California State Board of Education

Meeting Agenda Items for January 15-16, 2014

Vision, Mission, and Goals

California State Board of Education vision, mission, and goals statement.

VISION

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

MISSION

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

GOALS

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

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

Last Reviewed: Tuesday, March 05, 2013

Bylaws

For the California State Board of Education, Amended January 16, 2013.

ARTICLE I

Authority

The California State Board of Education is established in the Constitution of the State of California and empowered by the Legislature through the California *Education Code*.

ARTICLE II

Powers and Duties

The Board establishes policy for the governance of the state's kindergarten through grade twelve public school system as prescribed in the *Education Code*, and performs other duties consistent with statute.

ARTICLE III

Members

APPOINTMENT

Section 1.

The State Board of Education consists of 11 members who are appointed by the Governor with the advice and consent of two-thirds of the Senate.

CC, Art. IX, Sec. 7
EC 33000 and 33000.5

TERM OF OFFICE

Section 2.

a. The term of office of the members of the Board is four years, except for the student member whose term is one year.
b. Except for the student member, who serves a one-year term, terms expire on January 15 of the fourth year following their commencement. Members, other than the student member, continue to serve until the appointment and qualification of their successors to a maximum of 60 days after the expiration of their terms. If the member is not reappointed and no successor is appointed within that 60-day period, the member may no longer serve and the position is deemed vacant. The term of the student member begins on August 1 and ends on July 31 of the following year.
c. If the Senate refuses to confirm, the person may continue to serve until 60 days have elapsed since the refusal to confirm or until 365 days have elapsed since the person first began performing the duties of the office, whichever occurs first.
d. If the Senate fails to confirm within 365 days after the day the person first began performing the duties of the office, the person may not continue to serve in that office following the end of the 365-day period.

EC 33001; 33000.5
GC 1774

VACANCIES

Section 3.

Any vacancy shall be filled by appointment by the Governor, subject to confirmation by two-thirds of the Senate. The person appointed to fill a vacancy shall hold office only for the balance of the unexpired term.

EC 33002

STUDENT MEMBER

Section 4.

Finalists for the student member position shall be selected and recommended to the Governor as prescribed by law.

EC 33000.5

COMPENSATION AND EXPENSES

Section 5.

Members of the Board shall receive their actual and necessary travel expenses while on official business. Each member shall also receive one hundred dollars ($100) for each day he or she is acting in an official capacity.

EC 33006
GC 11564.5

CONFLICT OF INTEREST CODE

Section 6.

Board members shall file statements of economic interest as required by the Fair Political Practices Commission. The terms of a standard Conflict of Interest Code, adopted by the Commission and as may be amended, are incorporated by reference and constitute the Conflict of Interest Code of the Board.

2 CCR 18730
5 CCR 18600

ARTICLE IV

Officers and Duties

PRESIDENT, VICE PRESIDENT

Section 1.

Officers of the Board shall be a president and a vice president. No member may serve as both president and vice president at the same time.

Section 2.

a. The president and vice president shall be elected annually in accordance with the procedures set forth in this section.
b. At the January meeting, the State Superintendent of Public Instruction shall ask members to nominate individuals for the office of president. At that same meeting, the president shall ask Board members to nominate individuals for the office of vice president. Any nomination for office must be seconded. No member may nominate or second the nomination for himself or herself for either office.
c. Six votes are necessary to elect an officer, and each officer elected shall serve for one year or until his or her successor is elected.
d. If, in the Board's judgment, no nominee for the office of president or vice president can garner sufficient votes

for election to that office at the January meeting, a motion to put the election over to a subsequent meeting is in order.

e. Newly elected officers shall assume office immediately following the election.
f. In the event a vacancy occurs in the office of president or vice president during a calendar year, an election shall be held at the next meeting. Any member interested in completing the one-year term of an office that has become vacant may nominate himself or herself, but each nomination requires a second.
g. The State Superintendent of Public Instruction shall preside only during the election proceedings for the office of president and for the conduct of any other business that a majority of the Board members may direct.

EXECUTIVE OFFICER

Section 3.

The State Superintendent of Public Instruction shall be secretary and shall act as executive officer of the Board.

EC 33004

DUTIES OF THE PRESIDENT

Section 4.

The president shall:

- serve as spokesperson for the Board;
- represent the position of the Board to the State Superintendent of Public Instruction;
- appoint members to serve on committees and as liaisons, as prescribed in these Bylaws, and as may be needed in his or her judgment properly to fulfill the Board's responsibilities;
- serve as an ex officio voting member of the Screening Committee and any ad hoc committees, either by substituting for an appointed member who is not present with no change in an affected committee's quorum requirement, or by serving as an additional member with the affected committee's quorum requirement being increased if necessary;
- preside at all meetings of the Board and follow-up with the assistance of the executive director to see that agreed upon action is implemented;
- serve, as necessary, as the Board's liaison to the National Association of State Boards of Education, or designate a member to serve in his or her place;
- serve, or appoint a designee to serve, on committees or councils that may be created by statute or official order where required or where, in his or her judgment, proper carrying out of the Board's responsibility demands such service;
- keep abreast of local, state, and national issues through direct involvement in various conferences and programs dealing with such issues, and inform Board members of local, state, and national issues;
- participate in selected local, state, and national organizations, which have an impact on public education, and provide to other members, the State Superintendent, and the staff of the Department of Education the information gathered and the opinion and perspective developed as the result of such active personal participation;
- provide direction for the executive director;
- and, along with the executive director, direct staff in preparing agendas for Board meetings, in consultation with other members as permitted by law, and determine priorities for the expenditure of board travel funds.

DUTIES OF THE VICE PRESIDENT

Section 5.

The vice president shall:

- preside at Board meetings in the absence of the president;
- represent the Board at functions as designated by the president; and
- fulfill all duties of the president when he or she is unable to serve.

DUTIES OF COMMITTEE CHAIR

Section 6.

The chair of the Screening Committee or any ad hoc committee shall:

- preside at meetings of the committee he or she chairs, except that he or she shall yield the chair to another committee member in the event he or she will be absent or confronts a conflict regarding any matter coming before the committee, and may yield the chair to another committee member for personal reasons; and
- in consultation with the president, other committee members, and appropriate staff, assist in the preparation of committee agendas and coordinate and facilitate the work of the committee in furtherance of the Board's goals and objectives.

DUTIES OF LIAISON OR REPRESENTATIVE

Section 7.

A Board member appointed as a liaison or representative shall:

- serve as an informal (non-voting) link between the Board and the advisory body or agency (or function) to which he or she is appointed as liaison or representative; and
- reflect the position of the Board, if a position is known to him or her, on issues before the advisory body or agency (or within the function) to which he or she is appointed as liaison or representative and keep the Board appropriately informed.

DUTIES OF A BOARD MEMBER APPOINTED TO ANOTHER AGENCY

Section 8.

The member shall:

- to every extent possible, attend the meetings of the agency and meet all responsibilities of membership; and
- reflect through his or her participation and vote the position of the Board, if a position is known to him or her, and keep the Board informed of the agency's activities and the issues with which it is dealing.

ARTICLE V

Meetings

REGULAR MEETINGS

Section 1.

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

EC 33007

SPECIAL MEETINGS

Section 2.

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

OPEN MEETINGS

Section 3.

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

GC 11120 et seq.

NOTICE OF MEETINGS

Section 4.

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

SPECIAL MEETINGS (ADDITIONAL PROVISIONS)

Section 5.

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

EC 33008
GC 11125

EMERGENCY MEETINGS

Section 5.

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

GC 11125.5
EC 33008
EC 33010

CLOSED MEETINGS

Section 6.

Closed sessions shall be held only in accordance with law.

GC 11126

QUORUM

Section 7.

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

ORDER OF BUSINESS

Section 8.

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

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

CONSENT CALENDAR

Section 9.

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

ARTICLE VI

Committees and Representatives

SCREENING COMMITTEE

Section 1.

a. The president shall appoint a Screening Committee composed of at least three Board members to screen and

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

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

AD HOC COMMITTEES

Section 2.

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

REPRESENTATIVES

Section 3.

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

ARTICLE VII

Public Hearings: General

SUBJECT OF A PUBLIC HEARING

Section 1.

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

5 CCR 18460
EC 33031
GC 11125

TIME LIMITS FOR THE PRESENTATION OF PUBLIC TESTIMONY

Section 2.

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

5 CCR 18463
EC 33031

WAIVER BY PRESIDING INDIVIDUAL

Section 3.

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

5 CCR 18464
EC 33031

ARTICLE VIII

Public Hearings: School District Reorganization

SUBMISSION OF PROPOSALS AND PETITIONS

Section 1.

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

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

CCR 18570

ARGUMENTS PRESENTED AT THE PUBLIC HEARING: ORIGINAL SUBMISSION

Section 2.

At the time and place of hearing, the Board (or staff if so directed by the Board) will receive oral or written arguments on the proposal or petition. The presiding individual may limit the number of speakers on each side of the issue, limit the time permitted for the presentation of a particular view, and limit the time of the individual speakers. The presiding individual may ask that speakers not repeat arguments previously presented.

CCR 18571

RESUBMISSION OF THE SAME OR ESSENTIALLY IDENTICAL PROPOSAL OR PETITION

Section 3.

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

CCR 18572

ARTICLE IX

Public Records

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

GC 6250 et seq.

ARTICLE X

Parliamentary Authority

RULES OF ORDER

Section 1.

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

Section 2.

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

Section 3.

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

Section 4.

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

Section 5.

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

ARTICLE XI

Board Appointments

ADVISORY BODIES

Section 1.

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

a. Advisory Commission on Special Education. The Board appoints five of 17 members to serve four-year terms. *EC 33590*

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

OTHER APPOINTMENTS

Section 2.

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

SCREENING AND APPOINTMENT

Section 3.

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

ARTICLE XII

Presidential Appointments

LIAISONS

Section 1.

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

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

OTHER

Section 2.

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

ARTICLE XIII

Amendment to the Bylaws

These Bylaws may be amended at any regular meeting of the Board, provided that the amendment has been

submitted in writing to the Board and members of the public with the meeting notice.

Abbreviations

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

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

Dates of Adoption and Amendment

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

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

Last Reviewed: Thursday, December 19, 2013

SBE Agenda for January 2014

Agenda for the California State Board of Education (SBE) meeting on January 15-16, 2014.

State Board Members

- Michael W. Kirst, President
- Ilene W. Straus, Vice President
- Sue Burr
- Carl Cohn
- Bruce Holaday
- Aida Molina
- Patricia A. Rucker
- Niki Sandoval
- Trish Williams
- Jesse Y. Zhang, Student Member
- *Vacancy*

Secretary & Executive Officer

- Hon. Tom Torlakson

Executive Director

- Karen Stapf Walters

The Local Control Funding Formula (LCFF) Items 20 and 21 will be heard
Thursday, January 16, 2014, commencing at 8:30 a.m.

Spanish translators and headsets will be available for these items.Members of the public wishing to send written comments are asked to send an electronic copy to SBE@cde.ca.gov with the item numbers clearly marked in the subject line. To ensure that your comments are received by board members in advance of the meeting, please submit these and any related materials to our office by **12:00 Noon on Friday, January 10, 2014**.

Sign-up sheets for testimony on all items, including the LCFF items, will be accessible to the public on Wednesday, January 15 at 8:00 a.m., near the entrance to the Board Room in the CDE building lobby.

For the LCFF items, individual speakers will be limited to **one minute each**. A group of five speakers may sign up together and designate one speaker who will be allocated a total of **three minutes for the group.**

Schedule of Meeting	Location
Wednesday, January 15, 2014 8:30 a.m. Pacific Time ± STATE BOARD OF EDUCATION **Public Session. The Closed Session will take place at approximately 11:30 a.m.** (The public may not attend.)	**California Department of Education** 1430 N Street, Room 1101 Sacramento, California 95814 916-319-0827

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

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

Schedule of Meeting	Location
Thursday, January 16, 2014 8:30 a.m. Pacific Time ±	**California Department of Education** 1430 N Street, Room 1101

STATE BOARD OF EDUCATION **Public Session, adjourn to Closed Session – IF NECESSARY.**	Sacramento, California 95814 916-319-0827

CLOSED SESSION AGENDA

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

- *Alejo, et al. v. Jack O'Connell, State Board of Education, et al.,* San Francisco County Superior Court, Case No. CPF-09-509568, CA Ct. of Appeal, 1st Dist., Case No. A130721
- *California School Boards Association, et al. v. California State Board of Education* and *Aspire Public Schools, Inc.,* Alameda County Superior Court, Case No. 07353566, CA Ct. of Appeal, 1st Dist., Case No. A122485, CA Supreme Court, Case No. S186129
- *California School Boards Association and its Education Legal Alliance, et al. v. The California State Board of Education, et al.*, Sacramento County Superior Court, Case No. 34-2008-00021188-CU-MC-GDS, CA Ct. of Appeal, 3rd Dist., Case No. No. C060957
- *D.J. et al. v. State of California, California Department of Education, Tom Torlakson, the State Board of Education,* Los Angeles Superior Court, Case No. BS142775.
- *Emma C.*, *et al. v. Delaine Eastin, et al.*, USDC (No.Dist.CA), Case No. C-96-4179
- *EMS-BP, LLC, Options for Youth Burbank, Inc., et al. v. California Department of Education, et al.*, Sacramento County Superior Court, Case No. 03CS01078 and 03CS01079 and related appeal
- *Graham et al. v the State Board of Education, the California Department of Education, Jack O'Connell, Fred Balcom, Tom Torlakson,* Los Angeles County Superior Court, Case No. BC482694, 2nd Dist., Case No. B245288
- *K.C. et al. v. Jack O'Connell, et al*., U.S. District Court, Northern District of California, Case No. C054077 MMC
- *Opportunity for Learning – PB, LLC; Opportunities Learning – C, LLC, and Opportunities for Learning WSH, LLC*, Notice of Appeal Before the Audit Appeals Panel
- *Options for Youth, Burbank, Inc., San Gabriel, Inc. Upland, Inc. and Victor Valley*, Notice of Appeal Before the Education Audit Appeals Panel, OAH Case No. 2006100966
- *Options for Youth-Victor Valley, et al. v. California Department of Education, et al.*, Los Angeles County Superior Court, Case No. BC347454
- *Perris Union High School District v. California State Board of Education, California Department of Education, et al.*, Riverside County Superior Court, Case No. RIC520862, CA Ct. of Appeal, 4th District, Case No. E055856
- *Porter, et al.,* v. *Manhattan Beach Unified School District, et al.*, United States District Court, Central District, Case No. CV-00-08402
- *Reed v. State of California, Los Angeles Unified School District, State Superintendent of Public Instruction, Jack O'Connell, California Department of Education,* and *State Board of Education, et al.*,
  Los Angeles County Superior Court, Case No. BC432420, CA Ct. of Appeal, 2nd Dist., Case No. B230817,
  CA Supreme Ct., Case No. 5191256
- *Shabazz, et al. v. Governor Edmund G. Brown Jr., California Attorney General Kamala Harris, Superintendent of Public Instruction Tom Torlakson, President California State Board of Education Dr. Michael Kirst, Does 1-50,* Alameda County Superior Court, Case No. RG12636192
- *Stoner Park Community Advocates v. City of Los Angeles, Department of Planning of the City of Los Angeles, Department of Transportation City of Los Angeles, New West Charter Middle School, and State Board of Education*, Los Angeles County Superior Court, Case No. BS138051
- *Today's Fresh Start, Inc. v. Los Angeles County Office of Education, et al.*, Los Angeles County Superior Court, Case No. BS112656, CA Ct. of Appeal, 2nd Dist., Case Nos. B212966 and B214470
- *Vergara et al. v. State of California, Governor Edmund G. Brown, Tom Torlakson, the California Department of Education, the State Board of Education,* Los Angeles County Superior Court, Case No. BC484642

Conference with Legal Counsel – Anticipated Litigation: Under *Government Code* sections 11126(e), the State Board of Education hereby provides public notice that it may meet in Closed Session to decide whether there is a significant exposure to litigation, and to consider and act in connection with matters for which there is a significant exposure to litigation. Under *Government Code* sections 11126(e)(1) and (e)(2), the State Board of Education hereby provides public notice that it may meet in Closed Session to decide to initiate litigation and to consider and act in connection with litigation it has decided to initiate.

