the executive director and President Mitchell to finish the letter.

Public Comment:

Public comment was received from Juan Godinez, LAUSD DAC.

No action was taken on this item.

Item 25: Request for Waivers Under Title I, Part A Section 9401 of the Elementary and Secondary Education Act.

Presenter: Debbie Rury, Interim Director of the District & School Improvement Division, presented on this item.

Public Comment:

Public comment was received from Juan Godinez and Walter Richardson, LAUSD DAC.

President Mitchell acknowledged the frustration shared by some board members who were against the SBE applying for a waiver from the U.S. Department of Education (ED). He was also aware that some teachers released from employment were now serving as SES providers and tutors to the very students these previous teachers had taught while in Program Improvement schools. Member Bloom followed up by stating that a number of SES providers hired some teachers who had been fired for poor performance.

ACTION: Member Bloom moved that the SBE not apply for a waiver from the U.S. Department of Education that would allow all interested Local Education Agencies (LEA) identified for program improvement or corrective action to serve as Supplemental Educational Services (SES) providers pursuant to 34 Code of Federal Regulations 200.47(h). Member Austin seconded the motion. The board voted, by show of hands, 4-2 to approve the motion. Member Chan was absent for the vote. The motion failed.

Yes Votes: Members Arkatov, Austin, Bloom, and Jones

No Votes: Members Lopez and Mitchell

Member Bloom moved that the SBE adopt CDE's staff recommendation to request a waiver from the ED for the 2010–11 school year that would provide flexibility to an LEA to offer SES to eligible students in Title I schools in year one of program improvement (a year earlier than the federal law allows) in addition to offering public school choice options to students in those schools and to count the costs of providing SES to those students toward meeting the LEAs' 20 percent obligation. Member Austin seconded the motion. The board voted, by show of hands, 7-0 to approve the motion.

Item 28: Elementary and Secondary Education Act: Approval of Additional Providers to the 2010–2011 State Board of Education-Approved Supplemental Educational Services Provider List Based on Appeal.

Presenter: Debbie Rury, Interim Director of the District & School Improvement Division, presented on this item.

Public Comment:

Public comment was received from Juan Godinez, LAUSD DAC; Claudel Kennix, Basic Learning Skills; Derrell Roberts, Roberts Development Center; representatives for the Home-House of Media and Education; and Walter Richardson, LAUSD DAC.

President Mitchell stated that in the years that he had worked as a board member with CDE staff on this issue, the capacity of the CDE to ascertain the effectiveness of the SES providers had grown considerably, and that as a result the SES provider community had responded accordingly.

ACTION: Member Bloom moved to approve 16 additional SES providers, based on appeal of the 2010 RFA for a two-year period beginning July 1, 2010, through June 30, 2012. Member Jones seconded the motion. The board voted, by show of hands, 7-0 to approve the motion.

Item 7: California English Language Development Test: Computation of the Overall Score and the English Proficient Level for Kindergarten and Grade One Students with the Inclusion of Reading and Writing Assessments.

Presenter: Rachel Perry, Director of the Assessment, Accountability, & Awards Division, presented on this item.

While Member Chan had been vocal in complaining about having kindergarten students take the California English Language Development Test (CELDT), she would now support the CDE's recommendation to modify the calculation for the overall score for kindergarten and grade one (K-1) to include reading and writing weighted at five percent each, and encouraged her fellow board members to also support the CDE's recommendation.

Public Comment:

Public comment was received by Doug McRae, retired test publisher.

ACTION: Member Austin moved to approve CDE staff recommendation to: 1) modify the calculation for the overall score for kindergarten and grade one (K-1) to include reading and writing weighted at five percent each, and reduce the weight for listening and speaking from 50 to 45 percent each, and 2) modify the definition of the English proficient level for K-1 students on the CELDT, to require an overall score of Early Advanced or Advanced, with the domain scores for listening and speaking at the Intermediate level or above. The domain scores for reading and writing would not need to be at the Intermediate level. Member Chan

seconded the motion. The board voted, by show of hands, 6-0 to approve the motion. Member Arkatov was absent for the vote.

Item 36: Request for Approval of Los Angeles County Office of Education Charter Special Education Local Plan Area.

Public Comment:

Public comment was received from Kim Hopko, SELPA Director, Los Angeles County Office of Education; and Colin Miller, CCSA.

Referencing the importance of the Special Education/Charter workgroup in helping to address issues of concern for the charter/special education community, Member Chan stated that the board's action on this item would reflect continued support for the workgroup.

ACTION: Member Bloom moved to have the SBE approve the Los Angeles County Office of Education (LACOE) Special Education Local Plan Area (SELPA) local plan for charter schools LEA membership only, and subject to the following conditions:

- LACOE must submit a revised local plan to identify charter school LEA members pursuant to California *EC* Section 56195
- The LACOE SELPA local plan must meet all statutorily required elements
- The LACOE SELPA local plan must assure students with disabilities receive a free and appropriate public education
- Delegate final approval of the LACOE SELPA local plan to the SSPI upon receipt of documents fulfilling the conditions for approval.

Member Chan seconded the motion. The board voted, by show of hands, 7-0 to approve the motion.

CONSENT CALENDAR

The following items were proposed for the regular consent calendar: 13, 22, and 30.

Public Comment: Public comment was not offered on the consent calendar.

ACTION: Member Lopez moved to approve the consent calendar. Member Chan seconded the motion. The board voted, by show of hands, 7-0 to approve the motion.

Item 13: Consideration of Requests for Determination of Funding Rates as Required for Nonclassroom-based Charter Schools.

Item 22: Exclusion of the Briggs, Mupu, and Santa Clara Elementary School Districts from the Proposed Santa Paula School District Unification in Ventura County.

Item 30: Legislative Update, Including, but not Limited to, Information on the 2009-10 Legislative Session.

END OF CONSENT CALENDAR

WAIVER REQUEST CALENDAR

Item WC-21

Subject: Request by Napa Valley Unified School District to waive California *Education Code* Section 52055.740(a), regarding class size reduction requirements under the Quality Education Investment Act, that this funded school reduce its class sizes by an average of five students per class by the end of the 2010–11 school year at Pueblo Vista Elementary School (requesting 24:1 ratio on average in grades four through eight).

Waiver Number: 44-3-2010

(Consent due to SBE Streamlined Waiver Policy Only)

(Recommended for APPROVAL WITH CONDITIONS)

This item was withdrawn at the request of the school district.

WAIVER REQUEST CONSENT MATTERS

The following agenda items satisfy criteria for approving a waiver of that type based on a previously-adopted State Board of Education waiver policy or have waiver evaluation criteria that are in the California *Education Code* or in the *California Code of Regulations*.

The following agenda items were proposed for approval based on CDE's recommendations on the waiver consent calendar: WC-8, WC-12 through WC-18, WC-22 through WC-24, WC-26 through WC-28, and WC-30.

Presenter: Judy Pinegar of the Waiver Office presented on the waiver request consent calendar.

Public Comment: Public comment was not offered on the waiver request consent calendar.

ACTION: Member Bloom moved to approve the waiver consent calendar. Member Lopez seconded the motion. The board voted, by show of hands, 7-0 to approve the motion.

Item WC-8

Subject: Request by Central Elementary School District to waive portions of California *Education Code* Section 41376(b) and (e), relating to class size penalties for grades four through eight. The district's current class size maximum is an average of 29.9 to one and the district requests to increase the maximum to 32 to one, prospectively (2010-11 and 2011-12 fiscal years).

Waiver Number: 28-5-2010

(Consent due to SBE Streamlined Waiver Policy Only)

(Recommended for APPROVAL WITH CONDITIONS)

Item WC-12

Subject: Request by Cabrillo Unified School District for Half Moon Bay 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-172-2010

(Recommended for APPROVAL)

Item WC-13

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

Waiver Number: Fed-341-2010

(Recommended for APPROVAL)

Item WC-14

Subject: Request by Health Sciences High and Middle College Charter 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-186-2010

(Recommended for APPROVAL)

Item WC-15

Subject: Request by Lakeport Unified School District for Clear Lake 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-187-2010
(Recommended for APPROVAL)

Item WC-16

Subject: Request by The School of Arts and Enterprise Charter 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-21-2010
(Recommended for APPROVAL)

Item WC-17

Subject: Request by Shoreline Unified School District for Tomales High Schools 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-20-2010
(Recommended for APPROVAL)

Item WC-18

Subject: Request by Sierra-Plumas Joint Unified School District for Loyalton and Downieville High Schools 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-19-2010
(Recommended for APPROVAL)

Item WC-22

Subject: Request by Tehama County Office of Education to waive *California Code of Regulations*, Title 5, Section 3043(d), which requires a minimum of 20 school days of attendance for an extended school year (summer school) for special education students.

Waiver Number: 12-5-2010
(Consent due to SBE Streamlined Waiver Policy Only)
(Recommended for APPROVAL WITH CONDITIONS) EC 33051(b) will apply.

Item WC-23

Subject: Request by Simi Valley Unified School District 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 Allison Bellefontaine to continue to provide services to students under a remediation plan to complete those minimum qualifications.

Waiver Number: 23-3-2010
(Consent due to SBE Streamlined Waiver Policy Only)
(Recommended for APPROVAL)

Item WC-24

Subject: Request by Contra Costa SELPA under the authority of California *Education Code* Section 56101 to waive *Education Code* Section 56366.1(h), the August 1 through October 31, timeline on annual certification renewal application for La Cheim, a Nonpublic School.

Waiver Number: 52-4-2010
(Recommended for APPROVAL)

Item WC-26

Subject: Request by Pixley 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). Sonia Malingen is assigned at Pixley Elementary School and Pixley Middle School.

Waiver Number: 54-3-2010
(Recommended for APPROVAL WITH CONDITIONS)

Item WC-27

Subject: Request by Poway Unified 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). Nancy Gross is assigned at Stone Ranch Elementary School, and Diana Clark is assigned at Highland Ranch Elementary School.

Waiver Number: 50-4-2010
(Recommended for APPROVAL WITH CONDITIONS)

Item WC-28

Subject: Request by Santa Paula 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). Linda Ferris is assigned at Barbara Webster School.

Waiver Number: 41-3-2010
(Recommended for APPROVAL WITH CONDITIONS)

Item WC-30

Subject: Request by Santa Rita Union Elementary Union School District to waive the State Testing Apportionment Information Report and Certification 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.

Waiver Number: 22-4-2010
(Recommended for APPROVAL)

END OF WAIVER REQUEST CONSENT MATTERS

ITEMS PULLED OFF THE WAIVER REQUEST CONSENT CALENDAR

Item WC-1

Subject: Request by Bayshore Elementary School District for Kaplan Academy of California – San Francisco 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 (3 tracks: 175 days, one site).

Waiver Number: 34-4-2010

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

Item WC-2

Subject: Request by Corcoran Joint Unified School District for Kaplan Academy of California – Central California 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 (3 tracks: 175 days, one site).

Waiver Number: 35-4-2010

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

Item WC-3

Subject: Request by Mountain Empire Unified School District for Kaplan Academy of California – San Diego 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 (3 tracks: 175 days, one site).

Waiver Number: 25-4-2010

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

Item WC-4

Subject: Request by Tracy Joint Unified School District for Kaplan Academy of California – North Central California 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 (3 tracks: 175 days, one site).

Waiver Number: 18-5-2010

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

Presenter: Judy Pinegar of the Waiver Office presented on this item.

Public Comment:

Public comment was received from Ken Burt, CTA.

ACTION: Member Bloom moved to approve WC-1 through WC-4 with CDE staff recommendations. Member Chan seconded the motion. The board voted, by show of hands, 6-0 to approve the motion.

PROPOSED WAIVER CONSENT MATTERS

The following waiver items on the Non-consent Agenda were proposed for consent: W-1, W-3 through W-8, W-10, W-11, and W-13 through W-26.

Presenter: Judy Pinegar of the Waiver Office presented on these waiver requests.

Public Comment: Public comment was not offered on these waiver requests.

ACTION: Member Chan moved to approve the proposed waiver request consent items W-1, W-3 through W-8, W-10, W-11, and W-13 through W-26 with CDE staff recommendations. Member Jones seconded the motion. The board voted, by show of hands, 6-0 to approve the motion. Member Arkatov was absent for the vote.

Item W-1

Subject: Request by Banta Elementary School District to waive California *Education Code* Section 41402(a), the requirement which sets the ratio of administrators to teachers for elementary schools at nine for every 100 teachers. Banta Elementary School District would like to continue to have two full-time administrators with 14 teachers.

Waiver Number: 63-2-2010

(Recommended for APPROVAL WITH CONDITIONS)

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

Item W-3

Subject: Request by Chico Unified School District for a waiver of California *Education Code* Section 48661(a) to permit the collocation of Academy for Change Community Day School and the Center for Alternative Learning Opportunity School at the Fair View Continuation School campus.

Waiver Number: 53-3-2010

(Recommended for APPROVAL)

Item W-4

Subject: Request by Victor Valley Union High School District for a waiver of California *Education Code* Section 48661(a) to permit the collocation of the district Community Day School on the same site with Goodwill High School, a continuation high school, at the Goodwill Education Center.

Waiver Number: 26-4-2010

(Recommended for APPROVAL)

Item W-5

Subject: Request by Baker Valley Unified School District for a waiver of portions of California *Education Code* sections 48660 and 48916.1(d) to permit a community day school to serve students in grades three through six with students in grades seven through twelve.

Waiver Number: 40-3-2010

(Recommended for APPROVAL WITH CONDITIONS)

Item W-6

Subject: Petition request under California *Education Code* sections 60421(d) and 60200(g) by Los Angeles County Office of Education to purchase specified non-adopted instructional materials for severely disabled children using Instructional Materials Funding Realignment Program monies.

Waiver Number: 17-5-2010

(Recommended for APPROVAL)

Item W-7

Subject: Request by Orland Joint Unified School District under the authority of California *Education Code* Section 46206(a) to waive *Education Code* Section 46201(d), the Longer Day Incentive Program audit penalty for offering less instructional time in the 2009-10 fiscal year than the state minimum set in 1986-87 at Orland High School for students in grades nine through twelve (shortfall of 1,225 minutes).

Waiver Number: 51-3-2010

(Recommended for APPROVAL WITH CONDITIONS)

Item W-8

Subject: Request by Paradise Unified School District under the authority of California *Education Code* Section 46206 to waive *Education Code* Section 46201(d), the Longer Day and Year Incentive Program audit penalty for offering less instructional time in the 2008-09 fiscal year than the district offered in 1982-83 at Pine Ridge School for students in grades one through eight (shortfall of 72 minutes).

Waiver Number: 26-3-2010

(Recommended for APPROVAL WITH CONDITIONS)

Item W-10

Subject: Request by Vacaville Unified School District under the authority of California *Education Code* Section 46206 to waive *Education Code* Section 46200(c) audit penalty for offering less instructional time in the 2008-09 fiscal year at Padan Elementary, and Browns Valley Elementary for students in grades one through six (shortfall of two days).

Waiver Number: 72-2-2010

(Recommended for APPROVAL WITH CONDITIONS)

Item W-11

Subject: Request by Dunsmuir Joint Union High School District to waive a portion of California *Education Code* Section 35330(d) to authorize expenditure of school district funds for students to travel to Oregon to attend curricular and extra curricular trips/events and competitions.

Waiver Number: 23-4-2010

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

Item W-13

Subject: Request by Fountain Valley Elementary School District to waive portions of California *Education Code* sections 17466, 17472, 17473, 17474, and 17475, specific provisions for sale and lease of surplus property. Approval of the waiver would allow the district to sell two pieces of property using a broker and a “request for proposal” process, thereby maximizing the proceeds from the sale. The district properties for which the waiver is requested are the Lamb Property and the Wardlow Property, both located in Huntington Beach.

Waiver Number: 23-5-2010

(Recommended for APPROVAL WITH CONDITIONS)

Item W-14

Subject: Request by Fowler 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.

Waiver Number: 6-5-2010

(Recommended for APPROVAL)

Item W-15

Subject: Request by Southern Trinity Joint 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 reduce the number of governing board members from seven to five.

Waiver Number: 46-4-2010

(Recommended for APPROVAL)

Item W-16

Subject: Request by Dunsmuir Joint Union High School District under the authority of California *Education Code* Section 52863 for a renewal waiver of *Education Code* Section 52852, allowing one joint schoolsite council with a reduced number and composition to function for two small schools, Dunsmuir High School and Dunsmuir Community Day School.

Waiver Number: 22-3-2010

(Recommended for APPROVAL WITH CONDITIONS)

Item W-17

Subject: Request by Flournoy Union Elementary School District under the authority of the California *Education Code* Section 52863 for a waiver of *Education Code* Section 52852, to allow a reduction in the number and composition of members required for a schoolsite council for a small rural school, Flournoy Elementary School.

Waiver Number: 7-3-2010

(Recommended for APPROVAL WITH CONDITIONS)

Item W-18

Subject: Request by Mineral Elementary School District under the authority of California *Education Code* Section 52863 for a waiver of *Education Code* Section 52852, to allow a reduction in the number and composition of members required for a schoolsite council for a small rural school, Mineral Elementary School.

Waiver Number: 52-3-2010

(Recommended for APPROVAL WITH CONDITIONS)

Item W-19

Subject: Request by Taft Union High School District under the authority of California *Education Code* Section 52863 for a waiver of *Education Code* Section 52852, to allow a reduction in the number and composition of members required for a schoolsite council for a small continuation high school, Buena Vista Continuation High School.

Waiver Number: 50-3-2010

(Recommended for APPROVAL WITH CONDITIONS)

Item W-20

Subject: Request by Temple City Unified School District under the authority of California *Education Code* Section 52863 for a waiver of *Education Code* Section 52852, to allow a reduction in the number and composition of members required for a schoolsite council for a small continuation high school, Dr. Doug Sears Learning Center.

Waiver Number: 33-3-2010

(Recommended for APPROVAL WITH CONDITIONS)

Item W-21

Subject: Request by Shandon Joint Unified School District under the authority of California *Education Code* Section 52863 for a waiver of *Education Code* Section 52852, allowing one joint schoolsite council to function for four small schools.

Waiver Number: 24-4-2010

(Recommended for APPROVAL WITH CONDITIONS)

Item W-22

Subject: Request by South East Consortium SELPA to waive California *Education Code* Section 51224.5(b), the requirement that all students graduating in the 2009-10 school year be required to complete a course in Algebra I (or equivalent) to be given a diploma of graduation for one special education student based on *Education Code* Section 56101, the special education waiver authority.
Waiver Number: 37-4-2010
(Recommended for APPROVAL WITH CONDITIONS)

Item W-23

Subject: Request by Placer 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 Monica Egan to continue to provide services to students under a remediation plan to complete those minimum qualifications.
Waiver Number: 21-4-2010
(Recommended for APPROVAL WITH CONDITIONS)

Item W-24

Subject: Request by Siskiyou County Office of Education to waive *California Code of Regulations*, Title 5, Section 3043(d), which requires a minimum of 20 school days of attendance for an extended school year (summer school) for special education students.
Waiver Number: 60-4-2010
(Recommended for APPROVAL WITH CONDITIONS) *EC 33051(b)* will apply.

Item W-25

Subject: Request by Old Adobe Union School District to waive a portion of California *Education Code* Section 44908, the requirement that a probationary employee who, in any one school year, has served for at least seventy-five percent of the number of days the regular schools of the district in which he is employed are maintained shall be deemed to have served a complete school year.
Waiver Number: 61-4-2010
(Recommended for APPROVAL WITH CONDITIONS)

Item W-26

Subject: Request by 233 local educational agencies to waive up to six types of requirements pertaining to Title I, Part A of the Elementary and Secondary Education Act relating to the American Recovery and Reinvestment Act allocations for the 2009–10 fiscal year only.
Waiver Number: See attached list.
(Recommended for APPROVAL)

END OF PROPOSED WAIVER CONSENT MATTERS

WAIVER REQUEST NON-CONSENT (ACTION) MATTERS

The following items were not heard by the SBE.

Item WC-5

Subject: Request by San Marino Unified School District, under the authority of California *Education Code* Section 41382, to waive portions of *Education Code* sections 41376(a), (c), and (d) and 41378(a) through (e), relating to class size penalties for grades kindergarten through three. For kindergarten, the maximum overall class size average is 31 to one with no class larger than 33. For grades one to three, the maximum overall class size average is 30 to one with no class larger than 32. The district requests to increase its maximum overall average to 34 and its maximum individual class size to 35 to one for grades kindergarten through three, prospectively (2010-11 and 2011-12 fiscal years).

Waiver Number: 61-3-2010

(Consent due to SBE Streamlined Waiver Policy Only)

(Recommended for APPROVAL WITH CONDITIONS)

Item WC-6

Subject: Request by Lowell Joint School District, under the authority of California *Education Code* Section 41382, to waive portions of *Education Code* Section 41376(a),(c), and (d), relating to class size penalties for grades one through three. The maximum overall class size average is 30 to one with no class larger than 32. The district requests to increase its maximum overall average and individual class size to 34, prospectively (2010-11 and 2011-12 fiscal years).

Waiver Number: 33-4-2010

(Consent due to SBE Streamlined Waiver Policy Only)

(Recommended for APPROVAL WITH CONDITIONS)

Item WC-7

Subject: Request by Berryessa Union Elementary School District to waive portions of California *Education Code* Section 41376(b) and (e), relating to class size penalties for grades four through eight. The district's current class size maximum is an average of 29.9 to one and the district requests to increase the maximum to 32 to one, prospectively (2010-11 and 2011-12 fiscal years).

Waiver Number: 24-5-2010

(Consent due to SBE Streamlined Waiver Policy Only)

(Recommended for APPROVAL WITH CONDITIONS)

Item WC-9

Subject: Request by El Segundo Unified School District to waive portions of California *Education Code* Section 41376(b) and (e), relating to class size penalties for grades four through eight. The district's current class size maximum

is an average of 29.9 to one and the district requests to increase the maximum to 36 to one, prospectively (2010-11 and 2011-12 fiscal years).

Waiver Number: 27-5-2010

(Consent due to SBE Streamlined Waiver Policy Only)

(Recommended for APPROVAL WITH CONDITIONS)

Item WC-10

Subject: Request by Huntington Beach City Elementary School District to waive portions of California *Education Code* Section 41376(b) and (e), relating to class size penalties for grades four through eight. The district's current class size maximum is an overall average of 29.9 to one and the district requests to increase the maximum to 32 to one, prospectively (2010-11 and 2011-12 fiscal years).

Waiver Number: 58-4-2010

(Consent due to SBE Streamlined Waiver Policy Only)

(Recommended for APPROVAL WITH CONDITIONS)

Item WC-11

Subject: Request by San Marino Unified School District to waive portions of California *Education Code* Section 41376(b) and (e), relating to class size penalties for grades four through eight. The district's current class size maximum is an overall average of 30.1 to one and the district requests to increase the maximum to 39 to one, prospectively (2010-11 and 2011-12 fiscal years).

Waiver Number: 62-3-2010

(Consent due to SBE Streamlined Waiver Policy Only)

(Recommended for APPROVAL WITH CONDITIONS)

Item WC-19

Subject: Request by Oakland Charter High School 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 2008-09 fiscal year at for students in grades nine through eleven (shortfall of 2,640 minutes).

Waiver Number: 11-4-2010

(Consent due to SBE Streamlined Waiver Policy Only)

(Recommended for APPROVAL WITH CONDITIONS)

Item WC-20

Subject: Request by Meadows Union Elementary School District to waive California *Education Code* Section 52055.740(a), regarding class size reduction requirements under the Quality Education Investment Act, that this funded school reduce its class sizes by an average of five students per class by the end of the 2010–11 school year at Meadows Elementary School (requesting 20.4:1 ratio on average in grade five).

Waiver Number: 36-3-2010

(Consent due to SBE Streamlined Waiver Policy Only)
(Recommended for APPROVAL WITH CONDITIONS)

Item WC-25

Subject: Request by Eastside 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). Dawn Fox is assigned at Columbia Elementary School.

Waiver Number: 24-3-2010

(Recommended for APPROVAL WITH CONDITIONS)

Item WC-29

Subject: Request by Lone Pine Unified School District to waive California *Education Code* Section 49550 the requirement that needy pupils be provided a nutritionally adequate free or reduced-price meal during each school day (State Meal Mandate) including classes conducted on Saturdays.

Waiver Number: 25-3-2010

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

Item W-2

Subject: Request by Oceanside Unified School District to waive portions of California *Education Code* Section 41376(b) and (e), relating to class size penalties for grades four through eight. The district's current class size maximum is an overall average of 29.9 to one and the district requests to increase the maximum to 32 to one, prospectively (2010-11 and 2011-12 fiscal years).

Waiver Number: 51-4-2010

(Recommended for APPROVAL WITH CONDITIONS)

Item W-9

Subject: Request by Academia Avance Charter School 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 2007-08 fiscal year for students in grade nine (shortfall of 4,300 minutes).

Waiver Number: 48-4-2010

(Recommended for APPROVAL WITH CONDITIONS)

Item W-12

Subject: Request by Anaheim Union High School District to waive California *Education Code* Section 52055.740(a), regarding class size reduction requirements under the Quality Education Investment Act, that this funded school reduce their class sizes by an average of five students per class by the end of the 2010–11 school year at Anaheim High School (requesting 23:1 ratio on average in grade nine).

Waiver Number: 62-4-2010
(Recommended for DENIAL)

Item W-27

Subject: Request by Rio Dell 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). Jennifer Cooper is assigned at Eagle Prairie Elementary School and Monument Middle School.

Waiver Number: 26-5-2010
(Recommended for DENIAL)

Re-Open Item 1: 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; update on litigation; bylaw review and revision; Board policy; Approval of minutes; Board Liaison Reports; and other matters of interest.

Approval of Minutes

Acknowledging public comments made regarding the specificity of the board's meeting minutes and that particular points of view be recorded, President Mitchell stated that he endorsed those comments for recordkeeping but emphasized that the meeting minutes could not record every remark made by every individual and instead reflected the board's actions taken at the board meetings. President Mitchell reminded the board and members of the public that the board archives each board meeting into compact discs, which are available to the public.

Public Comment:

Public comment was received from Ken Burt, CTA.

ACTION: Member Chan moved to approve the January 5-7, March 10-11, and March 30, 2010, meeting minutes. Member Austin seconded the motion. The board voted, by show of hands, 6-0 to approve the motion. Member Arkatov was absent for the vote.

Item 35: Approval of 2009-10 Consolidated Applications.

Presenter: Keric Ashley, Director of the Data Management Division, presented on this item.

Public Comment: Public comment was not offered on this item.

President Mitchell stated that in an abundance of caution that he and Member Austin did not feel that they should participate in a vote of items where Locke or Green Dot Public Schools were named exclusively, and requested that Locke Union High School be removed from the 2009-10 Consolidated Applications. Member Austin explained that while he had not worked for Green Dot Public Schools for a number of years he concurred with President Mitchell's statements. President Mitchell informed the board and members of the public that he served on the board of Green Dot Public Schools, and asked that the school removed be brought back to a future meeting where the board would have a quorum in which to take a vote.

ACTION: Member Lopez moved to approve the 2009-10 Consolidated Applications (ConApps) submitted by LEAs in Attachment 1, excluding Locke High School. Member Chan seconded the motion. The board voted, by show of hands, 6-0 to approve the motion. Member Arkatov was absent for the vote.

Item 12: Assignment of Numbers for Charter School Petitions.

Presenter: Beth Hunkapiller, Director of the Charter Schools Division, presented on this item, and explained that while the assignment of numbers for the presented charter school petitions would normally be placed on the Consent calendar, she stated that the CDE recommended that the RP Bridge Program should receive conditional approval contingent on the review of the school's location by CDE staff.

Public Comment: Public comment was not offered on this item.

President Mitchell requested the removal of the schools identified as Green Dot Public Schools: Animo Charter Jefferson Middle School and Animo Westside Charter Middle School, and asked that the schools removed be brought back to a future meeting where the board would have a quorum in which to take a vote.

ACTION: Member Chan moved to recommend that the SBE assign charter numbers to the charter schools identified on the attached list except for Animo Charter Jefferson Middle School and Animo Westside Charter Middle School, and assign a conditional approval for the RP Bridge Program based on the review of the school's location by CDE staff. Member Lopez seconded the motion. The board voted, by show of hands, 6-0 to approve the motion. Member Arkatov was absent for the vote.

Item 27: Elementary and Secondary Education Act: Approve Local Educational Agency Plans, Title I, Section 1112.

Presenter: Debbie Rury, Interim Director of the District & School Improvement Division, presented on this item.

Public Comment: Public comment was not offered on this item.

ACTION: Member Chan moved to approve the five specific LEA Plans listed in Attachment 1, with the exception of Alain Leroy Locke Charter High School. Member Bloom seconded the motion. The board voted, by show of hands, 6-0 to approve the motion. Member Arkatov was absent for the vote.

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

President Mitchell adjourned the meeting at 5:20 p.m.

*****ADJOURNMENT OF MEETING*****

State Board of Education
State Board of Education Board Room
August 2, 2010
Draft Minutes

Members Present

Ted Mitchell, President
Ruth Bloom, Vice President
Alan Arkatov
Jim Aschwanden
Benjamin Austin
Yvonne Chan
Greg Jones
David Lopez
Johnathan Williams

Secretary and Executive Officer

Jack O'Connell, State Superintendent of Public Instruction

Principal Staff

Nicolas Schweizer, Executive Director, State Board of Education (SBE)
Angela Botellino, Interim Legal Counsel, SBE
Theresa Garcia, Consultant, SBE
Jennifer Johnson, Education Policy Consultant, SBE
Beth Rice, Education Programs Consultant, SBE
Geno Flores, Chief Deputy Superintendent, California Department of Education (CDE)
Marsha Bedwell, General Counsel, CDE
Jaime Hastings, Associate Government Analyst, CDE

Call to Order

President Mitchell called the meeting to order at 10:06 a.m.

Salute to the Flag

Member Williams led the board, staff, and audience in the Pledge of Allegiance.

Announcements/Communications

President Mitchell announced that the board would begin its meeting in Closed Session.

Monday, August 2, 2010

CLOSED SESSION REPORT

President Mitchell reported that during the closed session, the SBE accepted with reluctance, the resignation of Theresa Garcia as Executive Director of the SBE and appointed Nicolas Schweizer as the new Executive Director. President Mitchell thanked Mr. Schweizer for his willingness to serve and Ms. Garcia for her service to the SBE and the education community of California. President Mitchell announced that Ms. Garcia had accepted a position in the Governor's Office of the Chief Information Office (OCIO) where she would use her education policy expertise, focusing on the use of technology in public education.

REPORT OF THE SUPERINTENDENT

State Superintendent of Public Instruction (SSPI) Jack O'Connell updated the board as to the progress of the state's Race to the Top Phase II application, which would fund systemic reform for public education. SSPI O'Connell announced that California was selected as a finalist and explained that all state finalists were invited to appoint delegate representatives to meet with the ED review panel in Washington, D.C. next week, with winners announced in September.

SSPI O'Connell informed the board that the federal Charter Schools Program grant was successful, and noted that the ED was particularly impressed with California's application. The purpose of the grant, O'Connell explained, was to increase understanding of charter schools and to expand the number of high quality charter schools available to students across the nation.

Finally, SSPI O'Connell informed the board that the CDE would provide a new option on the CDE Web site, the SSPI's Analysis, which would address relevant board items, the goal being to provide greater transparency to the education field.

Item 1: 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; update on litigation; bylaw review and revision; board policy; Approval of minutes; Board Liaison Reports, and other matters of interest.

Report on behalf of the Governor

Kathy Radtkey-Gaither, Undersecretary of Education, Office of the Secretary of Education, spoke on behalf of Governor Schwarzenegger to thank Ms. Garcia for her service to the State Board of Education, and welcome her to her new position

with the OCIO. Undersecretary Radtkey-Gaither congratulated Nicolas Schweizer to his appointment.

Echoing SSPI O'Connell's comments regarding the Race to the Top Phase II application, Undersecretary Radtkey-Gaither informed the board that while the work was largely leveraged by seven superintendents, it was ultimately supported by approximately 100 school districts and 200 charter schools representing nearly 1.8 million students.

Finally, Undersecretary Radtkey-Gaither applauded the work of the California State Academic Content Standards Commission and encouraged the board to adopt the Commission's presented recommendations.

Public Comment: Public comment was not offered on this item.

No action was taken on this item.

Item 3: Consideration of the California Academic Content Standards Commission's Recommendation to Adopt the Common Core Standards, Including California Specific Standards.

Presenter: Deborah Sigman, Deputy Superintendent of the Curriculum, Learning, and Accountability Branch, presented on this item, and introduced Sue Stickel, Assistant Superintendent of Curriculum and Intervention, Sacramento County Office of Education, and project director of the California State Academic Content Standards Commission (Commission), and Greg Geeting, chair of the Commission.

Public Comment:

Public comment was received from Arun Ramanathan, EdTrust-West, Shelley Kriegler, Center for Math & Teaching; Scott Farrand, California State University Sacramento; Doug McRae, consultant; Kathlan Latimer, California Mathematics Council; Bill Evers, Stanford University; Juan Godinez, Los Angeles Unified School District (LAUSD) District Advisory Council (DAC); Pixie Hayward-Schickele, California Teachers Association (CTA); Dan Vogel, Vice President, CTA; Martha Zaragoza-Diaz, California Association for Bilingual Education (CABE) and Californians Together; Lauri Burnham Massey, CABE; Shelly Spiegel Coleman, Californians Together; Alicia Moran and Harold Boyd Jr., United Teachers of Los Angeles (UTLA); Barbara Flores, Alliance for a Multilingual Multicultural Education; Sherry Griffith, Association of California School Administrators (ACSA); Gretchen Muller, California Math Council; John Deasy, LAUSD; Suzan Solomon, California State Parent Teachers Association (PTA); Fred Navarro, Anaheim Union High School District; Scott Hill, School Innovations & Advocacy; Monica Henestroza, San Diego Unified School District;

Chris Steinhauser, Long Beach Unified School District; Mike Hanson, Fresno Unified School District; and Walter Richardson, LAUSD DAC.

The board engaged in a substantive discussion following public comment. Announcing that it was an historic day in California, President Mitchell reminded the board that this discussion was only the beginning of a process and not the end of one. He directed CDE and SBE staff to create an implementation plan as defined in the legislation, and to work with the state Legislature to launch a curriculum development process that would begin to operationalize these standards. He additionally directed Commission staff to proceed with technical cleanup of the draft presented to the board. Further, President Mitchell commended the comments related to English language learners and students with disabilities.

Finally, President Mitchell thanked the members of the California State Academic Content Standards Commission, Commission Chair Greg Geeting, and Project Director Sue Stickel for their extraordinary work on behalf of California and its children for providing high standards and equally high outcomes.

ACTION: Member Arkatov moved that the SBE, pursuant to Senate Bill X5 1, adopt the academic content standards as proposed by the California Academic Content Standards Commission in English language arts and mathematics; and that the standards include the Common Core and specific additional standards that the Commission had deemed necessary to maintain the integrity and rigor of California's already extremely high standards. Member Lopez seconded the motion. The board voted, by show of hands, 9-0 to approve the motion.

Item 8: Elementary and Secondary Education Act: Approval of Local Educational Agency Plan, Title I, Section 1112: Alain Leroy Locke Charter High School.

Presenter: Debbie Rury, Interim District and School Improvement Division Director, presented on this item.

Public Comment:

Public comment was received from Juan Godinez, LAUSD DAC; and Walter Richardson, LAUSD DAC.

ACTION: Member Williams moved to approve the 2009-10 Consolidated Applications (ConApps) submitted by Alain Leroy Locke Charter High School. Member Aschwanden seconded the motion. The board voted by a show of hands, 6-0 to approve the motion. Member Arkatov was absent for the vote. Members Austin and Mitchell had recused themselves from participating in the discussion of the item and the vote.

Item 9: Approval of 2009–10 Consolidated Application: Animo Locke ACE Academy.

Presenter: Keric Ashley, Director of the Data Management Division, presented on this item.

Public Comment:

Public comment was received from Juan Godinez, LAUSD DAC; and Walter Richardson, LAUSD DAC.

ACTION: Member Williams moved to approve the 2009–10 Consolidated Application (ConApp) submitted by the local educational agency (LEA) in Attachment 1. Member Chan seconded the motion. The board voted, by show of hands, 6-0 to approve the motion. Member Arkatov was absent for the vote. Members Austin and Mitchell had recused themselves from participating in the discussion of the item and the vote.

Item 7: Assignment of Numbers for Charter School Petitions.

Presenter: Lupita Cortez Alcala, Deputy Superintendent of Government Affairs and Charter Development, presented on this item.

Public Comment: Public comment was not offered on this item.

Member Chan inquired into the number of charter schools currently in existence in California given her understanding that a number of charter schools throughout the state had closed, and Ms. Alcala explained that when the CDE applied for the 2010-2015 federal Public Charter Schools Program grant, California had approximately 820 charter schools. Ms. Alcala further explained that the CDE expected that 610 charter schools would open within the next five years if the current trends continued.

ACTION: Member Aschwanden moved to recommend that the SBE assign charter numbers to the charter schools identified on the attached list. Member Williams seconded the motion. The board voted, by show of hands, 7-0 to approve the motion. Members Austin and Arkatov were absent for the vote.