Under *Government Code* Section 11126(c)(14), the State Board of Education hereby provides public notice that it may meet in Closed

Session to review and discuss the actual content of pupil achievement tests (including, but not limited to, the High School Exit Exam) that have been submitted for State Board approval and/or approved by the State Board.

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

ALL TIMES ARE APPROXIMATE AND ARE PROVIDED FOR CONVENIENCE ONLY

ALL ITEMS MAY BE HEARD IN A DIFFERENT ORDER THAN HOW THEY ARE LISTED ON THE AGENDA ON ANY DAY OF THE NOTICED MEETING

THE ORDER OF BUSINESS MAY BE CHANGED WITHOUT NOTICE

Time is set aside for individuals desiring to speak on any topic **not** otherwise on the agenda. Please see the detailed agenda for the Public Session. In all cases, the presiding officer reserves the right to impose time limits on presentations as may be necessary to ensure that the agenda is completed.

REASONABLE ACCOMMODATION FOR ANY INDIVIDUAL WITH A DISABILITY

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

CALIFORNIA STATE BOARD OF EDUCATION

FULL BOARD AGENDA
Public Session

January 15, 2014

Wednesday, January 15, 2014 – 8:30 a.m. Pacific Time ±
California Department of Education
1430 N Street, Room 1101
Sacramento, California 95814

- Call to Order
- Salute to the Flag
- Communications
- Announcements
- Report of the State Superintendent of Public Instruction
- Special Presentations
  Public notice is hereby given that special presentations for informational purposes may take place during this session.
- Agenda Items
- Adjournment

AGENDA ITEMS

Item 1 (DOC)

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

Type of Action: Action, Information

- Item 1 Attachment 2 (DOC)

Item 2 (DOC)

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

Type of Action: Action, Information

Item 3 (DOC)

Subject: 2014 Mathematics Adoption of Instructional Materials: Instructional Quality Commission Recommendations.

Type of Action: Action, Information

Item 4 (DOC)

Subject: Update on Statewide Assessment Transition Activities, including Assessment, Technology, and Data Management.

Type of Action: Information

Item 5 (DOC)

Subject: California Assessment of Student Performance and Progress (CAASPP): Approve the Finding of Emergency and Proposed Emergency Regulations for Amendments to the *California Code of Regulations*, Title 5, Sections 850 – 868.

Type of Action: Action, Information

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

Item 6 (DOC)

Subject: California Assessment of Student Performance and Progress (CAASPP): Approve Commencement of the Rulemaking Process for Amendments to the *California Code of Regulations*, Title 5, Sections 850 – 868.

Type of Action: Action, Information

- Item 6 Attachment 1 (DOC; 1MB)
- Item 6 Attachment 2 (DOC)
- Item 6 Attachment 3 (DOC)

Item 7 (DOC)

Subject: 2014 United States Senate Youth Program Presentation.

Type of Action: Information

Item 8 (DOC)

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 Program and California's Notice of Request to Waive Current Academic Assessments and Accountability from States that Participate in Field Testing of New State Assessments During the 2013–14 School Year Under the Elementary and Secondary Education Act Section 9401.

Type of Action: Action, Information

- Item 8 Attachment 1 (PDF)
- Accessible Alternative Version (AAV) of Item 8 Attachment 1

Item 9 (DOC)

Subject: Elementary and Secondary Education Act: Assignment of Corrective Action and Associated Technical Assistance for Each of

the 84 Local Educational Agencies in Cohort 7 of Program Improvement Year 3 and Submission of Annual Evidence of Progress for Local Educational Agencies in Cohorts 1–7 of Program Improvement Year 3.

Type of Action: Action, Information

- Item 9 Attachment 2 (XLS)

Item 10 (DOC)

Subject: Elementary and Secondary Education Act: Supplemental Educational Services Providers: Removal of Providers from the 2011–13, 2012–14, and 2013–15 Approval Lists for Failure to Submit a Complete 2012–13 Supplemental Educational Services Accountability Report or Failure to Meet the Regulatory Requirements of Provision of Services.

Type of Action: Action, Information

Item 11 (DOC; 2MB)

Subject: Elementary and Secondary Education Act: School Improvement Grant: Approval of the State's Application for the Fiscal Year 2013 School Improvement Grant Under Section 1003(g) of the Elementary and Secondary Education Act.

Type of Action: Action, Information

- Item 11 Attachment 3 (DOC)
- Item 11 Attachment 4 (DOC; 2MB)
- Item 11 Attachment 5 (XLS)

Item 12 (DOC)

Subject: Approval of 2013–14 Consolidated Applications.

Type of Action: Action, Information

PUBLIC HEARING

A Public Hearing on the following agenda item will commence no earlier than 3:00 p.m. on January 15, 2014. The Public Hearing will be held as close to 3:00 p.m. as the business of the State Board permits.

Item 13 (DOC)

Subject: Ingenium Charter School: Consider a Material Revision of the Charter to Change from Grades Kindergarten Through Six to Grades Kindergarten Through Five.

Type of Action: Action, Information, Hearing

- Item 13 Attachment 1 (PDF)
- Item 13 Attachment 2 (XLS)
- Item 13 Attachment 3 (PDF; 5MB)
- Item 13 Attachment 4 (PDF)

END OF PUBLIC HEARING

WAIVERS / ACTION AND CONSENT ITEMS

The following agenda items include waivers that are proposed for consent and those waivers scheduled for separate action if recommended for denial. Waivers proposed for consent are so indicated on each waiver's agenda item; however, any board member may remove a waiver from proposed consent and the item may be heard individually. Members of the public may comment on waivers on proposed consent or waivers for separate action by signing up on the appropriate sign-in sheet.

Independent Study Program (Pupil Teacher Ratio)

Item W-01 (DOC)

Subject: Request by Alpaugh Unified School District for a renewal 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 ratio to allow an increase from 25:1 to a 27.5:1 pupil-to-teacher ratio at Central California Connections Academy Charter School.

Waiver Number: 2-9-2013

(Recommended for APPROVAL WITH CONDITIONS)

Physical Education Program (Block Schedules)

Item W-02 (DOC)

Subject: Request by Fremont Unified 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 Kennedy High School.

Waiver Number: 18-9-2013

(Recommended for APPROVAL)

Special Education Program (Educational Interpreter for Deaf and Hard of Hearing)

Item W-03 (DOC)

Subject: Request by Hanford Joint Union High 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 Edmondson to continue to provide services to students until June 30, 2014, under a remediation plan to complete those minimum requirements.

Waiver Number: 5-9-2013

(Recommended for APPROVAL WITH CONDITIONS)

State Testing Apportionment Report

Item W-04 (DOC)

Subject: Request by three 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 Title5, 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:

- Berryessa Union Elementary School District 11-10-2013
- Covina-Valley Unified School District 15-10-2013
- Sacramento City Unified School District 13-9-2013

(Recommended for APPROVAL)

Community Day Schools (Colocate Facilities/Commingle Grade Levels)

Item W-05 (DOC)

Subject: Request by two local educational agencies to waive portions of California *Education Code* Section 48661(a), relating to the colocation of a community day school with other types of schools. The third request is to waive California *Education Code* Section 48916.1(d) portions of California *Education Code* Section 48660, relating to the allowable grade spans for community day schools.

Waiver Numbers:

- Chawanakee Unified School District 14-10-2013

Folsom-Cordova Unified School District 21-10-2013
- Palo Verde School District 7-9-2013

(Recommended for APPROVAL WITH CONDITIONS)

Equity Length of Time (Equity Length of Time)

Item W-06 (DOC)

Subject: Request by two districts to waive California *Education Code* Section 37202(a), the equity length of time requirement for Transitional kindergarten students.

Waiver Numbers:

- Escalon Unified School District 15-9-2013
- Douglas City Elementary School District 4-10-2013

(Recommended for APPROVAL WITH CONDITIONS)

Other Waivers (Dental Screening)

Item W-07 (DOC)

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

Waiver Number: 16-8-2013

(Recommended for APPROVAL WITH CONDITIONS)

School District Reorganization (Elimination of Election and Effective Date for Reorganization)

Item W-08 (DOC)

Subject: Request by two school districts to waive portions of California *Education Code* Section 35710, regarding the elimination of election requirement and portions of California *Education Code* Section 35534, regarding effective date of reorganization.

Waiver Numbers:

- Pleasant Valley Elementary School District 6-11-2013
- Ready Springs Union Elementary School District 5-11-2013

(Recommended for APPROVAL)

School District Reorganization (Elimination of Trustee Area Elections)

Item W-09 (DOC)

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

Waiver Numbers:

- Alvord Unified School District 1-10-2013
- Newman-Crows Landing Unified School District 13-10-2013
- Salida Union Elementary School District 12-10-2013

(Recommended for APPROVAL)

Schoolsite Council Statute (Number and Composition of Members)

Item W-10 (DOC)

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

Waiver Numbers:

- Fontana Unified School District 16-9-2013
- Fontana Unified School District 17-9-2013
- Franklin-McKinley Elementary School District 16-10-2013
- Franklin-McKinley Elementary School District 17-10-2013
- Merced River Union Elementary School District 4-9-2013
- River Delta Joint Unified School District 9-9-2013
- Sequoia Union High School District 8-9-2013
- Shasta County Office of Education 10-9-2013

(Recommended for APPROVAL WITH CONDITIONS)

Class Size Penalties (Over Limit on Kindergarten and Grades 1-3)

Item W-11 (DOC)

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) and/or 41378(a) through (e), relating to class size penalties for kindergarten through grade three. For kindergarten, the overall class size average is 31 to one with no class larger than 33. For grades one through three, the overall class size average is 30 to one with no class larger than 32.

Waiver Numbers:

- Ramona City Unified School District 2-10-2013
- Redondo Beach Unified School District 22-10-2013
- Redwood City Elementary School District 24-10-2013
- Redwood City Elementary School District 23-10-2013

(Recommended for APPROVAL WITH CONDITIONS)

Class Size Penalties (Over Limit on Grades 4-8)

Item W-12 (DOC)

Subject: Request by Merced City Elementary School District for a renewal to waive portions of California *Education Code* Section 41376(b) and (e), relating to class size penalties for grades four through eight. Adistrict'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 Number: 5-10-2013

(Recommended for APPROVAL WITH CONDITIONS)

Quality Education Investment Act (Class Size Reduction Requirements)

Item W-13 (DOC)

Subject: Request by Heber 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.

Waiver Number: 20-10-2013

(Recommended for APPROVAL WITH CONDITIONS)

Quality Education Investment Act (Class Size Reduction Requirements)

Item W-14 (DOC)

Subject Request by Ontario-Montclair School District to waive portions of California *Education Code* Section 52055.740(a), regarding class size reduction requirements under the Quality Education Investment Act.

Waiver Numbers:

- 6-10-2013
- 7-10-2013
- 8-10-2013
- 9-10-2013

(Recommended for APPROVAL WITH CONDITIONS)

Quality Education Investment Act (Teacher Experience Index)

Item W-15 (DOC)

Subject: Request by Richland Union Elementary School District to waive portions of California *Education Code* Section 52055.740(a), regarding the Teacher Experience Index under the Quality Education Investment Act.

Waiver Number: 12-9-2013

(Recommended for APPROVAL WITH CONDITIONS)

END OF WAIVERS

Item 14 (DOC)

Subject: California Assessment of Student Performance and Progress: Approval of 2014 School District Apportionment Amounts.

Type of Action: Action, Information

Item 15 (DOC; 1MB)

Subject: English Language Arts/English Language Development Instructional Materials Adoption – Approve Commencement of the Rulemaking Process for Amendments to the *California Code of Regulations*, Title 5, Section 9517.3.

Type of Action: Action, Information

Item 16 (DOC)

Subject: *Science Framework for California Public Schools, Kindergarten Through Grade Twelve*, 2016 Revision: Approval of the Timeline of Significant Events and the Curriculum Framework and Evaluation Criteria Committee Application Form.

Type of Action: Action, Information

Item 17 (DOC)

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

Type of Action: Action, Information

Item 18 (DOC)

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

Type of Action: Action, Information

Item 19 (DOC; 1MB)

Subject: Civic Center Act: Approve Commencement of a 15-Day Public Comment Period for Proposed Amendments to *California Code of Regulations*, Title 5, sections 14037-14042.

Type of Action: Action, Information

- Item 19 Attachment 4 (PDF; 1MB)
- Accessible Alternative Version (AAV) of Item 19 Attachment 4

ADJOURNMENT OF DAY'S SESSION

FULL BOARD AGENDA
Public Session

January 16, 2014

Thursday, January 16, 2014 – 8:30 a.m. Pacific Time ±
California Department of Education
1430 N Street, Room 1101
Sacramento, California 95814

- Call to Order
- Salute to the Flag
- Communications
- Announcements
- Report of the State Superintendent of Public Instruction
- Special Presentations
  Public notice is hereby given that special presentations for informational purposes may take place during this session.
- Agenda Items
- Adjournment

The Local Control Funding Formula (LCFF) Items 20 and 21 will be heard
Thursday, January 16, 2014, commencing at 8:30 a.m.

Spanish translators and headsets will be available for these items.Members of the public wishing to send written comments are asked to send an electronic copy to SBE@cde.ca.gov with the item numbers clearly marked in the subject line. To ensure that your comments are received by board members in advance of the meeting, please submit these and any related materials to our office by **12:00 Noon on Friday, January 10, 2014**.

Sign-up sheets for testimony on all items, including the LCFF items, will be accessible to the public on Wednesday, January 15 at 8:00 a.m., near the entrance to the Board Room in the CDE building lobby.

For the LCFF items, individual speakers will be limited to **one minute each**. A group of five speakers may sign up together and designate one speaker who will be allocated a total of **three minutes for the group.**

AGENDA ITEMS

Item 20 (DOC)

Subject: Local Control Funding Formula Spending Requirements (LCFF) and Local Control and Accountability Plan (LCAP) – Approve the Finding of Emergency and Proposed Emergency Regulations for Additions to the *California Code of Regulations*, Title 5, Sections 15494-15497.

Type of Action: Action, Information

- Item 20 Attachment 1 (DOC)
- Item 20 Attachment 2 (DOC)
- Item 20 Attachment 3 (DOC)
- Item 20 Attachment 4 (DOC)
- Item 20 Attachment 5 (DOC; 2MB)

Item 21 (DOC)

Subject: Local Control Funding Formula Spending Requirements (LCFF) and Local Control and Accountability Plan (LCAP) – Approve Commencement of the Rulemaking Process for Additions to *California Code of Regulations*, Title 5, Sections 15494-15497.

Type of Action: Action, Information

- Item 21 Attachment 1 (DOC)
- Item 21 Attachment 2 (DOC; 1MB)
- Item 21 Attachment 3 (DOC)
- Item 21 Attachment 4 (DOC)
- Item 21 Attachment 5 (DOC)

Item 22 (DOC)

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

Type of Action: Information

ADJOURNMENT OF MEETING

This agenda is posted on the State Board of Education's Web site [http://www.cde.ca.gov/be/ag/]. For more information concerning this agenda, please contact the State Board of Education at 1430 N Street, Room 5111, Sacramento, CA, 95814; telephone 916-319-0827; facsimile 916-319-0175. Members of the public wishing to send written comments about an agenda item to the board are encouraged to send an electronic copy to SBE@cde.ca.gov, with the item number clearly marked in the subject line. In order to ensure that comments are received by board members in advance of the meeting, please submit these and any related materials to our office by 12:00 Noon on Friday, January 10, 2014, the Friday prior to the meeting.

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

Last Reviewed: Friday, January 03, 2014

California State Board of Education

Meeting Agenda Items for January 15-16, 2014

ITEM 01

CALIFORNIA STATE BOARD OF EDUCATION

JANUARY 2014 AGENDA

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

SUMMARY OF THE ISSUE(S)

1. State Board of Education (SBE) Draft Preliminary Report of Actions/Minutes for the November 6-7, 2013 Meeting

2. SBE Screening Committee recommendations for appointing members to:

    a. Instructional Quality Commission

    b. Child Nutrition Advisory Council

    c. Advisory Commission on Special Education

    d. Advisory Commission on Charter Schools

3. Election of SBE Officers – President and Vice President

4. Board member liaison reports

RECOMMENDATIONS

The SBE staff recommends that the SBE:

1. Approve the Preliminary Report of Actions/Minutes for the November 6-7, 2013 SBE meeting. (Attachment 1)

2. Approve the SBE Screening Committee's recommendations for appointing members to the Instructional Quality Commission, the Child Nutrition Advisory Council, Advisory Committee on Special Education, and the Advisory Commission on Charter Schools, as specified in Attachment 2.

3. Take up the election of officers.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

At each regular meeting, the SBE has traditionally had an agenda item under which to address “housekeeping” matters, such as agenda planning, non-closed session litigation updates, non-controversial proclamations and resolutions, bylaw review and revision, Board policy; Board minutes; Board liaison reports; and other matters of interest. The State Board has asked that this item be placed appropriately on each agenda.

FISCAL ANALYSIS (AS APPROPRIATE)

Not applicable.

ATTACHMENT(S)

Attachment 1: State Board of Education Draft Preliminary Report of Actions/Minutes for the November 2013 SBE meeting (21 Pages) may be viewed at the following link: http://www.cde.ca.gov/be/mt/ms/

Attachment 2: SBE Screening Committee Recommendations for appointment to the Instructional Quality Commission (IQC), the Child Nutrition Advisory Council (CNAC), Advisory Committee on Special Education (ACSE) and the Advisory Committee on Charter Schools (ACCS) (2 Pages).

State Board of Education (SBE) Screening Committee Recommendations for Appointment to the Instructional Commission (IQC), the Child Nutrition Advisory Council (CNAC), the Advisory Commission on Special Education (ACSE), and the Advisory Commission on Charter Schools (ACCS).

The SBE Screening Committee recommends that the following individuals be reappointed to the **IQC.**

Name	Term
Lori Freiermuth	January 15, 2014 – December 31, 2016
Marlene Galvan	January 15, 2014 – December 31, 2016
Bill Honig	January 15, 2014 – December 31, 2016

The SBE Screening Committee recommends that the following individual be appointed to the **IQC**.

Name	Term
Robert Foster	January 15, 2014 – December 31, 2016

The SBE Screening Committee recommends that the following individuals be reappointed to the **CNAC.**

Name	Term
Lawrence Herrera	January 15, 2014 – December 31, 2016
Lucy McProud	January 15, 2014 – December 31, 2016
Barbara Rohrer	January 15, 2014 – December 31, 2016
Trish Vance	January 15, 2014 – December 31, 2016

The SBE Screening Committee recommends that the following individual be appointed to the **ACSE.**

Name	**Term**
Mildred Browne	January 15, 2014 – December 31, 2015

The SBE Screening Committee recommends that the following individuals be reappointed to the **ACCS.**

Name	**Term**
Ari Engelberg	January 15, 2014 – December 31, 2016
John Porter	January 15, 2014 – December 31, 2016
Mark Ryan	January 15, 2014 – December 31, 2016
Christopher Thomsen	January 15, 2014 – December 31, 2016

California State Board of Education

Meeting Agenda Items for January 15-16, 2014

ITEM 02

CALIFORNIA STATE BOARD OF EDUCATION

JANUARY 2014 AGENDA

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

SUMMARY OF THE ISSUE(S)

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

RECOMMENDATION

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

BRIEF HISTORY OF KEY ISSUES

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

The *CCSS Systems Implementation Plan for California,* available on the CDE CCSS Web page at http://www.cde.ca.gov/re/cc/, was jointly presented by the SBE and State Superintendent of Public Instruction (SSPI) to the Governor and the California State Legislature in March 2012. A Web-based interactive timeline that provides detailed information regarding the statewide implementation projects included in the plan is available on the CDE CCSS Systems Implementation—Significant Milestones Web page at http://www.cde.ca.gov/re/cc/tl/index.asp.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

July 2011-November 2013: The CDE presented to the SBE a series of regular updates on the implementation of the CCSS.

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

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

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

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

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

FISCAL ANALYSIS (AS APPROPRIATE)

The cost of implementing the CCSS is significant, but will be offset by the improved efficiencies, benefits of shared costs with other states, and the shifting of current costs to CCSS activities. Currently, the CDE is providing free professional learning support via webinars and presentations and is providing ongoing guidance to the field for transitioning to the CCSS. In terms of instructional materials, costs will span multiple years but will be offset by access to a national market of materials and greater price competition in so long as California does not add state-specific evaluation criteria. Nonetheless, the implementation of new CCSS-aligned assessments, professional learning supports, and instructional materials will require a shifting and infusion of new resources. Assembly Bill 86 (Chapter 48, Statutes of 2013), Section 85, appropriates $1.25 billion to support the integration of academic content standards in instruction

adopted pursuant to sections 60605.8, 60605.85, 60605.10, 60605.11, and 60811.3 of the California *Education Code*.

ATTACHMENT(S)

Attachment 1: Common Core State Standards Systems Implementation Plan Highlights: November—December 2013 (4 pages)

Attachment 2: Common Core State Standards Implementation Outreach: California State Board of Education and California Department of Education Activities (6 pages)

Attachment 3: California Department of Education CCSS Professional Learning Modules for Educators (5 pages)

Common Core State Standards Systems Implementation Plan Highlights: November-December 2013

1. Facilitate high quality professional learning opportunities for educators to ensure that every student has access to teachers who are prepared to teach to the levels of rigor and depth required by the CCSS.

- The California Department of Education (CDE) has released three new additions to the collection of Common Core State Standards (CCSS) professional learning modules (PLMs) for educators:

  - Content Literacy in History/Social Studies, Grade Six through Grade Twelve: This module provides secondary educators with information to better understand the CCSS for Literacy in History/Social Studies. Using an inquiry-based approach while implementing the CCSS in the history/social studies classroom will deepen student understanding of historical content, improve critical thinking, and develop academic literacy. The module features teacher discussions and reflection, classroom videos, and student work samples to model methods for using the CCSS to promote students' close reading of historical documents, student discussions, and argumentative writing.

  - Getting Started with the California English Language Development Standards: This module is Part 1 of a two-part English Language Development (ELD) module series, which is designed to ensure English learner students have access to the CCSS for English Language Arts and Literacy in History/Social Studies, Science, and Technical Subjects (ELA/Literacy). This module provides an overview of the components of the ELD standards and how they are aligned to the CCSS.

  - Multi-tiered System of Supports: A Comprehensive Framework for Implementing the California Common Core State Standards: The Multi-tiered System of Supports (MTSS) module provides an introduction to the MTSS as a comprehensive framework for system-wide supports and structures to address barriers to access and opportunity for ALL students to meet the CCSS for ELA/Literacy. The module will present a description of each of the tiers of support beginning with a focus on "high-quality first-time instruction" within Tier 1 utilizing the concepts of Universal Design for Learning (UDL), evidence-based

instructional and engagement strategies, collaboration, accommodations, and data analysis for instructional planning and design.

Twelve online PLMs are currently available for teachers to access independently or for schools or districts to use as facilitated professional learning. The PLMs were designed to deepen educators' understanding of the CCSS; instructional strategies to support the learning of all pupils, including English learners, pupils with disabilities, and underperforming pupils; and instructional strategies that promote creativity, innovation, critical thinking, problem solving, collaboration, and communication skills in all academic content areas.

The modules are located on the Brokers of Expertise (BoE) Web site located at http://ccssplm.myboe.org/. The BoE Web site also offers resources and a platform for questions about the CCSS. More information is available on the CDE Professional Learning Modules for Educators Web page at http://www.cde.ca.gov/re/cc/ccssplm.asp.

A summary of the CDE CCSS Professional Learning Modules for Educators project is provided in Attachment 3.

- CDE staff participated in a joint meeting of the Council of Chief State School Officers Implementing Common Core State Standards and State Consortium on Educator Effectiveness multi-state groups in Florida on December 3 and 4. The California team had the opportunity to collaborate with other states in learning more regarding the role of school leaders in supporting the transition to the CCSS.

2. Provide CCSS-aligned instructional resources designed to meet the diverse needs of all students.

- The English language arts/English language development (ELA/ELD) Curriculum Framework and Evaluation Criteria Committee completed its work on September 26 and 27 and forwarded the draft ELA/ELD curriculum framework to the Instructional Quality Commission. At its November meeting, the Commission reviewed the document and made modifications, most notably in Chapter 12: Instructional Materials. After receiving written and oral comments from educators and legislators, the Commission removed a criterion for publishers of instructional materials that had suggested levels of content and curriculum by instructional minutes and program types to address the adequacy and depth of content in instructional programs. The draft framework includes a number of new features, including an organizational design around key themes, the use of snapshots and vignettes to demonstrate integration of ELA and ELD, and links to resources and instructional support. The draft framework was approved for field review and will be available on the CDE website from mid-December through mid-February for public comment.

- The Instructional Quality Commission recommendations for the 2014 Mathematics adoption of instructional materials will be presented in Item 3.

3. Develop and transition to CCSS-aligned assessment systems to inform instruction, establish priorities for professional learning, and provide tools for accountability.

- An update regarding statewide assessment transition activities; including assessment, accountability, technology, and data management; will be provided in Item 4.

5. Collaborate with the postsecondary and business communities to ensure that all students are prepared for success in career and college.

- Representatives from the Intersegmental Coordinating Committee, the Association of California Independent Colleges and Universities, the California Community Colleges Chancellor's Office, the University of California Office of the President, the California State University System, the State Board of Education (SBE), and the CDE participated in the first *Improving Student Learning at Scale* meeting in Los Angeles on November 18 and 19. The meeting was convened to support the six states that received National Governors Association grants to steer higher education policy and practice in support of the CCSS transition. The California team had the opportunity to learn more regarding effective CCSS communications, discuss and analyze the State's implementation of the CCSS, and identify areas for further collaboration and alignment.

- In December, CDE staff—in collaboration with the California Community College Chancellor's Office, the California Workforce Investment Board, and the Pathways to Prosperity Network—hosted three Pathways to Prosperity Institutes in Sacramento, Clovis, and Los Angeles. Education, business, industry, and other agency representatives attended these events. Held December 17-19, the Institutes were designed to facilitate collaboration between educational agencies and businesses to create regional career pathways aligned to local labor market needs; integrate academic and career-based learning aligned to high-need, high-growth, and emerging regional economic sectors; and establish effective work-based learning programs between educational agencies and businesses. More information regarding these events is available in the CDE Pathways to Prosperity Institutes News Release at http://www.cde.ca.gov/nr/ne/yr13/yr13rel121.asp.

7. Design and establish systems of effective communication among stakeholders to continuously identify areas of need and disseminate information.

- The CDE promotes new CCSS-related resources via the CDE CCSS Web page and listserv. Summary of Web-based Outreach Data:

	September	October	November
Listserv Subscribers	8,234	8,693	8,846
Total Web Page Hits	431,337	436,155	364,674

- A summary of select outreach and communications activities of the CDE and SBE is provided in Attachment 2 of this item.

Common Core State Standards Implementation Outreach
California State Board of Education and California Department of Education Activities

Engage partners in facilitating two-way communication and leverage local and state implementation activities.

Dates/Events	Participants	Description
October 31, 2013 **Present to California Legislative Staff**	**35 Legislative staff members** **California Department of Education (CDE)/State Board of Education (SBE) Team:** **Tom Adams, Barbara Murchison, Russ Weikle, Diane Hernandez**	Presentation on various elements of the Common Core Standards (CCSS) system, including curriculum frameworks, instructional resources, communications, Career Technical Education standards, and transitioning to the new assessment system.
November 6, 2013 **Present to Migrant Education Regional Directors**	**Approximately 30 Migrant Education Regional Directors** **California Department of Education (CDE)/State Board of Education (SBE) Team:** Cynthia Gunderson, Lillian Perez	Update on the development of the *English Language Arts/English Language Development Framework,* including the upcoming 60-day public review period from mid-December 2013 to mid-February 2014.

Dates/Events	Participants	Description
November 15, 2013 **Present to Curriculum Instruction Steering Committee (CISC) of the County Superintendents**	**75 county office administrators** **CDE/SBE Team:** Karen Stapf-Walters, Nancy Brownell, Tom Adams, Kristin Cruz Allen	Provide an update on math framework, Local Control Funding, National Governors Association (NGA) Higher Education Grant.
November 18-19 2013 **Attend National Governor's Association (NGA) "Improving Student Learning at Scale Cross State Workshop"**	**State leaders from 6 states who received NGA Grants** **CDE/SBE Team:** Nancy Brownell, Barbara Murchison	Participate in two-day conference for grantees related to the role of higher education in implementing common core standards.
November 18, 2013 **Present to Corona-Norco Superintendent, Teachers' Council and District Administrators**	**50 district leaders** **CDE/SBE Team:** Deb Sigman	Provide an update on assessment and accountability issues and respond to participants' questions.