Item 2: 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

The following individuals addressed the board:

- Bill Ring, LAUSD Parent Collaborative, spoke to his interest to strengthen and improve the training and orientation process for school-site councils in an effort to improve decision making at schools, as well as his concern for interdistrict permits.
- Juan Godinez, LAUSD DAC, informed the board that he and a group of parents recently visited the U.S. Department of Education (ED) to share their concerns regarding the reauthorization of the Elementary and Secondary Education Act (ESEA), and asked that the board consider including more parents on its various advisory committees and commissions.
- Ken Burt, California Teachers Association (CTA), shared his concerns regarding the board's adherence to the Bagley-Keene Open Meeting Act.
- Maria Medina, Migrant State Parents Advisory Council (SPAC), shared her concerns that two of the SPAC's recent meetings had been suspended by the CDE, and asked the board to agendaize time at the next scheduled board meeting to address the cancellation of these meetings.
- Julio Mora, SPAC, spoke to his concern for the need for strong parental involvement, and asked that the board monitor the migrant education budget.
- Ernesto Gutierrez, SPAC, asked the board to reinstate the SPAC meetings.
- Carlos Vega, spoke to his concern for the need to have strong parental involvement in public education.
- Maria Ramirez, SPAC, spoke to her concern regarding the suspension of the SPAC's recent meetings.
- Juanita Arevalo, LAUSD DAC, shared her concern for the need for better communication between her district and parents.
- Monica Cano, parent, Salinas, informed the board that the SPAC was instrumental in assisting the state plan, and asked that the board restore the SPAC meetings.
- Maria Mendez, SPAC, asked the board to restore the SPAC meetings, and emphasized the importance of parental involvement.
- Maria Herrera SPAC, asked the board to restore the SPAC meetings.
- Walter Richardson, LAUSD DAC, shared his concern that the ED's *Blueprint for Reform: The Reauthorization of the Elementary and Secondary Education Act* did not properly represent parental involvement.
- Darlene Anderson, parent and community member, spoke to her concerns regarding the Student Attendance Review Boards.

No action was taken on this item

Item 4: Elementary and Secondary Education Act: School Improvement Grant: Approval of Funding of Local Educational Agencies and Schools for the 2009–10 School Improvement Grant Sub-Grants Under Section 1003(g).

Presenter: Debbie Rury, Interim District and School Improvement Division Director, presented on this item.

Public Comment:

Public comment was received from Kathryn Radtkey-Gaither, Undersecretary of Education, Office of the Secretary of Education; Juan Godinez, LAUSD DAC; Sherry Griffith, ACSA; Dr. Barbara Flores, San Bernardino City Unified School District (SBCUSD); Jim Dilday, SBCUSD; Walter Richardson, LAUSD DAC; Sharon Valear Robinson, LAUSD; Doug McRae, consultant; Joan Sullivan, Office of the Mayor, Los Angeles; Gary Yee, Board President, Oakland Unified School District (OUSD); David Montes de Oca, OUSD; Bill Ring; LAUSD Parent Collaborative; Monica Henestroza, SDUSD; Darlene Anderson, parent/community member; Colin Miller, California Charter School Association (CCSA); Michael Hulsizer, Kern County Superintendent of Schools; Sandra Silberstein, Riverside County Office of Education and Districts; and Juanita Arevalo, LAUSD.

Following public comment, Member Chan spoke to her concern that large and small school districts had to compete against one another in pursuit of the same federal dollars, and her frustration that the grant application did not provide for an equitable process.

President Mitchell reiterated that the board expressed its intent to disseminate money to California's schools in order for selected School Improvement Grant (SIG) recipients to start their reform work in a timely manner but no later than the federal start date of the academic school year.

Member Aschwanden expressed concern that the SIG monies could be taken back from the ED if the board changed the scoring metric and allocation rules at the present date, and recommended that the CDE, SBE and board liaisons first work with the ED to discuss the scoring metric to ensure that the board is responding to the intent of the grant.

While sympathetic to schools not identified as recommended schools for the Tier I list, Member Bloom explained that she was concerned about the board taking alternative actions at this late date and risking the loss of millions of dollars in SIG funds to the state.

President Mitchell stated that while he was frustrated the board had to contact the ED at this late date, this concern was outweighed by the possibility that greater clarity could result, which would prove more equitable for the schools that

had agreed to provide the types of change necessary to turn around low-performing schools.

ACTION: Member Arkatov moved that the SBE defer action on this item to 1) convene a SBE meeting by a date that would allow potential awardees to implement the School Improvement Grant (SIG) by the first school day following Labor Day (September 7, 2010), unless notified by the U.S. Department of Education (ED) that this would not be an acceptable date, and 2) direct SBE staff to work with the CDE, the board liaisons, and the ED to examine the current scoring method metric and allocation rules to ensure that they respond to both the diversity of the state local educational agencies (LEAs) and to the range of priorities the SBE and ED had identified in turning around low-performing schools. The motion also directed the CDE to contact the ED on August 4, 2010, regarding the SEA's action, and if the ED informed the state that it would forfeit its ability to secure the SIG, then a meeting will be immediately scheduled to vote on this agenda item. Member Williams seconded the motion. The board voted, by show of hands, 8-1 to approve the motion. Member Bloom voted against the motion.

NON-CONSENT (ACTION)

WAIVERS SCHEDULED FOR THE JULY 2010 SBE MEETING BUT WERE NOT HEARD DUE TO TIME CONSTRAINTS

Presenter: Judy Pinegar of the Waiver Office presented on these waiver requests.

Public Comment:

Public comment was received from Pixie Hayward-Schickele, CTA.

ACTION: Member Aschwanden moved to approve the proposed waiver request items W-1 through W-5. Member Jones seconded the motion. The board voted, by show of hands, 6-0 to approve the motion.

Item W-1-General

Subject: Request by Berryessa Union Elementary School District to waive portions of California *Education Code* Section 41376 (b) and (e), relating to class size penalties for grades four through eight. The district's current class size maximum is an average of 29.9 to one and the district requests to increase the average to 32 to one, prospectively (2010-11 and 2011-12 fiscal years).

Waiver Number: 24-5-2010

(Recommended for APPROVAL WITH CONDITIONS)

Item W-2-General

Subject: Request by El Segundo Unified School District to waive portions of California *Education Code* Section 41376 (b) and (e), relating to class size penalties for grades four through eight. The district's current class size maximum is an average of 29.9 to one and the district requests to increase the average to 36 to one, prospectively (2010-11 and 2011-12 fiscal years).
Waiver Number: 27-5-2010
(Recommended for APPROVAL WITH CONDITIONS)

Item W-3-General

Subject: Request by Huntington Beach City Elementary School District to waive portions of California *Education Code* Section 41376(b) and (e), relating to class size penalties for grades four through eight. The district's current class size maximum is an average of 29.9 to one and the district requests to increase the average to 32 to one, prospectively (2010-11 and 2011-12 fiscal years).
Waiver Number: 58-4-2010
(Recommended for APPROVAL WITH CONDITIONS)

Item W-4-General

Subject: Request by Oceanside Unified School District to waive portions of California *Education Code* Section 41376 (b) and (e), relating to class size penalties for grades four through eight. The district's current class size maximum is an average of 29.9 to one and the district requests to increase the average to 32 to one, prospectively (2010-11 and 2011-12 fiscal years).
Waiver Number: 51-4-2010
(Recommended for APPROVAL WITH CONDITIONS)

Item W-5-General

Subject: Request by San Marino Unified School District to waive portions of California *Education Code* Section 41376 (b) and (e), relating to class size penalties for grades four through eight. The district's current class size maximum is an average of 30.1 to one and the district requests to increase the average to 39 to one, prospectively (2010-11 and 2011-12 fiscal years).
Waiver Number: 62-3-2010
(Recommended for APPROVAL WITH CONDITIONS)

Item W-6-General

Subject: Request by Meadows Union Elementary School District to waive portions of California *Education Code* Section 52055.740(a), regarding class size reduction requirements under the Quality Education Investment Act, that this funded school reduce its class sizes by an average of five students per class by the end of the 2010–11 school year at Meadows Elementary School (requesting 20.4:1 ratio on average in grade five).

Waiver Number: 36-3-2010
(Recommended for APPROVAL WITH CONDITIONS)

Presenter: Judy Pinegar of the Waiver Office presented on this waiver request.

Public Comment: Public comment was not offered on this waiver request.

ACTION: Member Chan moved CDE's staff recommendations to approve the waiver with the following conditions: (1) This waiver applies only to classes in grade five at Meadows Elementary School (ES); (2) Meadows ES reduce the average class size at the school level to 20.4 students per classroom in grade five in the 2010–11 school year and in all subsequent years in which the school receives Quality Education Investment Act (QEIA) funding; (3) No grade five class at Meadows ES may exceed 25 students; and (4) Within 30 days of approval of this waiver, Meadows Union Elementary School District (ESD) must provide 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 through this waiver of the class size reduction (CSR) requirement. Member Aschwanden seconded the motion. The board voted, by show of hands, 6-0 to approve the motion.

Item W-7-General

Subject: Request by Anaheim Union High School District to waive portions of California *Education Code* Section 52055.740(a), regarding class size reduction requirements under the Quality Education Investment Act, that this funded school reduce its class sizes by an average of five students per class by the end of the 2010–11 school year at Anaheim High School (requesting 23:1 ratio on average in grade nine).

Waiver Number: 62-4-2010
(Recommended for DENIAL)

Presenter: Judy Pinegar of the Waiver Office presented on this waiver request.

Public Comment:

Public comment was received from Fred Navarro, Michelle Majewski, Patricia Lemus, and Neda Arora from the Anaheim Union High School District.

Recognizing that the class-size cap for students was generally 25, Member Chan inquired as to why the high-school district requested a cap of 23:1, which was lower than the number prior to the QEIA, and Ms. Pinegar explained that the district had a low number in which the cap was set. Member Chan concluded that the requested cap of 23:1 proved reasonable at the high school level.

President Mitchell informed the board that the DOF had clarified since the board's last meeting that QEIA money that had been forfeited from one school was returned to the QEIA funding pool to be redistributed to eligible schools. While acknowledging the progress made at Anaheim Union High School District, President Mitchell emphasized that the QEIA funding, unlike other funding streams where the state set the rules, was the result of a settlement from a lawsuit. President Mitchell stated that for the board's action on QEIA waiver requests to date had only made exceptions in the case of rural communities where other options did not exist either for the students or teaching staff.

ACTION: Member Chan moved to approve the waiver request with the condition that a 23:1 class-size ratio apply to grade nine only. Member Jones seconded the motion. The board voted, by show of hands, 6-1 to approve the motion. Member Mitchell voted against the motion.

Item W-8-General

Subject: Request by Lone Pine Unified School District to waive California *Education Code* Section 49550 the requirement that needy pupils be provided a nutritionally adequate free or reduced-price meal during each school day (State Meal Mandate) including classes conducted on Saturdays.

Waiver Number: 25-3-2010

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

Presenter: Judy Pinegar of the Waiver Office presented on this waiver request.

Public Comment: Public comment was not offered on this waiver request.

ACTION: Member Williams moved CDE's staff recommendation to approve waiver request W-8. Member Aschwanen seconded the motion. The board voted, by show of hands, 7-0 to approve the motion.

Item W-9-Specific

Subject: Request by San Marino Unified School District, under the authority of California *Education Code* Section 41382, to waive portions of *Education Code Section* 41376 (a), (c), and (d) and 41378 (a) through (e), relating to class size penalties for grades kindergarten through three. For kindergarten, the allowable class size average is 31 to one with no class larger than 33. For grades one to three, the allowable class size average is 30 to one with no class larger than 32. The district requests to increase its maximum overall average to 34 and its maximum individual class size to 35 to one for grades kindergarten through three, prospectively (2010-11 and 2011-12 fiscal years).

Waiver Number: 61-3-2010

(Recommended for APPROVAL WITH CONDITIONS)

Item W-10-Specific

Subject: Request by Lowell Joint School District, under the authority of California *Education Code* Section 41382, to waive portions of *Education Code* Section 41376 (a), (c), and (d), relating to class size penalties for grades one through three. The allowable class size average is 30 to one with no class larger than 32. The district requests to increase its maximum overall average and individual class size to 34, prospectively (2010-11 and 2011-12 fiscal years).

Waiver Number: 33-4-2010

(Recommended for APPROVAL WITH CONDITIONS)

Presenter: Judy Pinegar of the Waiver Office presented on these waiver requests.

Public Comment:

Public comment was received from Ken Burt, CTA.

President Mitchell asked staff to clarify the CDE's findings on these waiver requests, and Ms. Pinegar explained that without the waiver, both districts would suffer financial penalties with their increased class sizes. She explained that given that both school districts were high achieving, and that reading and math were core subjects, the CDE extrapolated that these programs would suffer in the absence of the waivers.

ACTION: Member Chan moved CDE's recommendation to approve with conditions for waiver requests W-9 and W-10. Member Aschwanden seconded the motion. The board voted, by show of hands, 6-1 to approve the motion. Member Austin voted against the motion.

Following the board action, President Mitchell stated for the record that in these circumstances the board found specifically that the class-size penalty provisions of *Education Code* sections 41376 and 41378 would if not waived prevent the district from developing more effective educational programs to improve instruction in reading and mathematics in the classes specified in the district's application. Therefore, the board granted the waivers requested by the Lowell Joint School District and the San Marion Unified School District.

Item W-11-Specific

Subject: Request by Academia Avance Charter School 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 2007-08 fiscal year for students in grade nine (shortfall of 4,300 minutes).

Waiver Number: 48-4-2010

(Recommended for APPROVAL WITH CONDITIONS)

Presenter: Judy Pinegar, Waiver Office, presented on these waiver requests.

Item W-12-Specific

Subject: Request by Oakland Charter High School 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 2008-09 fiscal year for students in grades nine through eleven (shortfall of 2,640 minutes).
Waiver Number: 11-4-2010
(Recommended for APPROVAL WITH CONDITIONS)

Public Comment:

Public comment was received from Ken Burt, CTA.

ACTION: Member Williams moved CDE's recommendations to approve with conditions for waiver request items W-11 and W-12. Member Austin seconded the motion. The board voted, by show of hands, 7-0 to approve the motion.

Item W-13-Specific

Subject: Request by Eastside 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). Dawn Fox is assigned at Columbia Elementary School.
Waiver Number: 24-3-2010
(Recommended for APPROVAL WITH CONDITIONS)

Presenter: Judy Pinegar of the Waiver Office presented on this waiver request.

Public Comment:

Public comment was received by Pixie Hayward-Schickele, CTA

President Mitchell stated that the board had asked a number of questions at previous meetings regarding similar waivers regarding instructional allocation, and noted that the board should consider experiments using different mixes of people and technology, and achieving great results.

ACTION: Member Chan moved CDE's recommendation to approve with conditions waiver request W-13. Member Williams seconded the motion. The board voted, by show of hands, 7-0 to approve the motion.

WAIVER REQUEST CONSENT MATTERS

The following agenda items satisfy criteria for approving a waiver of that type based on a previously-adopted SBE waiver policy or have waiver evaluation criteria that are in Education Code or in the California Code of Regulations, Title 5.

The following items were proposed for the regular consent calendar: WC-1 and WC-2.

Presenter: Judy Pinegar of the Waiver Office presented on these waiver requests.

Public Comment:

Public comment was received from Ken Burt, CTA; and Gina Campbell, Pacific View Charter School.

ACTION: Member Aschwanden moved to approve the following consent calendar items WC-1 and WC-2. Member Austin seconded the motion. The board voted, by show of hands, 7-0 to approve the motion.

Item WC-1

Request by Oceanside Unified School District to waive portions of California *Education Code* Section 51745.6, and *California Code of Regulations*, Title 5, sections 11704, and portions of 11963.4(a)(3), related to charter school independent study pupil-to-teacher ratios to allow an increase from a 25:1 to a 27.5:1 pupil-to-teacher ratio at Pacific View Charter School.

Waiver Number: 20-12-2009

(Recommended for APPROVAL WITH CONDITIONS)

Item WC-2

Request by Woodland Joint Unified School District for a renewal to waive portions of California *Education Code* Section 51222(a), the statutory minimum requirement of 400 minutes of physical education required each ten school days for students in grades nine through twelve in order to implement a block schedule at Pioneer High School.

Waiver Number: 29-5-2010

(Recommended for APPROVAL)

This is the second consecutive year for this waiver for the Woodland Joint Unified School District. Therefore, California *EC* Section 33051(b) applies, and the district will not be required to reapply annually if information contained on the request remains current.

END OF WAIVER REQUEST CONSENT MATTERS

SECOND CLOSED SESSION REPORT

Angela Botellino, Interim Legal Counsel, SBE, reported out that the board met in its second Closed Session, and received clarification on a personnel matter. In addition, the board discussed the *California School Boards Association, et al. v. California State Board of Education and Aspire Public Schools* litigation and took action on next steps, which was confidential due to the ongoing nature of the litigation.

WAIVER REQUEST PULLED OFF CONSENT

Item WC-3-General

Subject: Request by Napa Valley Unified School District to waive portions of California *Education Code* Section 52055.740(a), regarding class size reduction requirements under the Quality Education Investment Act, that this funded school reduce its class sizes by an average of five students per class by the end of the 2010–11 school year at Pueblo Vista Elementary School (requesting 24:1 ratio on average for all classes at the school).

Waiver Number: 44-3-2010

(Consent due to SBE Streamlined Waiver Policy Only)

(Recommended for APPROVAL WITH CONDITIONS)

Presenter: Judy Pinegar of the Waiver Office presented on this waiver request.

Public Comment: Public comment was not offered on this waiver request.

President Mitchell explained that given his previous comments made addressing the board's scope to approve QEIA grants, he would vote against the requested waiver.

ACTION: Member Williams moved CDE staff recommendation to approve for one year only the waiver and a class size ratio of 24:1 on the average for all classes at Pueblo Vista Elementary School. Member Aschwanden seconded the motion. The board voted, by a show of hands, 6-1 to approve the motion. Member Mitchell voted against the motion.

PROPOSED CONSENT WAIVER CALENDAR

The following agenda items include waivers that CDE staff has identified as potentially having opposition, recommended for denial, or presenting new or

unusual issues that should be considered by the State Board. 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.

Presenter: Judy Pinegar of the Waiver Office presented on this waiver request.

Public Comment: Public comment was not offered on this waiver request.

ACTION: Member Aschwanden moved to approve the following proposed consent waiver items W-15 through W-18. Member Jones seconded the motion. The board voted, by show of hands, 7-0 to approve the motion.

Item W-15-General

Subject: Request by Nevada County Office of Education to waive *California Code of Regulations*, Title 5, Section 11960(b), to allow Bitney College Preparatory High School to reduce the charter school year to less than 175 days without a fiscal penalty.

Waiver Number: 49-4-2010

(Recommended for APPROVAL WITH CONDITIONS)

Item W-16-General

Subject: Request by Nevada County Office of Education to waive *California Code of Regulations*, Title 5, Section 11960(b), to allow Nevada City School of the Arts to reduce the charter school year to less than 175 days without a fiscal penalty.

Waiver Number: 56-4-2010

(Recommended for APPROVAL WITH CONDITIONS)

Item W-17-General

Subject: Request by Nevada County Office of Education to waive *California Code of Regulations*, Title 5, Section 11960(b) to allow Yuba River Charter School to reduce the charter school year to less than 175 days without a fiscal penalty.

Waiver Number: 57-4-2010

(Recommended for APPROVAL WITH CONDITIONS)

Item W-18-General

Subject: Request by West County Transportation Agency to waive *California Education Code* Section 45134(c), to allow the employment of a State Teachers Retirement System retiree as a classified school bus driver.

Waiver Number: 7-6-2010

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

END OF PROPOSED CONSENT WAIVER CALENDAR

NON-CONSENT (ACTION) CALENDAR

The following agenda items include waivers that CDE staff has identified as potentially having opposition, recommended for denial, or presenting new or unusual issues that should be considered by the State Board. 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.

Item W-19-Specific

Subject: Request by Imperial County Office of Education for a renewal waiver of *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 Lucia Rascon, Esther Silvas, and Magdaleno Rene Gonzalez to continue to provide services to students under a remediation plan to complete those minimum qualifications.

Waiver Number: 13-5-2010, 14-5-2010, 15-5-2010

(Recommended for DENIAL)

Presenter: Judy Pinegar of the Waiver Office presented on this waiver request.

Public Comment: Public comment was not offered on this waiver request.

ACTION: Member Aschwanden moved to deny the waiver pursuant to *California Education Code Section 33051 (a)(1)*: the educational needs of the pupils are not adequately addressed. Member Austin seconded the motion. The board voted, by show of hands, 7-0 to approve the motion.

Following the board action, Member Chan explained that the board took action on similar agenda items class year, and expressed frustration that the board was again hearing from school district's who employed interpreters who had not passed the required tests.

President Mitchell adjourned the meeting at 6:40 p.m.

*****ADJOURNMENT OF MEETING*****

State Board of Education
State Board of Education Board Room
August 24, 2010
Draft Minutes

Members Present

Ted Mitchell, President
Alan Arkatov
Benjamin Austin
Yvonne Chan
Greg Jones
David Lopez
Johnathan Williams

Members Absent

Jim Aschwanden
Ruth Bloom, Vice President

Secretary and Executive Officer

Jack O'Connell, State Superintendent of Public Instruction

Principal Staff

Nicolas Schweizer, Executive Director, State Board of Education (SBE)
Patricia de Cos, Deputy Executive Director, SBE
Joseph Egan, Interim Legal Counsel, SBE
Jennifer Johnson, Education Policy Consultant, SBE
Beth Rice, Education Programs Consultant, SBE
Geno Flores, Chief Deputy Superintendent, California Department of Education (CDE)
Marsha Bedwell, General Counsel, CDE
Jaime Hastings, Associate Government Analyst, CDE

Call to Order

President Mitchell called the meeting to order at 2:04 p.m.

Item 1: 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.

Public Comment:

Juan Godinez, Los Angeles Unified School District (LAUSD), District Advisory Council (DAC), asked the board to consider including more parents in its commissions and committees.

Tuesday, August 24, 2010

No action was taken on this item.

Item 2: Elementary and Secondary Education Act: School Improvement Grant: Approval of Funding of Local Educational Agencies and Schools for the 2009-10 School Improvement Grant Sub-Grants Under Section 1003(g) which includes Consideration of Two Options for Funding; One Option Based on Assumption of Approval of Federal Waiver to Expend Approximately 100 Percent of the Grant Funds for the 2010 Cohort and One Option Based on Reserving 25 Percent of Grant Funds the for 2011 Cohort.

Presenter: Presenter: Deborah Sigman, Deputy Superintendent of the Curriculum, Learning, and Accountability Branch, presented on this item.

Public Comment:

Public comment was received from Kathy Radtkey-Gaither, Undersecretary, Office of the Secretary of Education (OSE); Kimberly MacKinney, Director, Secondary Instruction, Fontana Unified School District; Pat Mazzulli, Fontana Teachers Association; Jane Russo, Santa Ana School District; Judi Penman, San Bernardino Chamber of Commerce and school board member; Jim Dilday, San Bernardino Unified School District (SBUSD); Sherry Griffith, Association of California School Administrators (ACSA); The Honorable Assemblyman Jose Solorio; Gary Yee, Board Member, Oakland Unified School District; Deneen Newman, Soledad Unified School District; Monica Henestroza, San Diego Unified School District; Doug McRae, retired education consultant; Daniel Chang, MLA Partner Schools, Juan Godinez, LAUSD, DAC; Sharon Valear Robinson, LAUSD; and Art Delgado, Superintendent, SBUSD.

Member Chan expressed her appreciation for the overall quality of applications submitted, but stated that she was uncomfortable with King Chavez Arts Academy, a small arts charter academy being awarded \$1.1 million, with an additional \$3.6 million allocated for district oversight. Echoing Member Chan's concerns, Member Austin stated that it wasn't appropriate to reward the lowest performing charter schools given their existing flexibilities, and recommended that the charter schools be voted on separately.

In response to the board members' concerns, Deputy Superintendent Sigman responded that each district was required to submit a needs assessment, with the objective being that the intervention would match it, and that the needs assessment was required to be publicly vetted with the community as well.

President Mitchell acknowledged the board members' frustration regarding the application process and stated that they would therefore have different perspectives on the best way to allocate dollars..

ACTION: Member Mitchell moved to approve the list of local educational agencies (LEAs), schools, and district funding recommendations enumerated in Attachment 1 of Item 2 whose budget allocations have not changed since the August 2, 2010, agenda item, with the exception of Edison Brentwood, Adelante Charter Academy, and Stanford New School. Member Austin seconded the motion. The board voted, by roll call, 6-0 to approve the motion. Member Williams was absent for the vote.

Member Arkatov moved to approve a technical amendment made to Motion 1 of Item 2, which removed Edison Brentwood from the list of charter schools whose budget allocations have not changed since the August 2, 2010 agenda item. Member Chan seconded the motion. The board voted, by roll call, 6-0 to approve the motion. Member Williams was absent for the vote.

Member Mitchell moved to approve the funding recommendations for Adelante Charter Academy and Stanford New School whose budget allocations had not changed from the August 2, 2010, board meeting agenda. Member Arkatov seconded the motion. The board voted, by roll call, 6-0 to approve the motion. Member Williams was absent for the vote.

Member Mitchell moved to conditionally approve the list of LEAs, schools, and district funding recommendations for the remainder of the list enumerated in Attachment 1 of Item 2, contingent on the successful clearance of the conditions of the federal waiver and approval of the school level budgets by CDE and SBE staff. Member Arkatov seconded the motion. The board voted, by roll call, 6-0 to approve the motion. Member Williams was absent for the vote.

Member Mitchell moved to conditionally approve the list of LEAs, schools, and district funding recommendations in the order listed in Attachment 2 of Item 2 contingent upon the rejection of the State Education Agency's waiver application to the ED. Member Jones seconded the motion. The board voted, by roll call, 6-0 to approve the motion. Member Williams was absent for the vote.

Item 5: Today's Fresh Start Charter School: Reconsideration of the Appeal of the Charter Renewal Petition Initially Presented to the State Board of Education on July 14, 2010.

Presenter: Lupita Cortez Alcala, Deputy Superintendent of the Government Affairs and Charter Development Division presented on this item.

Public Comment:

Public comment was received from Lisa Corr, Middleton, Young, & Minney, LLP, Colin Miller, California Charter School Association; and Larry Carlin, CTA.

Member Chan congratulated Today's Fresh Start Charter School's (TFSCS) representatives for its efforts to improve their students' academic standing, and noted that these efforts resulted in increased growth targets and the removal of their charter school identified on the five percent of persistently lowest-achieving schools list. Member Chan further commended the charter school's representatives for the gains made with the school's English learner students, but expressed concern for the low performance of the school's African American students, which comprised the majority of the student population. Dr. Jeanette Parker, TFSCS Cofounder, responded that while management was equally concerned with its African American students test scores, it had taken a closer look at the strategies employed to ensure that those specific strategies would lead to the students' scores' upward trajectory for the coming academic school year.

In the event that the board adopted the CDE's recommendation to approve the TFSCS renewal petition, President Mitchell requested that the board receive an update to discuss what the students were learning at the school.

ACTION: Member Lopez moved to adopt the CDE's recommendation to approve Today's Fresh Start Charter School renewal petition and establish the school under the oversight of the SBE subject to the CDE's recommended conditions and modifications listed in the July 2010 SBE agenda. Member Jones seconded the motion. The board voted, by roll call, 6-0 to approve the motion. Member Williams was absent for the vote.

Item 4: Adequate Yearly Progress: Approval of the 14-Day Notice Waiver to allow the Reporting of Graduation Rate Data After the Initial Release of the 2010 Adequate Yearly Progress Reports.

Presenter: Rachel Perry, Director of the Assessment, Accountability & Awards Division presented on this item.

After President Mitchell asked CDE staff about timelines, Keric Ashley, Director of the Data Management Division stated that while there was a delay in the California Longitudinal Pupil Achievement Data System's (CALDPADS) implementation, the issues were resolved, and school districts would then be required to submit their data to the CDE by the conclusion of the week.

Public Comment:

Public comment was received from Sherry Griffith, ACSA.

ACTION: Member Lopez moved to approve the CDE's recommendation to request a waiver of the federal requirement that LEAs provide a 14-day notice to

parents regarding the program improvement status of schools. Member Chan seconded the motion. The board voted, by roll call, 6-0 to approve the motion. Member Williams was absent for the vote.

REPORT OF THE SUPERINTENDENT

State Superintendent of Public Instruction Jack O'Connell informed the board that for the Class of 2010, 94.6 percent of students passed both portions of the California High School Exit Examination (CAHSEE), and noted that the CDE data revealed a narrowing of the achievement gap for all subgroups. State Superintendent O'Connell also shared that students made progress on the California Standards Tests, and announced that 52 percent of students who tested in grades two through 11 scored proficient or above in English-language arts and 48 percent scored proficient or above in mathematics. Finally, State Superintendent O'Connell announced that legislation had been introduced, Senate Bill 847, in response to the federal jobs package bill, which would provide California with the spending authorization necessary for the more than 1.4 billion dollars.

Item 3: Parent Empowerment— Approve the Finding of Emergency and Proposed Emergency Regulations for Additions to the *California Code of Regulations*, Title 5, Sections 4800 - 4807.

Presenter: Geno Florez, Chief Deputy Superintendent of Public Instruction, presented on this item.

Public Comment:

Public comment was received from Kathy Radtkey-Gaither, Undersecretary, OSE; Suzan Solomon, State Parent Teachers Association; Sherry Griffith, ACSA; Ken Burt, California Teachers Association; Anela Freeman speaking on behalf of the Honorable Senator Gloria Romero, Senate Education Committee Chair; Margurete Noteware, California School Boards Association; Olivia Grant; Juan Godinez, LAUSD, DAC; Mary Najera, Los Angeles Parents Union (LAPU); Gabe Rose, Parent Revolution; Reverend K. W. Tolloss, National Action Network; Bill Ring, LAUSD Parent Collaborative; Rosamaria Segura, parent; Michael Casca, University of California Los Angeles student; and Lydia Grant, Neighbor Council Parent Representative.

President Mitchell reminded the board and the public that the proposed emergency regulations were not to be confused with the final regulations, and emphasized that board staff was in the process of working with the Governor's staff to address the permanent regulations' package that would supersede the proposed emergency regulations.

ACTION: Member Arkatov moved to approve the CDE's recommendation to approve the finding of emergency and proposed emergency regulations for additions to the *California Code of Regulations*, Title 5, sections 4800-4807. Member Williams seconded the motion. The board voted, by roll call, 6-0 to approve the motion. Member Austin recused himself from participating in the discussion of the item and voting.

President Mitchell adjourned the meeting at 6:39 p.m.

*****ADJOURNMENT OF MEETING*****

State Board of Education
State Board of Education Board Room
September 14-16, 2010
Draft Minutes

Tuesday, September 14, 2010 – 9:00 a.m. Pacific Time ±
California Department of Education Board Room
1430 N Street, Room 1101
Sacramento, CA 95814

Members Present

Ted Mitchell, President
Ruth Bloom, Vice President
James Aschwanden
Alan Arkatov
Benjamin Austin
Yvonne Chan
James Fang
Gregory Jones
David Lopez
Johnathan Williams
Connor Cushman, Student Member

Members Absent

Ruth Bloom, Vice President (Tuesday only)
James Fang (Thursday only)

Secretary and Executive Officer

Jack O'Connell, State Superintendent of Public Instruction

Principal Staff

Nicolas Schweizer, Executive Director, State Board of Education (SBE)
Patricia de Cos, Deputy Executive Director, SBE
Jennifer Johnson, Education Policy Consultant, SBE
Beth Rice, Education Programs Consultant, SBE
Geno Flores, Chief Deputy Superintendent, California Department of Education (CDE)
Marsha Bedwell, General Counsel, CDE
Jaime Hastings, Associate Government Analyst, CDE

Call to Order

President Mitchell called the meeting to order at 9:10 a.m.

Salute to the Flag

Member Williams led the board, staff, and audience in the Pledge of Allegiance.

Announcements/Communications

President Mitchell welcomed new board members Connor Cushman, the 2010-11 student board member, and James Fang.

Item 1: 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; update on litigation; bylaw review and revision; Board policy; Approval of minutes; Board Liaison Reports, presentations on innovative practices, and other matters of interest.

Office of the Secretary of Education

Kathy Radtkey-Gaither, Undersecretary of Education, Office of the Secretary of Education addressed the board to share the Governor's concerns regarding the charter school revocation regulations, the CAHSEE alternative means, and the Model School Library Standards. Undersecretary Gaither concluded by providing an update to the state's Race to the Top Phase II application.

Rocketship Education

The board received a presentation from John Danner, Chief Executive Officer & Co-Founder of Rocketship Education, a national non-profit elementary charter school network based in California.

Public Comment: Public comment was not offered on this item.

Item 2: 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.

The following individuals addressed the board:

- Zella Knight, Los Angeles Unified School District (LAUSD), Parent Collaborative Legislative Subcommittee, spoke to the importance of student participation on local school governing boards and the need to have more student input at SBE meetings.
- Bill Ring, LAUSD Parent Collaborative, asked to associate his comments with Zella Knight, and spoke in support of quality decision making and transparent financial and academic data at the school-site level.
- Juan Godinez, LAUSD, District Advisory Committee (DAC), informed the board that he provided a document explaining why the LAUSD DAC did not sign the district's Consolidated Application, and asked President

Mitchell to agendaize some time at a future board meeting to discuss the value in and best practices of DACs. While noting that the state did not receive a RTTT grant, he asked the board to continue its efforts to improve student data.

- Irma Munoz, LAUSD Parent Collaborative, spoke to the importance of student centers within the school districts, and emphasized the impact the centers had on participating parents interested in learning how to work with their schools to better prepare assist their children academically.

The following individuals addressed the board to share their concerns about the Alisal Union Elementary School District (AUESD)

- Agripina Cruz, parent
- Juana Martinez, parent
- Dora Lopez, parent
- Elizabeth Miller, parent
- Fausta Hernandez, parent
- Sylvia Huerta
- Juvenal Ibarra
- Lydia Rodriguez, parent
- Francisco Estrada, bilingual teacher
- Carlos Vega
- Juvenal Ibarra
- Maria Marquez
- Eduardo Velasquez
- Aida Estrada
- Martha Z. Diaz, California Association for Bilingual Education (CABE) and Californians Together
- Sally Pruneda, retired bilingual teacher
- Natalia Cruz and Junior Miller, students

The following individuals expressed their concerns regarding migrant education:

- Alicia Garcia, Imperial County, Region 6
- Elizabeth Valdez
- Alicia Garcia, Imperial County, Region 6
- Soledad Ruiz
- Mario Loy
- Martha Hernandez
- Connor Bonjon
- Javier Magana, Migrant Education Region 17
- Ernesto Quintana
- Maria Espinoza, Migrant Education Region 10
- Elaine Pearson, Migrant Education Teacher, Region 2
- Florencia Luppereio
- Martha Martinez, Migrant Education, Davis Region

- Elizabeth Valdez, Migrant State Parent Advisory Council (SPAC)
- Karen Quintanilla, Migrant Education Region 2
- Delia Ayala, Migrant Education Region 2
- Ramon Ortiz, SPAC, Region 2
- Rosa Ortiz, SPAC, Region 17
- Esther Ruiz, SPAC, Region 17
- Demetrio Aruveda, Coalition of Peace and Justice
- Maxia Torres, SPAC
- Monica Cano
- Maria Medina, Chair, SPAC, Region 22
- Jose Rojas, member, SPAC
- Jose Pineda SPAC, Executive Board
- Julio Mora, SPAC
- Maria Herrera, SPAC, Region 21
- Martin Parra

No action was taken on this item.

Item 4: Elementary and Secondary Education Act: Performance Objectives Presented by the State Trustee for the Greenfield Union Elementary School District for State Board of Education Approval.

Presenter: Patricia de Cos, Deputy Executive Director of the SBE presented on this item.

Public Comment: Public comment was not offered on this item.

President Mitchell reiterated to both the board and members of the public that the board was asked to approve a set of performance objectives against which it would measure the progress of the district and trustee. He explained that the job of the board was to define the performance objectives but not yet measure these objectives. President Mitchell stated that the question for the board was when the proposed work was complete, whether the board's efforts had helped the school district improve academically so that the school district could be returned to local control.

ACTION: Member Ashwanden moved to adopt the SBE staff recommendation to approve the performance objectives presented by Norma Martinez, State Trustee of the Greenfield Union Elementary School District (GUESD) pursuant to the Memorandum of Understanding between the SBE and the GUESD State Trustee. Member Lopez seconded the motion. The board voted, by a show of hands, 10-0 to approve the motion. Member Bloom was absent for the vote.

Item 6: Elementary and Secondary Education Act: Initial Trustee Report, Including an Identification of Problems and Recommendations for Improving Student Performance in Round Valley Unified School District.

Presenter: Christine Swenson, Director of the District & School Improvement Division presented on this item.

Public Comment:

Public comment was received from Peter Bauer, Round Valley Unified School District (RVUSD); Tom Hayes RVUSD; Cynthia O’Ferrall, RVUSD; Ernest Jones, student/teacher; Madeline Daughton, RVUSD; and Valerie Britton, RVUSD.

Member Aschwanden stated that after receiving an overview of the item from CDE staff, hearing from Paul Tichinin, Mendocino County Office of Education Superintendent, and members of the RVUSD board, establishing and maintaining trust amongst all education stakeholders was in his opinion the most pressing concern for the community. Given the RVUSD’s acceptance and appreciation for the district’s DAIT provider, Member Aschwanden stated that it would be in the best interest for the RVUSD if authority was given to an independent trustee.

ACTION: Member Aschwanden moved to instruct CDE and SBE staff to: 1) return at the November board meeting with a recommendation for an independent full trustee in Round Valley USD; 2) work with the community to identify potential trustee; and 3) think through some of the issues about budget, control, and decision making that are standing in the way of student progress. If CDE and SBE staff is not able to recommend a trustee in time for the November board meeting, they will prepare and present an alternative plan.

The board voted, by a show of hands, 10-0 to approve the motion. Member Bloom was absent for the vote.

*****PUBLIC HEARING*****

Item 8: Petition for Establishment of a Charter School Under the Oversight of the State Board of Education: Consideration of the Mission Preparatory School Petition, Which Was Denied by the San Francisco Unified School District.

Presenter: Carolyn Zachry, Consultant for the Charter Schools Division presented on this item.

OPEN PUBLIC HEARING: 2:52 p.m.

CLOSE PUBLIC HEARING: 3:29 p.m.