Dates/Events	Participants	Description
November 20, 2013 **Present to teachers from Mother Lode Union School District**	**60 school and district staff** **CDE/SBE Team:** Nancy Brownell	Provide an overview of Common Core State Standards (CCSS) for Literacy and Smarter Balanced sample items and practice test resources.
November 21, 2013 **Provide update to Region VII's Third Annual Common Core Conference**	**200 district administrators and teachers** **CDE/SBE Team:** Nancy Brownell	Present an update State Board Meeting items related to Common Core implementation, framework development and Smarter Balanced Assessment development activities.
December 3-4, 2013 **Attend ICCS/SCEE meeting with state teams**	**200 participating state administrators and other educators** **CDE/SBE Team:** Nancy Brownell, Barbara Murchison, Linda Nichols	Participate with other state teams for a meeting on Implementing the Common Core Standards (ICCS) and State Consortium on Educator Effectiveness (SCEE) *Supporting Principal Effectiveness in Leading Teacher Evaluation and Supports and Common Core Implementation.*
December 4-6, 2013 **Attend California Educational Research Association (CERA) annual conference**	**400 educators and researchers** **CDE/SBE Team:** Deb Sigman, Keric Ashley, Diane Hernandez, Eric Zilbert, Lily Roberts, Jenny Sing, Nancy Brownell	Provide various sessions on updates related to CCSS implementation, Smarter Balanced assessment timelines, progress to date on accountability conversations, and communication strategies.

Dates/Events	Participants	Description
December 5-7, 2013 **Present to Annual CA School Boards Association (CSBA) conference**	**800 school board members and Superintendents** **CDE/SBE Team:** Deb Sigman, Nancy Brownell, Barbara Murchison, Tom Adams, Carrie Roberts	Provide an update from CDE on current work in progress related to Smarter Balanced assessment system, development of curricular frameworks and instructional materials and communication and planning strategies for implementing CCSS.
December 9-10, 2013 **Present Accountability Leadership Institute for English Learners and Migrant Students Annual Conference**	**800 conference participants** **CDE/SBE Team:** Lupita Cortez Alcala, Karen Cadiero-Kaplan, Nancy Brownell, Tom Adams, and staff from the Instruction and Learning Support and District School and Innovation Branches	Convene the annual Leadership Conference for updates on CCSS implementation, Smarter Balanced assessment resources, instructional resources and framework development timelines, and other sessions for increasing success of English Learners and migrant students. This event offers the opportunity to exchange ideas and expand partnerships with colleagues and organizations as we strive to reach our goal of ensuring that ELs and immigrant students achieve English proficiency and meet or exceed state academic standards.

Dates/Events	Participants	Description
December 10, 2013 **Attend and present to the National Association of State Boards of Education Regional College and Career Readiness Policy Institute**	**20 conference participants** **CDE/SBE Team:** Sue Burr, Patricia de Cos, Nancy Brownell	Share strategies on common core implementation and professional learning resources with State Board members from Utah, Colorado, Washington, Guam and other policy organizations.
December 12, 2013 **Sponsor California Smarter Balanced Joint Work Group meeting**	**30 invited participants** **CDE/SBE Team:** Deb Sigman and 13 staff from the District Schools and Innovation Branch.	Identify critical local implementation issues for the Smarter Balanced Field test, generate suggestions for problem solving related to policies and delegation of authority, technology procurement and deployment, professional development, communication, student access and accommodations, and project management. Goal is to produce a guidance document for field test implementation.
December 12, 2013 **Present to Mother Lode Union School District**	**30 teachers and parents** **CDE/SBE Team:** Nancy Brownell	Provide an update on common core implementation including key instructional shifts, considerations for literacy instruction, Smarter Balanced sample items, and strategies for parents to support their children's success.

Dates/Events	Participants	Description
December 21, 2013 **Present to CSUS Doctorate in Educational Leadership students**	**30 Doctoral candidates** **California Department of Education (CDE)/State Board of Education (SBE) Team:** Barbara Murchison	Presentation on California's implementation of the Common Core State Standards system.

California Department of Education Common Core State Standards Professional Learning Modules for Educators

As specified by Assembly Bill 250 (Statutes of 2011), in order to assist educators across the state in the implementation of the California Common Core State Standards (CCSS), the California Department of Education (CDE) facilitated a Statewide Task Force meeting of experts from relevant fields and representing all levels of education to select goals, topics, and strategies for the CCSS Professional Learning Modules (PLMs) in February 2012. The Task Force members based professional learning criteria for the PLMs on *The California Standards for the Teaching Profession* (CDE, 2009), *The Standards for Professional Learning* (Learning Forward, 2011), and what they knew educators needed from their work in the field. The goals of the PLMs as stated in the legislation were to deepen educators' understanding of the following:

- The CCSS
- Instructional strategies to support the learning of all students, including English learners, students with disabilities, and underperforming students
- Instructional strategies that promote creativity, innovation, critical thinking, problem solving, collaboration, and communication skills in all academic content areas
- The integration of subject content knowledge
- Instructional leadership and coaching

The PLMs were developed in collaboration with the following organizations, which were selected based on documented expertise in the relevant content areas:

- K-12 Alliance at WestEd
- The California Arts Project at California State University, San Bernardino
- The California Mathematics Project at the University of California, Los Angeles
- The California Science Project, Statewide Office
- The California Writing Project at the University of California, Berkeley
- Los Angeles County Office of Education
- Orange County Office of Education
- Sacramento County office of Education
- San Joaquin County Office of Education
- San Mateo County Office of Education
- Ventura County Office of Education

- WestEd

Since September 2012, 12 PLMs have been published on the Brokers of Expertise (BoE) Web site, located at www.myboe.org, as they were completed and approved. Educators may access the PLMs individually, with partners or small groups, or in facilitated settings. The links to each module are provided below:

1. Overview of the Common Core State Standards for California Educators
   http://myboe.org/portal/default/Content/Viewer/Content?action=2&scId=306588

2. Mathematics: Kindergarten through Grade Eight Learning Progressions
   http://myboe.org/portal/default/Content/Viewer/Content?action=2&scId=306589

3. Mathematics: Kindergarten through Grade Twelve Standards for Mathematical Practice
   http://myboe.org/portal/default/Content/Viewer/Content?action=2&scId=306591

4. English Language Arts: Informational Text—Reading
   http://myboe.org/portal/default/Content/Viewer/Content?action=2&scId=306592

5. English Language Arts: Writing to Inform, Argue, and Analyze
   http://www.myboe.org/portal/default/Content/Viewer/Content?action=2&scId=504695

6. Content Literacy for Technical Subjects
   http://www.myboe.org/portal/default/Content/Viewer/Content?action=2&scId=505198&sciId=13660

7. Assessment Literacy
   http://www.myboe.org/portal/default/Content/Viewer/Content?action=2&scId=505706

8. Content Literacy in History/Social Studies, Kindergarten through Grade Five
   http://www.myboe.org/portal/default/Content/Viewer/Content?action=2&scId=507082

9. Content Literacy for Science
   http://myboe.org/portal/default/Content/Viewer/Content?action=2&scId=506599

10. Content Literacy for History/Social Studies, Grade Six through Twelve
    http://myboe.org/portal/default/Content/Viewer/Content?action=2&scId=508656

11. Getting Started with the California English Language Development Standards http://myboe.org/portal/default/Content/Viewer/Content?action=2&scId=509334

12. MTSS: A Framework for Implementation of the CA CCSS*

13. A Deeper Dive into the California English Language Development Standards* (available February 2014)

*Links to these modules were not available at time of posting. Links will be provided on the CDE Professional Learning Modules for Educators Web page at http://www.cde.ca.gov/re/cc/ccssplm.asp when the modules become available.

Feedback from the field has been favorable regarding the PLMs. The following table provides data from September 1, 2012 through November 12, 2013, on how often the PLMs are being accessed by educators. The PLMs are listed in order of being uploaded to the Brokers of Expertise Web site which explains the declining number of "hits" in the table. The last six modules have been available for six months or less.

PLM	**# Hits**
Overview of the Common Core State Standards for California Educators	16,701
Mathematics: Kindergarten through Grade Eight Learning Progressions	11,682
Mathematics: Kindergarten through Grade Twelve Standards for Mathematical Practice	13,441
English Language Arts: Informational Text—Reading	12,609
English Language Arts: Writing to Inform, Argue, and Analyze	6,701
Content Literacy for Technical Subjects	1,661
Assessment Literacy	2,251
Content Literacy in History/Social Studies, Kindergarten through Grade Five	1,224
Content Literacy for Science	2,554
Content Literacy in History/Social Studies, Grade Six through Grade Twelve	186

Comments collected from the optional surveys available at the end of each PLM also provide insights as to what online participants felt was helpful and how they plan to use the PLMs in the future. Approximately 250 participants responded (some participants may have completed two or more surveys on different PLMs). The following summaries highlight findings from the survey comments to date:

One survey prompt asked participants to share what they found to be most valuable about the PLMs. Overwhelmingly, the most valuable aspects indicated across all PLM topics were the following:

1. Excellent video examples of teachers implementing CCSS concepts and strategies in classroom contexts

2. Valuable strategies, resources, and ideas that they will take back to their classrooms and colleagues

3. Useful and appropriate content knowledge about the targeted CCSS topic

The following are sample comments that exemplify these top three aspects:

- “I will do my best to incorporate the strategies into my instruction either emulating them or having them as a resource and reflection piece.” (Writing PLM)

- “Excellent videos—most of them with the script, which I found more helpful than a talking head....Excellent summaries of tools, resources, and methods…” (Informational Text PLM)

- “The most valuable part of this module was seeing how the CCSS standards were developed to increase mathematical thinking through the grade levels. Looking at what comes before and after my grade level is very important to understand what students should know when they come in, and what they need to know before they move on.” (Mathematics Learning Progressions PLM)

- “I will incorporate many more lessons utilizing open-ended problem-based math activities followed by classroom discussions to draw out the math.” (Standards for Mathematical Practice PLM)

Additional survey prompts asked participants to evaluate the quality of the PLMs on a four point scale. The overwhelming majority, 95 percent, of participants agreed or strongly agreed that the PLM they just completed increased their understanding of the targeted CCSS topic.

A strong majority, 92 percent, also felt that the PLMs increased their understanding of how to integrate 21st Century skills and concepts in their work to support the learning of all students and to increase the understanding of instructional strategies to support the learning of English Learners, (90 percent), and students with disabilities, (88 percent).

The survey also asked for suggestions for improvements to the PLMs. The following comments summarize what the respondents stated as needing improvement:

- More information/strategies for teachers who work with students with disabilities and English learners including assessment
- Less information, shorter units
- Fix technical problems
- Better pacing (some stated the pacing was too slow, others said it was too fast)

In response to the first concern above, two additional modules have been developed. Two modules that focus on English learners were just recently published and the recently published Multi-tiered System of Support Module also addresses differentiation of instruction. The program office has worked with Brokers of Expertise staff to fix technical issues associated with accessing the PLMs. Links to video and additional information are updated as needed and the modules are reviewed at least once each month to verify that all the links are working.

California State Board of Education

Meeting Agenda Items for January 15-16, 2014

ITEM 03

ITEM #03

CALIFORNIA STATE BOARD OF EDUCATION

JANUARY 2014 AGENDA

SUBJECT	☒ Action
2014 Mathematics Adoption of Instructional Materials: Instructional Quality Commission Recommendations.	☒ Information
	☐ Public Hearing

SUMMARY OF THE ISSUES

Education Code (EC) Section 60200(b)(1) calls for the State Board of Education (SBE) to adopt instructional materials in mathematics every eight years. The current adoption was specifically authorized by Assembly Bill 1246, Chapter 668 of the Statutes of 2012, which overruled a legislative suspension of instructional materials adoptions through July 1, 2015, pursuant to *EC* Section 60200.7.

EC Section 60204 directs the Instructional Quality Commission (IQC) to study and evaluate instructional materials submitted for adoption and to recommend materials for adoption to the SBE. The IQC has reviewed the 35 instructional materials programs that were submitted by publishers for the 2014 Mathematics Adoption and is recommending 31 programs for adoption.

RECOMMENDATIONS

The California Department of Education (CDE) recommends that the SBE adopt the 31 instructional materials programs recommended by the IQC.

The CDE also recommends that the SBE direct CDE staff, in conjunction with members of the IQC and/or Content Review Experts (CREs), as needed, to work with publishers to ensure that the edits and corrections adopted by the SBE have been made to their revised instructional materials.

BRIEF HISTORY OF KEY ISSUES

Background

The SBE adopted the timeline for the 2014 Mathematics Adoption on January 16, 2013. This adoption was conducted on an accelerated timeline to meet the requirements of AB 1246 and respond to the demand in the field for new instructional materials aligned to the *California Common Core State Standards for Mathematics* (CA *CCSSM*). Events that take two years to complete in a typical adoption of this scale were compressed into approximately one calendar year. The last adoption of mathematics instructional materials took place in 2007.

Adoption Process and Timeline

- **Invitation to Submit Meeting with Publishers:** On January 28, 2013, the CDE conducted a Publishers Invitation to Submit meeting which outlined the statutory and regulatory requirements for participation in the adoption.

- **Training:** On June 18–21, 2013, the IQC trained the Instructional Materials Reviewers (IMRs) and CREs appointed by the SBE at the Doubletree Hotel in Sacramento. Commissioners trained reviewers in the SBE-adopted evaluation criteria, social content requirements, and the adoption process. On the final day of training, reviewers attended presentations by publishers on their submitted programs.

- **Independent Review:** Starting in July and continuing through September, reviewers conducted their independent review of the submitted programs. Each of the twelve panels of reviewers was assigned between two and four programs to review.

- **Deliberations:** Deliberations were held at the Doubletree in Sacramento on September 10–14, 2013. After reaching consensus on their recommendations, the review panels developed an advisory “Report of Findings” for each program. During deliberations, publishers were provided a formal publisher response time to address questions on each of their respective programs posed by the panel members. In addition, at least twice each day, the deliberations process included an opportunity for public comment.

- **Public Comment Hearing:** The IQC hosted a meeting to take public comment on the 2014 Mathematics Adoption on October 4, 2013, in Sacramento. Several publishers attended and submitted comments to the IQC for consideration. All members of the IQC were not present at that meeting, but all members received copies of those comments.

- **IQC Action:** On November 21–22, 2013, the members of the IQC considered the recommendations from the IMR/CRE review panels, public comments, and reports from individual Commissioners to determine whether each program

satisfied or did not satisfy the SBE-adopted evaluation criteria for this adoption. Prior to action the IQC conducted two public hearings, one during the Mathematics Subject Matter Committee (SMC) meeting on November 21, 2013, and one during the full IQC meeting on November 22, 2013. Public comment was received by the IQC both in writing and in testimony at the public hearings. All public comments received by the IQC throughout the adoption process have been forwarded to the SBE.

- **Edits and Corrections:** Edits and Corrections meetings will be scheduled with individual publishers after the SBE takes its final action on the adoption. The process and timeline for edits and corrections meetings are specified in the *California Code of Regulations, Title 5 [Education]* (*5 CCR*) Section 9525, titled "Post Adoption Edits and Corrections Procedures." These meetings with publishers will address the edits and corrections identified in the IMR/CRE Report of Findings and approved by the IQC at its November 22, 2013, meeting; those edits and corrections identified by the IQC and included in its recommendation to the SBE; and any additional edits and corrections that are required by the SBE. Publishers whose programs are adopted by the SBE will be required to complete all edits and corrections within 60 days of CDE notification of the results of the edits and corrections meetings pursuant to *5 CCR* Section 9525(e). No programs will be added to the CDE Price List of Adopted Instructional Materials online database until all edits and corrections have been made and verified.

Publisher Fees

Pursuant to AB 1246, this adoption was financed through fees paid by participating publishers. The amount of the fee was set in the emergency regulations adopted by the SBE at its meeting on January 16, 2013. Based upon CDE estimates of costs necessary to conduct the adoption, the fee was set at $5,000 per program per grade level submitted.

The legislation also included the provision that, upon the request of a small publisher or small manufacturer, the SBE may reduce the fee for participation in the adoption. *EC* Section 60209(e)(2) states that "small publisher" and "small manufacturer" means an independently owned or operated publisher or manufacturer that is not dominant in its field of operation and that, together with its affiliates, has 100 or fewer employees, and has average annual gross receipts of $10 million dollars ($10,000,000) or less over the previous three years. A total of four publishers requested and received reduced fees at the SBE meetings on March 13, 2013, and May 8, 2013; three of those publishers went on to participate in the adoption.

Reports of Findings

The IMRs and CREs worked collaboratively during deliberations to produce a Report of Findings for each program. The reports include findings for each category of the criteria and citations that are exemplary (not exhaustive) to support those findings. The Reports of Findings are posted on the CDE Mathematics Instructional Materials Web page and are linked at the end of this item.

Of the 35 submitted programs, 30 programs were recommended by the IMR/CRE panels for adoption, with some recommendations contingent upon satisfactory completion of specified edits and corrections. Edits and corrections are defined as inexact language, imprecise definitions, mistaken notations, mislabeling, misspellings, and grammatical errors. Edits and corrections do not include complete revision or rewriting of chapters or programs, or adding new content to a program. Changes such as this are not allowed during the adoption process from publishers and members of the public (*5 CCR* sections 9510(h) and (r), and 9519(f) through (g)). The review panels also provided citations for social content violations when those were found in the programs.

Instructional Quality Commission Recommendations

On November 21, 2013, the Mathematics SMC held a public hearing and discussed in-depth the IMR/CRE Report of Findings for each program. The discussion included the lists of minor edits and corrections included in the report, social content citations, publisher-submitted errata (printing errors), and findings from Commissioners' own independent reviews.

After the discussion at the Mathematics SMC level, a roll-call vote was taken on the submitted programs. The Mathematics SMC placed some programs on a consent list of programs that had been recommended without dissent or critical public comment. The SMC recommended all programs on the consent list with one roll-call vote. The remaining programs (those not on a consent list) received individual roll-call votes. The motion was stated in the affirmative in each case. A majority vote from the Mathematics SMC was required for any program to be recommended to the full IQC for adoption.

On November 22, 2013, the full IQC also discussed programs in-depth. Again, some programs were placed on the consent list and all programs on consent were recommended with one roll-call vote. The remaining programs (those not on a consent list) received individual roll-call votes. The motion was stated in the affirmative in each case. The recommendation for each program was to recommend the program with edits and corrections, social content citations, and approved publisher submitted errata (printing errors). Nine Commissioners were required to vote in the affirmative to recommend any program.

The IQC recommends for adoption 31 of the 35 submitted programs. The IQC confirms all positive panel recommendations and four of the five negative panel

recommendations. In one case, the IQC is recommending a program previously not recommended by a review panel. The IQC found that Triumph Learning's *Common Core Math Curriculum* does meet the SBE-approved evaluation criteria. The IQC based this recommendation for Triumph Learning upon public comment made by the publisher wherein they successfully demonstrated organizational features and repaired functional online links. These elements did not add new content to the program but instead enhanced usability and clarity. The IQC adoption recommendations to the SBE are included in its advisory report, which is posted on the CDE Mathematics Instructional Materials Web page and linked in this action item.

EC Section 60200(e) Finding

EC Section 60200(e) specifies that the SBE may adopt fewer than five programs per grade level if either:

- Fewer than five programs were submitted for adoption, or
- The SBE specifically finds that fewer than five programs meet the criteria for adoption and conducts a review of the degree to which the criteria and procedures for evaluation were consistent with the SBE-adopted curriculum framework.

In this adoption, more than five programs were submitted and are being recommended for adoption at all grades (kindergarten through grade eight).

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

May 8, 2013: The SBE appointed 110 IMRs and 11 CREs as recommended by the IQC. The SBE also approved the appointment of several non-IQC members to serve as facilitators for review panels, and reviewer training materials as recommended by the IQC. The SBE also approved additional revisions to the Schedule of Significant Events and a fee reduction request for an additional publisher.

March 13, 2013: The SBE approved the revised Schedule of Significant Events and fee reduction requests for three publishers.

January 16, 2013: The SBE adopted the evaluation criteria for the 2014 Mathematics Adoption and Schedule of Significant Events.

FISCAL ANALYSIS (AS APPROPRIATE)

The 2014 Mathematics Adoption is funded through the collection of publisher participation fees. The estimated cost for supplies, duplicating, conference rooms, travel, hotel accommodations, per diem expenses, staffing costs, and substitute reimbursement/content expert honoraria is approximately $1 million.

ATTACHMENT(S)

Attachment 1: 2014 Mathematics Adoption Review Panel Reports of Findings (35 Reports) [links to http://www.cde.ca.gov/ci/ma/im/mathreportsoffindings.asp.]

Attachment 2: 2014 Mathematics Adoption Instructional Quality Commission Advisory Report (161 Pages) [link to http://www.cde.ca.gov/ci/ma/im/]

California State Board of Education

Meeting Agenda Items for January 15-16, 2014

ITEM 04

CALIFORNIA STATE BOARD OF EDUCATION

JANUARY 2014 AGENDA

SUBJECT	
Update on Statewide Assessment Transition Activities, including Assessment, Technology, and Data Management.	☐ Action ☒ Information ☐ Public Hearing

SUMMARY OF THE ISSUE(S)

This item reflects the collaboration of the California Department of Education's (CDE's) Assessment Development and Administration Division, the Special Education Division, and the Education Data Management Division.

Implementation of the California Assessment of Student Performance and Progress

Assembly Bill (AB) 484 established the Measurement of Academic Performance and Progress that is hereafter referred to in this item as the California Assessment of Performance and Progress (CAASPP).

With the signing of AB 484 in October 2013, the CDE is transitioning to a new statewide student assessment system, the CAASPP, which succeeds the Standardized Testing and Reporting (STAR) Program. Among the mandates set forth in the new law is the requirement that local educational agencies (LEAs) participate in the Smarter Balanced Field Test, which will take place from March 18 through June 6, 2014. This item provides an update on CDE efforts to ensure compliance with this new law, including an update on preparations for the spring 2014 Smarter Balanced Field Test (see Attachment 1).

National Center and State Collaborative

The National Center and State Collaborative (NCSC) is a multistate assessment consortium working to build an alternate assessment based on alternate achievement standards and linked to the Common Core State Standards (CCSS) for students with significant cognitive disabilities. Additionally, NCSC has developed curriculum, instructional strategies, and professional development support for teachers of students with significant cognitive disabilities.

NCSC is led by five centers and 26 states, including California. California joined NCSC in September 2012 and has committed to participate in the 2014 NCSC Pilot Test. It is anticipated that the NCSC operational assessment will be available to states beginning the 2014–15 school year. A decision as to California's participation in further NCSC assessments will be determined at a later date. Eligible California students with significant cognitive disabilities will continue to be assessed with the California Alternate Performance Assessment (CAPA) until an alternate assessment is implemented.

On November 25, 2013, the CDE informed LEAs and county offices of education of the implementation of the NCSC Pilot Test. NCSC is recruiting California schools that serve students with significant cognitive disabilities to participate in the NCSC Pilot Test. The target number of students participating is expected to be 16,500. All registration activities will be completed by the end of January 2014. Pilot testing is tentatively scheduled to occur February through April 2014. Further information about the NCSC alternate assessment is available at http://www.ncscpartners.org/.

RECOMMENDATION

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

BRIEF HISTORY OF KEY ISSUES

California Assessment of Student Performance and Progress

California adopted the CCSS for English–language arts (ELA) and mathematics in August 2010 and joined the Smarter Balanced Assessment Consortium as a governing state in June 2011. In response to California *Education Code* Section 60604.5, in January 2013, the State Superintendent of Public Instruction provided the Legislature with recommendations for transitioning California to a new assessment system. In February 2013, AB 484 was introduced by Assembly Member Susan Bonilla. Co-authored by Senator Darrell Steinberg and sponsored by State Superintendent Tom Torlakson, AB 484 addressed the need for a new statewide assessment system to support the full implementation of the CCSS. AB 484 was signed by Governor Brown on October 2, 2013, and establishes the California Assessment of Student Performance and Progress (CAASPP) assessment system. The full text of AB 484, as chaptered in law, can be accessed online through the California Legislative Information Web site at http://leginfo.legislature.ca.gov/faces/billSearchClient.xhtml.

National Center and State Collaborative

As a requirement of the federal Elementary and Secondary Education Act, states must measure student academic performance with assessments and may develop an alternate assessment on alternate academic achievement standards for students with significant cognitive disabilities. NCSC is working to ensure that students with significant

cognitive disabilities achieve higher academic outcomes and leave high school ready for postsecondary opportunities. In January 2011, the U.S. Department of Education awarded NCSC a General Supervision Enhancement Grant to develop a new assessment system for those students. In September 2012, California became one of 26 states within the NCSC consortium. The NCSC grant runs through October 2015.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

In November 2013, the CDE provided the State Board of Education (SBE) with highlights of AB 484, information on the availability of the Smarter Balanced *Usability, Accessibility, and Accommodations Guidelines*, an update on the Technology Readiness Tool, an update on changes to the new registration system on the California Longitudinal Pupil Achievement Data System (CALPADS), and an update on collaboration activities of the CDE and the K–12 High Speed Network.

In September 2013, the CDE presented information to the SBE on Smarter Balanced assessment development activities, including legislative developments, findings from the CDE Technology Preparedness Survey; a report on research regarding the costs of statewide student testing; research regarding computer-based versus paper-based testing, an update on the draft *Accessibility and Accommodations Guidelines*; development activities for the spring 2014 Field Test; and a comparison of costs for the development and administration of the ELA and mathematics portions of the STAR Program and the Smarter Balanced assessment system.

In July 2013, the SBE received an update from the CDE on Smarter Balanced assessment development activities, including the release of Practice Tests, feedback from CDE staff observations of the spring 2013 Pilot Test, California educator involvement in item development activities and Digital Library development activities, available resources to help gauge the technology readiness of LEAs, and initial cost estimates for implementing the Smarter Balanced system of assessments.

FISCAL ANALYSIS (AS APPROPRIATE)

Provisions of Assembly Bill 484 require that, for the 2013–14 school year, the STAR contract be amended to administer CAASPP and that cost savings from the suspension of certain STAR assessments be used to fund the spring 2014 Smarter Balanced Field Test.

In October 2013, the CDE submitted a legislative budget change proposal to the Department of Finance estimating costs for the full implementation of the new CAASPP assessment system beginning in fiscal year 2014–15, including any future implementation of a new alternate assessment, such as NCSC.

ATTACHMENT(S)

Attachment 1: Smarter Balanced Assessment Development Activities (5 Pages)

Smarter Balanced Assessment Development Activities

Spring 2014 Field Test Preparation Activities

The administration of the spring 2014 Field Test will take place March 18 through June 6, 2014. In November 2013, the California Department of Education (CDE) and Educational Testing Service (ETS) released specific testing window assignments to schools in California. Each school has been assigned a six-week window in which to administer the test. In response to interest expressed by local educational agencies (LEAs) for students to experience Field Test items from both content areas (English–language arts and mathematics), the Field Test assessment plan was adjusted so only five percent of students will take Field Test items from one content area and 95 percent of students will take Field Test items from both content areas. All students will still take only one performance task in one content area.

The Field Test is to be administered to all students in grades three through eight. In grades nine and ten, only students in a small number of schools selected for the scientific sample will participate. In grade eleven, only students selected for the scientific sample are expected to participate, but all students beyond the scientific sample are encouraged to participate. Students exempt from participating in the Field Test are (1) students who will participate in the California Alternate Performance Assessment; and (2) for the English language–arts portion of the Field Test only, English learners who have been attending school in the U.S. for less than 12 months.

In October 2013, the CDE published questions and answers to assist LEAs in preparing for the Smarter Balanced Field Test. This Web page, which is updated regularly, can be accessed at http://www.cde.ca.gov/ta/tg/sa/smarterftqa.asp. This Web page provides answers to questions about requirements and expectations of LEAs' participation in the spring 2014 Field Test.

Smarter Balanced *Usability, Accessibility, and Accommodations Guidelines*

In December 2013, Smarter Balanced released frequently asked questions (FAQs) to accompany its *Usability, Accessibility, and Accommodations Guidelines*. The purpose of these FAQs is to assist district and school staff in their understanding of the universal tools, designated supports, and accommodations available to students taking the Smarter Balanced assessments. The *Guidelines* document is intended for use beginning with the spring 2014 Field Test. The complete *Guidelines* and accompanying FAQs are available on the CDE Smarter Web page at http://www.cde.ca.gov/ta/tg/sa/smarterbalanced.asp.

Smarter Balanced *Field Test Administration Manual* and *Field Test Coordinator Manual*

By early February 2014, the Smarter Balanced Assessment Consortium is expected to release the online *Test Administration Manual* (*TAM*) and online *Test Coordinator Manual* (*TCM*). The *TAM* is intended primarily for test administrators who will administer the Field Test in their schools. The manual provides information on policies and procedures for the spring 2014 Field Test as well as screenshots and step-by-step instructions on how to administer the Field Test. The *TCM* is intended primarily for district and school testing coordinators who will play an active role in managing the Field Test administration in their schools. The *TCM* provides information on test security and test administration policies and describes the responsibilities of each role in the online testing system.