Public Comment:

Public comment was received from Larry Carlin, CTA; Colin Miller, California Charter School Association; Maria Elena Guadamuz, University of California Los Angeles; Monica Licea, parent; Yves Valdez, City College of San Francisco; Clay Deanhardt, founding member of Mission Preparatory School; Carlos Vasquez, Build Inc.; Lou Vasquez, Build Inc.; Lizbett Calleros, Central American Resource Center; and Bill Ring, parent.

President Mitchell informed the board that having reviewed a large number new charter school petitions, the Mission Preparatory School petition was in his opinion one of the strongest petitions presented to the board. President Mitchell complimented the charter board for selecting Jane Henzerling to head the school, and stated that the students attending this school would be well served from Ms. Henzerling's leadership.

ACTION: Member Chan moved to adopt CDE's recommendation to approve the petition for establishing the Mission Preparatory School petition under the oversight of the SBE and to incorporate the following provisions in its approval action:

- The SBEs 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:
 - Racial and Ethnic Balance, California *Education Code (EC)* Section 47605(b)(5)(G) and *California Code of Regulations*, Title 5 (5 *CCR*) Section 11967.5.1(f)(7): The CDE recommends a technical amendment to clarify that the outreach plan will be regularly reviewed and revised as necessary to ensure racial and ethnic balance.
 - Admission Requirements, *EC* Section 47605(d)(2): Technical amendments are needed to ensure that the admission requirements comply with federal and state law.
 - Annual Independent Financial Audits, *EC* Section 47605(b)(5)(I): The CDE recommends technical amendments to reflect SBE authorization.
 - Suspension and Expulsion Procedures, *EC* Section 47605(b)(5)(J): The CDE recommends technical amendments specifically:

- The preliminary list of offenses for which students must or may be suspended is to be separate from the list of offenses for which students must or may be expelled pursuant to 5 *CCR* Section 11967.5.0(f)(10)(A).
- The petition must provide evidence that noncharter schools lists of offenses and procedures were reviewed to prepare their list pursuant to 5 *CCR* Section 11967.5.1(f)(10)(D).
- Staff Retirement Programs, as required by *EC* Section 47605(b)(5)(K): The CDE recommends a technical amendment to clarify staff that will be responsible for ensuring that appropriate arrangements for coverage are made.
- Public School Attendance Alternatives, *EC* Section 47605(b)(5)(L) and 5 *CCR* Section 11967.5.1(f)(12): The CDE recommends a technical amendment to clarify how information regarding attendance alternatives will be communicated to parents.
- Dispute Resolution, *EC* Section 47605(b)(5)(N): The CDE recommends technical amendments to reflect SBE authorization and specifically:
 - The petition must describe how the costs of the dispute resolution process, if needed, would be funded.
 - The petition must be amended to allow for immediate revocation in the event that the basis for the revocation is *EC* Section 47607(d) – a severe and imminent threat to the health and safety of pupils.
- Effect on Authorizer and Financial Projections, *EC* Section 47605(g): The CDE recommends technical amendments to the petitioner budget, specifically:
 - The petitioner needs to specify how administrative services will be provided if not purchased from the district. Additional clarification is needed in the budget to delineate costs for administrative services.
 - The petitioner budget needs to be amended to include substitute teacher salaries.
- Transmission of Audit Report, *EC* Section 47605(m): The CDE recommends technical amendments to clarify audit procedures.

- Specification of a five-year term beginning July 1, 2011, and ending June 30, 2016.
- Termination of the charter if the school does not open between July 1, 2011, and September 30, 2011. (MPS requested the option to defer opening for one year if ample funding cannot be secured with adequate time to open by September 30, 2011.)

Member Jones seconded the motion. Member Arkatov proposed the following friendly amendment:

- As part of the MOU established by CDE and Mission Preparatory School, that at the beginning of any closure or revocation process, or one year before a renewal is to be considered, Mission Preparatory School shall immediately provide at its own expense a written notification to every parent, guardian, or caregiver of all options available (including specific schools) for students to transfer if it is needed or desired, and any administrative assistance required to provide for a timely transfer.

Members Chan and Jones accepted the amendment. The board voted, by a show of hands, 10-0 to approve the motion. Member Bloom was absent for the vote.

*****END OF PUBLIC HEARING*****

Item 9: Charter Revocation and Revocation Appeals: Approve Commencement of 15-Day Public Comment Period for Proposed Amendments to *California Code of Regulations*, Title 5 sections 11965, 11968.1, 11968.5.1, 11969.1, 11969.2, 11969.3, 11969.4, and 11969.10.

Presenter: Michelle Ruskofsky, Education Administrator for the Charter Schools Division presented on this item.

Public Comment:

Public comment was received from Eric Premack, Charter Schools Development Center (CSDC); Colin Miller, CCSA; Jerry Simmons, Middleton, Young & Minney; Stephanie Farland, CSBA; Sherry Griffith, ACSA; and Juan Godinez, LAUSD DAC.

Following a substantive board discussion, President Mitchell explained that he viewed the presented regulations as an opportunity to detect malfeasance where students were systematically adversely impacted by adults. He emphasized that the question presented to the board was what should be included in the list of clear and imminent danger items, and who should make that determination. The

challenge, President Mitchell explained, was to protect charter schools against capricious application of these questions.

ACTION: Member Williams moved to adopt the CDE's recommendation that the SBE take the following actions:

- Approve the proposed changes to the proposed amendments to the regulations;
- Direct that the proposed changes be circulated for a 15-day public comment period in accordance with the Administrative Procedure Act;
- If no relevant comments to the proposed changes are received during the 15-day public comment period, the proposed amendments with changes are deemed adopted, and the CDE is directed to complete the rulemaking package and submit it to the Office of Administrative Law (OAL) for approval;
- If any relevant comments to the proposed changes are received during the 15-day public comment period, the CDE is directed to place the proposed regulations on the SBE's November 2010 agenda for action; and
- Authorize the CDE to take any necessary ministerial action to respond to any direction or concern expressed by the OAL during its review of the rulemaking file.
- Member Williams also moved to add new subsection (a) to section 11968.5.2 on line 1 of page 7 to read: "At least 72 hours prior to any board meeting in which a school board will consider issuing a "Notice of Violation," the charter authorizer shall provide the charter school with notice and all relevant documents related to the proposed action;" and
- Amend subsection (e) of section 11968.5.2 to insert on line 1 of page 8 after "a Final Decision:" "At any hearing concerning the revocation of a charter school, the charter school shall be allowed equal time to present and rebut prior to the close of the hearing."

The motion was seconded by Member Austin. The board voted, by a showing of hands, 10-0 to approve the motion. Member Bloom was absent for the vote.

Item 10: Charter Revocation Pursuant to California *Education Code* Section 47604.5(c) – Approve Commencement of Second 15-Day Public Comment Period for Proposed Changes to Proposed *California Code of Regulations*, Title 5, Section 11968.5.

Presenter: Michelle Ruskofsky, Education Administrator for the Charter Schools Division presented on this item.

Public Comment:

Public comment was received from Doug McRae, consultant; Eric Premack, CSDC; Colin Miller, CCSA; Stephanie Farland, CSBA; and Sherry Griffith, ACSA.

Speaking to public comments raised that questioned whether the presented regulations resolved a problem within charter schools, Member Austin stated that a number of charter schools that continued to operate in California failed to serve students well. Because charter schools enjoyed significant regulatory freedoms than traditional public schools, Member Austin stated that charter schools must be held to a higher standard.

ACTION: Member Arkatov moved to adopt CDE's recommendation to:

- Approve the proposed changes to the proposed regulations;
- Direct that the proposed changes be circulated for a 15-day public comment period in accordance with the Administrative Procedure Act;
- If no relevant comments to the proposed changes are received during the 15-day public comment period, the proposed regulations with changes are deemed adopted, and the California Department of Education (CDE) is directed to complete the rulemaking package and submit it to the Office of Administrative Law (OAL) for approval;
- If any relevant comments to the proposed changes are received during the 15-day public comment period, the CDE is directed to place the proposed regulations on the SBE's November 2010 agenda for action; and
- Authorize the CDE to take any necessary ministerial action to respond to any direction or concern expressed by the OAL during its review of the rulemaking file.
- Member Arkatov also moved to insert the following language for section 11968.5 d): "At the beginning of the revocation review, CDE shall require any school being reviewed to immediately provide, at their own expense, written notification to every parent, guardian, or caregiver that fully describes the revocation process, all options including specific schools available to students to transfer if it is needed or desired, and any administrative assistance required for a timely transfer."

Member Aschwanden seconded the motion. The board voted, by a show of

hands, 9-0 to adopt the motion. Members Bloom and Fang were absent for the vote.

Item 14: Elementary and Secondary Education Act: Striving Readers Comprehensive Literacy Program; Submission of the State Application for the Striving Readers Comprehensive Literacy Program Under Part E, Section 1502.

Presenter: Beth Rice, Education Programs Consultant for the SBE presented on this item.

Public Comment:

Public comment was received from Sherry Griffith, ACSA.

President Mitchell reminded the members of the public that the formula money was designed to set up the infrastructure by which the board applied for the grant, and to support the work of the team that would write the literacy plan for the state.

ACTION: Member Aschwanden moved to adopt the SBE staff recommendation to authorize the SBE President to do the following, as appropriate:

- Work with the CDE and SBE staff to complete the California Striving Readers Comprehensive Literacy Program (SRCL) Application;
- Sign and submit the SRCL Application that is due to the U.S. Department of Education (ED) by September 30, 2010; and
- Work jointly with the State Superintendent of Public Instruction and the California Secretary of Education to select a minimum of nine members of the California SRCL State Literacy Team.

Member Chan seconded the motion. The board voted, by a show of hands, 7-0 to approve the motion. Members Austin, Fang, and Williams were absent for the vote.

Item 13: Update on Issues Related to California's Implementation of the Elementary and Secondary Education Act and Other Federal Programs.

Presenter: Christine Swenson, Director of District and School Improvement Division, presented on this item.

Public Comment:

Public comment was received by Doug McRae, retired test publisher; Juan Godinez, LAUSD, DAC; and Bill Ring, LAUSD Parent Collaborative.

No action was taken on this item.

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

President Mitchell adjourned the day's meeting at 6:14 p.m.

State Board of Education
State Board of Education Board Room
September 14-16, 2010
Draft Minutes

Wednesday, September 15, 2010 – 9:00 a.m. Pacific Time ±
California Department of Education Board Room
1430 N Street, Room 1101
Sacramento, CA 95814

Members Present

Ted Mitchell, President
Ruth Bloom, Vice President
James Aschwanden
Alan Arkatov
Benjamin Austin
Yvonne Chan
James Fang
Gregory Jones
David Lopez
Johnathan Williams
Connor Cushman, Student Member

Call to Order

The meeting was called to order at 9:47 a.m.

Salute to the Flag

Member Chan led the Board, staff, and audience in the Pledge of Allegiance.

Announcements

President Mitchell announced that the board would first meet in Closed Session and follow with Open Session at approximately 10:00 a.m.

CLOSED SESSION REPORT

President Mitchell reported out that the board met in Closed Session to hear updates on two matters: *California School Boards Association and its Education Legal Alliance, et al., v. The California State Board of Education, et al.*; and *Emma C., et al. v. Delaine Eastin, et al.*

CONSENT CALENDAR

The following items were proposed for the regular consent calendar: 3, 12, 15, 17, and 26 through 28.

Public Comment:

Martha Z. Diaz, Californians Together; Lydia Grant, parent representative, Sunland-Tujunga, Neighborhood-Council; Bill Ring, LAUSD Parent Collaborative; and Katie Valenzuela, Public Advocates.

Following public comment, President Mitchell requested that Item 17 be removed from the proposed consent calendar.

ACTION: Member Aschwanden moved to approve the amended consent calendar by removing Item 17 from the proposed consent calendar. Member Austin seconded the motion. The board voted, by show of hands, 10-0 to approve the motion. Member Williams was absent for the vote.

Item 3: Appoint Eugene Flores and Deborah Kennedy to positions in accordance with Article IX, Section 2.1, of the Constitution of the State of California.

Item 12: Assignment of Numbers for Charter School Petitions.

Item 15: Elementary and Secondary Education Act: Approve Local Educational Agency Plans, Title I, Section 1112.

Item 26: The Administrator Training Program: Approval of Training Providers and Training Curricula.

Item 27: State Instructional Materials Fund – Approve Tentative Encumbrances and Allocations for Fiscal Year 2010–11.

Item 28: Reading First Program (Title I, Part B, Federal No Child Left Behind Act), Request for Waiver of the Tydings period for Federal Fiscal Year 2008 Item Number 6110-126-0890.

END OF CONSENT CALENDAR

Item 16: Local Education Agency Teacher and Principal Performance Evaluation Practices and Reporting Requirements.

Presenter: Beth Rice, Education Programs Consultant for the SBE presented this item.

Following staff introduction, the board heard from Dr. John Deasy, Deputy Superintendent, LAUSD; Kim Mecum, Human Resources Director, Fresno Unified School District (FUSD); Greg Adams, President, FUSD Teachers Association; Joe Baker, FUSD; and Ruth Ashley, FUSD.

Public Comment:

Public comment was received from Melissa Eiler White, WestEd; Sherry Griffith, ACSA; Bill Ring; LAUSD Parent Collaborative; Juan Godinez, LAUSD DAC; Pixie Hayward-Schickele, CTA; Martha Z. Diaz, Californians Together and CAFE; Zella Knight, LAUSD Parent Collaborative; Jim Woodhead, member, Advisory Commission on Special Education (ACSE); and Irma Munoz.

Member Aschwanden commended the presenters for sharing their perspectives and ideas on teacher and principal evaluation to the board, but cautioned that the work ahead would require long-term staff capacity before a school district could come back to the board to help them understand what it is that they did at the local level that could assist the board understand best practices.

ACTION: Member Austin moved to adopt a resolution to:

- Commend the school board members, administrators and union leaders of the Los Angeles Unified, Fresno Unified, and Long Beach Unified school districts for their work improving teacher and principal evaluation systems, and specifically for incorporating performance data into these systems.
- Request that the presenters come back to the next board meeting to provide an update.
- Direct California Department of Education (CDE) and State Board of Education (SBE) staff to work with these districts and other stakeholders to come up with a list of specific proposals the board can act on at the next meeting to support the work these districts are doing and improve teacher and principal evaluation across the state of California.

The motion was seconded by Member Chan. Member Arkatov offered a friendly amendment adding to the resolution that CDE, in collaboration with SBE staff, quickly provide information via the Web that serves as a clearing house for relevant facts, data, recommendations, and opinions regarding teacher evaluation strategies and policies from interested parties at the local, state, and national levels. The amendment was accepted by Members Austin and Chan.

The board voted, by a show of hands, 11-0 to pass the motion.

Item 17: State Fiscal Stabilization Fund Indicator (a)(2): Update of California's

Teacher Equity Plan.

Presenter: Phil Lafontaine, Director of the English Learner and Curriculum Support Division, presented on this item.

Public Comment:

Public comment was received from Katie Valenzuela, Public Advocates; Martha Diaz, Californians Together and CAFE; Sherry Griffith, ACSA.; and Bill Ring, LAUSD Parent Collaborative.

President Mitchell acknowledged that while the Teacher Equity Plan met the regulatory requirements, he asked CDE staff whether they could respond to Martha Diaz's concerns that additional information be inserted into the document, and CDE staff stated they would add the suggested Crosscultural, Language and Academic Development (CLAD) segments into the document.

ACTION: Member Lopez moved to adopt the CDE recommendation that the SBE approve the revised Teacher Equity Plan (TEP) in Attachment 1 with the modification to: 1) add the Bilingual, Crosscultural, Language and Academic Development (BCLAD) and Crosscultural, Language and Academic Development (CLAD) segments into the document, and 2) separately request CDE to share with the SBE some samples of LEA responses. Member Chan seconded the motion. The board voted, by a show of hands, 10-0 to approve the motion. Member Arkatov was absent for the vote.

*****PUBLIC HEARING*****

Item 18: Appeal of a Decision by the San Mateo County Committee on School District Organization to Disapprove a Petition to Transfer Territory from the Ravenswood City School District to the Menlo Park City School District in San Mateo County.

Presenter: Larry Shirey, Consultant for the School Fiscal Services Division presented on this item.

OPEN PUBLIC HEARING: 2:02 p.m.

CLOSE PUBLIC HEARING: 2:23 p.m.

Public Comment:

Public comment was not offered on this item.

President Mitchell thanked the respective parties, CDE staff and board members for contributing to the board discussion, and reiterated that when the board

looked at the question presented, it wasn't merely addressing what to do with this particular petition but instead asking if more could be done to help all students succeed.

ACTION: Member Chan moved to reject the CDE's recommendation and accept the petition to transfer territory from the Ravenswood City School District to the Menlo Park City School District in San Mateo County, and based on that action, approve the CDE's recommendation to limit the voting to the affected townhomes alone. The board voted, by a show of hands, 6-5 to approve the motion.

Yes Votes: Members Arkatov, Aschwanden, Austin, Bloom, Chan, and Cushman

No Votes: Fang, Jones, Lopez, Mitchell, and Williams

*****END OF PUBLIC HEARING*****

*****PUBLIC HEARING*****

Item 19: Appeal of a Decision by the Santa Clara County Committee on School District Organization to Disapprove a Petition to Transfer Territory from the Lakeside Joint School District to the Los Gatos Union School District in Santa Clara County.

Presenter: Larry Shirey, Consultant for the School Fiscal Services Division presented on this item.

OPEN PUBLIC HEARING: 2:32 p.m.

Bob Chrisman, Superintendent, Lakeside Joint School District, and Richard Whitmore, Superintendent, Los Gatos Union School District, both stated they were on record against the appeal.

CLOSE PUBLIC HEARING: 2:36 p.m.

Public Comment:

Public comment was not offered on this item.

ACTION: Member Aschwanden moved to adopt the CDE recommendation to affirm the action of the Santa Clara County Committee on School District Organization (County Committee) by adopting the proposed resolution in Attachment 2, thereby denying the appeal. Member Cushman seconded the motion. The board voted, by a show of hands, 7-0 to approve the motion. Member Jones abstained from the vote. Members Arkatov, Austin, and Mitchell were absent for the vote.

*****END OF PUBLIC HEARING*****

Item 21: California High School Exit Examination: Analysis and Consideration of Alternative Means to the California High School Exit Examination.

Presenter: Rachel Perry, Director of the Assessment, Accountability & Awards Division presented on this item.

Public Comment:

Public comment was received from Doug McRae, retired testing consultant; Jim Woodhead, ACSE; and Sherry Griffith, ACSA.

After a substantive discussion, Member Bloom reminded the board and the members of the public that the board relied on various advisory commissions and committees to assist them with its decision-making process, and suggested that the ACSE review this agenda item and report back its findings and recommendations at the January 2011 board meeting.

ACTION: Member Chan moved to direct that this item be presented to the Advisory Commission on Special Education for review and discussion at its next scheduled meetings and that the Commission provide the SBE in January 2011 with recommendations regarding the following:

- The option to use of a cut score of 300 in the grades 9-11 in English language arts (ELA) CST and Algebra I CST as an alternate means to passage of the CAHSEE for eligible students.
- The option to use ELA California Modified Assessment (CMA) and Algebra 1 CMA as an alternate means to passage of the CAHSEE for eligible students.
- The advisability of conducting a field-based pilot study of the SSPI proposed Tier I and Tier II alternative means to the CAHSEE.
- Suggestions for the appropriate uses of the remaining AB 2040 funds.

Member Austin seconded the motion, and requested a friendly amendment to the motion to direct CDE staff to provide the SBE with information on using student grades as an alternative means, which was accepted by Member Chan. The board voted, by a show of hands, 9-0 to adopt the motion. Members Fang and Mitchell were absent for the vote.

Item 24: Accountability Progress Reporting System: Results from the 2010 Growth Academic Performance Index, 2010 Adequate Yearly Progress, and 2010–11 Program Improvement Reports.

Presenter: Rachel Perry, Director of the Assessment, Accountability & Awards Division presented on this item.

Public Comment:

Public comment was received from Doug McRae, retired testing consultant; Juan Godinez, LAUSD DAC; Sandra Thornton, CTA; Bill Ring, LAUSD Parent Collaborative; and Sherry Griffith, ACSA.

No action was taken on this item.

Item 29: Legislative and Budget Update, Including, but not Limited to, Information on the 2009–10 Legislative Session and the 2009–10 and 2010–11 Budgets.

Presenter: Cathy McBride, Director of the Legislative Affairs Division presented on this item.

Public Comment:

Public comment was received from Juan Godinez, LAUSD DAC.

No action was taken on this item.

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

President Mitchell adjourned the day's meeting at 5:18 p.m.

State Board of Education
State Board of Education Board Room
September 14-16, 2010
Draft Minutes

Thursday, September 16, 2010 – 9:00 a.m. Pacific Time ±
California Department of Education Board Room
1430 N Street, Room 1101
Sacramento, CA 95814

Members Present

Ted Mitchell, President
Ruth Bloom, Vice President
James Aschwanden
Alan Arkatov
Benjamin Austin
Yvonne Chan
Gregory Jones
David Lopez
Johnathan Williams
Connor Cushman, Student Member

Members Absent

James Fang

Call to Order

The meeting was called to order at 9:00 a.m.

Salute to the Flag

Member Lopez led the Board, staff, and audience in the Pledge of Allegiance.

CLOSED SESSION REPORT

President Mitchell reported out that the board met in Closed Session to receive advice on the *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.* matter.

REPORT OF THE SUPERINTENDENT

Geno Florez, Chief Deputy Superintendent of Public Instruction, spoke on behalf of State Superintendent of Public Instruction Jack O'Connell, and thanked both the executive and legislative branches in California for their swift work on the

Education Jobs Bill, Senate Bill 847.

Chief Deputy Florez announced that State Superintendent O'Connell publicly released the 2010 Academic Progress Reports for all of California's schools.

Chief Deputy Florez announced that the CDE would conduct a soft launch for its Brokers of Expertise Web page within the next week.

Finally, Chief Deputy Florez informed the board that the CDE's publication, *Improving Education for English Learners: Research-Based Approaches*, sold out its first publication, and that staff was in print for the second edition.

Re-Open Item 1: 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; update on litigation; bylaw review and revision; Board policy; Approval of minutes; Board Liaison Reports, presentations on innovative practices, and other matters of interest.

Public Comment:

Public comment was not offered on this item.

ACTION: Member Bloom moved to approve minutes from the May 2011 board meeting. Member Arkatov seconded the motion. The board voted, by show of hands, 9-0 to approve the motion. Member Bloom abstained from the vote. Member Fang was absent for the vote.

Item 22: California High School Exit Examination: Approve the Finding of Emergency and Proposed Emergency Regulations for Amendments to the *California Code of Regulations*, Title 5, Section 1216.1.

Presenter: Rachel Perry, Director of the Assessment, Accountability & Awards Division presented on this item.

Public Comment:

Public comment was received from Kristin Wright, ACSE Chair.

ACTION: Member Chan moved to adopt the CDE recommendation 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.

Member Lopez seconded the motion. The board voted, by a show of hands, 10-0 to approve the motion. Member Fang was absent for the vote.

Item 23: 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.

Presenter: Rachel Perry, Director of the Assessment, Accountability & Awards Division presented on this item.

Public Comment:

Public comment was not offered on this item.

ACTION: Member Bloom moved to adopt the CDE recommendation that the 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.

Member Cushman seconded the motion. The board voted, by a show of hands, 10-0 to approve the motion. Member Fang was absent for the vote.

Item 30: Parent Empowerment — Approve Commencement of 45-day Comment Period for Proposed Additions to the *California Code of Regulations*, Title 5, Sections 4800 - 4807.

Presenter: Christine Swenson, Director of the District & School Improvement Division presented on this item.

Public Comment:

Public comment was received from Zella Knight, LAUSD; Bill Ring, LAUSD; Juan Godinez, LAUSD DAC; Doreen McGuire-Griggs, CTA; Reverend Tulloss, parent; Crissina Johnson, parent; Lydia Grant, parent, David Page, parent, San Diego

USD; Gabe Rose, Parent Revolution; the Honorable Senator Gloria Romero; Yolanda Arroyo, Parent Revolution; Shirley Ford, Parent Revolution; Sherry Griffith, ACSA; Marguerite Noteware, CSBA; and Martha Z. Diaz, Californians Together.

ACTION: Member Chan moved to adopt CDE's recommendation to take the following actions:

- Approve the Notice of Proposed Rulemaking
- Approve the Initial Statement of Reasons
- Approve the proposed regulations
- Direct CDE to commence the rulemaking process

Member Jones seconded the motion. Member Arkatov offered a friendly amendment to add a new section to the beginning of the regulations to read as follows: "It was the intent of the Legislature and remains the intent of the State Board for Parent Empowerment to remain valid in the event of changes to federal law referenced within the legislative language of Senate Bill X5 4 to the extent allowable under the law." The amendment was accepted by Members Chan and Jones. The board voted, by a show of hands, 9-0 to adopt the motion. Member Austin had recused himself from participating in the discussion and voting on the item. Member Fang was absent for the vote.

Item 32: Model School Library Standards for California Public Schools, Kindergarten Through Grade Twelve.

Presenter: Tom Adams, Director of Curriculum Frameworks & Instructional Resources Division presented on this item.

Public Comment:

Public comment was received from Juan Godinez, LAUSD DAC; Bill Ring, LAUSD Parent Collaborative; Susan Thompson, California School Library Association (CSLA); Connie Williams, CSLA; John McGinnis, Long Beach Unified School District; Marguerite Noteware, CSBA; Jennie Rae Davis; Sherry Griffith, ACSA; Linda Goff, California State University Sacramento; and Sandra Thornton, CTA.

The board complimented the CDE and many volunteers who contributed to the development of the Model School Library Standards. Echoing the admiration of the efforts made to produce the standards, President Mitchell cautioned however that while the Library School Library Standards were not mandated, he was

concerned that school districts would feel compelled to allocate resources to implement the standards. Speaking to President Mitchell's concerns, Member Aschwanden spoke to his experience serving on a committee that prepared career technical education standards. Member Aschwanden noted that when the committee prepared those standards their concerns focused on the school districts that would ignore the standards, at the detriment of serving the very population of students who would benefit from such information. Member Aschwanden thanked President Mitchell for raising the concern but stressed that the board couldn't delay the passage of the standards for fear of what may or may not happen at the district level.

ACTION: Member Aschwanden moved to approve CDE's recommendation that the SBE adopt model standards for school libraries with the understanding that the State Superintendent of Public Instruction in conjunction with the SBE will convene a group of school library experts to examine the effect of the Common Core California Standards on the Model School Library Standards and may present possible revisions to the Model School Library Standards at a later SBE meeting. Member Arkatov seconded the motion. The board voted, by a show of hands, 10-0 to approve the motion. Member Fang was absent for the vote.

Item 31: Open Enrollment Act—Approve Commencement of 15-Day Public Comment Period for Proposed Changes to Proposed *California Code of Regulations*, Title 5, sections 4700–4703.

Presenter: Cindy Cunningham, Deputy Superintendent P-16 Policy and Information Branch, presented on this item.

Public Comment:

Public comment was received from Donna Perez, Superintendent, Alhambra Unified School District; Zella Knight, LAUSD; Bill Ring, LAUSD; Juan Godinez, LAUSD DAC; Sandra Thornton, CTA; Marguerite Noteware, CSBA; James Gibson, Superintendent, Castaic Union School District; Mike Kilbourn, Orange County Department of Education and California County Superintendents Association; Marc Jackson, Silver Valley Unified School District; Meg Abrahamson, Pasadena Unified School District; Sherry Griffith, ACSA, Bill Lucia, EdVoice; Monica Henestroza, San Diego USD; David Page, San Diego USD.

Member Chan inquired into the timelines for the proposed regulations, and Deputy Superintendent Cunningham explained that the public had only received a copy of the amendments earlier in the morning. Because new information was inserted into the regulations, she believed that there would be additional comments provided, since CDE staff had received nearly 60 public comments during the past public comment period.

ACTION: Member Aschwanden moved to approve CDE’s recommendation that the SBE take the following actions:

- Approve the proposed changes to the proposed regulations;
- Direct that the proposed changes be circulated for a 15-day public comment period in accordance with the Administrative Procedure Act;
- If no relevant comments to the proposed changes are received during the 15-day public comment period, the proposed regulations with changes are deemed adopted, and the California Department of Education (CDE) is directed to complete the rulemaking package and submit it to the Office of Administrative Law (OAL) for approval;
- If any relevant comments to the proposed changes are received during the 15-day public comment period, the CDE is directed to place the proposed regulations on the SBE’s November 2010 agenda for action; and
- Authorize the CDE to take any necessary ministerial action to respond to any direction or concern expressed by the OAL during its review of the rulemaking file.

Member Lopez seconded the motion. The board voted, by a show of hands, 7-0 to approve the motion. Members Bloom and Chan abstained from the vote. Members Fang and Jones were absent for the vote.

Item 33: Approval of 2010–11 Consolidated Applications.

Presenter: Keric Ashley, Director of the Data Management Division presented on this item.

Public Comment:

Public comment was received by Juan Godinez, LAUSD DAC; Bill Ring, LAUSD Parent Collaborative; Zella Knight, LAUSD; David Page, San Diego Unified School District; David Tokofsky, Learning Works!; Dir Mikala Ratin, Learning Works!; and Tomoko Patrick, Learning Works!

President Mitchell thanked the speakers for sharing their concerns during public comment, and suggested that the board agendize some time at a future meeting to discuss and learn about best practices for District Advisory Committees (DAC). Referencing a concern raised during public comment, President Mitchell asked CDE staff to clarify whether DACs met the requirements under the law, and Mr. Ashley explained that for those school districts that received Economic Impact Aid funds, and used those funds for compensatory education at the local level,

they were to use their DAC to advise on their ConApp, which was not the same thing as asking it to approve a ConApp in question. More specifically, he noted that the DAC was asked to lend their feedback on that section of the ConApp that addressed compensatory education.

ACTION: Member Aschwanden moved to adopt the CDE recommendation that the SBE approve the 2010–11 Consolidated Applications (ConApps) submitted by local educational agencies (LEAs) in Group One of Attachment 1. Member Chan seconded the motion. The board voted, by a show of hands, 9-0 to approve the motion. Members Fang and Lopez were absent for the vote.

Member Aschwanden moved to adopt the CDE recommendation that the SBE approve the 2010–11 ConApps submitted by LEAs in Group Two of Attachment 1. Member Chan seconded the motion. The board voted, by show of hands, 7-0 to approve the motion. Members Arkatov, Austin, and Mitchell had recused themselves from participating in the discussion and voting on the item, and Member Fang was absent for the vote.

Member Cushman moved to adopt the CDE recommendation that the SBE approve the 2010–11 ConApps submitted by LEAs in Group Three of Attachment 1. Member Chan seconded the motion. The board voted by a show of hands, 9-0 to approve the motion. Member Lopez had recused himself from participating in the discussion and voting on the item, and Member Fang was absent for the vote.

Member Williams moved to adopt the CDE recommendation that the SBE approve the 2010–11 ConApps submitted by LEAs in Group Four of Attachment 1. Member Mitchell seconded the motion. The board voted, by a show of hands, 9-0 to approve the motion. Member Chan had recused herself from participating in the discussion and voting on the item, and Member Fang was absent for the vote.

Member Mitchell moved to adopt the CDE recommendation that the SBE approve the 2010–11 ConApps submitted by LEAs in Group Five of Attachment 1. Member Cushman seconded the motion. The board voted, by a show of hands, 9-0 to approve the motion. Member Williams had recused himself from participating in the discussion and voting on the item, and Member Fang was absent for the vote.

Item W-21 General

Subject: Request by Orange County Department of Education to waive *Education Code (EC) Section 51745.6 (a)* the requirement that the independent study pupil-teacher ratio shall not exceed the equivalent ratio at the largest high

school or unified district in the county. The Orange County Department of Education requests an independent study ratio of 35 to one.

Waiver Number: 44-6-2010

(Recommended for APPROVAL WITH CONDITIONS)

Presenter: Judy Pinegar of the Waiver Office presented introduced this item. William M. Habermehl, Superintendent, Orange County Office of Education spoke in support of the waiver request.

Public Comment:

Public comment was received from Larry Carlin, CTA.

President Mitchell stated that the current board felt strongly during the current challenged economic times that financial flexibility of limited duration was critical to allow professionals the work needed to serve students, which was a position supported and advanced by the Governor and Legislature. In addition, he stressed that the board was interested in allowing flexibility to nontraditional programs that used technology differently and thus changing the human capital mix or in this case nontraditional programs that served nontraditional students. Finally, President Mitchell reminded the public that this was a board that consistently sought to reward success with increasing degrees of autonomy and flexibility.

ACTION: Member Arkatov moved to approve the Orange County Department of Education's request to have an independent study ratio of 35 to one with the following conditions:

1. All additional revenues generated by independent study students will be spent on services for those students;
2. The Orange County Department of Education (DE) must provide an annual report of expenditures to the California Department of Education; and
3. California *Education Code (EC)* 33050(b) will not apply, so the county must request a renewal to continue the waiver.

Member Cushman seconded the motion. The board voted, by a show of hands, 8-1 to approve the motion. Member Chan voted against the motion. Member Williams abstained from the vote. Member Fang was absent for the vote.

Item 35: Standardized Testing and Reporting Program: Approve Commencement of a 15-Day Public Comment Period for Proposed Changes to the *California Code of Regulations*, Title 5, Sections 850 Through 868.

Presenter: Rachel Perry, Director of the Assessment, Accountability & Awards Division presented on this item.

Public Comment:

Public comment was received from Roger Yoho, Corona-Norco Unified School District; Sherry Griffith, ACSA; and Doug McRae, consultant.

Vice President Bloom asked CDE staff to clarify whether the amendments presented were minor in scope, and Ms. Perry confirmed that the changes were not substantive.

ACTION: Member Williams moved to adopt the CDE recommendation that the SBE take the following actions:

- Approve the proposed changes to the proposed regulations;
- Direct that the proposed changes be circulated for a 15-day public comment period in accordance with the Administrative Procedure Act;
- If no relevant comments to the proposed changes are received during the 15-day public comment period, the proposed regulations with changes are deemed adopted, and California Department of Education (CDE) is directed to complete the rulemaking package and submit it to the Office of Administrative Law (OAL) for approval;
- If any relevant comments to the proposed changes are received during the 15-day public comment period, the CDE is directed to place the proposed regulations on the SBE's November 2010 agenda for action; and
- Authorize the CDE to take any necessary ministerial action to respond to any direction or concern expressed by the OAL during its review of the rulemaking file.

Member Lopez seconded the motion. The board voted, by a show of hands, 7-0 to approve the motion. Members Arkatov, Austin, Fang, and Mitchell were absent for the vote.

WAIVER REQUEST CONSENT MATTERS

The following agenda items satisfy criteria for approving a waiver of that type based on a previously-adopted State Board of Education waiver policy or have waiver evaluation criteria that are in the *Education Code* or in the *California Code of Regulations*, Title 5.

The following agenda items were proposed for approval on the waiver request consent calendar: WC-1 through WC-17.

Public Comment: Public comment was not offered on the waiver request consent calendar.

ACTION: Member Chan moved to approve the waiver consent calendar. Member Lopez seconded the motion. The board voted, by a show of hands, 8-0 to approve the motion. Members Austin, Fang, and Mitchell were absent for the vote.

Item WC-1 General

Subject: Request by Sebastopol Union Elementary School District to waive *California Code of Regulations*, Title 5, Section 11960(b) to allow Sebastopol Independent Charter to reduce the charter school year to less than 175 days without a fiscal penalty.

Waiver Number: 24-6-2010

(Consent due to SBE Streamlined Waiver Policy Only)

(Recommended for APPROVAL WITH CONDITIONS)

Item WC-2 Specific

Subject: Request by Orcutt Union Elementary School District, under the authority of California *Education Code* Section 41382, to waive portions of *Education Code* sections 41376 (a), (c), and (d) and 41378 (a) through (e), relating to class size penalties for kindergarten through grade three. For kindergarten, the maximum overall class size average is 31 to one with no class larger than 33. For grades one to three, the maximum overall class size average is 30 to one with no class larger than 32. The district requests to increase its maximum overall average to 33 and its maximum individual class size to 35 to one for kindergarten through grade three, retroactively for fiscal year 2009-10 and prospectively for 2010-11.

Waiver Number: 19-6-2010

(Recommended for APPROVAL WITH CONDITIONS)

Item WC-3 Specific

Subject: Request by Central Elementary School District under the authority of California *Education Code* Section 41382, to waive portions of *Education Code* sections 41376 (a), (c), and (d) and 41378 (a) through (e), relating to class size penalties for kindergarten through grade three. For kindergarten, allowable class size average is 31 to one with no class larger than 33. For grades one to three, allowable class size average is 30 to one with no class larger than 32. The district requests to increase overall average to 33 and individual class size to 35 to one, for kindergarten through grade three prospectively (2010-11 and 2011-12 fiscal years).

Waiver Number: 23-6-2010
(Consent due to SBE Streamlined Waiver Policy Only)
(Recommended for APPROVAL WITH CONDITIONS)

Item WC-4 Federal

Subject: Request by Acton-Agua Dulce Unified School District for Vasquez 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-212-2010
(Recommended for APPROVAL)

Item WC-5 Federal

Subject: Request by Fall River Joint Unified School District for Burney and Fall River Junior-Senior High Schools 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-418-2010
(Recommended for APPROVAL)

Item WC-6 Federal

Subject: Request by River Delta Joint Unified School District for Rio Vista High and Delta 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-421-2010
(Recommended for APPROVAL)

Item WC-7 Federal

Subject: Request by Sacramento Academic and Vocational Academy 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-417-2010
(Recommended for APPROVAL)

Item WC-8 Federal

Subject: Request by Shandon Joint Unified School District for Shandon 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-205-2010
(Recommended for APPROVAL)

Item WC-9 General

Subject: Request by Las Lomitas Elementary School District to waive portions of the California *Education Code* sections 17455, 17466, 17472, and 17475 and all of 17473 and 17474, specific statutory provisions for the sale and 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 Ladera School site.

Waiver Number: 37-6-2010

(Consent due to SBE Streamlined Waiver Policy Only)

(Recommended for APPROVAL WITH CONDITIONS)

Item WC-10 Specific

Subject: Request by Del Norte County Office of Education under the authority of California *Education Code* Section 52863 for a renewal waiver of *Education Code* Section 52852, allowing one joint schoolsite council to function for four small schools: Elk Creek School, McCarthy Alternative Education Center, Del Norte County Community Day School Elementary, and Del Norte County Community Day School Secondary.

Waiver Number: 10-7-2010

(Recommended for APPROVAL WITH CONDITIONS)

Item WC-11 Specific

Subject: Request by Plumas County Office of Education under the authority of California *Education Code* Section 52863 for a renewal waiver of *Education Code* Section 52852, allowing one joint schoolsite council to function for three small alternative schools, Plumas County Community School, Plumas Opportunity School, and Portola Opportunity School.

Waiver Number: 21-6-2010

(Recommended for APPROVAL WITH CONDITIONS)

Item WC-12 Specific

Subject: Request by Ojai Unified School District to waive California *Education Code* Section 51224.5(b), the requirement that all students graduating in the 2009-10 school year be required to complete a course in Algebra I (or equivalent) to be given a diploma of graduation for one special education student based on *Education Code* Section 56101, the special education waiver authority.

Waiver Number: 34-5-2010

(Consent due to SBE Streamlined Waiver Policy Only)

(Recommended for APPROVAL WITH CONDITIONS)

Item WC-13 General

Subject: Request by Clovis Unified School District 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 Bosworth and Heather Jordan to continue to provide services to students until June 30, 2011, under a remediation plan to complete those minimum qualifications.

Waiver Number: 11-7-2010 and 12-7-2010

(Recommended for APPROVAL WITH CONDITIONS)

Item WC-14 General

Subject: Request by Clovis Unified School District for a renewal to waive *California Code of Regulations*, Title 5, Section 3051.16(b)(3), the requirement that educational interpreters for deaf and hard of hearing pupils meet minimum qualifications as of July 1, 2009, to allow Cassandra Hale and Sara Lloyd to continue to provide services to students until June 30, 2011, under a remediation plan to complete those minimum qualifications.

Waiver Number: 13-7-2010 and 17-7-2010

(Consent due to SBE Streamlined Waiver Policy Only)

(Recommended for APPROVAL WITH CONDITIONS)

Item WC-15 Specific

Subject: Request by Centralia 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). Elizabeth Martinez is assigned at Walter Knott School.

Waiver Number: 33-5-2010

(Consent due to SBE Streamlined Waiver Policy Only)

(Recommended for APPROVAL WITH CONDITIONS)

Item WC-16 General

Subject: Request by Arcadia Unified School District to waive the State Testing Apportionment Information Report and Certification deadline of December 31 in the *California Code of Regulations*, Title 5, Section 1225(b)(2)(A) regarding the California High School Exit Examination.

Waiver Number: 11-6-2010

(Recommended for APPROVAL)

Item WC-17 General

Subject: Request by Fremont Unified School District to waive portions of California *Education Code* Section 51745.6, and *California Code of Regulations*, Title 5, sections 11704, and portions of 11963.4(a)(3), related to charter school independent study

pupil-to-teacher ratios to allow an increase from a 25:1 to a 27.5:1 pupil-to-teacher ratio at Circle of Independent Learning Charter School.

Waiver Number: 2-6-2010

(Recommended for APPROVAL WITH CONDITIONS)

END OF REQUEST WAIVER CONSENT MATTERS

PROPOSED WAIVER CONSENT MATTERS

The following waiver items on the Non-consent Agenda were proposed for consent: W-1 through W-16, W-22 through W-25, W-27 through W-32, W-34 and W-35, and W-37 and W-38.

Public Comment:

Public comment was received from Larry Carlin, CTA; Sandra Thornton, CTA; Pixie Hayward-Schickele, CTA; and Doreen McGuire Griggs, CTA.

ACTION: Member Aschwanden moved to approve the Proposed Waiver Request Consent Items W-1 through W-16, W-22 through W-25, W-27 through W-32, W-34 and W-35, and W-37 and W-38. Member Lopez seconded the motion. The board voted, by a show of hands, 8-0 to approve the motion. Members Austin, Fang, and Mitchell were absent for the vote.

Item W-1 General

Subject: Request by Ukiah Unified School District to waive *California Code of Regulations*, Title 5, Section 11960(b) to allow Academy of the Redwoods to reduce their charter school year to less than 175 days without fiscal penalty.

Waiver Number: 9-6-2010

(Recommended for APPROVAL WITH CONDITIONS)

Item W-2 Specific

Subject: Request by Desert Sands Unified School District under the authority of California *Education Code* Section 41382, to waive portions of *Education Code* Section 41376 (a), (c), and (d), relating to class size penalties for grades one through three. Allowable class size average is 30 to one with no class larger than 32 for grades one to three. The district requests to increase overall average and individual class size to 33 to one, prospectively, (2010-11 and 2011-12 fiscal years).

Waiver Number: 49-6-2010

(Recommended for APPROVAL WITH CONDITIONS)

Item W-3 Specific

Subject: Request by Los Banos Unified School District under the authority of California *Education Code* Section 41382, to waive portions of *Education Code* sections 41376 (a), (c), and (d), relating to class size penalties for grades one through three. The maximum overall class size average is 30 to one with no class larger than 32. The district requests to increase overall average and individual class size to 31, prospectively (2010-11 and 2011-12 fiscal years).

Waiver Number: 27-6-2010

(Recommended for APPROVAL WITH CONDITIONS)

Item W-4 Specific

Subject: Request by Richland Union Elementary School District under the authority of California *Education Code* Section 41382, to waive portions of *Education Code* Section 41376 (a), (c), and (d), relating to class size penalties for grades one through three. Allowable class size average is 30 to one with no class larger than 32. The district requests to increase overall average and individual class size to 33, prospectively (2010-11 and 2011-12 fiscal years).
Waiver Number: 31-6-2010
(Recommended for APPROVAL WITH CONDITIONS)

Item W-5 General

Subject: Request by Coalinga-Huron Joint Unified School District to waive portions of California *Education Code* Section 41376 (b) and (e), relating to class size penalties for grades four through eight. The district's current class size maximum is an average of 29.9 to one and the district requests to increase the average to 34 to one, prospectively (2010-11 and 2011-12 fiscal years).
Waiver Number: 51-6-2010
(Recommended for APPROVAL WITH CONDITIONS)

Item W-6 General

Subject: Request by Desert Sands Unified School District to waive portions of California *Education Code* Section 41376 (b) and (e), relating to class size penalties for grades four through eight. The district's current class size maximum is an average of 29.9 to one and the district requests to increase the average to 33 to one, prospectively (2010-11 and 2011-12 fiscal years).
Waiver Number: 48-6-2010
(Recommended for APPROVAL WITH CONDITIONS)

Item W-7 General

Subject: Request by Kerman Unified School District to waive portions of California *Education Code* Section 41376 (b) and (e), relating to class size penalties for grades four through eight. The district's current class size maximum is an average of 29.9 to one and the district requests to increase the average to 33 to one, prospectively (2010-11 and 2011-12 fiscal years).
Waiver Number: 16-6-2010
(Recommended for APPROVAL WITH CONDITIONS)

Item W-8 General

Subject: Request by Lincoln Unified School District to waive portions of California *Education Code* Section 41376 (b) and (e), relating to class size penalties for grades four through eight. The district's current class size maximum is an average of 29.9 to one and the district requests to increase the average to 31 to one, prospectively (2010-11 and 2011-12 fiscal years).
Waiver Number: 5-6-2010

(Recommended for APPROVAL WITH CONDITIONS)

Item W-9 General

Subject: Request by Los Banos Unified School District Request by Los Banos Unified School to waive portions of California *Education Code* Section 41376 (b) and (e), relating to class size penalties for grades four through eight. The district's current class size maximum is an average of 29.9 to one and the district requests to increase the average to 33 to one, prospectively (2010-11 and 2011-12 fiscal years).

Waiver Number: 32-6-2010

(Recommended for APPROVAL WITH CONDITIONS)

Item W-10 General

Subject: Request by Manteca Unified School District to waive portions of California *Education Code* Section 41376 (b) and (e), relating to class size penalties for grades four through eight. The district's current class size maximum is an average of 29.9 to one and the district requests to increase the average to 34 to one, prospectively

(2010-11 and 2011-12 fiscal years).

Waiver Number: 26-6-2010

(Recommended for APPROVAL WITH CONDITIONS)

Item W-11 General

Subject: Request by Ramona City Unified School District to waive portions of California *Education Code* Section 41376 (b) and (e), relating to class size penalties for grades four through eight. The district's current class size maximum is an average of 31.1 to one and the district requests to increase the average to 33 to one, prospectively

(2010-11 and 2011-12 fiscal years).

Waiver Number: 8-6-2010

(Recommended for APPROVAL WITH CONDITIONS)

Item W-12 General

Subject: Request by Redwood City Elementary School District to waive portions of California *Education Code* Section 41376 (b) and (e), relating to class size penalties for grades four through eight. The district's current class size maximum is an average of 29.9 to one and the district requests to increase the average to 32 to one, prospectively (2010-11 and 2011-12 fiscal years).

Waiver Number: 34-6-2010

(Recommended for APPROVAL WITH CONDITIONS)

Item W-13 General

Subject: Request by Richland Union Elementary School District to waive portions of California *Education Code* Section 41376 (b) and (e), relating to class size penalties for grades four through eight. The district's current class size

maximum is an average of 29.9 to one and the district requests to increase the average to 33 to one, prospectively (2010-11 and 2011-12 fiscal years).

Waiver Number: 30-6-2010

(Recommended for APPROVAL WITH CONDITIONS)

Item W-14 Specific

Subject: Request by Lincoln Unified School District under the authority of California *Education Code* Section 41382, to waive portions of *Education Code* sections 41376 (a), (c), and (d) and Section 41378 (a) through (e), relating to class size penalties for kindergarten through grade three. For kindergarten, allowable class size average is 31 to one with no class larger than 33. For grades one to three, allowable class size average is 30 to one with no class larger than 33. The district requests to increase overall average to 32 and individual class size to 34 to one for kindergarten, and overall average to 31 and individual class size to 33 to one for grades one through three, prospectively (2010-11 and 2011-12 fiscal years).

Waiver Number: 4-6-2010

(Recommended for APPROVAL WITH CONDITIONS)

Item W-15 Specific

Subject: Request by Oakley Union Elementary School District under the authority of California *Education Code* Section 41382, to waive portions of *Education Code* sections 41376 (a), (c), and (d) and Section 41378 (a) through (e), relating to class size penalties for kindergarten through grade three. For kindergarten, allowable class size average is 31 to one with no class larger than 33. For grades one to three, allowable class size average is 30 to one with no class larger than 32. The district requests to increase overall average to 31 and individual class size to 34 to one for kindergarten through grade three, prospectively (2010-11 and 2011-12 fiscal years).

Waiver Number: 13-6-2010

(Recommended for APPROVAL WITH CONDITIONS)

Item W-16 Specific

Subject: Request by Willows Unified School District under the authority of California *Education Code* Section 41382, to waive portions of *Education Code* sections 41376 (a), (c), and (d) and 41378 (a) through (e), relating to class size penalties for kindergarten through grade three. For kindergarten, allowable class size average is 31 to one with no class larger than 33. For grades one to three, allowable class size average is 30 to one with no class larger than 32. The district requests to increase overall average to 33 and individual class size to 36 to one, for kindergarten through grade three prospectively (2010-11 and 2011-12 fiscal years).

Waiver Number: 15-6-2010

(Recommended for APPROVAL WITH CONDITIONS)

Item W-22 Petition

Subject: Petition request under the authority of California *Education Code* sections 60421(d) and 60200(g) by Fresno County Office of Education to purchase specified non-adopted instructional materials for severely disabled children using Instructional Materials Funding Realignment Program monies.
Waiver Number: 38-5-2010
(Recommended for APPROVAL)

Item W-23 General

Subject: Request by Santa Maria Joint Union High School District for a renewal to waive portions of California *Education Code* Section 51222(a), related to the statutory minimum requirement of 400 minutes of physical education each ten school days for students in grades nine through twelve in order to implement a block schedule at Santa Maria High School and Pioneer Valley High School.
Waiver Number: 43-6-2010
(Recommended for APPROVAL WITH CONDITIONS)

Item W-24 General

Subject: Request by Big Pine Unified School District to waive portions of California *Education Code* Section 52055.740(a), regarding class size reduction requirements under the Quality Education Investment Act, that this funded school reduce their class sizes by an average of five students per class by the end of the 2010–11 school year at Big Pine Elementary School (requesting 24:1 ratio on average in grades four through eight).
Waiver Number: 20-7-2010
(Recommended for APPROVAL WITH CONDITIONS)

Item W-25 General

Subject: Request by Parlier Unified School District to waive California *Education Code* Section 52055.740(a), regarding class size reduction requirements under the Quality Education Investment Act, that this funded school reduce their class sizes by an average of five students per class by the end of the 2010–11 school year at Parlier High School (requesting 20:1 ratio on average in core classes in grades nine through twelve).
Waiver Number: 12-6-2010
(Recommended for APPROVAL WITH CONDITIONS)

Item W-27 General

Subject: Request by Moreno Valley Unified School District for a renewal to waive portions of California *Education Code* Section 15282, regarding term limits for members of a Citizens' Oversight Committee for all construction bonds in the district.
Waiver Number: 10-6-2010
(Recommended for APPROVAL WITH CONDITIONS)

Item W-28 General

Subject: Request by Amador County Office of Education to waive California *Education Code* sections 1004 and 5020, and portions of sections 5019, 5021, and 5030 that require elections to establish new trustee areas and to reduce the number of governing board members from seven to five.

Waiver Number: 29-6-2010

(Recommended for APPROVAL)

Item W-29 Specific

Subject: Request by Del Norte County Unified School District under the authority of California *Education Code* Section 52863 for a renewal waiver of *Education Code* Section 52852, to allow a reduction in the number and composition of members required for each schoolsite council for two small elementary schools, Margaret Keating Elementary and Mountain Elementary.

Waiver Number: 18-7-2010

(Recommended for APPROVAL WITH CONDITIONS)

Item W-30 Specific

Subject: Request by Maricopa Unified School District under the authority of California *Education Code* Section 52863 for a renewal waiver of *Education Code* Section 52852, allowing one joint schoolsite council to function for two small schools, Maricopa Elementary School and Maricopa High School.

Waiver Number: 30-5-2010

(Recommended for APPROVAL WITH CONDITIONS)

Item W-31 Specific

Subject: Request by Southern Trinity Joint Unified School District under the authority of California *Education Code* Section 52863 for a waiver of *Education Code* Section 52852, allowing one joint schoolsite council with a reduced number and composition to function for three small schools: Van Duzen Elementary School, Southern Trinity High School, and Mt. Lassic Continuation High School.

Waiver Number: 35-6-2010

(Recommended for APPROVAL WITH CONDITIONS)

Item W-32 Specific

Subject: Request by Yolo County Office of Education under the authority of California *Education Code* Section 52863 for a waiver of *Education Code* Section 52852, allowing one joint schoolsite council with a reduced number and composition to function for two small alternative education schools, Dan Jacobs School and Midtown Community School.

Waiver Number: 25-6-2010

(Recommended for APPROVAL WITH CONDITIONS)

Item W-34 General

Subject: Request by Hanford Elementary School District for a renewal to waive *California Code of Regulations*, Title 5, Section 3051.16(b)(3), the requirement that educational interpreters for deaf and hard of hearing pupils meet minimum qualifications as of July 1, 2009, to allow Edward Bielik to continue to provide services to students until June 30, 2011, under a remediation plan to complete those minimum qualifications.

Waiver Number: 37-5-2010

(Recommended for APPROVAL WITH CONDITIONS)

Item W-35 General

Subject: Request by Sutter County Office of Education for a renewal to waive *California Code of Regulations*, Title 5, Section 3051.16(b)(3), the requirement that educational interpreters for deaf and hard of hearing pupils meet minimum qualifications as of July 1, 2009, to allow Lana Sadrin and Julie Newton to continue to provide services to students until June 30, 2011, under a remediation plan to complete those minimum qualifications.

Waiver Number: 40-6-2010, 42-6-2010

(Recommended for APPROVAL WITH CONDITIONS)

Item W-37 Federal

Subject: Request by 45 local educational agencies to waive up to six types of requirements pertaining to Title I, Part A of the Elementary and Secondary Education Act relating to the American Recovery and Reinvestment Act allocations for the 2009–10 fiscal year only.

(Recommended for APPROVAL)

Item W-38 General

Subject: San Diego Unified School District for a waiver of portions of California Education Code 47652(b) in order to allow the Gompers Preparatory Academy to receive an advanced apportionment for students in the former Gomper's Middle School, now merged with the Gompers Preparatory Academy.

Waiver Number: 21-8-2010

(Recommended for APPROVAL)

END OF PROPOSED WAIVER CONSENT MATTERS

Item W-17 General

Subject: Request by Corcoran Joint Unified School District for a waiver of California *Education Code* Section 48916.1(d) and portions of *Education Code* Section 48660 to permit the establishment of a community day school for students in grades six through twelve, and portions of *Education Code* Section 48661(a) relating to the placement of a community day school, Mission

Community Day School on the same site as Kings Lake Continuation High School.

Waiver Number: 39-5-2010

(Recommended for APPROVAL WITH CONDITIONS)

Item W-18 General

Subject: Request by Los Molinos Unified School District for a waiver California *Education Code* Sections 48916.1(d) and portions of Section 48660 to permit a community day school to serve students in grades six with students in grades seven through twelve.

Waiver Number: 3-6-2010

(Recommended for APPROVAL WITH CONDITIONS)

Item W-19 General

Subject: Request by Lucerne Valley Unified School District for a waiver of California *Education Code* Section 48916.1(d) and portions of *Education Code* Section 48660 to permit a community day school to serve students in grades three through six with students in grades seven through twelve.

Waiver Number: 9-7-2010

(Recommended for APPROVAL WITH CONDITIONS)

Item W-20 General

Subject: Request by Trona Joint Unified School District for a renewal waiver of portions of California *Education Code* sections 48660 and 48916.1(d) to permit a community day school to serve students in grades five and six with students in grades seven through twelve at Trona Community Day School.

Waiver Number: 22-6-2010

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

Presenter: Christine Gordon from the Waiver Office and Daniel Sacheim from the Learning Support & Partnership Division presented on these waiver requests.

Public Comment:

Public comment was not offered for these waiver requests.

ACTION: Member Aschwanden moved to approve CDE's recommendations with conditions for waiver items W-17 through W-20. Member Lopez seconded the motion. The board voted, by a show of hands, 8-0 to approve the motion. Members Austin, Fang, and Mitchell were absent for the vote.

Item W-26 Specific

Subject: Request by Centralia 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). Jill Aldeen is assigned at Danbrook School, and Jennifer Mercer is assigned at Centralia School.

Waiver Number: 7-8-2010

(Recommended for DENIAL)

Presenter: Christine Gordon from the Waiver Office and Fred Balcom, Director of the Special Education Division, presented on this waiver request.

Member Chan expressed frustration that the board was asked to take action on an agenda item that was retroactive for the 2009-10 academic school year, and asked CDE staff to clarify what a denial of the proposed waiver would mean for the district. Mr. Balcom acknowledged that the district would not be reprimanded for being denied something that already took place, but that the CDE now had its monitoring system identified in a way that would keep the board apprised of the district's dealings on this issue.

Public Comment:

Public comment was received from Sandra Thornton, CTA.

ACTION: Member Chan moved to approve CDE's recommendation to deny the school district's waiver request. Member Lopez seconded the motion. The board voted, by a show of hands, 6-0 to approve the motion. Members Arkatov, Cushman, Fang, Mitchell, and Williams were absent for the vote.

Item W-33 General

Subject: Request by Clovis Unified School District for a renewal to waive *California Code of Regulations*, Title 5, Section 3051.16(b)(3), the requirement that educational interpreters for deaf and hard of hearing pupils meet minimum qualifications as of July 1, 2009, to allow Dawn Aarii, Elizabeth Gonzalez, and Julia Keller to continue to provide services to students until June 30, 2011, under a remediation plan to complete those minimum qualifications.

Waiver Number: 14-7-2010, 15-7-2010, and 16-7-2010

(Recommended for DENIAL)

Presenter: Christine Gordon from the Waiver Office presented on this waiver request.

Public Comment:

Public comment was not offered on this waiver request.

As way of background for new board members and members of the public, Member Chan stated that the board had approved a waiver policy for educational interpreters who had not met regulatory standards. Member Chan explained that

in approving the waiver policy, the board weighed the importance of assisting educational interpreters who had failed to achieve the requisite score on the interpreter examinations against the need for school districts to provide sound educational interpreters who could effectively assist students in need of quality interpreter services.

ACTION: Member Chan moved CDE's recommendation to deny the waiver request. Member Lopez seconded the motion. The board voted, by a show of hands, 7-0, to approve the motion. Members Arkatov, Fang, Mitchell, and Williams were absent for the vote.

Item W-36 General

Subject: Request by Kings County Office of Education for a renewal to waive *California Code of Regulations*, Title 5, Section 3051.16(b)(3), the requirement that educational interpreters for deaf and hard of hearing pupils meet minimum qualifications as of July 1, 2009, to allow Mary Beth Yates, to continue to provide services to students until June 30, 2011, under a remediation plan to complete those minimum qualifications.

Waiver Number: 21-7-2010

(Recommended for DENIAL)

Presenter: Christine Gordon from the Waiver Office presented on this waiver request.

Public Comment:

Public comment was not offered on this waiver request.

ACTION: Member Chan moved CDE's recommendation to deny the waiver request. Member Lopez seconded the motion. The board voted, by a show of hands, 7-0 to approve the motion. Members Arkatov, Fang, Mitchell, and Williams were absent for the vote.

Item 37

Subject: Review *California Code of Regulations*, Title 5, Section 3100, Which Allows Waivers of *Education Code* Section 56362(c), Allowing the Caseload of the Resource Specialist to Exceed the Maximum Caseload of 28 Students by Not More Than Four Students (32 Maximum).

Presenter: Fred Balcom, Director of the Special Education Division presented on this waiver request.

Public Comment:

Public comment was received from Sandra Thornton and Larry Carlin with the CTA; and Jim Woodhead, Advisory Commission on Special Education.

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

President Mitchell adjourned the meeting at 4:21 p.m.

*****ADJOURNMENT OF MEETING*****

State Board of Education
State Board of Education Board Room
November 9-10, 2010
Draft Minutes

Please note that the complete proceedings of the May 2011 State Board of Education meeting, including close captioning, are available online at: <http://www.cde.ca.gov/be/ag/ag/sbewebcastarchive.asp>.

Members Present:

Ted Mitchell, President
Ruth Bloom, Vice President
Alan Arkatov
James Aschwanden
Benjamin Austin
Yvonne Chan
Gregory Jones
David Lopez
Johnathan Williams
Connor Cushman, Student Member

Members Absent:

Alan Arkatov- Wednesday only
James Fang-Tuesday and Wednesday

Secretary and Executive Officer

Jack O'Connell, State Superintendent of Public Instruction

Principal Staff

Nicolas Schweizer, Executive Director, State Board of Education (SBE)
Patricia de Cos, Deputy Executive Director, SBE
Jennifer Johnson, Education Policy Consultant, SBE
Beth Rice, Education Program Consultant, SBE
Regina Wilson, Program Communications Analyst, SBE
Geno Flores, Chief Deputy Superintendent, California Department of Education (CDE)
Amy Holloway, General Counsel, CDE
Jill Rice, General Counsel, CDE
Jaime Hastings, Associate Government Analyst, CDE

CLOSED SESSION

Amy Holloway, General Counsel for the CDE reported out of closed session, that the board voted to support the settlement in the matter of *Reed v. State of California, Los*

Angeles Unified School District, State Superintendent of Public Instruction, California Department of Education, and State Board of Education, et al.

Item 1: 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; update on litigation; bylaw review and revision; Board policy; approval of minutes; board liaison reports, and other matters of interest.

No action was taken on this item.

Item 2: Local Education Agency Reductions in Force: Approve Commencement of the Rulemaking Process to Add Section 5505 to *Title 5 of the California Code of Regulations (CCR)*.

ACTION: Member Austin moved to approve SBE's staff recommendation that the board:

- Approve the Notice of Proposed Rulemaking;
- Approve the Initial Statement of Reasons;
- Approve the proposed regulations; and
- Direct the California Department of Education to commence the rulemaking process.

Member Chan seconded the motion. The board voted, by show of hands, 8-0 to approve the motion. Members Arkatov and Lopez were absent for the vote.

Item 3: Promotion of a Web-based Clearinghouse for Sharing Teacher and Principal Performance Evaluation Practices, Model Policies, and Reform Efforts.

ACTION: Member Arkatov moved to table the CDE's staff recommendation and have Member Arkatov and the SBE Board President work with Chief Deputy Geno Flores and CDE staff to bring forward a recommendation to include the funding, framework and organization for the Web site with the intent that the Web site be agnostic regarding the benefits of any particular evaluation method or models; allow users to comment on the evaluation methods or models posted on the website; and be as visible as possible with a link on the CDE homepage. Member Bloom seconded the motion. The board voted, by show of hands, 10-0 to approve the motion.

Item 4: Adopt Policy Guidance for Considering Streamlined Waiver Requests from School Districts that Implement District wide, or Pilot at Selected School Sites, and Use Teacher and Administrator Evaluation Systems to Inform all Employment Decisions.

ACTION: Member Bloom moved to table the policy guidance for considering streamlined waivers request until the December 2010 board meeting, and directed SBE staff to work with the CDE Waiver Office to further refine the proposed language. Member Cushman seconded the motion. The board voted, by show of hands, 6-1 to approve the motion. Members Arkatov, Lopez, and Williams were absent for the vote.

Yes votes: Members Aschwanden, Austin, Bloom, Chan, Cushman, and Jones
No vote: President Mitchell

Item 5: Inclusion of Teacher and Principal Evaluation System Information on the School Accountability Report Card: Approve Commencement of the Rulemaking Process to Add Section 150 to *Title 5* of the *CCR*.

ACTION: Member Austin moved to approve SBE's staff recommendation to:

- Approve the Notice of Proposed Rulemaking;
- Approve the Initial Statement of Reasons;
- Approve the proposed regulations; and
- Direct the California Department of Education to commence the rulemaking process.

Member Chan proposed a friendly amendment to have the CDE and SBE staff work together to demonstrate that the data evaluation fields could be pre-populated by the CDE, which was accepted by Member Austin. Member Chan seconded the motion. The board voted, by show of hands, 9-1 to approve the motion.

Yes votes: Members Arkatov, Austin, Bloom, Chan, Cushman, Jones, Lopez, Mitchell, and Williams
No vote: Member Aschwanden

Item 6: Accountability Report Cards: Approve the Template for the 2009–10 School Accountability Report Card, the 2009–10 Local Educational Agency Accountability Report Card, and the 2009–10 State Accountability Report Card.

- **ACTION:** Member Aschwanden moved to approve CDE's staff recommendation for the proposed template for the 2009–10 School Accountability Report Card, the 2009–10 Local Educational Agency

Accountability Report Card, and the 2009–10 State Accountability Report Card that will be published during the 2010-11 school year.

Member Lopez proposed a friendly amendment to calendar this agenda item for the board's July 2011 meeting. Member Aschwanden accepted a friendly amendment. Member Lopez seconded the motion. The board voted, by show of hands 7-2 to approve the motion. President Mitchell was absent for the vote.

Yes votes: Members Arkatov, Ashwanden, Bloom, Chan, Cushman, Lopez, and Williams

No votes: Members Austin and Jones

Item 7: State Performance Plan for Part B of the Individuals with Disabilities Education Act Covering Program Year 2009–10.

ACTION: Member Chan moved to adopt the CDE's staff recommendation and approve an additional two years of measurable and rigorous targets for the 20 performance indicators included in the 2005 State Performance Plan (SPP) for Part B of the Individuals with Disabilities Education Act (IDEA), as amended, as well as an update to Indicator 15 to describe the CDE's general supervision and monitoring system, covering program year 2009–10. SBE further directed CDE staff to work with the SBE liaison and staff to make any necessary revisions to the SPP. Member Cushman seconded the motion. The board voted, by show of hands, 9-0 to approve the motion. Member Arkatov was absent for the vote.

Item 8: Charter Renewal - Approve Commencement of the Rulemaking Process to add *California Code of Regulations*, Title 5, sections 11966.4, 11966.5, and 11966.6, and to amend Section 11967.5.1.

ACTION: Member Williams moved to approve the CDE's staff recommendation that the board 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.

Member Bloom seconded the motion. The board voted, by show of hands, 8-0 to approve the motion. Members Arkatov and Cushman were absent for the vote.

Item 9: Charter Revocation Pursuant to California *Education Code* Section 47604.5(c) - Adopt Proposed CCR, Title 5, Section 11968.5.

ACTION: Member Chan moved to approve the CDE's staff recommendation that the board take the following actions:

- Approve the Final Statement of Reasons;
- Adopt the proposed regulations;
- Direct the CDE to submit the rulemaking file to the Office of Administrative Law (OAL) for approval; and
- Authorize the CDE to take any necessary ministerial action to respond to any direction or concern expressed by the OAL during its review of the rulemaking file.

Member Austin seconded the motion. The board voted, by show of hands, 8-0 and 1 abstention to approve the motion. Member Arkatov was absent for the vote.

Abstention: Member Bloom

Item 10: Charter Revocation and Revocation Appeals - Approve Commencement of Second 15-Day Public Comment Period for Proposed Amendments to CCR, Title 5 Sections 11965, 11968.1, 11968.5.1, 11969.1, 11969.2, 11969.3, 11969.4, and 11969.10.

ACTION: Member Williams moved to approve CDE's staff recommendation to take the following actions:

- Approve the proposed changes to the proposed regulations;
- Direct that the proposed changes be circulated for a second 15-day public comment period in accordance with the Administrative Procedure Act;
- If no relevant comments to the proposed changes are received during the second 15-day public comment period, the proposed regulations with changes are deemed adopted, and the CDE is directed to complete the rulemaking package and submit it to the Office of Administrative Law (OAL) for approval;
- If any relevant comments to the proposed changes are received during the second 15-day public comment period, the CDE is directed to place the proposed regulations on the SBE's January 2011 agenda for action; and
- Authorize the CDE to take any necessary ministerial action to respond to any direction or concern expressed by the OAL during its review of the rulemaking file.

Member Jones seconded the motion. The board voted, by show of hands, 8-0 to approve the motion. Members Arkatov and Chan were absent for the vote.

Item 11: Elementary and Secondary Education Act: Supplemental Educational Services – Approve Commencement of 15-Day Public Comment Period for Proposed Changes to Proposed *CCR, Title 5, Sections 13075.1 Through 13075.9* (inclusive).

This item was withdrawn.

Item 12: Update on Funding Determinations for Nonclassroom-based Charter Schools under Senate Bill 740. Review of the (1) State Board of Education Policy and Procedure to Request Waivers of the Pupil-Teacher Ratio Requirement, (2) Method and Criteria to Evaluate Requests for Funding Determinations Based on *CCR, Title 5, Section 11963.4(e)*, and (3) Consideration of Student Performance Measures in Evaluating Funding Determinations Requests.

ACTION: Member Arkatov moved to approve the CDE’s staff recommendation that (1) the Advisory Commission on Charter Schools (ACCS) develop a recommendation for funding non-classroom based charter schools using student performance measures; and (2) the SBE follow past practice for evaluating requests for changes in funding determinations that include the consideration of a “reasonable basis”/mitigating circumstance by:

- Submitting requests to waive the pupil-teacher ratio to the CDE Waiver Office prior to submission to the ACCS; and
- Continuing to individually consider each request of a “reasonable basis”/mitigating factor, which is based on the current school year on a case-by-case basis.

Member Arkatov added that CDE and SBE staff prepare a board item to describe key issues relating to establishing a task force for a non-classroom based education, including organization, budget, scope, membership, and timeline for the December 2010 board meeting. Member Aschwanden seconded the motion. The board voted, by show of hands, 8-0 to approve the motion. Members Lopez and Jones were absent for the vote.

Item 13: Request for Budget Crisis Mitigating Circumstances Flexibility for Current Senate Bill 740 Funding Determinations for the 2009–10 school year for California Virtual Academy at Kern, California Virtual Academy at Jamestown, California Virtual Academy at Sonoma, California Virtual Academy at Sutter, California Virtual Academy at San Mateo, California Virtual Academy at Kings, Desert Sands Charter High School, Vista Real Charter High School, Crescent View West Charter School,

Antelope Valley Learning Academy, Mission View Public School, and Sierra Charter School.

ACTION: Member Chan moved to approve CDE's staff recommendation to approve the requests for the 2009–10 school year allow the inclusion of mitigating circumstances in the determination of funding rates required by *EC* sections 47612.5 and 47634.2 and implemented through 5 *CCR* Section 11963.4(e) for the following schools:

- California Virtual Academy at Kern,
- California Virtual Academy at Jamestown,
- California Virtual Academy at Sonoma,
- California Virtual Academy at Sutter,
- California Virtual Academy at San Mateo,
- California Virtual Academy at Kings,
- Desert Sands Charter High School,
- Vista Real Charter High School,
- Crescent View West Charter School,
- Antelope Valley Learning Academy,
- Mission View Public School, and
- Sierra Charter School.

Member Arkatov seconded the motion. The board voted, by show of hands, 9-0 to approve the motion. Member Jones was absent for the vote.

Item 14: Standardized Testing and Reporting Program: Approval of California Modified Assessment Proposed Performance Standards Setting for English-Language Arts in Grade Nine, Algebra I, and Life Science in Grade Ten and to Conduct the Regional Public Hearings.

ACTION: Member Aschwanden moved to adopt CDE's staff recommendation to approve the State Superintendent of Public Instruction's proposed performance standards (levels) for the California Modified Assessment (CMA) for English-language arts (ELA) in grade nine, Algebra I, and life science in grade ten.

The SBE further directed the CDE and SBE staff to conduct regional public hearings on the proposed performance standards (levels) for the CMA for ELA in grade nine, Algebra I, and life science in grade ten to be brought to the SBE at the January 2011 board meeting for adoption, in compliance with *EC* Section 60605 requiring the SBE to adopt statewide performance standards (levels). Member Mitchell seconded the motion. The board voted, by show of hands, 7-0 and 1 abstention to approve the motion. Members Arkatov and Williams were absent for the vote.

Abstention: Member Austin

Item 15: Reports from the 2010-2011 Student Advisory Board on Education (SABE).

No action was taken on this item.

Item 16: 2011-12 State Board of Education Student Member: Recommendation of Three Finalists for Submission to the Governor.

ACTION: Member Cushman moved to approve the SBE's Screening Committee recommendation of the three finalists for the position of State Board of Education Student Member, which included Caitlin Snell, Jonathan Jeffrey, and Catherine Mitchell. Member Chan seconded the motion. The board voted, by show of hands, 8-0 to approve the motion. Members Lopez and Arkatov were absent for the vote.

Item 17: Notification to School Districts Regarding Unlawful Charges of Mandatory Student Fees for Educational Activities, Supplies, and Equipment.

ACTION: Member Aschwanden moved to approve SBE's staff recommendation that the SBE President and the State Superintendent of Public Instruction jointly draft a letter to school districts in California to:

- 1) Inform them that charging mandatory student fees for educational activities for curricular or extracurricular purposes, supplies, and equipment violates the California Constitution and state laws; and
- 2) Request that they review their policies to ensure that no fees be charged in violation of the law.

Member Austin seconded the motion. The board voted, by show of hands, 8-0 to approve the motion. Members Arkatov and Lopez were absent from the vote.

**** PUBLIC HEARING ****

Item 18: Petition for Establishment of a Charter School Under the Oversight of the State Board of Education: Consideration of the Request of Barack Obama Middle School, which was denied by the Compton Unified School District and the Los Angeles County Board of Education.

ACTION: Member Chan moved to approve CDE’s staff recommendation for the petition to establish the Barack Obama Middle School (BOMS) under the oversight of the SBE, and 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 1, and as follows:
 - Racial and Ethnic Balance, California *Education Code (EC)* Section 74605(b)(5)(G) and 5 CCR Section 11967.5.1(f)(7): 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.
 - Measurable Pupil Outcomes, *EC* Section 47605(b)(5)(B): The CDE recommends a technical amendment to change the measurable pupil outcomes from the level of basic to the levels of proficient or advanced.
 - Admission Requirements, *EC* Section 47605(d)(2): The CDE recommends a technical amendment to the BOMS charter to ensure that the admission requirements comply with applicable federal and state laws, specifically *EC* Section 47605(d)(2)(B).
 - Annual Independent Financial Audits, *EC* Section 47605(b)(5)(I): BOMS petitioners have agreed to make a technical amendment to reflect SBE authorization that addresses the resolution of any audit exception and deficiencies to the SBEs satisfaction.
 - Suspension and Expulsion Procedures, *EC* Section 47605(b)(5)(J): Technical amendments are necessary to clarify the preliminary list of offenses by which students must or may be suspended is to be separate from the list of offenses for which students must or may be expelled, evidence that non-charter schools lists of offenses are procedures were reviewed, and the annual review of policies and procedures surrounding suspension and/or expulsion as required by 5 CCR sections 11967.5.1(f)(10)(A), 11967.5.1(f)(10)(D), 11967.5.1(f)(10)(E)(2).
 - As part of the MOU established by CDE and BOMS, that at the beginning of any closure or revocation process, or one year before renewal is to be considerer, BOMS shall immediately provide at its own expense a written notification to every parent, guardian, or caregiver all options available (including specific schools) for students to transfer, if it is needed or desired and any administrative assistance required to provide for a timely transfer.