Training Modules for California Local Educational Agencies

To support California LEAs in preparing for the spring 2014 Field Test, ETS—in coordination with the CDE, Smarter Balanced, and other CDE contractors—is presenting a series of training modules for California's LEAs, including such topics as the Smarter Balanced Practice Tests, technology requirements for online testing, performance tasks, test registration system, test administrator interface, student interface, and accessibility and accommodations. These training modules target various audiences from teachers to administrators and provide a wide range of support relating to the preparation for the administration of the Field Test. The training modules will be presented as a combination of in-person regional workshops throughout the state and Webinars that will be available at http://www.startest.org/workshop.html.

California Assessment of Student Performance and Progress Technology Update

The CDE supports LEAs in their preparation for the transition to the California Assessment of Student Performance and Progress (CAASPP), including the administration of the Smarter Balanced assessments and implementation of computer-based and adaptive testing. The CDE is assisting LEAs to prepare for the transition through the following activities:

1. Technology Readiness Tool

On November 21, 2013, State Superintendent of Public Instruction Tom Torlakson and State Board of Education (SBE) President Michael Kirst sent a joint letter to county and district superintendents and charter school administrators, encouraging the completion of the Technology Readiness Tool (TRT). LEAs were urged to complete the TRT so they would be in the best position possible to make informed decisions on how to leverage Common Core implementation funds, how to address integrated technology plan decisions, and how to structure critical interdepartmental conversations about

those topics. The letter is available on the CDE Letters Web page at http://www.cde.ca.gov/nr/el/le/yr13ltr1121.asp.

Since the September 2013 SBE meeting, the CDE has conducted four Webinars to assist LEAs with the TRT:

- September 16, 2013, Webinar titled "Technology Readiness Tool." The Webinar provided high–level specifications and a walk–through process for preparing LEAs for the December 13, 2013, data snapshot. The Webinar is available on the CDE TRT Webinar Recording – September 2013 Web page at http://www.cde.ca.gov/ta/tg/sa/sbac-trt-video-sep2013.asp.

- November 4, 2013, Webinar titled "Smarter Balanced Technology Readiness." The Webinar provided information on assessment requirements, technology readiness, and preparing for online testing. The Webinar is available on the CDE Smarter Balanced Tech Readiness Webinar – Nov 2013 Web page at http://www.cde.ca.gov/ta/tg/sa/techreadiness-nov2013.asp.

- November 14, 2013, Webinar titled "Transition to a New Assessment System: Focus on Charter Schools." The Webinar, specifically designed for charter schools, provided information from the two Webinars mentioned above. This Webinar will be available on the CDE Web site at a future date.

- December 9, 2013, Webinar titled "Is Your Technology Ready for the Common Core Assessment?" This Webinar is designed to prepare districts to complete the TRT and to better understand the implications of "readiness" from the state, regional, county, local, and school levels. This Webinar will be available on the CDE Web site at a future date.

The TRT is continually open for LEAs to submit new or updated data. "Snapshots" will be taken twice annually through 2014 and are used for displaying LEA Progress Reports and District Summary Reports. A snapshot of the data was taken on December 13, 2013. CDE staff will provide additional information about this most recent snapshot report during the technology update at the January 2014 State Board of Education meeting.

The next snapshot will be taken on June 13, 2014. The last and final TRT snapshot will be taken on August 18, 2014.

2. California K–12 High Speed Network

The CDE and K–12 High Speed Network (K12HSN) are jointly working to assist LEAs understand the role of the K12HSN and prepare for the Smarter Balanced Field Test. The K12HSN recently released the following resources on its Web site to assist LEAs with technology procurement and deployment.

- Network at a Glance
  http://www.k12hsn.org/files/publications/K12HSN_Network_At_A_Glance_November_2013.pdf
  This one-page document describes the role of the K12HSN, goals of the network, and overview of the connection speeds for LEAs.

- Network Capacity Worksheet
  http://www.k12hsn.org/files/publications/Network_Capacity_Worksheet_V3.pdf
  This is a one-page document developed to serve as a tool for LEAs preparing for the Smarter Balanced online assessments.

- Ed-Tech Ecosystems
  http://www.k12hsn.org/files/publications/Ed_Tech_Ecosystems_2013.pdf
  This is a five-page document that provides a high-level overview of the three major technology platforms: Apple, Windows, and Google. The document also provides an analysis of the devices for these platforms.

The K12HSN developed the DataLINK program to report connectivity data and related information for California's K–12 schools and districts. These data were recently updated and can be viewed through any one of the standard reports, or custom reports can be generated using the report generator feature.

Currently, the site contains detailed data related to connectivity for California districts, schools, and county offices of education. This information is accessible on the K12HSN Datalink Web page at http://www.k12hsn.org/data/reporting/.

3. California Smarter Balanced Technology Joint Work Group

The Smarter Balanced Technology Joint Work Group met on December 12, 2013, to discuss the development of a technology toolkit for LEAs to assist with the successful implementation of computer-based testing. The Joint Work Group is comprised of members from the CDE and California County Superintendents Educational Services Association (CCSESA) subcommittees, Curriculum and Instruction Steering Committee, Regional Assessment Network, Technology and Telecommunications Steering Committee, K12HSN, as well as representatives from statewide technology–related professional associations.

Participants were assigned to one of the following subgroups and asked to brainstorm issues relating to these areas and address the issues based on a priority ranking:

- Policies and delegation of authority
- Technology procurement, deployment, and scheduling
- Professional development, training, and human resource issues
- Communication

- Student access and accommodations
- Project management, issue escalation, and resolution

CDE staff will provide additional information about the outcome of this meeting during the technology update at the January 2014 SBE meeting.

California State Board of Education

Meeting Agenda Items for January 15-16, 2014

ITEM 05

CALIFORNIA STATE BOARD OF EDUCATION

JANUARY 2014 AGENDA

SUBJECT	
California Assessment of Student Performance and Progress (CAASPP): Approve the Finding of Emergency and Proposed Emergency Regulations for Amendments to the *California Code of Regulations*, Title 5, Sections 850 – 868.	☒ Action ☒ Information ☐ Public Hearing

SUMMARY OF THE ISSUE(S)

The California Department of Education (CDE) is responsible for the oversight of the California Assessment of Student Performance and Progress assessment system (CAASPP - set forth in Education Code section 60640 as the Measurement of Academic Performance and Progress or MAPP), which is governed by *Education Code* (*EC*) sections 60640 through 60649. CAASPP is to be used for the assessment of certain elementary and secondary pupils commencing with the 2013–14 school year.

EC Sections 60640 through 60649 were amended and chaptered into law on October 2, 2013. Section 60640(q) requires that sections 850 to 868, inclusive, of Title 5 of the *California Code of Regulations* be revised by the State Board of Education (SBE) on or before July 1, 2014 to conform to the changes made to the *EC*.

The adoption of emergency regulations, in accordance with *EC* Section 60640(q), is part of the immediate implementation of CAASPP, which includes, but is not limited to, the administration, scoring, and reporting of the tests, as the adoption of emergency regulations is necessary for the immediate preservation of the public peace, health, safety, or general welfare within the meaning of *Government Code* Section 11346.1.

RECOMMENDATION

The CDE recommends that the SBE take the following actions:

- Approve the Finding of Emergency;
- Adopt the proposed emergency regulations;
- Direct the CDE to circulate the required notice of proposed emergency action, and then submit the emergency regulations to the Office of Administrative Law (OAL) for approval; 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 Finding of Emergency and proposed emergency regulations.

BRIEF HISTORY OF KEY ISSUES

Governor Brown signed Assembly Bill 484 (AB 484) on October 2, 2013. AB 484 (Chapter 489, Statutes of 2013) deletes the provisions of the *EC* referencing the Standardized Testing and Reporting (STAR) Program and establishes the CAASPP.

EC Section 60640(q) requires that Title 5 Regulations be revised by the SBE on or before July 1, 2014. The proposed emergency regulations include definitions, requirements, responsibilities, and guidelines, for the administration, test security, reporting, and apportionment for CAASPP. The proposed amendments include, but are not limited to:

- adding and deleting references to the specific names of tests used in the different assessment systems because tests have changed and new tests are being added to the CAASPP assessment system;

- updating and adding testing accommodations, designated supports, and universal tools for paper-pencil and computer-based testing;

- revising testing periods; and

- updating testing coordinator and examiner responsibilities for test administration, including security, for paper-pencil and computer-based testing.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

N/A

FISCAL ANALYSIS (AS APPROPRIATE)

A Fiscal Impact Statement will be provided as an Item Addendum.

ATTACHMENT(S)

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

Attachment 2: Finding of Emergency (5 pages)

Attachment 3: Proposed Emergency Regulations, *California Code of Regulations*, Title 5, Sections 850-868 (45 pages)

Attachment 4: Economic and Fiscal Impact Statement (STD. 399) will be added as an Item Addendum (4 Pages).

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

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

1430 N Street Sacramento, CA 95814-5901

January 17, 2014

NOTICE OF PROPOSED EMERGENCY ACTION
California Assessment of Student Performance and Progress

Pursuant to the requirements of Government Code section 11346.1(a)(1), the State Board of Education (SBE) is providing notice of proposed emergency action with regards to the above-entitled emergency regulation.

SUBMISSION OF COMMENTS

Government Code section 11346.1(a)(2) requires that, at least five working days prior to submission of the proposed emergency action to the Office of Administrative Law (OAL), the adopting agency provide a Notice of the Proposed Emergency Action to every person who has filed a request for notice of regulatory action with the agency. After submission of the proposed emergency to the OAL, the OAL shall allow interested persons five calendar days to submit comments on the proposed emergency regulations as set forth in Government Code section 11349.6.

Any interested person may present statements, arguments or contentions, in writing, submitted via U.S. mail, e-mail or fax, relevant to the proposed emergency regulatory action. Written comments submitted via U.S. mail, e-mail or fax must be received at the OAL within five days after the SBE submits the emergency regulations to the OAL for review.

Please reference submitted comments as regarding “California Assessment of Student Performance and Progress” addressed to:

Mailing Address:	Reference Attorney Office of Administrative Law 300 Capitol Mall, Suite 1250 Sacramento, CA 95814	Debra Thacker, Reg Coordinator California Department of Education Administrative Support & Regulations Adoption 1430 N Street, Suite 5319 Sacramento, CA 95814
E-mail Address:	staff@oal.ca.gov	regcomments@cde.ca.gov
Fax No.:	916-323-6826	916-319-0155

For the status of the SBE submittal to the OAL for review, and the end of the five-day written submittal period, please consult the Web site of the OAL at http://www.oal.ca.gov under the heading “Emergency Regulations.”

FINDING OF EMERGENCY
Measurement of Academic Performance and Progress

(set forth in Education Code section 60640 as MAPP, referenced in the regulations as the California Assessment of Student Performance and Progress (CAASPP))

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

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

Overview

These proposed regulations must be adopted on an emergency basis pursuant to the requirements set forth in California Education Code section 60640, as established by Assembly Bill (AB) 484 (Bonilla), Statutes of 2013. This new law, effective January 1, 2014, deletes the provisions establishing the STAR Program, and instead establishes the Measurement of Academic Performance and Progress (set forth in Education Code section 60640 as MAPP, referenced in the regulations as the California Assessment of Student Performance and Progress (CAASPP)), commencing with the 2013–14 school year, for the assessment of certain elementary and secondary pupils, and requires that implementing regulations be initially adopted as emergency regulations to immediately implement the CAASPP assessments for 2013-14. The legislation also specifies policies and procedures with respect to the development and the implementation of the CAASPP by the Superintendent, the SBE, and affected local educational agencies (LEAs).

Background

Assembly Bill 484 (Chapter 489, Statutes of 2013) deletes the provisions of the Education Code establishing the Standardized Testing and Reporting (STAR) Program and instead establishes the CAASPP. Education Code section 60640, subdivision (q) requires that the Title 5 regulations, sections 850 to 868, be revised by the SBE to conform the regulations to the statutory changes made in the legislation The proposed amendments to the regulations revise definitions, requirements, responsibilities and guidelines for the administration, test security, reporting and apportionment related to the new CAASPP. Specifically, these amendments include, but are not limited to: removing references to STAR and former STAR statutory requirements; adding references to CAASPP and CAASPP statutory requirements; specifying allowable variances in both paper-pencil and computer-based testing by listing acceptable accommodations, designated supports and universal tools; revising testing periods, and making changes to the responsibilities and duties of testing coordinators at both the LEA and test site levels.

Specific Basis for the Finding of Emergency

The CDE is presenting these regulations in compliance with Education Code section 60640(q) that states, "On or before July 1, 2014, Sections 850 to 868, inclusive, of Title 5 of the California Code of Regulations shall be revised by the state board to conform to the changes made to this section in the first year of the 2013–14 Regular Session. The state board shall adopt initial regulations as emergency regulations to immediately implement the MAPP assessments, including, but not necessarily limited to, administration, scoring, and reporting of the tests, as the adoption of emergency regulations is necessary for the immediate preservation of the public peace, health, safety, or general welfare within the meaning of Section 11346.1 of the Government Code. The emergency regulations shall be followed by the adoption of permanent regulations, in accordance with the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code)."

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

Action*	**Estimated Completion Date**
Effective date of authorizing statute, An act to amend sections 52052, 60601, 60603, 60604, 60607, 60610, 60611, 60612, 60630, 60640, 60641, 60643, 60648, 99300, and 99301 of, to amend the heading of Article 4 (commencing with section 60640) of Chapter 5 of Part 33 of Division 4 of Title 2 of, to amend and repeal section 60602 of, to add sections 60602.5, 60642.6, 60643.6, and 60648.5 to, to repeal sections 60605.5, 60606, 60643.1, 60643.5, and 60645 of, and to repeal, add, and repeal section 60649 of the Education Code, relating to pupil assessments.	October 2, 2013 (Completed)
SBE approve agenda items for the commencement of the emergency regulations and the permanent rulemaking process	January 15-16, 2014
Emergency regulations become effective	February 4, 2014
SBE public comment period for permanent regulations	February 1 – March 17, 2014
SBE adopts regulations or approves a 15 day comment period.	May 14-15, 2014
Submit rulemaking to Office of Administrative Law (OAL) if SBE adopts regulations (OAL has 30 working days to review file)	May 21, 2014
OAL Approval – Regulations effective immediately	July 3, 2014

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

These Issues Could Not Be Addressed Through Nonemergency Regulations

AB 484 was approved by Governor Brown on October 2, 2013 and the new laws established in this legislation are set to take effect on January 1, 2014. The CDE is presenting both proposed emergency and permanent regulations to the SBE at the January meeting, in addition to several other items related to implementation of the CAASPP system. This is noted solely to demonstrate that the CDE's efforts to comply with the requirements of this recently-enacted bill have been diligent. Nevertheless, emergency regulations are required by law, pursuant to Section 60640(q), and are necessary because the new law provides that CAASPP testing will be administered in spring of 2014 and there would not be sufficient time for permanent regulations to be enacted in time for this testing.