- Specification of a five-year term beginning July 1, 2011, and ending June 30, 2016.
- Termination of the charter if the school does not open between July 1, 2011, and September 30, 2011.

Member Williams seconded the motion. The board voted, by show of hands, 1-7 and the motion failed. Members Arkatov and Lopez were absent for the vote.

Yes vote: Member Chan

No votes: Members Aschwanden, Austin, Bloom, Cushman, Jones, Mitchell, and Williams

****END OF PUBLIC HEARING****

Item 19: Elementary and Secondary Education Act: Performance Objectives Presented by the State Trustee for the Alisal Union Elementary School District for State Board of Education Approval.

ACTION: Member Aschwanden moved to approve CDE's staff recommendation to adopt the performance objectives presented by Carmella S. Franco, State Trustee of the Alisal Union Elementary School District (AUESD) pursuant to the Memorandum of Understanding between the SBE and the AUESD State Trustee. The motion was made with the understanding that the board very clearly heard the concerns about communication in the district, and would like the comprehensive assessment report to specifically focus on items four, six, and seven for the corrective action plan that is being prepared for the board to review that is due at the end November 2010. Member Chan proposed a friendly amendment to replace "with the understanding" with "the condition" which was accepted by Member Aschwanden. Member Austin seconded the motion. The board voted, by show of hands, 6-0 to approve the motion. Members Bloom, Lopez, and Williams were absent for the vote.

Item 20: 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.

No action was taken on this item.

Item 21: Elementary and Secondary Education Act: Recommended Options for Round Valley Unified School District: Identify Potential Trustees and Define Issues, Budget Control, and Any Decision-making Authorities that Are Impeding Student Academic Progress; or Appoint an Independent Trustee with Full Authority for Round Valley Unified School District.

This item was not heard.

CONSENT CALENDAR

The following items were proposed for the regular consent calendar: 23 and 25.

ACTION: Member Aschwanden moved to approve the consent calendar for items 23 and 25. Member Bloom seconded the motion. The board voted, by show of hands, 8-0 to approve the motion. Members Arkatov and Lopez were absent for the vote.

Item 23: Elementary and Secondary Education Act: Approve Local Educational Agency Plans, Title I, Section 1112.

Item 25: Standardized Testing and Reporting Program: Release of the 10 Percent of Funds Withheld for 2009–10 Educational Testing Service Contract.

END OF CONSENT CALENDAR

Item 24: Elementary and Secondary Education Act: Supplemental Educational Services Providers: Removal from the 2008–10, 2009–11, and 2010–12 Approved Lists for Failure to Submit the 2009–2010 Supplemental Educational Services Accountability Report.

ACTION: Member Aschwanden moved to approve the CDE recommendation to remove 45 Supplemental Educational Services (SES) providers from the approved 2008–2010, 2009–2011, and/or 2010–2012 lists, with the exception of the Achievement Academy, Say Yes to Life, Huntington Learning and Boston Learning who will be allowed, along with 39 other SES providers, to correct and submit their 2009–10 Accountability Report by December 10, 2010. Member Jones seconded the motion. The board voted, by show of hands, 8-0 to approve the motion. Members Arkatov and Lopez were absent for the vote.

WAIVER REQUEST CONSENT MATTERS

The following agenda items satisfy criteria for approving a waiver of that type based on a previously-adopted State Board of Education waiver policy or have waiver evaluation criteria that are in the California *EC* or in the *CCR*, Title 5.

The following agenda items were proposed for approval on the waiver consent calendar: WC-1 through WC-16.

ACTION: Member Aschwanden moved to approve the waiver consent calendar. Member Chan seconded the motion. The board voted, by a show of hands, 6-0 to approve the motion. Members Arkatov, Austin, Bloom, and Lopez were absent for the vote.

Item WC-1 General

Subject: Request by Los Angeles Unified School District for Ivy Academia to waive *CCR*, 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; 177 days one track grades K–8); 178 days one track grades 9–12).

Waiver Number: 6-8-2010

(Recommended for APPROVAL WITH CONDITIONS)

Item WC-2 General

Subject: Request by West Sonoma County Union High School District to waive *CCR*, Title 5, Section 11960(b) to allow the Russian River Charter School to reduce the charter school year to less than 175 days without a fiscal penalty.

Waiver Number: 23-8-2010

(Recommended for APPROVAL WITH CONDITIONS)

Item WC-3 Federal

Subject: Request by Carpinteria Unified School District for Carpinteria Senior 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-573-2010

(Recommended for APPROVAL)

Item WC-4 Federal

Subject: Request by El Tejon Unified School District for Frazier Mountain 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-436-2010

(Recommended for APPROVAL)

Item WC-5 Federal

Subject: Request by Warner Unified School District for Warner Junior/Senior 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-571-2010
(Recommended for APPROVAL)

Item WC-6 Federal

Subject: Request by Waterford Unified School District for Waterford 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-567-2010
(Recommended for APPROVAL)

Item WC-7 Specific

Subject: Request by Oakland Charter High School under the authority of California *EC* Section 47612.6(a) to waive *EC* 47612.5 (c) the audit penalty for offering less instructional time in the 2008-09 fiscal year for students in grades nine through eleven (shortfall of 2,640 minutes) (Revision of waiver number 11-4-2010-W-12).

Waiver Number: 16-8-2010
(Recommended for APPROVAL WITH CONDITIONS)

Item WC-8 Specific

Subject: Request by Napa Valley Unified School District under the authority of California *EC* Section 46200 to waive *EC* Section 46206(c) audit penalty for offering less instructional time in the 2008-09 fiscal year at Alta Heights Elementary School, for students in grades four and five (shortfall of three days).

Waiver Number: 23-7-2010
(Recommended for APPROVAL WITH CONDITIONS)

Item WC-9 Specific

Subject: Request by Pasadena Unified School District under the authority of California *EC* Section 46206(a) to waive *EC* Section 46200(c) audit penalty for offering less instructional time in the 2007-08 fiscal year at John Muir High School for students in grades nine through twelve (shortfall of two days).

Waiver Number: 30-7-2010
(Recommended for APPROVAL WITH CONDITIONS)

Item WC-10 General

Subject: Request by Junction Elementary School District to waive portions of California *EC* 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: 10-8-2010
(Recommended for APPROVAL)

Item WC-11 Specific

Subject: Request by Golden Feather Union Elementary School District under the authority of California *EC* Section 52863 for a waiver of *EC* Section 52852, allowing

one joint schoolsite council to function for two schools, Concow Elementary and Golden Feather Community Day School.

Waiver Number: 39-6-2010

(Recommended for APPROVAL WITH CONDITIONS)

Item WC-12 Specific

Subject: Request by Lassen View Union Elementary School District under the authority of California *EC* Section 52863 for a renewal waiver of *EC* Section 52852, allowing one joint schoolsite council to function for two small schools, Lassen View Elementary School and Lassen View Community Day School.

Waiver Number: 3-9-2010

(Recommended for APPROVAL WITH CONDITIONS)

Item WC-13 Specific

Subject: Request by Fallbrook Union High School District to waive California *EC* Section 51224.5(b), the requirement that all students graduating in the 2009–10 school year be required to complete a course in Algebra I (or equivalent) to be given a diploma of graduation for three special education students based on *EC* Section 56101, the special education waiver authority.

Waiver Number: 22-7-2010

(Recommended for APPROVAL WITH CONDITIONS)

Item WC-14 General

Subject: Request by Clovis Unified School District for a renewal waiver of *CCR*, 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 Roland Hendrix to continue to provide services to students under a remediation plan to complete those minimum qualifications.

Waiver Number: 25-8-2010

(Recommended for APPROVAL WITH CONDITIONS)

Item WC-15 General

Subject: Request by San Mateo County Special Educational Local Plan Agency under the authority of California *EC* Section 56101 to waive *EC* Section 56366.1(h), the August 1 through October 31 timeline on annual certification renewal application for Sand Paths Academy, a Nonpublic School.

Waiver Number: 29-7-2010

(Recommended for APPROVAL)

Item WC-16 General

Subject: Request by three local educational agencies to waive the State Testing Apportionment Information Report and Certification deadline of December 31 in the *CCR*, 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: 27-7-2010, 8-8-2010, and 29-8-2010
(Recommended for APPROVAL)

NON-CONSENT WAIVER ITEMS

The following agenda items include waivers that CDE staff has identified as potentially having opposition, recommended for denial, or presenting new or unusual issues that should be considered by the State Board. 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.

The following waiver items on the Non-consent Agenda were proposed for consent: W-1 through W-16, and W-18 through W-22.

ACTION: Member Bloom moved to approve the proposed waiver request consent items W-1 through W-16 and W-18 through W-22. Member Chan seconded the motion. The board voted, by a show of hands, 7-0 to approve the motion. Members Arkatov, and Lopez were absent for the vote.

Item W-1 General

Subject: Request by eight districts to waive portions of California *EC* 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: 4-9-2010, 5-9-2010, 18-8-2010, 28-7-2010, 11-8-2010, 8-7-2010, 5-7-2010, and 6-7-2010

(Recommended for APPROVAL WITH CONDITIONS)

Item W-2 Specific

Subject: Request by two districts, under the authority of California *EC* Section 41382, to waive portions of *EC* Section 41378 (a) through (e), relating to class size penalties for kindergarten. For kindergarten, the overall class size average is 31 to one with no class larger than 33.

Waiver Numbers: 31-7-2010 and 2-7-2010

(Recommended for APPROVAL WITH CONDITIONS)

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

Item W-3 Specific

Subject: Request by four districts, under the authority of California *EC* Section 41382, to waive portions of *EC* sections 41376 (a), (c), and (d) and 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 to three, the overall class size average is 30 to one with no class larger than 32.

Waiver Numbers: 26-7-2010, 4-7-2010, 22-8-2010, and 24-8-2010
(Recommended for APPROVAL WITH CONDITIONS)

Item W-4 Specific

Subject: Request by six districts, under the authority of California *EC* Section 41382, to waive portions of *EC* sections 41376 (a), (c), and (d) relating to class size penalties for grade one through three. For grades one to three, the overall class size average is 30 to one with no class larger than 32.

Waiver Numbers: 50-6-2010, 1-6-2010, 31-5-2010, 36-5-2010, 3-7-2010, and 19-7-2010
(Recommended for APPROVAL WITH CONDITIONS)

Item W-5 General

Subject: Request by Oakley Union Elementary School District to waive portions of California *EC* Section 41376(b) and (e), relating to class size penalties for grades four through eight. The district's current class size maximum is an overall average of 33 to one and the district requests to increase the maximum to 35 to one, prospectively, (2010-11 and 2011-12 fiscal years).

Waiver Number: 14-6-2010
(Recommended for APPROVAL WITH CONDITIONS)

Item W-6 General

Subject: Request by Chaffey Joint Union High School District for a waiver of California *EC* Section 48661(a) to permit the collocation of the district community day school, on the same site with the Chaffey District Adult Education and Independent Studies Complex.

Waiver Number: 7-9-2010
(Recommended for APPROVAL)

Item W-7 General

Subject: Request by Sacramento City Unified School District for a waiver of California *EC* Section 48661(a) to permit the collocation of Success Academy, a community day school, on the same site as Accelerated Academy, a satellite campus of Hiram Johnson High School.

Waiver Number: 8-9-2010
(Recommended for APPROVAL)

Item W-8 General

Subject: Request by Big Valley Joint Unified School District for a waiver of California *EC* Section 48916.1(d) and portions of Section 48660 to permit a community day school to serve students in grades three through six with students in grades seven through twelve.

Waiver Number: 20-8-2010

(Recommended for APPROVAL WITH CONDITIONS)

Item W-9 General

Subject: Request by Chawanakee Unified School District for a waiver of California *EC* Section 48916.1(d) and portions of *EC* Section 48660 to permit a community day school to serve students in grades five and six with students in grades seven through twelve.

Waiver Number: 13-9-2010

(Recommended for APPROVAL WITH CONDITIONS)

Item W-10 General

Subject: Request by Laytonville Unified School District for a waiver of California *EC* Section 48916.1(d) and portions of Section 48660 to permit a community day school to serve students in grade five and six with students in grades seven through twelve.

Waiver Number: 26-8-2010

(Recommended for APPROVAL WITH CONDITIONS)

Item W-11 General

Subject: Request by Riverdale Joint Unified School District for a waiver of California *EC* Section 48916.1(d) and portions of *EC* Section 48660 to permit a community day school to serve students in grades five and six with students in grades seven through twelve.

Waiver Number: 15-9-2010

(Recommended for APPROVAL WITH CONDITIONS)

Item W-12 General

Subject: Request by Golden Plains Unified School District to waive California *EC* Section 52055.740(a), regarding class size reduction requirements under the Quality Education Investment Act, that this funded school reduce their class sizes by an average of five students per class by the end of the 2010–11 school year at San Joaquin Elementary School (requesting 24.3:1 student ratio on average in grade four, and 17.7:1 student ratio on average for grade eight).

Waiver Number: 12-9-2010

(Recommended for APPROVAL WITH CONDITIONS)

Item W-13 General

Subject: Request by Mendota Unified School District to waive portions of California *EC* Section 52055.740(a), regarding class size reduction requirements under the Quality Education Investment Act, that this funded school reduce their class sizes by an average of five students per class by the end of the 2010–11 school year at McCabe Elementary School (requesting 25:1 ratio on average in grade six).

Waiver Number: 47-6-2010

(Recommended for APPROVAL WITH CONDITIONS)

Item W-14 Specific

Subject: Request by Lagunitas Elementary School District under the authority of California *EC* Section 52863 for a renewal waiver of *EC* Section 52852, allowing one joint schoolsite council to function for two schools, Lagunitas Elementary School and San Geronimo Valley Elementary School.

Waiver Number: 1-9-2010

(Recommended for APPROVAL WITH CONDITIONS)

Item W-15 Specific

Subject: Request by Big Valley Joint Unified School District under the authority of California *EC* Section 52863 for a waiver of *EC* Section 52852, allowing one joint schoolsite council with a reduced number and composition to function for two small schools: Big Valley Elementary School and Big Valley Jr./Senior High School.

Waiver Number: 19-8-2010

(Recommended for APPROVAL WITH CONDITIONS)

Item W-16 General

Subject: Request by Butte County Office of Education for a renewal to waive *CCR*, 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 Paula Beehner, Georgia Hagler, and Elayne Reischman to continue to provide services to students until June 30, 2011, under a remediation plan to complete those minimum qualifications.

Waiver Numbers: 1-8-2010, 2-8-2010, and 4-8-2010

(Recommended for APPROVAL WITH CONDITIONS)

Item W-18 General

Subject: Request by Dinuba Unified School District for a renewal to waive *CCR*, 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 Rosa Velasco and Eva Martinez to continue to provide services to students until June 30, 2011, under a remediation plan to complete those minimum qualifications.

Waiver Numbers: 24-7-2010 and 25-7-2010

(Recommended for APPROVAL WITH CONDITIONS)

Item W-19 General

Subject: Request by Elk Grove Unified School District to waive *CCR*, 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 Maria Klemm, Cara Felix, and Stephanie Rexroth to continue to provide services to students until June 30, 2011, under a remediation plan to complete those minimum qualifications.

Waiver Numbers: 57-3-2010, 58-3-2010, and 59-3-2010

(Recommended for APPROVAL WITH CONDITIONS)

Item W-20 General

Subject: Request by Escondido Union School District for a renewal to waive *CCR*, 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 Leea Aguirre to continue to provide services to students until June 30, 2011, under a remediation plan to complete those minimum qualifications.

Waiver Number: 9-8-2010

(Recommended for APPROVAL WITH CONDITIONS)

Item W-21 General

Subject: Request by Shasta County Office of Education for a renewal to waive *CCR*, 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 Tam Balkow, Denise Richardson, and Zebediah Rinesmith to continue to provide services to students until June 30, 2011, under a remediation plan to complete those minimum qualifications.

Waiver Numbers: 12-8-2010, 14-8-2010, and 15-8-2010

(Recommended for APPROVAL WITH CONDITIONS)

Item W-22 Specific

Subject: Request by Greenfield Union Elementary School District, under the authority of California *EC* Section 56101 and *CCR*, Title 5, Section 3100, to waive *EC* 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). Dr. Bertie Ortiz is assigned at Cesar Chavez Elementary School, Oak Avenue School, and Greenfield Elementary School.

Waiver Number: 2-9-2010

(Recommended for APPROVAL WITH CONDITIONS)

Item W-17 General

Subject: Request by Butte County Office of Education (COE) to waive *CCR*, 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 Serena Smith to continue to provide services to students until June 30, 2011, under a remediation plan to complete those minimum qualifications.

Waiver Number: 3-8-2010

(Recommended for DENIAL)

ACTION: Member Aschwanden moved to approve CDE's staff recommendation to deny the Butte COE waiver request for Serena Smith because it cannot ensure that Ms. Smith can meet the educational needs of the students as required under California *EC* Section 30051(1)(a). Member Chan seconded the motion. The board voted, by show of hands, 6-0 to approve the motion. Members Arkatov, Austin, Lopez, and Mitchell were absent for the vote.

Item W-23 General

Subject: Request by Alameda County Office of Education for Families of Alameda for Multi-Cultural/Multi-Lingual Education (FAME) Public Charter School to waive CCR Title 5, Section 11960(a), to allow the charter school attendance to be calculated as if it were a regular multi-track school for the 2006-07 fiscal year.

Waiver Number: 28-3-2008

(Recommended for DENIAL)

ACTION: Member Bloom moved to support CDE's staff recommendation to deny FAME Public Charter School's waiver request. Member Aschwanden seconded the motion. The board voted, by show of hands, 6-1 to approve the denial. Members Arkatov, Austin, and Lopez were absent for the vote.

Yes votes: Members Aschwanden, Chan, Cushman, Bloom, Jones, and Mitchell

No vote: Member Williams

Item 22: Approval of 2010–11 Consolidated Applications.

ACTION: Member Bloom moved to approve CDE's staff recommendation to adopt the 2010–11 Consolidated Applications (ConApps) submitted by local educational agencies (LEAs) in Attachment 1 - Group 1, and Attachments 2-3. Member Aschwanden seconded the motion. The board voted, by show of hands, 7-0 to approve the motion. Members Austin and Mitchell had recused themselves from the vote. Member Arkatov was absent for the vote.

ACTION: Member Aschwanden moved to approve CDE's staff recommendation to adopt the 2010-11 ConApps submitted by LEAs in Attachment 1 - Group 2. Member Williams seconded the motion. The board voted, by show of hands, 7-0 to approve the motion. Members Austin and Mitchell had recused themselves from the vote. Member Arkatov was absent for the vote.

ACTION: Member Aschwanden moved to approve CDE's staff recommendation to adopt the 2010-11 ConApps submitted by LEAs in Attachment 1 - Group 3. Member Cushman seconded the motion. The board voted, by show of hands, 9-0 to approve the motion. Member Arkatov was absent for the vote.

Item 26: Update on Issues Related to California's Implementation of the Elementary and Secondary Education Act and Other Federal Programs, Including, but not limited to, School Improvement Grant, Title III Monitoring Response, Review of 29 Local Educational Agencies in Program Improvement Corrective Action (Cohort 3) Revised Local Educational Agency Plans, Title I Monitoring Review, and the California Striving Readers Comprehensive Literacy Program.

No action was taken on this item.

****Adjournment of Meeting ****

State Board of Education
State Board of Education Board Room
December 15, 2010
Draft Minutes

Please note that the complete proceedings of the May 2011 State Board of Education meeting, including close captioning, are available online at: <http://www.cde.ca.gov/be/aq/aq/sbewebcastarchive.asp>.

Members Present:

Ted Mitchell, President
Ruth Bloom, Vice President
Alan Arkatov
James Aschwanden
Benjamin Austin
Yvonne Chan
James Fang
David Lopez
Johnathan Williams
Connor Cushman, Student Member

Members Absent:

Gregory Jones

Secretary and Executive Officer

Jack O'Connell, State Superintendent of Public Instruction

Principal Staff

Nicolas Schweizer, Executive Director, State Board of Education (SBE)
Patricia de Cos, Deputy Executive Director, SBE
Jennifer Johnson, Education Policy Consultant, SBE
Beth Rice, Education Program Consultant, SBE
Regina Wilson, Program Communications Analyst, SBE
Geno Flores, Chief Deputy Superintendent, California Department of Education (CDE)
Amy Holloway, General Counsel, CDE
Jaime Hastings, Associate Government Analyst, CDE

Closed Session

No action was taken on this item.

Item 1: 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; update on litigation; bylaw review and revision; Board policy; approval of minutes; board liaison reports, and other matters of interest.

No action was taken on this item.

Item 2: 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.

No action was taken on this item.

Item 3: Elementary and Secondary Education Act: Recommended Options for Round Valley Unified School District: Identify Potential Trustees and Define Issues, Budget Control, and Any Decision-making Authorities that Are Impeding Student Academic Progress; or Appoint an Independent Trustee with Full Authority for Round Valley Unified School District.

ACTION: Member Bloom moved to approve that the SBE authorize the SBE President and liaison to work with the staff of the SBE and the CDE to:

- Identify any potential candidates to be appointed as an independent state trustee for the Round Valley Unified School District (RVUSD).
- Assign an independent full trustee in RVUSD with stay and rescind powers over decisions of RVUSD, the local governing board, and any acting district superintendent for a period of not less than three years with minimally an annual review of progress.
- Adopt a scope of authority and tenure for duration of assignment to govern RVUSD trusteeship through a memorandum of understanding.
- Adopt staff recommendation and designate Board member Jim Aschwanden as the Board's liaison for selecting the trustee.

Member Williams seconded the motion. The board voted, by show of hands, 9-0 to approve the motion. Member Austin was absent for the vote.

Item 4: Parent Empowerment — Approve Commencement of 15-day Comment Period for Proposed Additions to the *California Code of Regulations*, Title 5, Sections 4800–4808.

ACTION: Member Arkatov moved to amend the SBE’s staff recommendation from Section 4802.2(c) end of line 15 on page 11 of the item addendum to include:

If a petition does not request that the subject school be operated under a specific charter school operator, charter management organization or education management organization, and the LEA does not reject the petition pursuant to Section 4802.1(g), then the LEA must immediately solicit charter proposals from charter school operators, charter management organizations and education management organizations and, prior to selecting a charter school operator, charter management organization or education management organization, must conduct the rigorous review process required by *Education Code* section 53300 and section 4804, which includes compliance with the requirements and timelines set forth in *Education Code* section 47605, subdivisions (b) through (h), and (l) with the exception that the timelines set forth in *Education Code* section 47605(b) do not begin until a charter proposal is received. If, after the rigorous review specified in this subdivision, the LEA finds that the charter included with the parent empowerment petition substantially fails to meet the requirements of *Education Code* section 47605 and the petitioners cannot cure this failure through a revision of the charter, or the petition does not request a specific charter school operator, charter management organization or education management organization and the LEA is unable to identify a charter school operator, charter management organization or education management organization which meets the requirements of *Education Code* section 47605, the LEA shall find that it is unable to implement the option requested by parents and shall implement one of the other options specified in *Education Code* section 53300 in the subsequent school year.

Member Lopez seconded the motion. The board voted, by show of hands, 7-1 to approve the motion. Member Austin recused himself from the vote. Member Williams was absent for the vote.

Yes votes: Members Arkatov, Bloom, Chan, Cushman, Fang, Lopez, and Mitchell
No vote: Member Aschwanden

ACTION: Member Chan moved to approve SBE’s amended staff recommendation that the SBE take the following action to:

- Approve the proposed changes to the proposed regulations based on edits made in response to the public comments;

- Direct that the proposed changes be circulated for a 15-day public comment period in accordance with the Administrative Procedure Act;
- If no relevant comments to the proposed changes are received during the 15-day public comment period, the proposed regulations with changes are deemed adopted, and CDE is directed to complete the rulemaking package and submit it to the Office of Administrative Law (OAL) for approval;
- If any relevant comments to the proposed changes are received during the 15-day public comment period the CDE is directed to place the proposed regulations on the SBE's January 2011 Agenda for action; and
- Authorize CDE to take any necessary ministerial action to respond to any direction or concern expressed by the OAL during its review of the rulemaking file.

Member Bloom seconded the motion. The board voted, by show of hands, 7-1 to approve the motion. Member Austin recused himself from the discussion and vote. Member Williams was absent for the vote.

Yes votes: Members Arkatov, Bloom, Chan, Cushman, Fang, Lopez, and Mitchell
No vote: Member Aschwanden

Item 5: Adopt Policy Guidance for Considering Streamlined Waiver Requests from Local Educational Agencies that Implement Countywide, Districtwide, or Pilot at Selected School Sites, and Use Teacher and Administrator Evaluation Systems to Inform all Employment Decisions.

ACTION: Member Austin moved to amend staff recommendation to include a bullet point to read as follows:

- Evaluation that engages parents and students for example questionnaires, surveys, and focus groups;

Member Arkatov seconded the motion. The board voted, by show of hands, 10-0 to approve the motion.

ACTION: Member Chan moved to approve the amended SBE staff recommendation that the SBE adopt the attached proposed SBE Policy for considering streamlined waiver requests from local educational agencies that implement countywide, districtwide, or pilot at selected school sites, and use teacher and administrator evaluation systems to inform all employment decisions. Member Cushman seconded the motion. The board voted, by show of hands, 10-0 to approve the motion.

Item 6: Task Force on Nonclassroom-based Education Programs: Approval of Establishment, Membership, Charge, and Timeline.

ACTION: Member Aschwanden moved to approve CDE's staff recommendation to approve the establishment, membership, charge, and timeline of the Task Force on Nonclassroom-based Education Programs (Task Force) as outlined in this item provided funding is made available for this purpose. Member Williams seconded the motion.

Member Arkatov proposed a friendly amendment as specified below:

The Task Force shall include, but not be limited to the following members: the SSPI or designee, an SBE member or designee, a designee of the Senate Pro Tem, a designee of the Speaker of the Assembly, the Governor or designee, the Director of Finance or designee, a member of the Advisory Commission on Charter Schools or designee, a designee of the California Teachers Association and the California Federation of Teachers, and a representative of the California Postsecondary Education Commission, a member representing career technical education, a member representing students, and a member representing parents.

The task force is established by the State Board of Education to study and review the key elements of high quality non-classroom-based education programs as provided by Senate Bill 740 and other relevant legislation.

It shall address seat time, curriculum, delivery system, teacher and administrative issues, fiscal costs, fiscal savings, funding, and any pertinent demographic, peer-to-peer, or physical issues.

It is the expectation the state will codify any necessary changes concurrently with the Governor, Legislature, and the CDE, and that California will become a global leader in non-classroom, performance-based mastery of K-12 subject matter and instruction with the highest possible levels of access, affordability, and accountability.

Member Aschwanden and Member Williams accepted Member Arkatov's amendments. The board voted, by show of hands, 9-0 to approve the motion. Member Austin was absent for the vote.

WAIVER REQUEST MATTERS

Item W-2 General

Subject: Request by Yolo 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 Tina Turner and Elissa Driver to continue to provide services to students until June 30, 2011, under a remediation plan to complete those minimum qualifications.

Waiver Numbers: 4-10-2010 and 5-10-2010

This item was pulled from the agenda.

PROPOSED CONSENT CALENDAR

ACTION: Member Aschwanden moved to approve the following items 7, 8, and W-1 on the proposed consent calendar. Member Bloom seconded the motion. The board voted by show of hands, 9-0 to approve the motion. Member Austin was absent for the vote.

Item W-1 General

Subject: Request by Kings County Office of Education for a renewal to waive *California Code of Regulations*, Title 5, Section 3051.16(b)(3), the requirement that educational interpreters for deaf and hard of hearing pupils meet minimum qualifications as of July 1, 2009, to allow Britney Bettencourt to continue to provide services to students until June 30, 2011, under a remediation plan to complete those minimum qualifications.

Waiver Number: 2-10-2010

Recommended approval of the renewal waiver for Britney Bettencourt, with the following conditions:

1. The Kings County Office of Education (COE) must provide Ms. Bettencourt with monthly one-on-one mentorship by a certified interpreter during the 2010–11 school year.
2. By June 30, 2011, the Kings COE must provide CDE with assessment scores for Ms. Bettencourt. The scores must be from one of the assessments named in the *California Code of Regulations*, Title 5, and Section 3051.16(b) (3).
3. If Ms. Bettencourt does not achieve the regulatory qualification standard, she must demonstrate growth on the assessment, and demonstrate evidence of participation in required professional growth opportunities to apply for a waiver for the consecutive school year.

Item 7: Elementary and Secondary Education Act: Approve Local Educational Agency Plans, Title I, Section 1112.

Item 8: Appoint Richard Zeiger and Eugene Flores to positions in accordance with Article IX, Section 2.1, of the Constitution of the State of California.

END OF CONSENT CALENDAR

****ADJOURNMENT OF MEETING ****

State Board of Education
State Board of Education Board Room
January 12-13, 2011
Draft Minutes

Please note that the complete proceedings of the May 2011 State Board of Education meeting, including close captioning, are available online at: <http://www.cde.ca.gov/be/ag/ag/sbewebcastarchive.asp>.

Members Present:

Michael W. Kirst, President
Ruth Bloom, Vice President
James Aschwanden
Yvonne Chan
Carl Cohn
Gregory Jones
James L. Ramos
Patricia Rucker
Ilene Straus
Johnathan Williams
Connor Cushman, Student Member

Members Absent:

None

Secretary and Executive Officer

Tom Torlakson, State Superintendent of Public Instruction

Principal Staff

Nicolas Schweizer, Executive Director, State Board of Education (SBE)
Patricia de Cos, Deputy Executive Director, SBE
Jennifer Johnson, Education Policy Consultant, SBE
Beth Rice, Education Programs Consultant, SBE
Regina Wilson, Program Communications Analyst, SBE
Richard Zeiger, Chief Deputy Superintendent, California Department of Education (CDE)
Amy Holloway, General Counsel, CDE
Jill Rice, General Counsel, CDE
Mary Prather, Education Administrator I, CDE
Jaime Hastings, Associate Government Analyst, CDE

Item 1: 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; update on litigation; bylaw review and revision; Board policy; approval of minutes; board liaison reports, and other matters of interest.

Election of Officers

Vice President Bloom opened Item 1 by turning the gavel over to Superintendent Torlakson to conduct the election of officers for the 2011 year. Per Article IV of the state board's bylaws, the Superintendent called for nominations for the office of president. Member Cohn nominated Michael Kirst for office of the president. Member Chan seconded the motion. The board voted, by roll call, 10-0 and 1 abstention to approve the nomination. Member Kirst abstained from the vote.

Superintendent Torlakson called for nominations for the office of vice president. No nominations were given. Seeing no nomination for vice president the, board agreed to hold over nominations for vice president to the next scheduled board meeting.

Item 2: 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.

No action was taken on this item.

Item 3: Elementary and Secondary Education Act: Corrective Action Plan Presented by the State Trustee for the Alisal Union Elementary School District for State Board of Education Approval.

This item was withdrawn.

Item 4: Elementary and Secondary Education Act: Corrective Action Plan Submitted by the State Trustee for the Greenfield Union Elementary School District for State Board of Education Approval.

This item was withdrawn.

Item 5: Elementary and Secondary Education Act: Approval of the Appointment of Trustee with Stay and Rescind Authority for the Round Valley Unified School District and Draft Memorandum of Understanding.

ACTION: Member Chan moved to approve SBE's staff recommendation to:

- Appoint Christina Thomas as an independent, full trustee in the Round Valley Unified School District (RVUSD) with stay and rescind authority over the governing board and any superintendent, pending satisfactory completion of an accepted MOU; and
- Delegate authority to the SBE President and the SBE liaisons Jim Aschwanden and James Ramos to finalize the MOU with the trustee, including a start date for the trusteeship.

Member Cohn seconded the motion. The board voted, by show of hands, 11-0 to approve the motion.

Item 6: Approval of 2010–11 Consolidated Applications.

ACTION: Member Aschwanden moved CDE's staff recommendation to approve the 2010–11 Consolidated Applications submitted by local educational agencies in Attachment 1. Member Cohn seconded the motion. The board voted, by show of hands, 7-0 to approve the motion. Members Bloom, Chan, Cushman, and Jones were absent for the vote.

Item 7: African American Advisory Committee: Recommendations for Consideration to the State Board of Education Related to Accountability, Special Education, and Teacher Quality and Instruction.

No action was taken on this item.

Item 8: Approve State Performance Plan and Annual Performance Report for Part B of the Individuals with Disabilities Education Act Covering Program Year 2009–10.

ACTION: Member Chan moved to approve the State Performance Plan (SPP), as revised, and the Annual Performance Report (APR) for Part B of the Individuals with Disabilities Education Act (IDEA) for Program Year 2009–10. Member Williams added a friendly amendment to make this action contingent upon the board president report and the SBE and staff liaison to fill in any gaps in the two documents. Member Chan accepted the amendment. Member Cohn seconded the motion. The board voted, by show of hands, 9-0 and 1 abstention. Member Bloom was absent for the vote.

Abstention: Member Jones

Item 9: California High School Exit Examination: Analysis and Consideration of Alternative Means to the California High School Exit Examination.

This item was withdrawn.

Item 10: California High School Exit Examination Alternative Means: Adopt Proposed *California Code of Regulations, Title 5, Section 1216.1*.

This item was withdrawn.

Item 11: Appeal of a Decision of the Orange County Committee on School District Organization to Approve a Petition to Transfer Territory from the Placentia-Yorba Linda Unified School District to the Brea Olinda Unified School District in Orange County.

This item was withdrawn.

Item 12: Request from the Ventura County Board of Education to Transfer the Duties and Powers of the Ventura County Committee on School District Organization to the Ventura County Board of Education.

This item was withdrawn.

Item 13: Elementary and Secondary Education Act: Supplemental Educational Services – Approve Commencement of 15-Day Public Comment Period for Proposed Changes to Proposed *California Code of Regulations, Title 5, Sections 13075.1 Through 13075.9* (inclusive).

This item was withdrawn.

Item 14: Standardized Testing and Reporting Program: Adoption of California Modified Assessment Performance Level Descriptors for English–Language Arts in Grade Nine, Algebra I, and Life Science in Grade Ten.

This item was withdrawn.

*****PUBLIC HEARING*****

Item 15: Standardized Testing and Reporting Program: The Adoption of California Modified Assessment Proposed Performance Standards Setting for English-Language Arts in Grade Nine, Algebra I, and Life Science in Grade Ten and to Conduct the Regional Public Hearings.

This item was withdrawn.

Item 16: 2011 United States Senate Youth Program Presentation.

No action was taken on this item.

Item 17: Student Advisory Board on Education: Analysis of 2010–11 Policy Recommendations.

This item was withdrawn.

Item 18: Elementary and Secondary Education Act: Proposed Criteria for the Review of 93 Local Educational Agencies in Cohort 1 Program Improvement Corrective Action.

This item was withdrawn.

Item 19: Elementary and Secondary Education Act: Recommendations Related to California's Assignment of Corrective Actions and Associated Technical Assistance for the 2010 Local Educational Agencies in Program Improvement Corrective Action.

This item was withdrawn.

Item 20: Student Achievement Plans for State Board of Education–Authorized Charter Schools: Review and Approve California Department of Education Plan for Oversight of Student Achievement Plans Submitted by Aspire Alexander Twilight College Preparatory Academy, Aspire Titan Academy, Aspire Vanguard College Preparatory Academy, Barack Obama Charter School, Edison Charter Academy, Everest Public High School, High Tech High School - Chula Vista, High Tech Middle School - North County, Micro-Enterprise Charter Academy, Ridgecrest Charter School, The School of Arts and Enterprise, and Western Sierra Collegiate Charter Academy and Take Other Action as Appropriate Based on the Failure of These Schools to Meet Adequate Yearly Progress and Academic Performance Index Growth Targets.

This item was withdrawn.

Item 21: Charter Revocation and Revocation Appeals – Adopt Amendments to *California Code of Regulations, Title 5* sections 11965, 11968.1, 11968.5.1, 11969.1, 11969.2, 11969.3, 11969.4, and 11969.10.

ACTION: Member Chan moved to approve CDE’s staff recommendation that the board:

- Approve the Final Statement of Reasons;
- Adopt the proposed regulations;
- Direct the CDE to submit the rulemaking file to the Office of Administrative Law (OAL) for approval; and
- Authorize the CDE to take any necessary ministerial action to respond to any direction or concern expressed by the OAL during its review of the rulemaking file.

Member Williams seconded the motion. The board voted by show of hands, 10-0 to approve the motion. Member Bloom was absent for the vote.

Item 22: Aspire Public Schools Statewide Benefit Charter: Material Revisions and Findings.

This item was withdrawn.

Item 23: Development of Regulations to Revise the Requirements for Statewide Benefit Charters and to Govern the State Board of Education’s Advisory Commission on Charter Schools.

This item was withdrawn.

Item 24: Effect of the *Common Core State Standards* on the *Model School Library Standards for California Public Schools, Kindergarten Through Grade Twelve*.

This item was withdrawn.

Item 25: Parent Empowerment: Approve Proposed Changes to the Regulations Made in Response to the 15-day Public Comment Period that Began December 23, 2010, and Ended January 6, 2011, and Approve the Commencement of a Second 15-Day Public Comment Period for Proposed Amendments to *California Code of Regulations, Title 5*, Sections 4800–4808 or, if there are no Relevant Comments to

the Regulations in Response to the 15-day Public Comment Period, Adopt the Proposed *California Code of Regulations, Title 5, Sections 4800-4808 as Amended.*

This item was withdrawn.

Item 26: Elementary and Secondary Education Act: Parental Involvement Update Including, but Not Limited to, Technical Assistance Provided to Local Educational Agencies by the California Department of Education and by the Family Area Network, Including its Purpose, Composition, and Contributions; and Federal Authority for Parental Involvement.

This item was withdrawn.

Item 27: Elementary and Secondary Education Act: School Improvement Grant: Update on the State's Application for the 2010 School Improvement Grant Under Section 1003(g) of the Elementary and Secondary Education Act.

ACTION: Member Chan moved approve CDE's staff recommendation and authorize the SBE President along with the State Superintendent to approve FY 2010 SIG Application to the US Department of Education to :1) make the funds available to eligible schools not served in the 2009 SIG process, 2) use FY 2010 SIG funds to make first-year only awards to LEAs to serve approximately thirty schools, and 3) give priority for funding based on a determination of schools with greatest need as well as geographic distribution of Tier I and Tier II schools throughout the state. Member Cohn seconded the motion. The board voted, by show of hands, 7-3 and 1 abstention to approve the motion.

Yes Votes: Members Ashwanden, Chan, Cohn, Kirst, Ramos, Rucker, and Straus

No Votes: Members Bloom, Jones, and Williams

Abstention: Member Cushman

Item 28: Academic Performance Index: Approve Changes to the Calculation of the 2010 Base Academic Performance Index.

This item was withdrawn.

Item 29: Elementary and Secondary Education Act: Proposed Amendments to the Accountability Workbook Impacting Adequate Yearly Progress Determinations for 2011 Related to Safe Harbor and English Learners.

ACTION: Member Aschwanden moved to approve CDE's staff recommendation to amend California's Consolidated State Application Accountability Workbook for the

2011 year. Member Jones seconded the motion. The board voted, 10-0 to approve the motion. Member Bloom was absent for the vote.

Item 30: Update on Issues Related to California’s Implementation of the Elementary and Secondary Education Act and Other Federal Programs, Including, but Not Limited to, the Title I and Title III Monitoring Reviews.

This item was withdrawn.

Item 31: Foster Youth Education Program—Approve Commencement of the Rulemaking Process for Amendments to the *California Code of Regulations, Title 5, Section 11997*.

This item was withdrawn.

Item 32: Standardized Testing and Reporting Program: Approve Commencement of a 15-Day Public Comment Period for Proposed Changes to the *California Code of Regulations, Title 5, Sections 850 Through 868*.

This item was withdrawn.

Item 33: Elementary and Secondary Education Act: Approve Local Educational Agency Plans, Title I, Section 1112.

ACTION: Member Straus moved to approve 16 specific local educational agency plans listed in Attachment 1. Member Ramos seconded the motion. The board voted, by show of hands, 8-0 to approve the motion. Members Bloom, Cushman, and Jones were absent for the vote.

Item 34: Standardized Testing and Reporting Program: Approval of 2011 School District Apportionment Amounts.

ACTION: Member Aschawden moved to approve the following school district apportionment amounts for Standardized Testing and Reporting (STAR) Program testing administered during the 2010–11 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.

Member Rucker seconded the motion. The board voted, by show of hands, 8-0 to approve the motion. Members Bloom, Cushman, and Jones were absent for the vote.

Item 35: Assignment of Numbers for Charter School Petitions.

ACTION: Member Rucker moved to approve CDE's staff recommendation to assign charter numbers to the charter schools identified in the list attached to this item attached. Member Williams seconded the motion. The board voted, by show of hands, 8-0 to approve the motion. Members Bloom, Cushman, and Jones were absent for the vote.

NON-CONSENT WAIVER ITEMS

The following agenda items include waivers that CDE staff has identified as potentially having opposition, recommended for denial, or presenting new or unusual issues that should be considered by the State Board. 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. The board took individual action on the following waiver items: WC-1, WC-2, WC-4, WC-5, WC-7, WC-8, WC-9, WC-10, WC-11, WC-12, W-1, W-22, W-23, and W-25.

Item WC-1

Subject: Request by Lucerne Valley Unified School District for Lucerne Valley 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-592-2010

(Recommended for APPROVAL)

Item WC-2

Subject: Request by Silver Valley Unified School District for Silver Valley 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-591-2010

(Recommended for APPROVAL)

ACTION: Member Aschwanden moved to approve CDE's staff recommendation for WC-1 and WC-2 waiver request. Member Rucker seconded the motion. The board voted, by show of hands, 8-0 to approve the motion. Members Bloom, Cushman, and Jones were absent for the vote.

Item WC-3

Subject: Request by 35 local educational agencies to waive *California Education Code* Section 48352(a) and *California Code of Regulations* Title 5 Section 4701 to remove their school(s) from the Open Enrollment List of "low-achieving schools" for the 2010–11, 2011–12 or both school years.

Waiver Numbers: Various

(Recommended for APPROVAL WITH CONDITIONS)

This item was withdrawn.

Item WC-4

Subject: Request by Grossmont Union High School District to waive portions of *California Education Code* Section 51222(a), related to the statutory minimum requirement of 400 minutes of physical education each ten school days for students in grades nine through twelve in order to implement a block schedule at El Cajon Valley High School.

Waiver Number: 59-10-2010

(Recommended for APPROVAL WITH CONDITIONS)

ACTION: Member Rucker moved to approve CDE's staff recommendation to approve the waiver request. Member Cohn seconded the motion. The board voted, by show of hands, 8-0 to approve the motion. Members Bloom, Cushman, and Jones were absent for the vote.

Item WC-5

Subject: Request by Pioneer Union 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: 79-10-2010
(Recommended for APPROVAL)

ACTION: Member Aschwanden moved to approve CDE's staff recommendation to approve the waiver request. Member Cohn seconded the motion. The board voted, by show of hands, 8-0 to approve the motion. Members Bloom, Cushman, and Jones were absent for the vote.

Item WC-6

Subject: Request by Alview-Dairyland Union Elementary School District under the authority of California *Education Code* Section 52863 for a waiver of *Education Code* Section 52852, allowing one joint schoolsite council to function for two small rural schools, Alview Elementary School and Dairyland Elementary School.

Waiver Number: 9-10-2010

(Recommended for APPROVAL WITH CONDITIONS)

This item was withdrawn.

Item WC-7

Subject: Request by Claremont Unified School District under the authority of California *Education Code* Section 52863 for a waiver of *Education Code* Section 52852, allowing one joint schoolsite council to function for two small schools, Claremont Community Day School and San Antonio Continuation High School.

Waiver Number: 9-11-2010

(Recommended for APPROVAL WITH CONDITIONS)

ACTION: Member Aschwanden moved to approve CDE's staff recommendation with conditions to approve the waiver request. Member Chan seconded the motion. The board voted, by show of hands 8-0 to approve the motion. Members Bloom, Cushman, and Jones were absent for the vote.

Item WC-8

Subject: Request by Claremont Unified School District under the authority of California *Education Code* Section 52863 for a waiver of *Education Code* Section 52852, allowing one joint schoolsite council to function for two small schools, Danbury Elementary School and Sumner Elementary School.

Waiver Number: 10-11-2010

(Recommended for APPROVAL WITH CONDITIONS)

ACTION: Member Aschwanden moved to approve CDE's staff recommendation with conditions to approve the waiver request. Member Chan seconded the motion. The board voted, by show of hands 8-0 to approve the motion. Members Bloom, Cushman, and Jones were absent for the vote.

Item WC-9

Subject: Request by Waugh School District under the authority of California *Education Code* Section 52863 for a renewal waiver of *Education Code* Section 52852, allowing one joint schoolsite council to function for two small schools, Corona Creek Elementary School and Meadow Elementary School.

Waiver Number: 5-11-2010

(Consent due to SBE Streamlined Waiver Policy)

(Recommended for APPROVAL WITH CONDITIONS)

ACTION: Member Aschwanden moved to approve CDE's staff recommendation to approve with conditions the waiver request. Member Chan seconded the motion. The board voted, by show of hands 8-0 to approve the motion. Members Bloom, Cushman, and Jones were absent for the vote.

Item WC-10

Subject: Request by Valley Center-Pauma Unified School District to waive *California Code of Regulations*, Title 5, Section 3043(d), which requires a minimum of 20 school days of attendance for an extended school year for special education students.

Waiver Number: 55-10-2010

(Recommended for APPROVAL WITH CONDITIONS)

ACTION: Member Chan moved to approve CDE's staff recommendation with conditions. Member Ramos seconded the motion. The board voted, by show of hands, 8-0 to approve the motion. Members, Bloom, Cushman, and Jones were absent for the vote.

Item WC-11

Subject: Request by Pioneer 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). Jean Tessman is assigned at Pioneer Middle School.

Waiver Number: 11-10-2010

(Recommended for APPROVAL WITH CONDITIONS)

ACTION: Member Chan moved to approve CDE's staff recommendation with conditions. Member Rucker seconded the motion. The board voted, by show of hands, 8-0 to approve the motion. Members, Bloom, Cushman, and Jones were absent for the vote.

Item WC-12

Subject: Request by Kings County Office of Education to waive *California Code of Regulations*, Title 5, Section 1225 (b)(2)(A) , the requirement to submit the State Testing Apportionment Information Report to the Assessment Division by December 31 every year (for the CAHSEE).

Waiver Number: 10-10-2010

(Recommended for APPROVAL)

ACTION: Member Chan moved to approve CDE's staff recommendation to approve the waiver request. Member Aschwanden seconded the motion. The board voted, by show of hands, 8-0 to approve the motion. Members, Bloom, Cushman, and Jones were absent for the vote.

Item W-1

Subject: Request by Winters Joint 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 in U.S. History to allow Winters Middle School to be given a valid 2010 Growth Academic Performance Index.

Waiver Number: 49-10-2010

ACTION: Member Straus moved to approve the waiver request to allow Winters Middle School be given a valid 2010 Growth Academic Performance Index with the condition that Winters Middle School allow all students for the 2011 schools year to take the core curriculum. Member Cohn seconded the motion. The board voted, by show of hands, 6-3 to approve the motion. Members Bloom and Jones were absent for the vote.

Yes votes: Members Aschwanden, Cohn, Cushman, Kirst, Ramos, and Straus

No votes: Members Chan, Rucker, and Williams

Item W-2

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

Waiver Numbers: 12-10-2010, 15-10-2010, and 53-10-2010.
(Recommended for APPROVAL WITH CONDITIONS)

This item was withdrawn.

Item W-3

Subject: Request by 13 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: 18-9-2010, 8-10-2010, 16-10-2010, 14-10-2010, 77-10-2010, 22-10-2010, 21-10-2010, 68-10-2010, 46-10-2010, 62-10-2010, 64-10-2010, 13-10-2010, and 17-10-2010.

(Recommended for APPROVAL WITH CONDITIONS)

This item was withdrawn.

Item W-4

Subject: Request by five districts, under the authority of California *Education Code* Section 41382, to waive portions of *Education Code* sections 41376 (a), (c), and (d) and 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 to three, the overall class size average is 30 to one with no class larger than 32.

Waiver Numbers: 63-10-2010, 6-11-2010, 3-10-2010, 23-10-2010, and 18-10-2010.
(Recommended for APPROVAL WITH CONDITIONS)

This item was withdrawn.

Item W-6

Subject: Request by five 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 2010–11, 2011–12 or both school years.

Waiver Numbers: Various

This item was withdrawn.

Item W-9

Subject: Request by Los Angeles Unified 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 San Fernando Middle School and Lincoln High School to follow identified students who will be transferring to San Fernando Institute of Applied Learning and Leadership in Entertainment and Media Arts to ensure that they will not lose the benefits of the Quality Education Investment Act.

Waiver Number: 71-10-2010
(Recommended for DENIAL)

This item was withdrawn.

Item W-10

Subject: Request by Los Angeles 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 Carver Middle School and Los Angeles Academy Middle School to follow identified students who will be transferring to one new school, Central Region Middle School #7 to ensure that they will not lose the benefits of the Quality Education Investment Act.

Waiver Number: 34-10-2010
(Recommended for DENIAL)

This item was withdrawn.

Item W-22

Subject: Request by Shasta County Office of Education for a renewal to waive *California Code of Regulations*, Title 5, Section 3051.16(b)(3), the requirement that educational interpreters for deaf and hard of hearing pupils meet minimum qualifications as of July 1, 2009, to allow Krysta Shaw-Stearns and Charlene Starks to continue to provide services to students until June 30, 2011, under a remediation plan to complete those minimum qualifications.

Waiver Numbers: 14-11-2010 and 15-11-2010

ACTION: Member Chan moved to approve CDE's staff recommendation to deny the waiver request. Member Straus seconded the motion. The board voted, by show of hands, 7-0 and 1 abstention to approve the motion. Members, Bloom, Cushman, and Jones were absent for the vote.

Abstention: Member Williams

Item W-23

Subject: Request by various local educational agencies to waive portions of *Education Code* sections 35256 (c) and 35258 the annual deadline to make the

annual School Accountability Report Card available in hard copy and on the internet by February 1. Waiver Number: Various, see attached list. More will be added in a last minute memorandum.

ACTION: Member Rucker moved to approve CDE's staff recommendation to approve the waivers to extend the February 1 deadline to April 1 for the 2011 year only. Member Chan seconded the motion. The board voted, by show of hands, 8-0 to approve the motion. Member Bloom, Cushman, and Jones were absent for the vote.

Item W-25

Subject: Request by the Yolo 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 Tina Turner and Elissa Driver to continue to provide services to students until June 30, 2011, under a remediation plan to complete those minimum qualifications.

Waiver Number: 4-10-2010, 5-10-2010

ACTION: Member Cohn moved to approve the waiver request with conditions and to remove the job description from the district's web site. Member Williams seconded the motion. The board voted, by show of hands, 8-0 to approve the motion. Members Bloom, Cushman, and Jones were absent for the vote.

WAIVER REQUEST CONSENT MATTERS

The following agenda items satisfy criteria for approving a waiver of that type based on a previously-adopted State Board of Education waiver policy or have waiver evaluation criteria that are in the California *EC* or in the *CCR*, Title 5.

The following agenda items were proposed for approval on the waiver consent calendar: W-5, W-7, W-8, W-11 through W-21, and W-24.

ACTION: Member Aschwanden moved to approve the waiver consent items: W-5, W-7, W-8, W-11 through W-21, and W-24. Member Cohn seconded the motion. The board voted, by show of hands, 8-0 to approve the motion. Members Bloom, Cushman, and Jones were absent for the vote.

Item W-5 General

Subject: Request by Surprise Valley Joint Unified School District for a waiver of California *Education Code* Section 48916.1(d) and portions of Section 48660 to permit a community day school to serve students in grades five through six with students in grades seven through twelve.

Waiver Number: 20-10-2010

Item W-7 General

Subject: Request by Yreka Union Elementary School District to waive a portion of California *Education Code* Section 35330(d) to authorize expenditure of school district funds for students to travel to Oregon to attend curricular and extra curricular trips/events and competitions.

Waiver Number: 19-11-2010

Item W-8 General

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

Waiver Number: 19-9-2010

Item W-11 General

Subject: Request by Jefferson School District to waive portions of California *Education Code* sections 17464(b), 17473, and 17474, specific provisions for sale and lease of surplus property. Approval of the waiver would allow the district to sell a three acre parcel of surplus property that was Bear Valley School to the National Park Service, or an agent thereof, for use by the Pinnacles National Monument without offering the property to the Director of General Services, the Regents of the University of California, the Trustees of the California State University, or other state agencies.

Waiver Number: 52-10-2010

Item W-12 General

Subject: Request by Alvord Unified School District to waive California *Education Code* Section 15270 to allow the district to exceed its bond indebtedness limit of 2.5 percent of the taxable assessed value of property. (Requesting 2.6 percent)

Waiver Number: 67-10-2010

Item W-13 General

Subject: Request by Pittsburg Unified Unified School District to waive California *Education Code* sections 15106 and 15270 to allow the district to exceed its bond indebtedness limit of 2.5 percent of the taxable assessed value of property.

(Requesting 3.58 percent).

Waiver Number: 48-10-2010

Item W-14 General

Subject: Request by Stockton Unified School District to waive California *Education Code* Section 15270 (a) to allow the district to exceed its bond indebtedness limit of 2.5 percent of the taxable assessed value of property. (Requesting 3.28 percent).

Waiver Number: 69-10-2010

Item W-15 General

Subject: Request by Lemoore Union 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: 33-11-2010

Item W-16 Specific

Subject: Request by Central Unified School District under the authority of California *Education Code* Section 52863 for a waiver of *Education Code* Section 52852, to allow a reduction in the number and composition of members required for a schoolsite council for a small continuation high school, Pershing Continuation High School.

Waiver Number: 19-10-2010

Item W-17 Specific

Subject: Request by Elkins Elementary School District under the authority of the California *Education Code* Section 52863 for a waiver of *Education Code* Section 52852, to allow a reduction in the number and composition of members required for a schoolsite council for a small rural school, Elkins Elementary School.

Waiver Number: 14-9-2010

Item W-18 Specific

Subject: Request by Lancaster Elementary School District under the authority of California *Education Code* Section 52863 for a waiver of *Education Code* Section 52852, to allow a reduction in the number and composition of members required for a schoolsite council for a small alternative school Crossroad School.

Waiver Number: 11-11-2010

Item W-19 Specific

Subject: Request by Hanford Joint Union High School District under the authority of California *Education Code* Section 52863 for a waiver of *Education Code* Section 52852, allowing one joint schoolsite council to function for two small schools, Earl F. Johnson High School and Hanford Night Continuation School.

Waiver Number: 4-11-2010

Item W-20 Specific

Subject: Request by Bridgeville Elementary School District under the authority of California *Education Code* Section 52863 for a renewal waiver of *Education Code* Section 52852, to allow a reduction in the number and composition of members required for a schoolsite council for a small elementary school Bridgeville Elementary School.

Waiver Number: 1-10-2010

Item W-21 General

Subject: Request by Shasta County Office of Education for a renewal to waive *California Code of Regulations*, Title 5, Section 3051.16(b)(3), the requirement that educational interpreters for deaf and hard of hearing pupils meet minimum qualifications as of July 1, 2009, to allow Jon Anderson, Diana Davis, Barbara Wolf, Sarah Wood, Aleah Faires, and Christine Coburn to continue to provide services to students until June 30, 2011 under a remediation plan to complete those minimum qualifications.

Waiver Numbers: 12-11-2010, 13-11-2010, 16-11-2010, 17-11-2010, 7-11-2010, and 8-11-2010

Item W-24 Federal

Subject: Request by Simi Valley Unified School District to waive three types of requirements pertaining to Title I, Part A of the Elementary and Secondary Education Act relating to the American Recovery and Reinvestment Act allocations for the 2009–10 fiscal year only.

Waiver Number: Fed-593-2010

END OF PROPOSED WAIVER CONSENT CALENDAR

*****ADJOURNMENT OF MEETING*****

State Board of Education
State Board of Education Board Room
February 9-10, 2011
Draft Minutes

Please note that the complete proceedings of the May 2011 State Board of Education meeting, including close 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
James Aschwanden
Yvonne Chan
Carl Cohn
Gregory Jones
Aidia Molina
James C. Ramos
Patricia A. Rucker
Ilene W. Straus
Connor Cushman, Student Member

Members Absent:

None

Secretary and Executive Officer

Tom Torlakson, State Superintendent of Public Instruction

Principal Staff

Nicolas Schweizer, Executive Director, State Board of Education (SBE)
Patricia de Cos, Deputy Executive Director, SBE
Jennifer Johnson, Education Policy Consultant, SBE
Beth Rice, Education Programs Consultant, SBE
Regina Wilson, Program Communications Analyst, SBE
Richard Zeiger, Chief Deputy Superintendent, California Department of Education (CDE)
Amy Holloway, General Counsel, CDE
Mary Prather, Education Administrator I, CDE
Jaime Hastings, Associate Governmental Program Analyst, CDE

CLOSED SESSION

Amy Holloway, CDE General Counsel reported out of Closed Session that the board granted counsel the authority to pay the first six months of legal fees in the matter of *Emma C. et al. v. Delaine Eastin et. al.*

Item 1: 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; update on litigation; bylaw review and revision; Board policy; approval of minutes; board liaison reports, and other matters of interest.

Superintendent Torlakson presided over nominations for the office of the vice president. Member Molina nominated Trish Williams for the office of vice president. Member Cohn seconded the motion. The board voted, by show of hands, 7-0 with 3 abstentions to approve the motion. Member Cushman was absent for the vote.

Yes votes: Members Ashwanden, Cohn, Kirst, Molina, Ramos, Rucker, Straus, and Williams

Abstentions: Members Chan, Jones, and Williams

Item 2: 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.

No action was taken on this item.

Item 3: Parent Empowerment: Overview and Board Discussion of Regulatory Action.

No action was taken on this item.

Item 4: Statewide Benefit Charter Schools: Development of Regulations to Revise the Requirements for Statewide Benefit Charters and Consideration of Material Revisions to the Aspire Public Schools Statewide Benefit Charter.

ACTION: Member Aschwanden moved to approve CDE's staff recommendation to amend existing regulations to revise the requirements for statewide benefit charters as set forth in Section 11967.6 of the *California Code of Regulations*, Title 5 (5 CCR). Member Straus seconded the motion. The board voted, by show of hands, 11-0 to approve the motion.

Item 5: Elementary and Secondary Education Act: Supplemental Educational Services – Approve Commencement of 15-Day Public Comment Period for Proposed Changes to Proposed *California Code of Regulations*, Title 5, Sections 13075.1 through 13075.9 (inclusive).

ACTION: Member Chan moved to approve CDE's staff recommendation to take the following actions:

- Approve the proposed changes to the proposed regulations;
- Direct that the proposed changes be circulated for a 15-day public comment period in accordance with the Administrative Procedure Act;
- If no relevant comments to the proposed changes are received during the 15-day public comment period, the proposed regulations with changes are deemed adopted, and CDE is directed to complete the rulemaking package and submit it to the Office of Administrative Law (OAL) for approval;
- If any relevant comments to the proposed changes are received during the 15-day public comment period the CDE is directed to place the proposed regulations on the SBE's March 2011 agenda for action; and
- Authorize CDE to take any necessary ministerial action to respond to any direction or concern expressed by the OAL during its review of the rulemaking file.

Member Cohn seconded the motion. Member Rucker suggested a friendly amendment that the proposed regulations are not automatically deemed adopted, but that the CDE 1) notify the public of the results from the 15-day public comment period 2) report out at the March SBE meeting any public comments received and any comments accepted. Members Chan and Cohn accepted the amendment. The board voted, by show of hands, 11-0 to approve the motion.

Item 6: Assessment and Accountability: Background Information in Preparation for State Board of Education Action on the Academic Performance Index and the California Modified Assessment.

No action was taken on this item.

Item 7: Academic Performance Index: Approve Changes to the Calculation of the 2010 Base Academic Performance Index.

ACTION: Member Straus moved to approve the following changes to the calculation of the 2010 Base Academic Performance Index (API):

- 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.

Member Ramos seconded the motion. The board voted, by show of hands, 11-0 to approve the motion.

Item 8: Standardized Testing and Reporting Program: Approve Commencement of a Second 15-Day Public Comment Period for Proposed Changes to the *California Code of Regulations, Title 5, Sections 850 through 868*.

ACTION: Member Chan moved to approve CDE's staff recommendation to take the following actions:

- Approve the proposed changes to the proposed regulations;
- Direct that the proposed changes be circulated for a second 15-day public comment period in accordance with the Administrative Procedure Act;
- If no substantive comments to the proposed changes are received during the second 15-day public comment period, the proposed regulations with changes are deemed adopted, and the CDE is directed to complete the rulemaking package and resubmit it to the Office of Administrative Law (OAL) for approval;
- If any substantive comments to the proposed changes are received during the second 15-day public comment period, the CDE is directed to place the proposed regulations on the SBE's March 2011 agenda for action; and

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

Member Jones seconded the motion. The board voted, by show of hands, 11-0 to approve the motion.

Item 9: California High School Exit Examination Alternative Means: Adopt Proposed *California Code of Regulations, Title 5, Section 1216.1*.

ACTION: Member Aschwanden moved to approve the CDE's staff recommendation to take the following actions:

- Approve the Final Statement of Reasons;
- Adopt the proposed regulations;
- Direct the CDE to submit the rulemaking file to the Office of Administrative Law (OAL) for approval; and
- Authorize the CDE to take any necessary ministerial action to respond to any direction or concern expressed by the OAL during its review of the rulemaking file.

Member Rucker seconded the motion. The board voted, by show of hands, 11-0 to approve the motion.

Item 10: Appeal of a Decision of the Orange County Committee on School District Organization to Approve a Petition to Transfer Territory from the Placentia-Yorba Linda Unified School District to the Brea Olinda Unified School District in Orange County.

ACTION: Member Aschwanden moved to approve CDE's staff recommendation to affirm the action of the Orange County Committee on School District Organization by adopting the proposed resolution in Attachment 2, thereby denying the appeal.

Member Ramos seconded the motion. The board voted, by show of hands, 8-3 to approve the motion.

Yes votes: Members Aschwanden, Chan, Cushman, Jones, Ramos, Rucker, and Williams

No votes: Members Cohn, Molina, and Straus

Item 11: Foster Youth Education Program: Approve Commencement of the Rulemaking Process for Amendments to the *California Code of Regulations, Title 5, Section 11997*.

ACTION: Member Chan moved to approve CDE's staff recommendation to 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.

Member Rucker seconded the motion. The board voted, by show of hands, 11-0 to approve the motion.

WAIVER REQUEST CONSENT MATTERS

The following agenda items satisfy criteria for approving a waiver of that type based on a previously-adopted State Board of Education waiver policy or have waiver evaluation criteria that are in the California EC or in the CCR, Title 5.

The following agenda items were proposed for approval on the waiver consent calendar: WC-1, WC-2, W-4, and W-5.

ACTION: Member Chan moved to approve the following waiver consent calendar items: WC-1, WC-2, W-4, and W-5. Member Aschwanden seconded the motion. The board voted, by a show of hands, 11-0 to approve the motion.

Item WC-1 General

Subject: Request by Los Angeles Unified School District for Full-Circle Learning Academy 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 (2 tracks; 175 days). Retroactive for the 2009–10 fiscal year only.

Waiver Number: 5-8-2010

(Recommended for APPROVAL WITH CONDITIONS)

Item WC-2 General

Subject: Request by fifteen local educational agencies to waive portions of California *Education Code* sections 35256(c) and 35258 regarding the annual deadline to make the annual School Accountability Report Card available in hard copy and on the internet by February 1.

Waiver Numbers: Various waivers - see attached list. More will be added in a last minute memorandum.

(Recommended for ARROVAL)

Item W-4 General

Subject: Request by Oxnard School District to waive portions of California *Education Code* Section 15282, regarding term limits for members of a Citizens' Oversight Committee for all construction bonds in the District.

Waiver Number: 32-11-2010.

(Recommended for APPROVAL WITH CONDITIONS)

Item W-5 General

Subject: Request by twenty-four local education agencies to waive portions of California *Education Code* sections 35256 (c) and 35258 regarding the annual deadline to make the annual School Accountability Report Card available in hard copy and on the internet by February 1.

Waiver Number: Various, see attached list.

(Recommended for APPROVAL WITH CONDITIONS)

END OF WAIVER CONSENT

NON-CONSENT WAIVER ITEMS

The following agenda items include waivers that CDE staff has identified as potentially having opposition, recommended for denial, or presenting new or unusual issues that should be considered by the State Board. 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. The board took individual action on the following waiver items: W-1, W-2, and W-3.

W-1 Item

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

Waiver Numbers: 12-10-2010, 15-10-2010, and 53-10-2010

Recommended for APPROVAL WITH CONDITIONS

ACTION: Member Straus moved to approve CDE's staff recommendation with conditions. Member Molina seconded the motion. The board voted, by show of hands, 10-0 to approve the motion. Member Rucker recused herself from the item.

Item W-2 General

Subject: Request by 13 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: 18-9-2010, 8-10-2010, 16-10-2010, 14-10-2010, 77-10-2010, 22-10-2010, 21-10-2010, 68-10-2010, 46-10-2010, 62-10-2010, 64-10-2010, 13-10-2010, and 17-10-2010

Recommended for APPROVAL WITH CONDITIONS

ACTION: Member Cohn moved to approve CDE's staff recommendation. Member Cushman seconded the motion. The board voted, by show of hands, 10-0 to approve the motion. Member Rucker recused herself from the item.

Item W-3 Specific

Subject: Request by five districts, under the authority of California *Education Code* Section 41382, to waive portions of *Education Code* sections 41376 (a), (c), and (d) and 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 to three, the overall class size average is 30 to one with no class larger than 32.

Waiver Numbers: 63-10-2010, 6-11-2010, 3-10-2010, 23-10-2010, and 18-10-2010

Recommended for APPROVAL WITH CONDITIONS

ACTION: Member Straus moved to approve CDE's staff recommendation with conditions. Member Cohen seconded the motion. The board voted, by show of hands, 10-0 to approve the motion. Member Rucker recused herself from the item.

****Adjournment of Meeting ****

State Board of Education
California Department of Education Board Room
March 9-11, 2011
Draft Minutes

Please note that the complete proceedings of the May 2011 State Board of Education meeting, including close 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
James Aschwanden
Yvonne Chan
Carl Cohn
Aida Molina
James C. Ramos
Patricia A. Rucker
Ilene W. Straus
Connor Cushman, Student Member

Members Absent:

None

Secretary and Executive Officer

Tom Torlakson, State Superintendent of Public Instruction

Principal Staff

Patricia de Cos, Interim Executive Director, SBE
Jennifer Bunshoft, Deputy Attorney General and Acting Counsel for the SBE
Jennifer Johnson, Education Policy Consultant, SBE
Beth Rice, Education Programs Consultant, SBE
Regina Wilson, Program Communications Analyst, SBE
Richard Zeiger, Chief Deputy Superintendent, California Department of Education (CDE)
Amy Holloway, General Counsel, CDE
Mary Prather, Education Administrator I, CDE

Item 1: 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; update on litigation;

bylaw review and revision; Board policy; approval of minutes; board liaison reports, and other matters of interest.

No action was taken on this item.

Item 2: Comprehensive Assessment System Grant: Overview and Presentations by the Partnership for the Assessment of the Readiness for College and Careers Consortium and the Smarter Balanced Assessment Consortium.

No action was taken on this item.

Item 3: 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.

No action was taken on this item.

Item 4: Parent Empowerment — Readoption of the Finding of Emergency and Proposed Emergency Regulations for Additions to the *California Code of Regulations*, Title 5, Sections 4800 through 4807.

ACTION: Member Aschwanden moved to:

- Approve the revised Finding of Emergency;
- Readopt the proposed Emergency Regulations; and
- Direct the California Department of Education to submit the Emergency Regulations to the Office of Administrative Law (OAL) for approval.

Member Williams added a friendly amendment that the board would waive its right to respond to any future public comment. Member Aschwanden accepted the friendly amendment. Member Ramos seconded the motion. The board voted by show of hands, 9-1 to approve the motion.

Yes votes: Members Aschwanden, Chan, Cohn, Cushman, Kirst, Molina, Ramos, Straus, and Williams

No vote: Member Rucker

Item 5: Parent Empowerment: Update to the State Board of Education on the Process and Progress of the Permanent Parent Empowerment Regulations.

No action was taken on this item.

Item 6: Request by Compton Unified School District to be a Single District Special Education Local Plan Area.

This item was withdrawn by the district.

Item 7: Update on Issues Related to California's Implementation of the Elementary and Secondary Education Act and Other Federal Programs.

No action was taken on this item.

Item 8: California High School Exit Examination: Analysis and Consideration of Alternative Means to the California High School Exit Examination.

ACTION: Member Chan moved to approve the immediate commencement of a pilot study for alternative means to eligible students with disabilities. Member Kirst seconded the motion. Member Aschwanden offered the following friendly amendment to the original motion, which was accepted by Member Chan and President Kirst:

The SBE approve the immediate commencement of the pilot study for alternative means to the CAHSEE for eligible students with disabilities using the following guidelines:

- The option of using a scale score of 300 for the California Standards Test in English language arts and a scale score of 269 for Algebra I, as an alternative scale score for passage of the English language arts and mathematics portions of the California High School Exit Examination;
- The option of using a scale score for the California Modified Assessment in English language arts, grade ten, and a scale score for the CMA in Algebra I, as an alternative scale score for passage of the English language arts and mathematics portions of the California High School Exit Examination and that equivalency scale scores be established for the California Modified Assessment as soon as possible following the approval of performance levels for these examinations in alignment with the U.S. Department of Education and completion of the alignment study to meet U. S. Department of Education needs;

- A field-based pilot study for Tier II be conducted utilizing the two assigned board liaisons; and
- That the remaining funds (approximately \$863,000) allocated by AB 2040 for the work of the Tier II pilot study is appropriate.

The board voted, by show of hands, 10-0 to approve the amended motion.

Item 9: Standardized Testing and Reporting Program: Adoption of California Modified Assessment Performance Level Descriptors for English-Language Arts in Grade Nine, Algebra I, and Life Science in Grade Ten.

ACTION: Member Aschwanden moved to adopt the proposed performance level descriptors for the California Modified Assessment for English–language arts in grade nine, Algebra I, and Life Science in grade ten for submission to the U.S. Department of Education for assessment peer review. Member Cohn seconded the motion. The board voted, by show of hands, 10-0 to approve the motion.

*****PUBLIC HEARING*****

Item 10: Standardized Testing and Reporting Program: The Adoption of California Modified Assessment Proposed Performance Standards Setting for English-Language Arts in Grade Nine, Algebra I, and Life Science in Grade Ten and to Conduct the Regional Public Hearings.

ACTION: Member Rucker moved to adopt the proposed performance standards (levels) for the California Modified Assessment for English–language arts in grade nine, Algebra I, and Life Science in grade ten with the condition that the board reserves the right to reexamine the performance standards for all performance standards set for the California Modified Assessment examinations adopted by the SBE to date, based on the results of the alignment and validity studies pursuant to the federal Peer Review process. Member Aschwanden seconded the motion. The board voted, by show of hands, 10-0 to approve the motion.

*****END OF PUBLIC HEARING*****

CLOSED SESSION

Jennifer Bunshoft, Deputy Attorney General and Acting Counsel for the SBE, reported that during closed session counsel for the Board updated the Board on the status of the lawsuit *California School Boards Association, et al. v. California State*

Board of Education and Aspire Public Schools, Inc., Alameda Superior Court, Case No. 07353566.

*****PUBLIC HEARING*****

Item 11: The School of Arts and Enterprise: Consideration of Petition to Renew Charter Currently Authorized by the State Board of Education.

ACTION: Member Aschwanden moved to renew the School of Arts and Enterprise charter petition for five years with the understanding that instead of this item coming back before the board, the SBE liaisons will work through the issues to finalize the petition. Member Cohn seconded the motion. The board voted, by show of hands, 10-0 to approve the motion.

*****END OF PUBLIC HEARING*****

Item 12: Consideration of Requests for Determination of Funding Rates as Required for Nonclassroom-based Charter Schools.

ACTION: Member Rucker moved to adopt CDE's staff recommendation to approve the funding rates for nonclassroom-based instruction in charter schools as listed in Attachment 1 except for the Charter School of San Diego and Westwood Charter School. Member Molina seconded the motion. The board voted, by show of hands, 9-0 to approve the motion. Member Cushman was absent for the vote.

ACTION: Member Straus moved to approve Westwood Charter School and the Charter School of San Diego funding for two years with the condition that they improve their API ranking to meet the minimum threshold of six to give them the required five years of funding determination. Member Rucker seconded the motion. The board voted, by show of hands 9-0 to approve the motion. Member Cushman was absent for the vote.

Item 13: Charter Renewal: Approval of Commencement of 15-Day Public Comment Period for Proposed Changes to the *California Code of Regulations*, Title 5, Sections 11966.4, 11966.5, 11966.6, and 11967.5.1.

ACTION: Member Aschwanden moved to approve CDE's staff recommendation to take the following actions:

- Approve the proposed changes to the proposed regulations;
- Direct that the proposed changes be circulated for a 15-day public comment period in accordance with the Administrative Procedure Act;
- If no relevant comments to the proposed changes are received during the 15-day public comment period, the proposed amendments with changes are deemed adopted, and the CDE is directed to complete the rulemaking package and submit it to the Office of Administrative Law (OAL) for approval and provide an update of the status at the SBE's next regularly scheduled board meeting;
- If any relevant comments to the proposed changes are received during the 15-day public comment period, the CDE is directed to place the proposed regulations on the SBE's May 2011 agenda for action; and
- Authorize the CDE to take any necessary ministerial action to respond to any direction or concern expressed by the OAL during its review of the rulemaking file.

Member Rucker seconded the motion. The board voted, by show of hands, 9-0 to approve the motion. Member Cushman was absent for the vote.

Item 14: Elementary and Secondary Education Act: Recommendations Related to California's Assignment of Corrective Actions and Associated Technical Assistance for the 2010 Local Educational Agencies in Program Improvement Corrective Action.

ACTION: Member Molina moved to assign Corrective Action 6 to the identified districts that CDE provided to the board. Member Cohn seconded the motion. The board voted by show of hands, 8-0 to approve the motion.

ACTION: Member Straus moved to approve the assignment of: 1) moderate technical assistance to each of the 54 school districts in Cohort 4 that have at least one school in Program Improvement, and 2) light technical assistance to the three school districts with no schools in PI and the five county offices of education. Member Rucker seconded the motion. The board voted, by show of hands, 8-0 to approve the motion. Members Cushman and Chan were absent for the vote.

Item 15: Elementary and Secondary Education Act: Proposed Criteria and Methodology for the Review of 92 Local Educational Agencies in Cohort 1 Program Improvement Corrective Action.

ACTION: President Kirst moved to request that the CDE staff come back to the board with alternatives concerning the statistical procedure for judging an LEA's progress. Member Cohn seconded the motion. The board voted, by show of hands, 7-0 to approve the motion. Member Molina recused herself from participating in the item and vote. Members Chan and Cushman were absent for the vote.

Item 16: Inclusion of Middle School Dropouts in the Academic Performance Index – Approval of Commencement of the Rulemaking Process for Amendments to the *California Code of Regulations*, Title 5, Section 1039.1.