NON-DUPLICATION

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

AUTHORITY AND REFERENCE

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

Reference: Sections 47079.5, 47605, 47605.8, 47651, 48645.1, 49062, 49068, 49079.5, 52052, 56034, 60602.5, 60603, 60604, 60605, 60607, 60610, 60611, 60612, 60615, 60630, 60640, 60641, 60642.5, 60642.6 and 60643, Education Code; 20 U.S.C. Section 1232g; 7 C.F.R. Sections 245.2(a)(1)-(4), 245.3 and 245.6; 34 C.F.R. Sections 99.3, 300.160, 201(d), (e) and (f); and 5 CCR 11967.6.

INFORMATIVE DIGEST

Assembly Bill 484 (Chapter 489, Statutes of 2013) deletes the provisions of the Education Code establishing the Standardized Testing and Reporting (STAR) Program and instead establishes the California Measurement of Academic Performance and Progress (referenced in the regulations as CAASPP). Education Code section 60640(q) requires that the Title 5 regulations, sections 850 to 868, be revised by the SBE to conform the regulations to the statutory changes in the legislation. The proposed amendments to the regulations revise definitions, requirements, responsibilities and guidelines for the administration, test security, reporting and apportionment related to the new CAASPP. Specifically, these amendments include, but are not limited to: removing references to STAR and former STAR statutory requirements; adding

references to CAASPP and CAASPP statutory requirements; specifying allowable variances in both paper-pencil and computer-based testing by listing acceptable accommodations, designated supports and universal tools; revising testing periods, and making changes to the responsibilities and duties of testing coordinators at both the LEA and test site levels.

The CDE is presenting these regulations in compliance with Education Code Section 60640(q) that states, "On or before July 1, 2014, Sections 850 to 868, inclusive, of Title 5 of the California Code of Regulations shall be revised by the state board to conform to the changes made to this section in the first year of the 2013-14 Regular Session. The state board shall adopt initial regulations as emergency regulations to immediately implement the MAPP assessments, including, but not necessarily limited to, the administration, scoring, and reporting of the tests, as the adoption of emergency regulations is necessary for the immediate preservation of the public peace, health, safety, or general welfare within the meaning of Section 11346.1 of the Government Code. The emergency regulations shall be followed by the adoption of permanent regulations, in accordance with the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code)."

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

SPECIFIC BENEFITS ANTICIPATED BY THE PROPOSED REGULATIONS

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

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

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

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

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

COST ESTIMATE

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

12-24-13 [California Department of Education]

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

Title 5. EDUCATION

Division 1. California Department of Education

Chapter 2. Pupils

Subchapter 3.75. ~~Standardized Testing and Reporting Program~~ California Assessment of Student Performance and Progress (CAASPP)

Article 1. General

§ 850. Definitions.

~~For the purposes of the Standardized Testing and Reporting (STAR) Program, the following terms shall have the following meanings unless the context indicates otherwise:~~

~~(a) "Accommodations" means any variation in the assessment environment or process that does not fundamentally alter what the test measures or affect the comparability of scores.~~

~~(b) "Administration period" means one of multiple test administration periods used by school districts with schools or programs on non-traditional calendars that begin and complete the school year at various times and have staggered vacation periods to ensure that all pupils are tested at approximately the same point in the instructional year.~~

~~(c) "Alternate assessment" means an assessment as provided in Education Code section 60640(e) and its test materials developed to measure the degree to which pupils with exceptional needs who are unable to take the California Standards Tests (CSTs) even with accommodations or modifications are achieving the state content standards. The alternate assessments for the STAR Program are the California Alternate Performance Assessment and the California Modified Assessment (CMA). The student shall not be allowed to take both the California Alternate Performance Assessment (CAPA) and the California Modified Assessment (CMA). Students shall take CAPA in all subject areas, CSTs in all subject areas, CMA in all subject areas, or a combination of CSTs and CMA in the subject areas being assessed.~~

~~(d) "Alternate performance assessment" means an alternate assessment as provided in Education Code section 60640(e) and its test materials for pupils with significant cognitive disabilities. The alternate performance assessment for the STAR Program is the California Alternate Performance Assessment.~~

~~(e) "California Alternate Performance Assessment (CAPA)" is the alternate assessment as provided in Education Code section 60640(e) and its test materials for pupils with significant cognitive disabilities.~~

~~(f) "California Modified Assessment (CMA)" is the alternate assessment based on modified achievement standards as provided in Education Code section 60640(e) and its test materials.~~

~~(g) "California Standards Tests (CSTs)" means an assessment as provided in Education Code section 60642.5 and its test materials that measures the degree to which pupils are achieving the state content standards.~~

~~(h) "CDE" means the California Department of Education.~~

~~(i) "Eligible pupil" is any pupil who is not otherwise exempted pursuant to Education Code section 60615.~~

~~(1) For the primary language test, an eligible pupil is an English learner in grades 2 to 11, inclusive, with a primary language for which a test is required or optional pursuant to Education Code section 60640.~~

~~(2) For the California Alternate Performance Assessment, an eligible pupil is any pupil in grades 2 to 11, inclusive, who has an individualized education program (IEP) that designates the use of the alternate performance assessment and is unable to take the CSTs even with accommodations or modifications.~~

~~(3) For the CMA, an eligible pupil is any pupil in grades 3 to 11, inclusive, who has an IEP, meets the State Board of Education (SBE)-adopted eligibility criteria described in paragraphs (A) through (E) below, and whose IEP designates the use of the modified assessment in one or more content areas. The SBE-adopted eligibility criteria for guiding IEP teams in making decisions about which students with disabilities may participate in the CMA are based, in part, on Title 34 of the Code of Federal Regulations, Part 200, Title 1, Improving the Academic Achievement of the Disadvantaged. Those criteria are as follows:~~

~~(A) Previous Participation.~~

~~1. CSTs. The student shall have taken the CST in a previous year and scored Below Basic or Far Below Basic in the subject area being assessed by the CMA and may have taken the CSTs with modifications; or~~

~~2. CAPA. The student shall have taken the CAPA Level II-V in two previous years and received a performance level of either Proficient or Advanced. The student shall not be allowed to take both the CAPA and CMA.~~

~~(B) Progress Based on Multiple Measures and Objective Evidence. The student's disability has precluded the student from achieving grade-level proficiency, as demonstrated by such objective evidence as the student's performance on the CSTs and other assessments that can validly document academic achievement within the year covered by the student's IEP plan. The determination of the student's progress must be based on multiple measurements, over a period of time, that are valid for the subjects being assessed. The student will not receive a proficient score on the CSTs (even with provision of accommodations) based on evidence from multiple, valid, and objective measures of student progress (or lack of progress).~~

~~(C) Response to Appropriate Instruction.~~

~~1. The student's progress to date in response to appropriate grade-level instruction, including special education and related services designed to address the student's individual needs, is such that, even if significant growth occurs, the IEP team is reasonably certain that the student will not achieve grade-level proficiency within the year covered by the student's IEP plan.~~

~~2. The student who is assessed with the CMA has access to the curriculum, including instruction and materials for the grade in which the student is enrolled.~~

~~3. The student's IEP includes grade-level California content standards-based goals and support in the classroom for a subject or subjects assessed by the CMA.~~

~~4. The student has received special education and related services to support access to and progress in the general curriculum in which the student is enrolled.~~

~~5. The IEP team has determined that the student will not achieve grade-level proficiency even with instructional intervention.~~

~~(D) High School Diploma. The student who takes alternate assessments based on~~

~~modified academic achievement standards is not precluded from attempting to complete requirements as defined by the State for a regular high school diploma.~~

~~(E) Parents Are Informed. Parents of the students selected to be assessed with the CMA are informed that their child's achievement will be measured based on modified achievement standards.~~

~~(j) "Grade" means the grade assigned to the pupil by the school district at the time of testing.~~

~~(k) "Modification" means any variation in the assessment environment or process that fundamentally alters what the test measures or affects the comparability of scores.~~

~~(l) "Modified assessment" means an alternate assessment based on modified achievement standards as provided in Education Code section 60640(e) and its test materials. The modified assessment for the STAR Program is the CMA.~~

~~(m) "Nonpublic schools (NPS)" are nonpublic, nonsectarian schools as set forth in California Education Code section 56034.~~

~~(n) "Primary language test" means an assessment as provided in Education Code sections 60640(f)(1) and (2) and 60640(g) and its test materials in each primary language for which a test is available for English learners. The primary language test for the STAR Program is the Standards-based Tests in Spanish.~~

~~(o) "School districts" includes elementary, high school, and unified school districts; county offices of education; any charter school that for assessment purposes does not elect to be part of the school district or county office of education that granted the charter; any statewide benefit charter; and any other charter school chartered by the SBE.~~

~~(p) "Scribe" is an employee of the school district, or a person assigned by a nonpublic school to implement a pupil's IEP who has signed a STAR Test Security Affidavit and is required to transcribe a pupil's responses to the format required by the test. A pupil's parent or guardian is not eligible to be the pupil's scribe.~~

~~(q) A "significant medical emergency" is a significant accident, trauma, or illness (mental or physical) that precludes a pupil in grades 2 to 11, inclusive, from taking the standards-based achievement tests. An accident, trauma, or illness is significant if the pupil has been determined by a licensed physician to be unable to participate in the~~

~~tests.~~

~~(r) "Standards-based achievement tests" means an assessment that measures the degree to which pupils are achieving the state content standards as provided in Education Code sections 60640(e) alternate assessment(s), Education Code section 60642.5 CSTs and its test materials, and Education Code section 60640(f)(3) Standards-based Tests in Spanish, and its test materials. The STAR Program alternate assessments, the California Alternate Performance Assessment and the CMA, are standards-based achievement tests.~~

~~(s) "Standards-based Tests in Spanish" is the standards-based achievement test as provided in Education Code section 60640(f)(3), and its test materials, that is administered as the primary language test as provided in Education Code sections 60640(f) and (g) for pupils whose primary language is Spanish.~~

~~(t) "Test examiner" is an employee or contractor of a school district or a non-public school who has been trained to administer the tests and has signed a STAR Test Security Affidavit. For the alternate performance assessment, the test examiner must be a certificated or licensed school, district, or county staff member.~~

~~(u) "Test materials" include administration manuals, administrative materials, test booklets, practice tests, and test answer documents provided as part of the administration of the STAR Program assessments.~~

~~(v) "Test proctor" is an employee of a school district, or a person assigned by a nonpublic school to implement a pupil's IEP, who has signed a STAR Test Security Affidavit and has received training designed to prepare him or her to assist the test examiner in the administration of tests within the STAR Program.~~

~~(w) "Translator" is a person who has been assigned to translate the test directions into the pupil's primary language pursuant to section 853.5(f), who has signed a Test Security Affidavit as identified in section 859(d), and who has received training specifically designed to prepare him or her to assist the test examiner in the administration of the STAR Program assessments. A pupil's parent or guardian is not eligible to be the pupil's translator. A translator must be:~~

~~(1) an employee of the school district;~~

~~(2) an employee of the nonpublic school; or~~

~~(3) supervised by an employee of the school district or an employee of the nonpublic school.~~

~~(x) "Variation" means a change in the manner in which a test is presented or administered, or in how a test taker is allowed to respond, and includes, but is not limited to, accommodations and modifications.~~

~~(y) "Writing portion of the English-language arts tests" is the performance component of the standards-based achievement tests.~~

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

(a) "Accommodations" means supports documented in a pupil's Individualized Education Plan (IEP) or Section 504 Plan that are utilized in the assessment environment or consist of changes in procedures or materials that increase equitable access during the assessment and that do not fundamentally alter the comparability of scores.

(b) "Accessibility supports" means supports that may or may not (because they have not been previously identified) invalidate the measurement of the test; these supports are not universal tools, designated supports, or accommodations (e.g., read-a-loud of passages in grades 3 through 5). An LEA shall notify the CDE in writing prior to the use of the accessibility support(s).

(c) "Achievement tests" means any summative standardized test that measures the level of performance that a pupil has achieved on state-adopted content standards.

(d) "Alternate assessment" means an assessment as provided in Education Code section 60640(k) and its test materials developed to measure the level of performance for a pupil with disabilities who is unable to take the consortium summative assessment in English language arts and mathematics pursuant to Education Code section 60640(b)(1) or are unable to take an assessment of science pursuant to Education Code section 60640(b)(2), even with accommodations.

(e) "Assessment technology platform" means the electronic systems used to display

items, accept item responses, store, deliver, score the tests and restrict access to outside sources, as well as report and manage assessment results. Testing technology includes, but is not limited to, computing devices, testing software applications, network hardware, and other technology required to administer the tests.

(f) “California Alternate Performance Assessment (CAPA)” is the alternate assessment and its test materials as provided in Education Code section 60640(k) for pupils with significant cognitive disabilities.

(g) “California Modified Assessment (CMA)” is the alternate assessment and its test materials for science based on modified achievement standards.

(h) “California Standards Tests (CSTs)” is the assessment and test materials that measure the degree to which pupils are achieving the state content standards pursuant to Education Code section 60605.

(i) “Computer-based tests (CBTs)” means tests administered using an electronic computing device.

(j) “Designated supports” are features that are available for use by any pupil for whom the need has been indicated, prior to the assessment administration, by an educator or group of educators.

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

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

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

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

(l) “Embedded” means a support, whether a universal tool, designated support, or accommodation, that is part of the assessment technology platform for the computer-

administered CAASPP tests.

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

(n) “Local educational agency (LEA)” means a county office of education, school district, state special school, or direct-funded charter school as described in Education Code section 47651.

(o) “Non-embedded” means a support, whether a universal tool, designated support, or accommodation, that may be provided by the LEA and is not part of the assessment technology platform for the computer-administered CAASPP tests.

(p) “Nonpublic schools (NPS)” are nonpublic, nonsectarian schools as set forth in Education Code section 56034.

(q) “Primary language test” means a test as provided in Education Code sections 60640(b) and (c) and its test materials in each primary language for which a test is available for English learners. The primary language test is the Standards-based Tests in Spanish (STS).

(r) “Recently arrived English learner” means a pupil designated as an English learner who is in his or her first 12 months of attending a school in the United States.

(s) “Scribe” is an employee of the LEA or a person assigned by an NPS to implement a pupil’s IEP who has signed a CAASPP Test Security Affidavit and is required to transcribe a pupil’s responses to the format required by the test. A pupil’s parent or guardian is not eligible to be the pupil’s scribe.

(t) A “significant medical emergency” is a significant accident, trauma, or illness (mental or physical) that precludes a pupil from taking the achievement tests. An accident, trauma, or illness is significant if the pupil has been determined by a licensed physician to be unable to participate in the tests.

(u) “Smarter-Balanced Assessment Consortium (Smarter Balanced)” is the multi-state consortium responsible for the development of the English language arts and mathematics summative assessments administered pursuant to Education Code section 60640(b)(1) and the interim assessments and formative assessment tools administered pursuant to Education Code section 60642.6.