ACTION: Member Aschwanden moved to correct the date of Public Notice in Attachment 1 to May 9, 2011 at 1:00 p.m. and to 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.

Member Ramos seconded the motion. The board voted, by show of hands, 8-0 to approve the motion. Members Chan and Cushman were absent for the vote.

Item 17: California State Plan 1999–2011 for the Workforce Investment Act, Title II: Adult Education and Family Literacy Act: Extension and Update.

ACTION: Member Ramos moved to approve CDE's staff recommendation to extend the California State Plan 1999–2011 for the Workforce Investment Act, Title II: Adult Education and Family Literacy Act for one additional year and approve the proposed performance goals for 2011–12. Member Aschwanden seconded the motion. The board voted, by show of hands, 8-0 to approve the motion. Members Chan and Cushman were absent for the vote.

Item 18: State Board of Education Delegation of Authority for the Approval of the Striving Readers Comprehensive Literacy Plan for Children From Birth Through Grade Twelve as Developed by the State Literacy Team.

ACTION: Member Williams moved to delegate authority to the SBE President to submit the State Literacy Plan by April 1, 2011, as developed by the Striving Readers Comprehensive Literacy Plan State Literacy Team to the U.S. Department of

Education for review and consideration. Member Straus seconded the motion. The board voted, by show of hands, 8-0 to approve the motion. Members Chan and Cushman were absent for the vote.

Item 19: Approval of 2010-2011 Consolidated Applications.

ACTION: Member Aschwanden moved to approve the 2010–11 Consolidated Applications submitted by local educational agencies listed in Attachment 1. Member Cohn seconded the motion. The board voted, by show of hands, 7-0 to approve the motion. Members Chan, Cushman, and Straus were absent for the vote.

Item 20: Elementary and Secondary Education Act: Approval of Local Educational Agency Plans, Title I, Section 1112.

ACTION: Member Ramos moved to approve 17 specific Local Educational Agency Plans listed in Attachment 1. Member Rucker seconded the motion. The board voted, by show of hands, 7-0 to approve the motion. Members Chan, Cushman, and Straus were absent for the vote.

Item 21: The Administrator Training Program, formerly Assembly Bill 430 (Chapter 364, Statutes of 2005): Approval of Applications for Funding from Local Educational Agencies.

ACTION: Member Aschwanden moved to approve funding for local educational agencies that have submitted applications under the Administrator Training Program. Member Williams seconded the motion. The board voted, by show of hands, 6-0 to approve the motion. Member Molina recused herself from participating in the item and vote. Members Chan, Cushman, and Straus were absent for the vote.

Item 22: The Administrator Training Program, Assembly Bill 430 (Chapter 364, Statutes of 2005): Approval of Training Providers and Training Curricula.

ACTION: Member Cohn moved to approve the final 2012–13 training providers and curricula listed in Attachment 1 for the Administrator Training Program. Member Ramos seconded the motion. The board voted, by show of hands, 7-0 to approve the motion. Members Chan, Cushman, and Straus were absent for the vote.

WAIVER REQUEST CONSENT AND WAIVERS ON PROPOSED CONSENT

The following agenda items satisfy criteria for approving a waiver of that type based on a previously-adopted State Board of Education waiver policy or have waiver evaluation criteria that are in *the California Education Code EC* or in the *California Code of Regulations*, CCR, Title 5, or they have been identified for proposed consent.

The following agenda items were proposed for approval on the waiver consent calendar or proposed consent: WC-2, WC-4 through WC-7, W-3, W-5 through W-15, and W-18.

ACTION: Member Aschwanden moved to approve the proposed waiver consent calendar or proposed consent: WC-2, WC-4 through WC-7, W-3, W-5 through W-15, and W-18. Member Cohn seconded the motion. The board voted, by show of hands, 7-0 to approve the motion. Members Chan, Cushman, and Straus were absent for the vote.

Item WC-2

Subject: Request by Black Oak Mine Unified School District for Golden Sierra 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-594-2010
(Recommended for APPROVAL)

Item WC-4

Subject: Request by Wiseburn Elementary School District to waive California *Education Code* sections 15102 and 15268, to allow the district to exceed its bonded indebtedness limit of 1.25 percent of the taxable assessed value of property (requesting 2.20 percent).

Waiver Number: 46-12-2010
(Recommended for APPROVAL WITH CONDITIONS)

Item WC-5

Subject: Request by Alview-Dairyland Union Elementary School District under the authority of California *Education Code* Section 52863 for a waiver of *Education Code* Section 52852, allowing one joint schoolsite council to function for two small rural schools, Alview Elementary and Dairyland Elementary.

Waiver Number: 9-10-2010
(Recommended for APPROVAL WITH CONDITIONS)

Item WC-6

Subject: Request by Lassen View Union Elementary School District to waive the State Testing Apportionment Information Report and Certification deadline of December 31 in the *California Code of Regulations*, Title 5, Section 862(c)(2)(A) regarding the Standardized Testing and Reporting Program.

Waiver Number: 24-11-2010

(Recommended for APPROVAL)

Item WC-7

Subject: Request by thirty-eight local educational agencies to waive portions of California *Education Code* sections 35256(c) and 35258 regarding the annual deadline to make the annual School Accountability Report Card available in hard copy and on the Internet by February 1.

Waiver Numbers: Various waivers - see attached list.

(Recommended for APPROVAL WITH CONDITIONS)

Item W-3

Subject: Request by Konocti Unified School District for a waiver of California *Education Code* Section 48916.1(d) and portions of Section 48660 to permit a community day school to serve students in grades two through six with students in grades seven through nine, and Section 48661(a) to permit the collocation of a community day school on the same site as Highlands High School, a continuation high school.

Waiver Number: 31-11-2010

(Recommended for APPROVAL WITH CONDITIONS)

Item W-5

Subject: Request by El Monte Union High School District to waive California *Education Code* sections 15102 and 15268 to allow the district to exceed its bonded indebtedness limit of 1.25 percent of the taxable assessed value of property (requesting 2.0 percent).

Waiver Number: 174-12-2010

(Recommended for APPROVAL WITH CONDITIONS)

Item W-6

Subject: Request by West Contra Costa Unified School District to waive California *Education Code* sections 15106 and 15270(a) to allow the district to exceed its bond indebtedness limit of 2.5 percent of the taxable assessed value of property (requesting 5.0 percent).

Waiver Number: 200-12-2010

(Recommended for APPROVAL WITH CONDITIONS)

Item W-7

Subject: Request by Eureka City Schools to waive portions of California *Education Code* Section 15282, regarding term limits for members of a Citizens' Oversight Committee for all construction bonds in the District.

Waiver Number: 173-12-2010

(Recommended for APPROVAL WITH CONDITIONS)

Item W-8

Subject: Request by Reef-Sunset 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.

Waiver Number: 48-12-2010

(Recommended for APPROVAL)

Item W-9

Subject: Request by Los Alamos Elementary School District to waive portions of California *Education Code* sections 35780 and 35782, which require lapsation of a district with an average daily attendance of less than six.

Waiver Number: 158-12-2010

(Recommended for APPROVAL)

Item W-10

Subject: Request by Southern Trinity Joint Unified School District under the authority of California *Education Code* Section 52863 for a waiver of California *Education Code* Section 52852, to allow a reduction in the number and composition of members required for a schoolsite council for a small rural school, Hoaglin-Zenia Elementary.

Waiver Number: 171-12-2010

(Recommended for APPROVAL WITH CONDITIONS)

Item W-11

Subject: Request by Manteca Unified School District to waive California *Education Code* Section 51224.5(b), the requirement that all students graduating in the 2010-11 school year be required to complete a course in Algebra I (or equivalent) to be given a diploma of graduation for one special education student based on *Education Code* Section 56101, the special education waiver authority.

Waiver Number: 180-12-2010

(Recommended for APPROVAL WITH CONDITIONS)

Item W-12

Subject: Request by Solano County Office of Education for a renewal to waive *California Code of Regulations*, Title 5, Section 3051.16(b)(3), the requirement that educational interpreters for deaf and hard of hearing pupils meet minimum qualifications as of July 1, 2009, to allow Nicole Levine and Elizabeth Castro, to continue to provide services to students until June 30, 2011, under a remediation plan to complete those minimum qualifications.

Waiver Numbers: 10-12-2010 and 11-12-2010

(Recommended for APPROVAL WITH CONDITIONS)

Item W-13

Subject: Request by Solano County Office of Education for a renewal to waive *California Code of Regulations*, Title 5, Section 3051.16(b)(3), the requirement that educational interpreters for deaf and hard of hearing pupils meet minimum qualifications as of July 1, 2009, to allow Madelynne (Lynne) McGowan, to continue

to provide services to students until June 30, 2011, under a remediation plan to complete those minimum qualifications.

Waiver Number: 9-12-2010

(Recommended for APPROVAL WITH CONDITIONS)

Item W-14

Subject: Request by Solano 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 Britney Strenn to continue to provide services to students until June 30, 2011, under a remediation plan to complete those minimum qualifications.

Waiver Number: 8-12-2010

Recommended for APPROVAL WITH CONDITIONS

Item W-15

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

Waiver Number: 35-11-2010

Recommended for APPROVAL WITH CONDITIONS

Item W-18

Subject: Request by eighty-eight local educational agencies to waive portions of California *Education Code* Sections 35256(c) and 35258 regarding the annual deadline to make the annual School Accountability Report Card available in hard copy and on the Internet by February 1.

Waiver Numbers: Various waivers - see attached list.

END OF WAIVER CONSENT AND WAIVERS ON PROPOSED CONSENT

ADDITIONAL PROPOSED WAIVER CONSENT ITEMS

ACTION: Member Aschwanden moved to approve the following additional proposed waiver consent items: WC-1, WC-3, and W-4. Member Cohn seconded the motion. The board voted, by show of hands, 6-0 to approve the motion. Member Rucker recused herself from participating in the discussion of the item and vote. Members Chan, Cushman, and Straus were absent for the vote.

Item WC-1

Subject: Request by Kern County Office of Education to waive portions of California *Education Code* Section 51745.6, and *California Code of Regulations*, Title 5,

Section 11704, and portions of Section 11963.4(a)(3), related to charter school independent study pupil-to-teacher ratios to allow an increase from a 25:1 to a 27.5:1 pupil-to-teacher ratio at Valley Oaks Charter School.

Waiver Number: 157-12-2010

(Recommended for APPROVAL WITH CONDITIONS)

Item WC-3

Subject: Request by Needles Unified School District to waive California *Education Code* Section 52055.740(a), regarding class size reduction requirements under the Quality Education Investment Act, that this funded school reduce its class sizes by an average of five students per class by the end of the 2010–11 school year at Needles High School (requesting 18.9:1 student ratio on average in grades nine, ten, eleven and twelve).

Waiver Number: 28-12-2010

(Recommended for APPROVAL WITH CONDITIONS)

Item W-4

Subject: Request by Wasco Union Elementary School District to waive portions of California *Education Code* Section 52055.740(a), regarding class size reduction requirements under the Quality Education Investment Act, that this funded school reduce its class sizes by an average of five students per class by the end of the 2010–11 school year for Thomas Jefferson Middle School (requesting 23:1 ratio on average in grade seven and 21:1 ratio in grade eight).

Waiver Number: 167-12-2010

Recommended for APPROVAL WITH CONDITIONS

END OF ADDITIONAL PROPOSED CONSENT ITEMS

NON-CONSENT WAIVER ITEMS

The following agenda items include waivers that CDE staff has identified as potentially having opposition, recommended for denial, or presenting new or unusual issues that should be considered by the State Board. 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. The board took individual action on the following waiver items:

Item W-1

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: 22-11-2010, 11-1-2011, and 18-11-2010

Recommended for APPROVAL WITH CONDITIONS

ACTION: Member Cohn moved to approve CDE's staff recommendation. Member Aschwanden seconded the motion. The board voted, by show of hands, 6-0 to approve the motion. Member Rucker recused herself from participating in the discussion of the item and vote. Members Chan, Cushman, and Straus were absent for the vote.

Item W-2

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 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 to three, the overall class size average is 30 to one with no class larger than 32.

Waiver Numbers: 21-11-2010 and 5-12-2010.

Recommended for APPROVAL WITH CONDITIONS

ACTION: Member Molina moved that the waiver item be heard at the April 2011 board meeting. Member Ramos seconded the motion. The board voted, by show of hands, 7-0 to approve the motion. Member Rucker recused herself from participating in the discussion of the item and vote. Members Chan and Cushman were absent for the vote.

Item W-16

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

Waiver Numbers: 34-11-2010 and 36-10-2010

Recommended for DENIAL

ACTION: Member Aschwanden move to approve CDE's staff recommendation to deny the waiver request. Member Williams seconded the motion. The board voted, by show of hands, 7-0 to approve the motion. Members Chan, Cushman, and Straus were absent for the vote.

Item W-17

Subject: Request by San Joaquin County Office of Education for a renewal to waive *California Code of Regulations*, Title 5, Section 3051.16(b)(3), the requirement that

educational interpreters for deaf and hard of hearing pupils meet minimum qualifications as of July 1, 2009, to allow Brittany Pitsch (formerly Parker) to continue to provide services to students until June 30, 2011, under a remediation plan to complete those minimum requirements.

Waiver Number: 170-12-2010

Recommended for APPROVAL WITH CONDITIONS

ACTION: Member Aschwanden moved to approve the waiver request with the following conditions: 1) The San Joaquin County Office of Education (COE) must revise its job description for educational interpreters to reflect the requirements of *California Code of Regulations*, Title 5, section 3051.16; 2) The San Joaquin COE must develop and individualized professional development plan for Ms. Pitsch and provide Ms. Pitsch with monthly one-on-one mentoring by a qualified interpreter; and 3) Ms. Pitsch must retake the Educational Interpreter Performance Assessment or the Educational Sign Skills Evaluation by June 30, 2011. Member Rucker seconded the motion. The board voted, by show of hands, 8-0 to approve the motion. Members Chan and Cushman were absent for the vote.

Item 23: Elementary and Secondary Education Act: Supplemental Educational Services – Adoption of Proposed *California Code of Regulations*, Title 5, Sections 13075.1 through 13075.9, Inclusive.

ACTION: Member Rucker moved to approve CDE's staff recommendation to take the following action:

- Approve the Final Statement of Reasons;
- Adopt the proposed regulations;
- Direct the CDE to submit the rulemaking file to the Office of Administrative Law (OAL) for approval; and
- Authorize the CDE to take any necessary ministerial action to respond to any direction or concern expressed by the OAL during its review of the rulemaking file.

Member Molina seconded the motion. The board voted, by show of hands, 8-0 to approve the motion. Members Chan and Cushman were absent for the vote.

Item 24: Assignment of Numbers for Charter School Petitions.

ACTION: Member Aschwanden moved to approve the assignment of charter numbers to the charter schools identified in Attachment 1. Member Cohn seconded

the motion. The board voted, by show of hands, 8-0 to approve the motion. Members Chan and Cushman were absent for the vote.

Item 25: Appointment of Beth Hunkapiller and Deborah Kennedy to positions in accordance with Article IX, Section 2.1, of the Constitution of the State of California.

ACTION: Member Cohn moved to approve the appointment of Beth Hunkapiller as Director for the Charter Schools Division and Deborah Kennedy as Chief Policy Advisor to the State Superintendent of Public Instruction in accordance with Article IX, Section 2.1 of the Constitution of the State of California and the provisions of the SBE Policy Number 2: Policy for the Appointment of Constitutional Officers. Member Molina seconded the motion. The board voted, by show of hands, 8-0 to approve the motion. Members Chan and Cushman were absent for the vote.

***** ADJOURNMENT OF MEETING *****

DRAFT

State Board of Education
State Board of Education Board Room
April 21, 2011
Draft Minutes

Please note that the complete proceedings of the April 21, 2011, State Board of Education meeting, including close-captioning, are available online at: <http://www.cde.ca.gov/be/aq/aq/sbewebcastarchive.asp>.

Members Present:

Michael W. Kirst, President
Trish Williams, Vice President
Carl Cohn
Aida Molina
James C. Ramos
Patricia A. Rucker
Ilene W. Straus

Members Absent:

Jim Aschwanden
Yvonne Chan
Connor Cushman, Student Member

Secretary and Executive Officer

Tom Torlakson, State Superintendent of Public Instruction, Absent

Principal Staff

Patricia de Cos, Interim Executive Director, State Board of Education (SBE)
Jennifer Bunshoft, Deputy Attorney General and Acting Counsel for the SBE
Jennifer Johnson, Education Policy Consultant, SBE
Beth Rice, Education Programs Consultant, SBE
Regina Wilson, Program Communications Analyst, SBE
Richard Zeiger, Chief Deputy Superintendent, California Department of Education (CDE)
Amy Holloway, General Counsel, CDE
Mary Prather, Program Administrator I, CDE
Michelle Zumot, Education Programs Consultant, CDE

CLOSED SESSION

Jennifer Bunshoft, Deputy Attorney General and Acting Counsel for the SBE reported that during closed session the Board discussed with counsel the following cases: *California School Boards Association, et al. v. California State Board of Education and Aspire Public Schools, Inc.*, Alameda Superior Court, Case No. 07353566; and *California School Boards Association, et al. v.*

California State Board of Education, et al., Sacramento Superior Court, Case No. 34-2008-00016957.

Item 1: Parent Empowerment – Approve Commencement of a Second 15-day Public Comment Period for Proposed Additions to the *California Code of Regulations*, Title 5, Sections 4800-4808.

ACTION: Member Straus moved that the SBE take the following actions:

- Approve putting forth for public comment the changes recommended by CDE staff to the proposed regulations, as well as the following particular portions of suggested amendments by various stakeholder groups and suggested amendments by SBE Member James Ramos, as options for public comment;
 - Under Section 4800.1:
 - Add a new optional subsection (k)(5): A school that exists Program Improvement shall not be subject to continued identification on the Parent Empowerment list.
 - Within Section 4800.5:
 - Add new optional language to read: The notice shall include the requirement that the LEA must hold at least two public hearings to notify staff, parents and the community of the school’s designation and to seek input from staff, parents and the community regarding the option or options most suitable for the school. At least one of those public hearings shall be held at a regularly scheduled meeting, if applicable, and at least one of the public hearings shall be held on the site of a school deemed persistently lowest achieving.
 - Add new optional language to read: Any information provided on CDE’s website shall also be available in multiple languages.
 - Under Section 4801:
 - Within the existing subsection (g), add new optional language to include “community members.”
 - Also within the existing subsection (g), add the following new optional language: Signature gatherers shall disclose if they are being paid, and shall not be paid per signature.

- An entirely new optional subsection (g) would replace the existing subsection (g) and include the following language: Signature gatherers may not offer gifts, rewards, or tangible incentives to parents or legal guardians to sign a petition. Nor shall signature gatherers make any threats of coercive action, false statements or false promises of benefits to parents or legal guardians in order to persuade them to sign a petition, except that signature gatherers, school site staff or other members of the public may discuss education related improvements hoped to be realized by implementing any intervention described in these regulations. Signature gatherers, students, school site staff, LEA staff, members of the community and parents and legal guardians shall be free from harassment, threats, and intimidation related to circulation or signature of a petition, or to the discouraging of signing a petition or to the revocation of signatures from the petition.
- A new optional subsection (h) would include the following language: All parties involved in the signature gathering process shall adhere to all school site hours of operation, school and LEA safety policies, and visitor sign in and procedures.
- A new optional subsection (i) would include the following language: School or district resources shall not be used to influence the signature gathering process.
- A new optional subsection (j) would include the following language: This petition must meet the legal requirements of *Education Code* Section 48985.
- Within Section 4802:
 - Under subsection (i), include the optional language of “shall” instead of “may.”
 - Also within the existing subsection (g), add the following new optional language on the proposed front page of the petition: including contact information of the charter school operator, charter management organization or education management organization.
 - A new optional subsection (k) would include the following language: A petition requesting to implement the restart model intervention as a charter school model pursuant to paragraph (2) of subdivision (a) of *Education Code* sections 53202 and 4802.2, shall state that parent advisory committees or alternative programs if provided for in the LEA, will not be available in the restart model-charter school

nor is the charter school required to comply with the parent waiver requirements of *Education Code* sections 310 and 311.

- A new optional subsection (l) would include the following language: The CDE shall develop a sample petition that can be used by interested petitioners. The sample petition shall be available on the CDE website and available for distribution by LEAs to interested petitioners. The sample petition shall be available in other languages pursuant to *Education Code* Section 48985. Petitioners shall not be required to use the sample petition however alternate petitions must contain all required components pursuant to statutory and regulatory requirements.
- Add a new Section 4802.05 with the following subsections:
 - Subsection (a) would include the following language: Petitioners may not submit a petition until they reach or exceed the 50 percent threshold based on accurate and current enrollment data provided by the LEA. The date of submission of the petition shall be the start date for implementation of all statutory and regulatory requirements.
 - Subsection (b) would include the following language: An exception shall be made for a one-time resubmission opportunity to correct a petition based on errors identified by the LEA, verify signatures after a good faith effort is made by the LEA to do so first, or submit additional signatures. The start date for a resubmitted petition shall be the date it is resubmitted. No rolling petitions shall be accepted by the LEA.
 - Subsection (c) would include the following language: At the time of submission the petitioners shall submit a separate document that identifies at least one but no more than five lead petitioners with their contact information.
 - Subsection (d) would include the following language: The role of lead petitioners is to assist and facilitate communication between the parents who have signed the petition and the LEA. The lead petitioner contacts shall not be authorized to make decisions for the petitioners or negotiate on behalf of the parents.
- Under the existing Section 4802.1:
 - Add a new optional subsection (g)(4) that would include the following language: That the petition has not been translated into the number of languages as required by *Education Code* Section 48985.

- Add a new proposed Section 4802.1 with the following subsections:
 - Subsection (a) would include the following language: An LEA must provide, in writing, to any persons who request it, information as to how the LEA intends to implement section 4800.1(g) as to any subject school and any normally matriculating elementary or middle schools, including providing enrollment data and the number of signatures that would be required pursuant to section 4802.1(e).
 - Subsection (b) would include the following language: Upon receipt of the petition, the LEA may make reasonable efforts to verify that the signatures on the petition can be counted consistent with these regulations. The LEA and matriculating LEAs shall use common verification documents that contain parent or guardian signatures to verify petition signatures such as emergency verification cards signed by all parents or guardians. In order to verify the enrollment of a pupil in a school that normally matriculates into the subject school, but is not within the jurisdiction of the LEA, an LEA may contact the school or the LEA of the school. The matriculating LEA or school shall be required to provide information necessary to the subject school and LEA in order to assist in verifying signatures. An LEA shall not invalidate the signature of a parent or legal guardian of a pupil on a minor technicality where it is clearly the intent of the parent or legal guardian to support the petition and the parent or legal guardian is entitled to sign the petition. The LEA and the matriculating LEA or school shall make a good faith effort to contact parents or guardians when a signature is not clearly identifiable including phone calls to the parent or guardian.
 - Subsection (c) would include the following language: If, on the date the petition is submitted, a school is identified pursuant to section 4800.1(k), it shall remain a subject school until final disposition of the petition by the LEA even if it thereafter ceases to meet the definition of a subject school unless that school has exited federal Program Improvement and is at or over 800 on the Academic Performance Index.
 - Subsection (d) would include the following language: If a petition has sought only signatures of parents of pupils attending the subject school, then for purposes of calculating whether parents or legal guardians of at least one-half of pupils attending the subject school on the date the petition has been submitted have signed the petition, only those signatures of parents or legal guardians of pupils attending the subject school on the date the petition is submitted to the LEA shall be counted.

- Subsection (e) would include the following language: If a petition has sought signatures of parents or legal guardians of pupils attending the subject school and the elementary or middle schools that normally matriculate into the subject school, then for purposes of calculating whether the parents or legal guardians of at least one-half of pupils attending the subject school and the elementary or middle schools that normally matriculate into the subject school on the date the petition has been submitted have signed the petition, only those signatures of parents or legal guardians of pupils attending the subject school and the parents or legal guardians of pupils attending the elementary or middle schools who would normally matriculate into the subject school at the time the petition is submitted to the LEA shall be counted. Where pupils attend elementary or middle schools that normally matriculate into more than one subject school, only those pupils attending the subject school and those pupils that normally matriculate, as defined in section 4800.1(g), into the subject school, shall be counted in calculating whether at least one-half of the parents or legal guardians of pupils have signed the petition. There is no specified ratio required of signatures gathered at each school, rather the total ratio of signatures gathered must meet the one-half requirement.
- Subsection (f) would include the following language: In connection with the petition, the LEA may only contact parents or legal guardians to verify eligible signatures on the petition. The identified lead petitioners for the petition shall be consulted to assist in contacting parents or legal guardians when the LEA fails to reach a parent or legal guardian.
- Subsection (g) would include the following language: Upon receipt, the LEA may, within 40 calendar days, return the petition to the person designated as the contact person or persons as specified in section 4802(c), if the LEA determines any of the following:
 1. One half of the parents or legal guardians of pupils meeting the requirements of section 4801(a) have not signed the petition;
 2. The school named in the petition is not a subject school; or
 3. The petition does not substantially meet the requirements specified in section 4802. In such a case, the LEA shall immediately provide the contact person written notice of its reasons for returning the petition and its supporting findings.

- Subsection (h) would include the following language: If the LEA finds that sufficient signatures cannot be verified by the LEA they shall immediately notify the lead petitioner contacts and provide the lead petitioner the names of those parents and legal guardians they cannot verify. The lead petitioner contacts shall be provided 60 calendar days to assist the LEA to verify the signatures. A number of methods may be used including but not limited to an official notarization process or having the parent or guardian appear at the school or district office.
- Subsection (i) would include the following language: If the LEA finds a discrepancy or problem with a submitted petition they shall notify the lead petition contacts in writing and request assistance and clarification prior to the final disposition of the petition. The LEA shall identify which signatures need verification, any errors found in the petition or need for further clarification regarding the petition.
- Subsection (j) would include the following language: If the petition is returned pursuant to section 4802.1(g)(1), the same petition may be resubmitted to the LEA with verified signatures as long as no substantive changes are made to the petition. The petitioners shall be provided one resubmission opportunity which must be completed within a window of 60 calendar days after the return of the petition pursuant to 4802.1. This is the same window for verification of signatures and any corrections or additional signatures submitted. The LEA shall have 25 calendar days to verify the resubmitted signatures, additional signatures or corrections to the petition. The resubmitted petition may not contain substantive changes or amendments. If substantive changes are made to the petition, it must be recirculated for signatures before it may be submitted to the LEA and it shall be deemed a new petition.
- Subsection (k) would include the following language: If the LEA does not return the petition the LEA shall have 45 calendar days from the date the petition is received to reach a final disposition. The date may be extended by an additional 20 business days if the LEA and the person listed in section 4802(c) agree to the extension in writing.
- Subsection (l) would include the following language: The LEA shall notify the SSPI and the SBE in writing within ten business days of its receipt of a petition and within two business days of the final disposition of the petition. The notice of final disposition shall state that the LEA will implement the recommended option or include the

written finding stating the reason it cannot implement the specific recommended option, including the compelling interest that supports such a finding, designating which of the other options it will implement and stating that the alternative option selected has substantial promise of enabling the school to make adequate yearly progress.

- Subsection (m) would include the following language: If the number of schools identified in a petition and subject to an intervention by a final disposition will exceed the maximum of 75 schools pursuant to *Education Code* Section 53302, and the SSPI and the SBE receive two or more notifications of final dispositions that agree to implement an intervention on the same day, the petition will be chosen by random selection.
- Under Section 4802.2:
 - Within the existing subsection (c) add the following provisions of the *Education Code* to the signatures required to establish a charter school: 47605(a)(1) through (3) and 47605(b)(3).
 - Replace the proposed existing language with an entirely new subsection (e) using the following language: If the LEA has adopted the restart model as its final disposition, and a petition does not request that the subject school be operated under a specific charter school operator, charter management organization or education management organization, then the LEA shall promptly notify the petitioners that it has adopted the restart model and give the petitioners the option to solicit charter proposals from charter school operators, charter management organizations and education management organizations and select a specific charter school operator. If the petitioners opt to solicit charter proposals and select a specific charter school operator, they must submit the proposed charter school operator to the LEA. If the petitioners inform the LEA that they have declined the option to solicit charter proposals and select a charter school operator, the LEA shall, within 15 business days, solicit charter proposals from charter school operators, charter management organizations and education management organizations.
 - Replace the proposed existing language with an entirely new subsection (e) using the following language: Where the petitioners opt to submit a charter proposal for a specific operator to the LEA pursuant to section 4802.2, optional subsection (d), upon submission of the charter proposal, the LEA shall then conduct the rigorous review process regarding the specific charter required by

Education code section 53300 and section 4808, which includes compliance with the requirements and timelines set forth in Education Code section 47605, subdivisions (b) through (h), (j)(1) and (l), with the exception that the timelines set forth in section 47605(b) only begin once the LEA has received a charter proposal. Where the LEA has solicited charter proposals because the petitioners have declined to do so, prior to selecting a particular charter school operator, charter management organization or education management organization, the LEA shall conduct the rigorous review process regarding the specific charter required by Education code section 53300 and section 4808, which includes compliance with the requirements and timelines set forth in Education Code section 47605, subdivisions (b) through (h), (j)(1) and (l), with the exception that the timelines set forth in section 47605(b) only begin once the LEA has received a charter proposal.

- Add an entirely new subsection (g) with the following language: The charter school established by a parent empowerment petition, must inform parents of the LEA choosing the charter school model, that parent advisory committees or alternative programs if provided for in the LEA, will not be available in the restart model-charter school nor is the charter school required to comply with the parent waiver requirements of *Education Code* sections 310 and 311.
- Replace the proposed existing language with an entirely new Section 4802.2 containing the following subsections:
 - Subsection (a) would include the following language: Except where specifically designated in this section, a charter school proposal submitted through a parent empowerment petition, shall be subject to all the provisions of law that apply to other charter schools.
 - Subsection (b) would include the following language: Parents or legal guardians of pupils will only need to sign the parent empowerment petition to indicate their support for and willingness to enroll their children in the requested charter school. A separate petition for the establishment of a charter school will not need to be signed. The signatures to establish a charter school pursuant to Education Code sections 47605(a)(1) through (3) and 47605(b)(3) will not be required if the petition that requests that the subject school be reopened under a specific charter operator, charter management organization or education management organization otherwise meets all the requirements of Education Code section 53300.

- Subsection (c) would include the following language: A petition that requests that the subject school be reopened under a specific charter school operator, charter management organization or education management organization may be circulated for signature with the proposed charter for the school. Upon receipt of the petition that requests a restart model as intervention and that includes a charter petition, the LEA must follow the provisions of section 4802.1 and determine whether it will implement the requested intervention options in *Education Code* Section 53300. If a petition requests that the subject school be operated under a specific charter school operator, charter management organization or education management organization, and the LEA does not reject the petition pursuant to Section 4802.1(g) then the rigorous review process required by *Education Code* Section 53300 and Section 4804 shall be the review process and timelines set forth in *Education Code* Section 47605(b), excepting 47605(b)(3).
- Subsection (d) would include the following language: If a parent empowerment petition does not include the proposed charter but requests that the subject school be operated under a specific charter school operator, charter management organization or education management organization, and the LEA does not reject the petition pursuant to section 4802.1(g), then the LEA must either:
 1. Immediately solicit charter proposals from charter school operators, charter management organizations and education management organizations and, shall select a charter school operator, charter management organization or education management organization, through the rigorous review process required by *Education Code* Section 53300 and Section 4804. The rigorous review process shall be the review process and timelines set forth in *Education Code* Section 47605(b), excepting 47605(b)(3), and shall begin at the end of a solicitation period not to exceed 90 calendar days; or,
 2. Direct the parent petitioner(s) to submit a charter proposal that meets the requirements of *EC* Section 47605(b), excepting 47605(b)(3), within 90 calendar days. Upon submittal of the charter proposal, the LEA shall conduct the rigorous review process required by *Education Code* Section 53300 and Section 4804, which shall be the review process and timelines set forth in *Education Code* Section 47605(b) excepting 47605(b)(3).

- Subsection (e) would include the following language: If the parents petition for a restart option to operate the school under an educational management organization that is not a charter school, the LEA shall work in good faith to implement a contract with a provider selected by the parents. In the absence of parent selection of a specific provider, the LEA shall immediately solicit proposals from educational management organizations, and shall select an education management organization, through the rigorous review process required by *Education Code* Section 53300 and Section 4804 unless the LEA is unable to implement the option requested by the parents and shall implement one of the other options specified in *Education Code* Section 53300.
- At the end of the existing Section 4808:
 - Add the following language: “to the extent permitted by law.”
- Direct the proposed changes be circulated for a second 15-day public comment period in accordance with the Administrative Procedure Act;
- If no relevant comments to the proposed changes are received during the second 15-day public comment period, the proposed regulations with changes are deemed adopted, and the California Department of Education (CDE) is directed to complete the rulemaking package and submit it to the Office of Administrative Law (OAL) for approval;
- If any relevant comments to the proposed changes are received during the second 15-day public comment period, the CDE is directed to place the proposed regulations on a future SBE agenda for action; and
- Authorize the CDE to take any necessary ministerial action to respond to any direction or concern expressed by the OAL during its review of the rulemaking file.

Member Ramos seconded the motion. The board voted, by show of hands, 7-0 to approve the motion.

Item 2: State Board of Education Delegation of Authority for the Approval of the Striving Readers Comprehensive Literacy Grant Application for Children From Birth Through Grade Twelve as Developed by the California Department of Education and Striving Readers Comprehensive Literacy Plan State Literacy Team.

ACTION: Member Molina moved to delegate authority to the State Board of Education (SBE) President to submit California's Striving Readers Comprehensive Literacy (SRCL) competitive grant application by May 9, 2011, as developed by the California Department of Education and SBE staff and the Striving Readers Comprehensive Literacy State Team, to the U.S. Department of Education for review and consideration. Member Cohn seconded the motion. The board voted, by show of hands, 6-0 to approve the motion. Member Rucker was absent for the vote.

Item 3: 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; update on litigation; bylaw review and revision; Board policy; approval of minutes; board liaison reports, and other matters of interest.

No action was taken on this item.

Item 4: 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.

No action was taken on this item.

**WAIVER REQUEST CONSENT MATTERS AND PROPOSED WAIVER
CONSENT ITEMS**

The following agenda items satisfy criteria for approving a waiver of that type based on a previously-adopted State Board of Education waiver policy or have waiver evaluation criteria that are in *the California Education Code EC* or in the *California Code of Regulations, CCR, Title 5* and proposed waiver consent items.

The following agenda items were proposed for approval on the waiver consent calendar and proposed waiver consent items: WC-1 through WC-3 and W-1 through W-8.

ACTION: Member Ramos moved to approve the proposed waiver consent calendar and proposed waiver consent items: WC-1 through WC-3 and W-1 through W-8. Member Cohn seconded the motion. The board voted, by show of hands, 6-0 to approve the motion. Member Rucker was absent for the vote.

Item WC-1 Specific

Subject: Request by Plum Valley Elementary School District under the authority of California *Education Code* Section 52863 for a renewal waiver of *Education Code* Section 52852, to allow a reduction in the number and composition of members required for a schoolsite council to function for Plum Valley Elementary School.

Waiver Number: 186-12-2010

(Recommended for APPROVAL WITH CONDITIONS)

Item WC-2 Specific

Subject: Request by Antelope Elementary School District under the authority of California *Education Code* Section 52863 for a waiver of *Education Code* Section 52852, allowing one joint schoolsite council to function for three small schools: Antelope Elementary School, Berrendos Middle School, and Antelope Community Day School.

Waiver Number: 23-11-2010

(Recommended for APPROVAL WITH CONDITIONS)

Item WC-3 General

Subject: Request by Plumas County Office of Education for a renewal to waive *California Code of Regulations*, Title 5, Section 3051.16(b)(3), the requirement that educational interpreters for deaf and hard of hearing pupils meet minimum qualifications as of July 1, 2009, to allow Heather Cooke to continue to provide services to students until June 30, 2011, under a remediation plan to complete those minimum requirements.

Waiver Number: 162-12-2010

(Recommended for APPROVAL WITH CONDITIONS)

Item W-1 General

Subject: Request by Alpine County Unified School District for a waiver of California *Education Code* Section 48916.1(d) and portions of Section 48660 to permit a community day school to serve students in grades five through six with students in grades seven through twelve.

Waiver Number: 20-11-2010

Recommended for APPROVAL

Item W-2 General

Subject: Request by Firebaugh-Las Deltas Joint Unified School District for a waiver of California *Education Code* Section 48916.1(d) and portions of Section 48660 to permit a community day school to serve students in grades one through twelve.

Waiver Number: 57-2-2011

Recommended for APPROVAL

Item W-3 General

Subject: Request by Turlock Unified School District to waive portions of the California *Education Code* Section 15282, regarding term limits for members of a Citizen's Oversight Committee for all construction bonds in the district.

Waiver Numbers: 37-1-2011 and 38-1-2011

Recommended for APPROVAL WITH CONDITIONS

Item W-4 General

Subject: Request by Visalia Unified School District to waive California *Education Code* Section 5020, and portions of sections 5019, 5019.5, 5021, and 5030 that require a district-wide election to establish new trustee areas.

Waiver Number: 161-12-2010

Recommended for APPROVAL

Item W-5 Specific

Subject: Request by Coffee Creek Elementary School District under the authority of California *Education Code* Section 52863 for a waiver of *Education Code* Section 52852, to allow a reduction in the number and composition of members required for a schoolsite council for a small rural school, Coffee Creek Elementary School.

Waiver Number: 47-12-2010

Recommended for APPROVAL WITH CONDITIONS

Item W-6 Specific

Subject: Request by Delano Joint Union High School District under the authority of California *Education Code* Section 52863 for a waiver of *Education Code* Section 52852, to allow a reduction in the number and composition of members required for a schoolsite council for a small rural continuation school, Valley High School.

Waiver Number: 179-12-2010

Recommended for APPROVAL WITH CONDITIONS

Item W-7 Specific

Subject: Request by Hilmar Unified School District under the authority of California *Education Code* Section 52863 for a renewal waiver of *Education Code* Section 52852, to allow a reduction in the number and composition of members required for a schoolsite council for a small rural school, Irwin Continuation High School.

Waiver Number: 169-12-2010

Recommended for APPROVAL WITH CONDITIONS

Item W-8 Specific

Subject: Request by Modoc County Office of Education under the authority of California *Education Code* Section 52863 for a renewal waiver of *Education Code* Section 52852, allowing one joint schoolsite council to function for three

schools, Tulelake Elementary School, Newell Elementary School, and Modoc County Community School Tulelake.

Waiver Number: 201-12-2010

Recommended for APPROVAL WITH CONDITIONS

END OF WAIVER REQUEST CONSENT MATTERS AND PROPOSED WAIVER CONSENT ITEMS

NON-CONSENT WAIVER ITEM

Item W-9 Specific

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 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 to three, the overall class size average is 30 to one with no class larger than 32.

Waiver Numbers: 21-11-2010 and 5-12-2010.

Recommended for APPROVAL WITH CONDITIONS

ACTION: Member Cohn moved to approve the waiver for the Montebello Unified School District. Member Williams seconded the motion. The board voted, by show of hands, 6-0 to approve the motion. Member Rucker recused herself from participating in the item's discussion and vote.

*** ADJOURNMENT OF MEETING ***

State Board of Education
State Board of Education Board Room
May 11-12, 2011
Draft Minutes

Please note that the complete proceedings of the May 2011 State Board of Education meeting, including close 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
James Aschwanden
Yvonne Chan
Carl Cohn
Aida Molina
James C. Ramos
Patricia A. Rucker
Ilene W. Straus
Connor Cushman, Student Member

Members Absent:

None

Secretary and Executive Officer

Tom Torlakson, State Superintendent of Public Instruction

Principal Staff

Patricia de Cos, Interim Executive Director, SBE
Jennifer Bunshoft, Deputy Attorney General and Acting Counsel for the SBE
Jennifer Johnson, Education Policy Consultant, SBE
Beth Rice, Education Programs Consultant, SBE
Regina Wilson, Program Communications Analyst, SBE
Richard Zeiger, Chief Deputy Superintendent, California Department of Education (CDE)
Amy Holloway, General Counsel, CDE
Mary Prather, Education Administrator I, CDE

Item 1

Subject: National Assessment of Educational Progress (NAEP): Presentation by the NAEP 12th Grade Preparedness Commission Regarding the Preparedness of 12th Graders for Postsecondary Education and Job Training.

No action was taken on this item.

Item 2

Subject: Permits to Employ and Work—Approve Commencement of the Rulemaking Process for Additions to the *California Code of Regulations*, Title 5, Sections 10120.1 through 10121.

ACTION: Member Aschwanden moved to 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.

Member Chan seconded the motion. The Board voted by a show of hands, 10-0, to approve the motion.

Item 3

Subject: Appeal of a Decision by the Santa Clara County Committee on School District Organization to Disapprove a Petition to Transfer Territory from the Mountain View Whisman School District and Mountain View-Los Altos Union High School District to the Palo Alto Unified School District in Santa Clara County (San Antonio Village).

This item was withdrawn by the petitioners.

Item 4

Subject: Update on Issues Related to California’s Implementation of the Elementary and Secondary Education Act and Other Federal Programs Including, but Not Limited to, the School Improvement Grant and California’s Striving Readers Comprehensive Literacy Program.

No action was taken on this item.

Item 5

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

ACTION: Member Rucker moved to approve the CDE staff recommendation to approve the 29 LEA Plans listed in Attachment 1 and directed the following LEAs to revise and resubmit their LEA Plan for the 2011-2012 academic school year, based upon technical assistance from the CDE, by September 1, 2011, using the current rubric:

- Fernando Pullum Performing Arts High School (19-64733-0115295)¹
- Frederick Douglass Academy Charter Elementary (19-64733-0117952)
- Frederick Douglass Academy Charter High (19-64733-0112557)
- Frederick Douglass Academy Charter Middle (19-64733-0112433)
- ICEF Inglewood Elementary Charter Academy (19-64634-012030)
- ICEF Inglewood Middle Charter Academy (19-64634-0120311)
- ICEF Vista Elementary Charter Academy (19-64733-0117937)
- ICEF Vista Middle Charter Academy (19-64733-0115287)
- Lou Dantzler Preparatory Charter Elementary (19-64733-0117945)
- Lou Dantzler Preparatory Charter High (19-64733-0112540)
- Lou Dantzler Preparatory Charter Middle (19-64733-0112227)
- Thurgood Marshall Charter Middle School (19-64733-0115261)

Member Molina seconded the motion. The Board voted by a show of hands, 8-0 to approve the motion. Members Cushman and Cohn were absent for the vote.

Item 6

Subject: Approval of 2010–11 Consolidated Applications.

ACTION: Member Aschwanden moved to approve the 2010–11 Consolidated Applications (ConApps) submitted by local educational agencies (LEAs) in Attachment 1 of Item 5. Member Rucker seconded the motion. The Board voted by a show of hands, 10-0 to approve the motion.

¹ County-District-School Code

Item 7

Subject: Assignment of Numbers for Charter School Petitions.

ACTION: Member Aschwanden moved to assign charter numbers to the charter schools identified on the list attached to Item 7. Member Williams seconded the motion. The Board voted by a show of hands, 8-0 to approve the motion. Members Molina and Rucker were absent for the vote.

*****PUBLIC HEARING*****

Item 8

Subject: Statewide Benefit Charter Schools: Consideration of Material Revisions to the Aspire Public Schools Statewide Benefit Charter.

ACTION: Vice President Williams moved to have the Board find that Aspire Public Schools Statewide Benefit Charter's (Aspire) benefit in terms of funding and its ability to get statewide bonds constitutes a statewide benefit in accordance with *Education Code (EC) Section 47605.8 (b)* and Title 5, *California Code of Regulations Section 11967.6 (b)*. Member Straus seconded the motion. The board voted by roll call, 6-2 with one abstention, to pass the motion. Member Rucker had recused herself from participating in the item and vote.

Yes votes: Members Chan, Kirst, Molina, Ramos, Straus, and Williams

No votes: Members Aschwanden and Cohn

Abstention: Member Cushman

ACTION: Vice President Williams moved to have the Board find that Aspire's benefit in terms of funding could not be provided by a series of local charters. Member Straus seconded the motion. The board voted by roll call, 6-2 with one abstention, to pass the motion. Member Rucker had recused herself from participating in the item and vote.

Yes votes: Members Chan, Kirst, Molina, Ramos, Straus, and Williams

No votes: Members Aschwanden and Cohn

Abstention: Member Cushman

ACTION: Vice President Williams moved to have the Board find that Aspire's benefit in terms of being able to expand its teacher residency program constitutes a statewide benefit in accordance with *EC Section 47605.8 (b)* and Title 5, *California Code of Regulations Section 11967.6 (b)*. Member Chan seconded the motion. The

board voted by roll call, 6-2 with one abstention, to pass the motion. Member Rucker had recused herself from participating in the item and vote.

Yes votes: Members Chan, Cushman, Kirst, Molina, Straus, and Williams

No votes: Members Aschwanden and Cohn

Abstention: Member Ramos

ACTION: Vice President Williams moved to have the Board find that Aspire's benefit related to the teacher residency program could not be provided through a series of local charters. Member Chan seconded the motion. The board voted by roll call, 7-2 to pass the motion. Member Rucker had recused herself from participating in the item and vote.

Yes votes: Members Chan, Cushman, Kirst, Molina, Ramos, Straus, and Williams

No votes: Members Aschwanden and Cohn

ACTION: Vice President Williams moved to have the Board find that Aspire has fully or substantially complied with all pre-opening conditions for operation for approval that were established by the state board and/or the CDE for its statewide charter, and to waive any deadline that may or may not have been met in a timely fashion by Aspire. Member Chan seconded the motion. The board voted by roll call, 6-3 to pass the motion. Member Rucker had recused herself from participating in the item and vote.

Yes votes: Members Chan, Cushman, Kirst, Ramos, Straus, and Williams

No votes: Members Aschwanden, Cohn, and Molina

ACTION: Vice President Williams moved to vote on Aspire Public Schools Statewide Benefit Charter's Proposed Material Revisions by affirming the previous five actions as a whole package as the board's response to Aspire's request for consideration of Material Revisions (i.e., the first two-step finding that the benefit in terms of funding constitutes a statewide benefit, and that this benefit cannot be accomplished through a series of locally-approved charters; the second two-step finding that the expansion of Aspire's teacher residency program constitutes a statewide benefit, and that this benefit cannot be provided through a series of locally-approved charters; and the finding that Aspire has met the Proposed Conditions Prior to Opening and Operation, and that the board waived any deadline that may have been missed previously). Member Chan seconded the motion. The board voted by roll call, 7-2 to pass the motion. Member Rucker had recused herself from participating in the item and vote.

Yes votes: Members Chan, Cushman, Kirst, Molina, Ramos, Straus, and Williams

No votes: Members Aschwanden and Cohn

*****END OF PUBLIC HEARING*****

CLOSED SESSION

President Kirst reported that during closed session the Board discussed with counsel the case *California School Boards Association, et al. v. California State Board of Education and Aspire Public Schools, Inc.* Alameda Superior Court, Case No. 07353566. Jennifer Bunshoft, Deputy Attorney General and acting counsel for the SBE, reported that the Board also discussed the case *Doe, Jane, and Jason Roe v. State of California, Tom Torlakson, The California Department of Education, and The State Board of Education*, Los Angeles Superior Court, Case No. BC445151.

Item 9

Subject: Charter Renewal: Approve Commencement of Second 15-Day Public Comment Period for Proposed Changes to the *California Code of Regulations*, Title 5, Sections 11966.4, 11966.5, 11966.6, and 11967.5.1.

ACTION: Member Chan moved the Board take the following actions:

- Approve the proposed changes to the proposed regulations;
- Direct that the proposed changes be circulated for a second 15-day public comment period in accordance with the Administrative Procedure Act;
- If no relevant comments to the proposed changes are received during the second 15-day public comment period, the proposed amendments with changes are deemed adopted, and the CDE is directed to complete the rulemaking package and submit it to the Office of Administrative Law (OAL) for approval and provide an update of the status at the SBE's next regularly scheduled board meeting;
- If any relevant comments to the proposed changes are received during the second 15-day public comment period, the CDE is directed to place the proposed regulations on the SBE's July 2011 agenda for action; and
- Authorize the CDE to take any necessary ministerial action to respond to any direction or concern expressed by the OAL during its review of the rulemaking file.

Member Rucker seconded the motion. The Board voted by a show of hands, 10-0 to approve the motion.

Item 10

Subject: Consideration of Requests for Determination of Funding Rates as Required for Nonclassroom-based Charter Schools.

ACTION: Member Rucker moved to approve the funding rate of 100 percent for two years for fiscal years 2010-11 through 2011-2012 for nonclassroom-based instruction for the following charter schools:

- Keegan Academy (1158)²
- Milestones Cooperative Charter (1248)
- Mount Whitney Virtual Academy (1251)
- National University Academy Armona (1168)
- River Oaks Academy (1256)
- Charter Alternative Program (0360)
- Ivy Tech Charter (1202)
- Anchor Academy Charter (1245)

Member Chan seconded the motion. The Board voted by a show of hands, 10-0 to approve the motion.

ACTION: Member Chan moved to approve:

- 1) The funding rate of 100 percent for two years for fiscal years 2010-11 through 2011-12 for nonclassroom-based instruction for the following charter schools:
 - Clovis Online Charter (1006)
 - Madera City Independent Academy (1001)
- 2) The funding rate of 100 percent for three years for fiscal years 2010-11 through 2012-13 for the following charter schools:
 - Learning Works! Charter (1031)

² Charter Number

- National University Academy (0991)
- Raverndale-Termo Charter (1032)

Member Rucker seconded the motion. The Board voted by a show of hands, 9-0 to approve the motion. Member Cushman was absent for the vote.

ACTION: Member Straus moved to approve:

- 1) The funding rate of 100 percent for two years for fiscal years 2011-12 through 2012-13 for nonclassroom-based instruction for Stockton Alternative High School (1084)
- 2) The funding rate of 100 percent for three fiscal years 2011-12 through 2013-14 for nonclassroom-based instruction for the following charter schools:
 - CORE Pacer Charter (1064)
 - Creekside Cooperative Charter (1102)
 - Dunlap Leadership Charter (1074); and
 - Kaplan Academy California Central California (1111)
 - Kaplan Academy California North Central California (1129)
 - Kaplan Academy California San Diego (1065)
 - Kaplan Academy California San Francisco Bay (1112)
 - Mercury On-line Academy Southern California (1104)
 - New Day Academy (1123)
 - Pivot Online Charter North Bay (1139)
 - San Diego Neighborhood Homeschools (1077)
 - Alta Vista Public Charter (1147)
 - Crescent View South Charter (1138)
 - Diego Hills Charter School (1088)

Member Rucker seconded the motion. The Board voted by a show of hands, 10-0 to approve the motion.

ACTION: Member Rucker moved to approve the funding rate of 100 percent for four years for fiscal years 2011-12 through 2014-15 for nonclassroom-based instruction for the following charter schools:

- Charter Community Schools (0005)
- Dehesa Charter School (0419)
- Olive Grove Charter School (0421)

Member Chan seconded the motion. The Board voted by a show of hands, 10-0 to approve the motion.

ACTION: Member Straus moved to approve: 1) the funding rate of 100 percent for four years for fiscal years 2011-12 through 2014-15 for nonclassroom-based instruction for Learning Choice Academy Charter School (0659), and 2) the funding rate of 100 percent for five years for fiscal years 2011-12 through 2015-16 for nonclassroom-based instruction for River Valley Charter School (0120).

Member Williams seconded the motion. The Board voted by a show of hands, 9-1 to approve the motion.

Yes Votes: Members Aschwanden, Cohn, Cushman, Kirst, Molina, Ramos, Rucker, Straus, and Williams

No Vote: Member Chan

Item 11

Subject: Consideration of Mitigating Circumstances Requests for Senate Bill 740 Determination of Funding Rates as Required for Nonclassroom-based Charter Schools: Shasta Secondary Home School and Coastal Academy Charter School.

ACTION: Member Straus moved to approve the requests of Shasta Secondary Home School and Coastal Academy Charter School, to allow the inclusion of mitigating circumstances in the determination of funding rates required by California *Education Code (EC)* Sections 47612.5 and 47634.2 and implemented through *California Code of Regulations, Title 5 (5 CCR)* Section 11963.4(e). Member Aschwanden seconded the motion. The Board voted by a show of hands, 10-0 to approve the motion.

Item 12

Subject: STATE BOARD PROJECTS AND PRIORITIES.

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

ACTION: Member Ramos moved to plan and establish the American Indian Advisory Commission. Member Cohn seconded the motion. The Board voted by a show of hands, 10-0 to approve the motion.

Item 13

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.

No action was taken on this item.

CLOSED SESSION

Jennifer Bunshoft, Deputy Attorney General and Acting Counsel for the SBE, reported that during Closed Session the board discussed the case *Emma C., et al. v. Delaine Eastin, et al.*, United States District Court, Northern District of California, Case No. C964179.

Item 14

Subject: African American Advisory Committee: California Department of Education's Response to Committee's Accountability and Special Education Recommendations.

No action was taken on this item.

Item 15

Subject: Request by Compton Unified School District to be a Single District Special Education Local Plan Area.

ACTION: Member Chan moved to deny the Compton Unified School District's (CUSD) application to be a single district special education local plan area (SELPA),

based on insufficient size and scope to qualify as a special education local plan area (SELPA), pursuant to California *Education Code (EC)* Section 56195.1. Member Cushman seconded the motion. The Board voted by a role call vote, 3-7. The motion failed.

Yes Votes: Members Chan, Cushman, and Kirst

No Votes: Members Aschwanden, Cohn, Molina, Ramos, Rucker, Straus, and Williams

FINAL ACTION: Member Cohn moved to approve the Compton Unified School District (CUSD) application to be a single district special education local plan area (SELPA) and that size and scope requirements be waived. Member Molina seconded the motion. The Board voted by a show of hands, 7-3 to approve the motion.

Yes Votes: Members Aschwanden, Cohn, Molina, Ramos, Rucker, Straus, and Williams

No Votes: Members Chan, Cushman, and Kirst

Item 16

Subject: Elementary and Secondary Education Act: Proposed Alternatives for the Review of 92 Local Educational Agencies in Cohort 1 Program Improvement Corrective Action.

ACTION: Member Aschwanden moved that the Board take action to review data tables and displays and approve the use of all, or select, tables and displays to provide a comprehensive review of student academic achievement progress for each of the 92 local educational agencies (LEAs) identified for Program Improvement (PI) Year 3 Corrective Action in 2007–08 (Cohort 1) to learn more about what is working and not working to improve student achievement and why.

Member Chan seconded the motion. The board voted, by a show of hands 6-0 to approve the motion. Members Cohn, Cushman, and Rucker were absent for the vote. Member Molina recused herself from participating in the item and vote.

Item 17

Subject: Elementary and Secondary Education Act: Quarterly Report on Recurring Findings from the 2010 United States Department of Education Title I Monitoring Visit.

ACTION: Member Aschwanden moved to direct the President of the Board, in conjunction with the State Superintendent of Public Instruction (SSPI), to:

- Approve the submission of California's Quarterly Report (Attachment 1) to the Student Achievement and School Accountability (SASA) Programs of the U.S. Department of Education (ED), and
- Authorize the CDE to submit the required July 2011 Quarterly Report, providing any updated evidence to resolve findings on the conditions of the California Title I Part A grant.

Member Chan seconded the motion. The board voted, by show of hands, 8-0 to approve the motion. Members Cohn and Cushman were absent for the vote.

Item 18

Subject: Elementary and Secondary Education Act: Supplemental Educational Services Providers: Approval of Providers to the 2011–13 State Board of Education-Approved Supplemental Educational Services Provider List and Request for Two Waivers Under Title I, Part A Section 9401 of the Elementary and Secondary Education Act.

ACTION: Member Aschwanden moved to approve the SES provider listed in Attachment 3 of Item 18. Member Rucker seconded the motion. The Board voted, by show of hand, 8-0 to approve the motion. Members Cohn and Cushman were absent for the vote.

ACTION: Member Aschwanden moved to approve CDE's request for two waivers for the 2011–12 school year with the understanding that the CDE staff will return to the Board with an identified list of LEAs who have applied to be SES providers and who are also in Program Improvement (PI) and their status in PI. The two waivers are to:

- Allow all interested local educational agencies (LEAs) identified for improvement or corrective action to serve as SES providers, and
- Allow an LEA the flexibility to offer SES to eligible students in Title I schools in year one of Program Improvement (PI) and to count the costs of providing SES to those students toward meeting the LEA's 20 percent obligation.

Member Straus seconded the motion. The board voted, by a show of hands, 8-0 to approve the motion. Members Cohn and Cushman were absent for the vote.

Item 19

Subject: Inclusion of Alternative Education Program Accountability Results in the Academic Performance Index – Approve Commencement of the Rulemaking Process

for Amendments to the *California Code of Regulations*, Title 5, Sections 1039.2 and 1039.3.

ACTION: Member Rucker moved to 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.

Member Aschwanden seconded the motion. The board voted, by show of hands 8-0 to approve the motion. Members Cohn and Cushman were absent for the vote.

Item 20

Subject: California English Language Development Test Program: Preliminary Annual Assessment Results for 2010–11.

No action was taken on this item.

Item 21

Subject: Legislative and Budget Update, Including, but Not Limited to, Information on the 2011–12 Legislative Session.

No action was taken on this item.

**WAIVER REQUEST CONSENT ITEMS AND
PROPOSED WAIVER CONSENT ITEMS**

The following agenda items satisfy criteria for approving a waiver of that type based on a previously-adopted State Board of Education waiver policy or have waiver evaluation criteria that are in *the California Education Code (EC)* or in the *California Code of Regulations (CCR)*, Title 5.

The following agenda items were proposed for approval on the waiver consent calendar: WC-2 through WC-4, WC-6 through WC-11, WC-13, W-3 through W-4, W-6 through W-9, W-11 through W-21, and W-23 through W-28.

ACTION: Member Rucker moved to approve the following waiver consent items: WC-2 through WC-4, WC-6 through WC-11, WC-13, W-3 through W-4, W-6 through W-9, W-11 through W-21, and W-23 through W-28. Member Aschwanden seconded the motion. The board voted, by show of hands, 10-0 to approve the motion.

WAIVER REQUEST CONSENT ITEMS

Item WC-2 Federal

Subject: Request by Southern Humboldt Joint Unified School District for South Fork Junior-Senior 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-59-2011
(Recommended for APPROVAL)

Item WC-3 Specific

Subject: Request by Placer Hills Union Elementary School District Request by Placer Hills Union Elementary School District under the authority of California *Education Code* Section 46206 to waive the Longer Year audit penalty in *Education Code* Section 46200(c) for offering less than the required instructional days in the 2007-08 fiscal year at Weimar Hills School, for students in grades four and five (shortfall of one day).
Waiver Number: 62-1-2011
(Recommended for APPROVAL WITH CONDITIONS)

Item WC-4 General

Subject: Request by San Juan Unified School District for a renewal to waive portions of California *Education Code (EC)* Section 51222(a), related to the statutory minimum of 400 minutes of physical education required each ten days for students in grades nine through twelve in order to implement a block schedule at Del Campo, Mesa Verde, Casa Roble and Encina Preparatory High Schools.
Waiver Number: 104-2-2011
(Recommended for APPROVAL) *EC* 33051(b) will apply

Item WC-6 General

Subject: Request by Santa Barbara Secondary School District to waive all of California *Education Code* Section 35101 and portions of California *Education Code* sections 35100 and 35737 regarding election of governing board members; all of California *Education Code* Section 35710.51 and portions of California *Education Code* Section 35710 regarding elimination of election requirement; and portions of California *Education Code* Section 35534 regarding effective date of reorganization.
Waiver Number: 21-2-2011 (election of board members); 22-2-2011 (elimination of election); 23-2-2011 (effective date).
(Recommended for APPROVAL WITH CONDITIONS)

Item WC-7 General

Subject: Request by Central Union 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: 106-2-2011

(Recommended for APPROVAL)

Item WC-8 Specific

Subject: Request by Wheatland Union High School District Request by Wheatland Union High School District to waive California *Education Code* Section 51224.5(b), the requirement that all students graduating in the 2010-11 school year be required to complete a course in Algebra I (or equivalent) to be given a diploma of graduation, for one special education student based on *Education Code* Section 56101, the special education waiver authority.

Waiver Number: 95-2-2011

(Recommended for APPROVAL WITH CONDITIONS)

Item WC-9 General

Subject: Request by Madera County Office of Education to waive *California Code of Regulations*, Title 5, Section 3043(d), which requires a minimum of 20 school days of attendance for an extended school year for special education students.

Waiver Number: 177-12-2010

(Recommended for APPROVAL WITH CONDITIONS)

Item WC-10 Specific

Subject: Request by Mill Valley 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). Yasuko Morimoto is assigned to Tamalpais Valley Elementary School.

Waiver Number: 88-2-2011

(Recommended for APPROVAL WITH CONDITIONS)

Item WC-11 Specific

Subject: Request by San Mateo County SELPA under authority of California *Education Code* Section 56101 to waive *Education Code* Section 56366.1(h), the August through October 31 timeline for an annual certification renewal application, for Maxim Healthcare Services, a nonpublic agency.

Waiver Number: 49-2-2011

(Recommended for APPROVAL)

Item WC-13 General

Subject: Request by ten 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: 32-2-2011, 56-1-2011, 56-2-2011, 56-12-2010, 63-2-2011, 91-2-2011, 92-2-2011, 93-2-2011, 115-2-2011, and 118-1-2011.

(Recommended for APPROVAL)

END OF WAIVER CONSENT

PROPOSED WAIVER CONSENT ITEMS

Item W-3 Federal

Subject: Request from fifty-eight local educational agencies to waive up to two types of requirements pertaining to Title I, Part A of the Elementary and Secondary Education Act for the 2010–11 fiscal year only.

Waiver Numbers: Various

(Recommended for APPROVAL WITH CONDITIONS)

Item W-4 General

Subject: Request by Siskiyou County Office of Education to waive a portion of California *Education Code* Section 35330(d) to authorize expenditure of school district funds for students to travel to Oregon to attend curricular and extra curricular trips/events and competitions.

Waiver Number: 2-3-2011

(Recommended for APPROVAL)

Item W-6 General

Subject: Request by Corcoran Joint Unified School District to waive California *Education Code* Section 52055.740(a), regarding class size reduction requirements under the Quality Education Investment Act, that this funded school reduce its class sizes by an average of five students per class by the end of the 2010–2011 school year at Corcoran High School (requesting 24:1 student ratio on average in grades nine, ten and 21:1 for grade twelve).

Waiver Number: 90-2-2011

(Recommended for APPROVAL WITH CONDITIONS)

Item W-7 General

Subject: Request by Twin Rivers Unified School District to waive California *Education Code* Section 52055.740(a), regarding class size reduction requirements under the Quality Education Investment Act, that this funded school reduce its class

sizes by an average of five students per class by the end of the 2011–12 school year at Harmon Johnson Elementary School (requesting 25:1 student ratio on average in grades four, five, and six).

Waiver Number: 103-2-2011

(Recommended for APPROVAL WITH CONDITIONS)

Item W-8 General

Subject: Request by thirty-four local educational agencies to waive portions of California *Education Code* sections 35256 (c) and 35258 regarding the annual deadline to make the annual School Accountability Report Card available in hard copy and on the Internet by February 1.

Waiver Numbers: Various - see attached list.

(Recommended for APPROVAL)

Item W-9 General

Subject: Request by Washington Unified School District to waive portions of California *Education Code* sections 35576 and 35784 to allow allocation of existing bonded indebtedness to be unaffected by lapsation and unification of school districts.

Waiver Number: 42-3-2011

(Recommended for APPROVAL WITH CONDITIONS)

Item W-11 General

Subject: Request by Mendocino County Office of Education to waive California *Education Code* Section 1004 that requires an election to reduce the number of governing board members from seven to five.

Waiver Number: 21-3-2011

(Recommended for APPROVAL WITH CONDITIONS)

Item W-12 Specific

Subject: Request by Maple Creek Elementary School District under the authority of California *Education Code* Section 52863 for a waiver of *Education Code* Section 52852, to allow a reduction in the number and composition of members required for a schoolsite council for a small rural school, Maple Creek Elementary School.

Waiver Number: 116-1-2011

(Recommended for APPROVAL WITH CONDITIONS)

Item W-13 Specific

Subject: Request by Mariposa County Office of Education under the authority of California *Education Code* Section 52863 for a waiver of *Education Code* Section 52852, allowing a reduction in the number and composition of members required for a schoolsite council for a small Community Day School, Jessie Benton Fremont.

Waiver Number: 166-12-2010

(Recommended for APPROVAL WITH CONDITIONS)

Item W-14 Specific

Subject: Request by Hanford Elementary School District under the authority of California *Education Code* Section 52863 for a renewal waiver of *Education Code* Section 52852, allowing one joint schoolsite council to function for two schools: Hanford Elementary Community Day School and Hamilton Elementary School.
Waiver Number: 118-2-2011
(Recommended for APPROVAL WITH CONDITIONS)

Item W-15 Specific

Subject: Request by Washington Unified School District under the authority of California *Education Code* Section 52863 for a waiver of *Education Code* Section 52852, allowing one joint schoolsite council to function for two small schools: Bryte Elementary School and Evergreen Elementary School.
Waiver Number: 51-2-2011
(Recommended for APPROVAL WITH CONDITIONS)

Item W-16 Specific

Subject: Request by Mariposa County Unified School District under the authority of California *Education Code* Section 52863 for a waiver of *Education Code* Section 52852, allowing one joint schoolsite council with a reduced number and composition to function for two small schools: Yosemite Park High School and El Portal Elementary School.
Waiver Number: 163-12-2010
(Recommended for APPROVAL WITH CONDITIONS)

Item W-17 Specific

Subject: Request by Mariposa County Unified School District under the authority of California *Education Code* Section 52863 for a waiver of *Education Code* Section 52852, allowing one joint schoolsite council with a reduced number and composition to function for two small schools, Coulter-Greeley Elementary School and Coulterville High School.
Waiver Number: 168-12-2010
(Recommended for APPROVAL WITH CONDITIONS)

Item W-18 Specific

Subject: Request by Washington Unified School District under the authority of California *Education Code* Section 52863 for a waiver of *Education Code* Section 52852, allowing one joint schoolsite council to function for two small schools, Evergreen Middle School and Yolo Continuation High School.
Waiver Number: 52-2-2011
(Recommended for APPROVAL WITH CONDITIONS)

Item W-19 Specific

Subject: Request by Lassen County Office of Education to waive California *Education Code* Section 51224.5(b), the requirement that all students graduating in the 2010-11 school year be required to complete a course in Algebra I (or equivalent)

to be given a diploma of graduation, for one special education student based on *Education Code* Section 56101, the special education waiver authority.

Waiver Number: 60-2-2011

(Recommended for APPROVAL WITH CONDITIONS)

Item W-20 Specific

Subject: Request by Lindsay Unified School District to waive *California Education Code* Section 51224.5(b), the requirement that all students graduating in the 2010-11 school year be required to complete a course in Algebra I (or equivalent) to be given a diploma of graduation for one special education student based on *Education Code* Section 56101, the special education waiver authority.

Waiver Number: 4-3-2011

(Recommended for APPROVAL WITH CONDITIONS)

Item W-21 Specific

Subject: Request by Natomas Unified School District to waive *California Education Code* Section 51224.5(b), the requirement that all students graduating in the 2010-11 school year be required to complete a course in Algebra I (or equivalent) to be given a diploma of graduation, for four special education students based on *Education Code* Section 56101, the special education waiver authority.

Waiver Number: 125-2-2011

(Recommended for APPROVAL WITH CONDITIONS)

Item W-23 General

Subject: Request by Riverside 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 Mary Ellen King, Kimberly Kearney, Penny Slater, and Heedy Dembowski to continue to provide services to students until June 30, 2011, under a remediation plan to complete those minimum qualifications.

Waiver Numbers: 34-2-2011, 35-2-2011, 36-2-2011, 37-2-2011

(Recommended for APPROVAL WITH CONDITIONS)

Item W-24 Specific

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

Waiver Number: 71-2-2011

(Recommended for APPROVAL WITH CONDITIONS)

Item W-25 General

Subject: Request by Gateway Unified School District to waive *California Code of Regulations*, Title 5, Section 3043(d), which requires a minimum of 20 school days of

attendance of four hours each for an extended school year (summer school) for special education students.

Waiver Number: 69-2-2011

(Recommended for APPROVAL WITH CONDITIONS)

Item W-26 General

Subject: Request by Shasta County Office of Education 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 for special education students.

Waiver Number: 101-2-2011

(Recommended for APPROVAL WITH CONDITIONS)

Item W-27 General

Request by Imperial County Office of Education to waive *California Code of Regulations*, Title 5, Section 3043(d), which requires a minimum of 20 school days of attendance of four hours each for an extended school year (summer school) for special education students.

Waiver Number: 36-3-2011

(Recommended for APPROVAL WITH CONDITIONS)

Item W-28 Specific

Subject: Request by Waterford Unified 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). Jean Jacob is assigned at Richard Moon Primary School and Lucille Whitehead Intermediate School.

Waiver Number: 44-2-2011

(Recommended for APPROVAL WITH CONDITIONS)

END OF PROPOSED CONSENT ITEMS

NON-CONSENT WAIVER ITEMS

Item WC-1 General

Subject: Request by Alpaugh Unified School District to waive portions of California *Education Code* Section 51745.6, and *California Code of Regulations*, Title 5, sections 11704, and portions of Section 11963.4(a)(3), related to charter school independent study pupil-to-teacher ratios to allow an increase from a 25:1 to a 27.5:1 pupil-to-teacher ratio at California Connections Academy Schools.

Waiver Number: 100-2-2011

(Recommended for APPROVAL WITH CONDITIONS)

ACTION: Member Straus moved to approve CDE's staff recommendation to approve the waiver with conditions for one year. Member Aschwanden seconded the motion. The board voted, by show of hands, 9-0 to approve the motion. Member Rucker recused herself from participating in the item and vote.

WC-5 General

Subject: Request by twenty local educational agencies to waive portions of the California *Education Code* sections 35256(c) and 35258 regarding the annual deadline to make the annual School Accountability Report Card available in hard copy and on the internet by February 1.

Waiver Numbers: Various – see list attached to Item WC-5.

(Recommended for APPROVAL)

ACTION: Member Rucker moved to approve CDE's staff recommendation to approve the waiver with conditions for one year. Member Straus seconded the motion. The board voted, by show of hands, 9-0 to approve the motion.

Item WC-12 Specific

Subject: Request by fourteen 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: Various – See attached table

(Recommended for APPROVAL)

ACTION: Member Chan moved to approve the waiver request of sixteen school districts to waive *Education Code* Section 49550, the State Meal Mandate during the summer school session. Member Straus seconded the motion. The board voted, by show of hands, 9-1 to approve the motion.

Yes Votes: Members Aschwanden, Chan, Cohn, Cushman, Kirst, Molina, Rucker, Straus, and Williams

No Vote: Member Ramos

Item W-1 General

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: 117-2-2011, 15-3-2011, 68-2-2011, 176-12-2010, 86-2-2011, 178-12-2010, 116-2-2011, 65-1-2011, and 133-2-2011

(Recommended for APPROVAL WITH CONDITIONS)

ACTION: Member Ramos moved to postpone action to approve the class size penalty waiver request by La Habra City Elementary School District. Member Molina seconded the motion. The Board voted by a show of hands, 9-0 to approve the motion. Member Rucker recused herself from participating in the item and vote.

ACTION: Member Aschwanden moved to approve the waiver request of the districts listed in Item W-1, with the exception of La Habra City Elementary School District, to waive the class size penalty in grades four through eight with the condition that the class size average is not greater than the new maximum average each district listed on Attachment 1. Member Chan seconded the motion. The board voted, by show of hands, 9-0 to approve the motion. Member Rucker recused herself from participating in the item and vote.

Item W-2 Specific

Subject: Request by four districts, under the authority of California *Education Code* Section 41382, to waive portions of *Education Code* sections 41376(a), (c), and (d) and 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: 45-12-2010, 175-12-2010, 64-1-2011, and 119-2-2011

(Recommended for APPROVAL WITH CONDITIONS)

ACTION: Member Aschwanden moved to approve the request by four districts to waive portions of *Education Code* sections 41376(a), (c), and (d) and 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. Member Straus seconded the motion. The board voted, by show of hands, 9-0 to approve the motion. Member Rucker recused herself from participating in the item and vote.

Item W-5 General

Subject: Request by Lincoln Unified School District to waive California *Education Code (EC)* 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: 82-2-2011

(Recommended for DENIAL)

ACTION: Member Molina moved to approve request by Lincoln Unified School District to waive California *Education Code (EC)* Section 44663(b) evaluation dates of June 30 and July 30 for non-instructional certificated employees with the condition that the STAR data will not be used by the district as a basis for any adverse personnel actions. Member Straus seconded the motion. The board voted, by roll call, 6-4 to approve the motion.

Yes Votes: Members Chan, Cohn, Cushman, Molina, Straus, and Williams

No Votes: Members Aschwanden, Kirst, Ramos, and Rucker

Item W-10 General

Subject: Request by West Fresno Elementary School District to waive portions of California *Education Code* sections 35780 and 35782, which requires lapsation of a district with an average daily attendance of less than six.

Waiver Number: 33-3-2011

(Recommended for APPROVAL)

ACTION: Member Aschwanden moved to approve the waiver request. Member Williams seconded the motion. The board voted, by show of hands, 9-0 to approve the motion. Member Cohn was absent for the vote.

Item W-22 Specific

Subject: Request by San Diego Unified School District under authority of California *Education Code* Section 56101 for renewal of a "single child waiver" of *Education Code* Section 56366.1(a), the certification requirement for a nonpublic residential school, Judge Rotenberg Center, located in Canton, Massachusetts to allow one student (student number 010292026) to attend that school using special education funds. This request is also made to waive *Education Code* Section 56520(a)(3), *California Code of Regulations*, Title 5, Section 3052(a)(5), and Section 3052(l), to allow the use of aversive treatment for this student's self-injurious behavior.

Waiver Number: 14-3-2011

(Recommended for DENIAL)

ACTION: Member Aschwanden moved to approve the waiver request by San Diego Unified School District. Member Ramos seconded the motion. The board voted, by roll call, 7-2 to approve the motion. Member Cohn was absent for the vote.

Yes Votes: Members Aschwanden, Cushman, Kirst, Molina, Ramos, Straus, and Williams

No Votes: Members Chan and Rucker

Item W-29 Specific

Subject: Request by Summerville 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 Summerville High School.

Waiver Number: 3-3-2011
(Recommended for DENIAL)

ACTION: Member Chan moved to deny the waiver request. Member Cushman seconded the motion. The district must serve a meal if it chooses to operate a summer program. The board voted, by show of hands, 10-0 to approve the motion.

Item W-30 Specific

Subject: Request by Temple City Unified School District under the authority of California *Education Code* Section 49548 to waive *Education Code* Section 49550, the State Meal Mandate during the Summer School Session for Union Hills Elementary School.

Waiver Number: 28-3-2011
(Recommended for DENIAL)

ACTION: Member Chan moved to approve CDE's staff recommendation to deny the waiver request. The district must serve a meal if it chooses to operate a summer program. Member Molina seconded the motion. The board voted, by show of hands, 10-0 to approve the motion.

***** ADJOURNMENT OF MEETING *****