(v) “Standards-based Tests in Spanish (STS)” are the achievement tests and test

materials that are administered as the primary language test as provided in Education Code sections 60640(b) and (c) for pupils whose primary language is Spanish.

(w) "Test examiner" is an employee or contractor of an LEA or an NPS who has been trained to administer the tests and has signed a CAASPP Test Security Affidavit. For the alternate assessment, the test examiner must be a certificated or licensed school, district, or county staff member.

(x) "Test materials" include, but are not limited to, administration manuals, administrative materials, test booklets, assessment technology platform, practice tests, scratch paper, and test answer documents, as part of the administration of the CAASPP tests.

(y) "Test proctor" is an employee of an LEA, or a person assigned by an NPS to implement a pupil's IEP or Section 504 Plan, who has signed a CAASPP Test Security Affidavit and has received training designed to prepare him or her to assist the test examiner in the administration of tests within the CAASPP assessment system.

(z) "Translator" is a person who has been assigned to translate the test directions into the pupil's primary language pursuant to section 853.5, who has signed a Test Security Affidavit as identified in section 859(d), and who has received training specifically designed to prepare him or her to assist the test examiner in the administration of the assessments pursuant to Education Code section 60640. A pupil's parent or guardian is not eligible to be the pupil's translator. A translator must be:

(1) an employee of an LEA;

(2) an employee of the NPS; or

(3) a person supervised by an employee of an LEA or an employee of the NPS.

(aa) "Universal tools" are accessibility features of the CAASPP tests that are available to all pupils.

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

Article 2. ~~Standards-Based~~ Achievement Tests~~, Alternate Assessments,~~ and Any Primary Language Test

§ 851. Pupil Testing.

(a) ~~School districts~~ LEAs shall administer the ~~standards-based~~ achievement tests and may administer the primary language test~~, if any,~~ pursuant to Education Code section 60640 to each eligible pupil enrolled in ~~a school district~~ an LEA on the date testing begins in the pupil's school or ~~school district~~ LEA.

(b) No later than start of the 2014-2015 school year, for the purposes of the CAASPP assessment system a charter school which is not direct-funded pursuant to Education Code section 47651 shall test with, and dependent on, the LEA that granted the charter or was designated the oversight agency by the local governing board.

(c)~~(b) School districts~~ LEAs shall make ~~whatever~~ arrangements ~~are necessary to~~ for the testing of all eligible pupils in alternative education programs or programs conducted off campus, including, but not limited to, non-classroom based programs, continuation schools, independent study, community day schools, county community schools, juvenile court schools, or ~~nonpublic schools~~ NPSs.

(d)~~(c)~~ No test may be administered in a home or hospital except by a test examiner. No test shall be administered to a pupil by the parent or guardian of that pupil. This subdivision does not prevent classroom aides from assisting in the administration of the test under the supervision of a test examiner, provided that the classroom aide does not assist his or her own child, and that the classroom aide signs a security affidavit.

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

§ 852. Pupil Exemptions.

(a) Each year the LEA shall notify parents or guardians of their pupil's participation in the CAASPP assessment system in accordance with Education Code section 60604.

(b) The notification to parents or guardians, as defined in subdivision (a), shall include a notice of the provisions outlined in Education Code section 60615.

(c) A parent or guardian may annually submit to the school a written request to excuse his or her child from any or all parts of any test provided pursuant to Education

Code section 60640 for the school year. If a parent or guardian submits an exemption request after testing has begun, any test(s) completed before the request is submitted will be scored and the results reported to the parent or guardian and included in the pupil's records. ~~A school district~~ An LEA and its employees may discuss the ~~STAR Program~~ CAASPP assessment system with parents and may inform parents of the availability of exemptions under Education Code section 60615. The ~~school district~~ LEA and its employees shall not solicit or encourage any written exemption request on behalf of any child or group of children.

NOTE: Authority cited: Sections 33031 and 60640 ~~60605~~, Education Code. Reference: Sections 60604, 60605, 60607, 60612, 60615, 60640 and 60641, Education Code.

§ 853. Administration.

(a) The ~~standards-based achievement tests and the primary language test, if any,~~ CAASPP tests pursuant to Education Code section 60640 shall be administered, scored, transmitted, and/or returned by ~~school districts~~ LEAs in accordance with the manuals or other instructions provided by the contractor or CDE for administering, scoring, transmitting, and/or returning the tests, unless specifically provided otherwise in this subchapter, including instructions for administering the test with ~~variations, accommodations, and modifications~~ universal tools, designated supports, and accommodations specified in section 853.5. The procedures shall include, but are not limited to, those designed to ensure the uniform and standardized administration, and scoring of the tests to pupils, the security and integrity of the test content and test items, and the timely provision of all required pupil and school level information.

(b) If available, an LEA may utilize a paper-pencil version of any CBT of the CAASPP assessment system, in accordance with Education Code section 60640(e), if the LEA identifies the pupils that are unable to access the CBT version of the test.

(c) Interim assessments and formative assessment tools shall be made available to LEA(s) for use during the school year. Use of interim assessments and formative assessment tools shall not be considered advance preparation for a CAASPP test as defined in Education Code section 60611. LEAs that use interim assessments and/or formative assessment tools shall abide by the consortium/contractor(s) administration

and use requirements. Any scoring of any performance tasks for the interim assessment and formative assessment tools is the responsibility of the LEA.

NOTE: Authority cited: Sections ~~12001,~~ 33031 and 60640 ~~60605~~, Education Code. Reference: Sections 60603, 60605, 60611, ~~and~~ 60640 and 60642.6, Education Code.

§ 853.5. Use of Universal Tools, Designated Supports, and ~~Variations,~~ Accommodations~~, and Modifications~~.

~~(a) School districts may provide all pupils the following variations on the CSTs, the CMA, and the Standards-based Tests in Spanish:~~

~~(1) have test directions simplified or clarified.~~

~~(2) write in test booklets; for example, underlining, highlighting, or working math problems. Tests booklets for grades 2 and 3 must have any marks other than those in response circles erased or pupil responses must be transcribed into new test booklet(s) by a school, school district, or nonpublic school employee who has signed the STAR Test Security Affidavit to ensure that the tests can be scored.~~

~~(3) test in a small group setting.~~

~~(4) have as much time as needed within a single sitting to complete a test or test part on the standards-based achievement tests.~~

~~(b) School districts may provide all pupils the following testing variations on the CSTs, the CMA, and the Standards-based Tests in Spanish if regularly used in the classroom:~~

~~(1) special or adaptive furniture.~~

~~(2) special lighting, special acoustics, noise-canceling devices, visual magnifying equipment or audio amplification equipment.~~

~~(3) an individual carrel or study enclosure.~~

~~(4) test individually in a separate room provided that an employee of the school, school district, or nonpublic school, who has signed the STAR Test Security Affidavit, directly supervises the pupil.~~

~~(5) colored overlay, mask, or other means to maintain visual attention to the test or test questions.~~

~~(6) Manually Coded English or American Sign Language to present directions for~~

~~administration.~~

~~(c) Eligible pupils with disabilities who have an IEP and pupils with a Section 504 Plan shall be permitted the following presentation, response, or setting accommodations on the CSTs, the CMA, and the Standards-based Tests in Spanish, if specified in the eligible pupil's IEP or Section 504 Plan:~~

~~(1) large print versions.~~

~~(2) test items enlarged if the font size is larger than that used on large print versions is required.~~

~~(3) Braille transcriptions provided by the test contractor.~~

~~(4) audio or oral presentation of the mathematics, science, or history-social science tests.~~

~~(5) Manually Coded English or American Sign Language to present test questions on the mathematics, science, or history-social science tests.~~

~~(6) for grades 4 to 11 responses marked in test booklet and transferred to the answer document by a school, school district, or nonpublic school employee who has signed the STAR Test Security Affidavit.~~

~~(7) responses dictated orally, in Manually Coded English or American Sign Language to a scribe for selected-response items (e.g., multiple-choice test questions).~~

~~(8) responses dictated to a scribe, audio recorder, or speech to text converter on the writing portion of the English-language arts tests, and the pupil indicates all spelling and language conventions.~~

~~(9) use of word processing software with spell and grammar check tools turned off on the writing portion of the English-language arts tests.~~

~~(10) use of an assistive device that does not interfere with the independent work of the student on the multiple-choice or writing portion of the test.~~

~~(11) supervised breaks within a section of the test.~~

~~(12) administration of the test at the most beneficial time of day to the pupil.~~

~~(13) administration of any test or test part to be given in a single sitting over more than one day except for the writing portion of the English-language arts tests.~~

~~(14) test administered by a test examiner to a pupil at home or in the hospital.~~

~~(15) audio or oral presentation of any prompts or passages present in the STAR~~

~~writing portion of the English-language arts tests.~~

~~(16) Manually Coded English or American Sign Language to present any prompts or passages present in the STAR writing portion of the English-language arts tests.~~

~~(d) In addition to the accommodations set forth in section 853.5(c), a pupil who is eligible to take the CMA as defined in section 850(f), shall be permitted the following presentation, response, or setting accommodations on the CMA if specified in the eligible pupil's IEP:~~

~~(1) audio or oral presentation of test questions and answer options on the multiple-choice portion of the English-language arts tests.~~

~~(2) Manually Coded English or American Sign Language to present test questions on the multiple-choice portion of the English-language arts tests.~~

~~(3) use of a calculator on the mathematics test in grade 5.~~

~~(4) use of manipulatives on the mathematics and science tests.~~

~~(e) Eligible pupils with disabilities shall be permitted the following modifications on the CSTs and the Standards-based Tests in Spanish if specified in the eligible pupil's IEP or Section 504 Plan:~~

~~(1) calculators, arithmetic tables, and formulas or mathematics manipulatives not provided in the test materials on the mathematics or science tests.~~

~~(2) audio or oral presentation of the multiple-choice portion of the English-language arts tests.~~

~~(3) Manually Coded English or American Sign Language to present test questions on the multiple-choice portion of the English-language arts tests.~~

~~(4) spellcheckers, grammar checkers, or word processing software programs that check or correct spelling and/or grammar on the writing portion of the English-language arts tests.~~

~~(5) mechanical or electronic devices or other assistive devices that are not used solely to record the pupil's responses, including, but not limited to, transcribers, scribes, voice recognition or voice to text software, and that identify a potential error in the pupil's response or that correct spelling, grammar or conventions on the writing portion of the English-language arts tests.~~

~~(6) responses dictated orally, in Manually Coded English or American Sign~~

~~Language to provide an essay response to a scribe and the scribe provides spelling, grammar, and language conventions.~~

~~(7) dictionary.~~

~~(f) If the school district, pupil's IEP team or Section 504 Plan proposes a variation for use on the standards-based achievement tests or the primary language test, if any, that has not been listed in this section, the school district may submit to the CDE for review of the proposed variation.~~

~~(g) Identified English learner pupils shall be permitted the following testing variations if regularly used in the classroom or for assessment:~~

~~(1) Tested in a separate room with other English learners provided that an employee of the school, school district, or nonpublic school, who has signed the Test Security Affidavit, directly supervises the pupil.~~

~~(2) Additional supervised breaks following each section within a test part provided that the test section is completed within a testing day. A test section is identified by a "STOP" at the end of it.~~

~~(3) The test directions printed in the test administration manual may be translated into an English learner's primary language. English learners shall have the opportunity to ask clarifying questions about any test directions presented orally in their primary language.~~

~~(4) Access to translation glossaries/word lists for the standards-based achievement tests in mathematics, science, and history-social science (English to primary language). The translation glossaries/word lists are to include only the English word or phrase with the corresponding primary language word or phrase. The glossaries or word lists shall include no definitions, parts of speech, or formulas.~~

(a) An LEA may provide all pupils the following embedded universal tools on the CAASPP tests for English language arts (including the components of reading, writing, and listening) and mathematics as specified below:

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

(2) calculator for specific mathematic items;

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

(4) English dictionary for writing (ELA-performance task – pupil long essay(s) not

short paragraph responses);

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

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

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

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

(9) keyboard navigation for reading, writing, listening, and mathematics;

(10) mark for review for reading, writing, listening, and mathematics;

(11) math tools for specific mathematics items;

(12) spell check for specific writing items;

(13) strikethrough for reading, writing, listening, and mathematics;

(14) writing tools for specific pupil generated responses; or

(15) zoom for reading, writing, listening, and mathematics.

(b) An LEA may provide all pupils the following non-embedded universal tools on the CAASPP tests for English language arts (including the components of reading, writing, and listening), mathematics, science, and primary language as specified below:

(1) breaks;

(2) English dictionary for ELA performance task – pupil long essay(s) not short paragraph responses;

(3) scratch paper;

(4) thesaurus for ELA performance task – pupil long essay(s) not short paragraph responses;

(5) color overlay for science and primary language test;

(6) math tools (i.e., ruler, protractor) for specific mathematics items;

(7) simplify or clarify test administration directions (does not apply to test questions); or

(8) pupil marks in paper-pencil test booklet (other than responses including highlighting).

(c) An LEA may provide pupils the following embedded designated supports, unless otherwise designated, when determined for use by an educator or group of educators, on the CAASPP tests for English language arts (including the components of reading,

writing, and listening) and mathematics as specified below:

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

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

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

(4) translated test directions for mathematics;

(5) translations (glossary) for mathematics;

(6) translations (stacked) for mathematics; or

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

(d) An LEA may provide pupils the following non-embedded designated supports when determined for use by an educator or a group of educators, on the CAASPP tests for English language arts (including the components of reading, writing, and listening), mathematics, science, and primary language as specified below:

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

(2) bilingual dictionary for writing;

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

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

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

(6) magnification;

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

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

(9) separate setting for reading, writing, listening, and mathematics;

(10) translations (glossary) for mathematics, science and primary language test;

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

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

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

(1) American Sign Language for listening and mathematics;

(2) braille for reading, writing, listening, and mathematics;

(3) closed captioning for listening; or

(4) text-to-speech for reading passages for grades 6 through 8, inclusive, and 11.

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

(1) read aloud for primary language test;

(2) American Sign Language for listening, mathematics, and science;

(3) braille for paper-pencil tests;

(4) abacus for mathematics and science;

(5) alternate response options for reading, writing, listening, and mathematics;

(6) calculator for specific mathematics items;

(7) multiplication table for mathematics beginning in grade 4;

(8) print on demand for reading, writing, listening, and mathematics;.

(9) read aloud for reading passages in grades 6 through 8, inclusive, and grade 11; blind pupils in grades 3 through 8, inclusive, and grade 11 who do not yet have adequate braille skills;

(10) scribe for writing, science, and primary language test;

(11) speech-to-text;

(12) large-print version of a paper-pencil test;

(13) separate setting for science and primary language test; or

(14) administration of the test at the most beneficial time of day to the pupil.

(g) An LEA may submit a request in writing to the CDE, prior to the administration of a CAASPP test for approval for the use of an accessibility support. The LEA CAASPP coordinator or the CAASPP test site coordinator shall make the request on behalf of the LEA ten business days prior to the pupil's first day of CAASPP testing. The CDE shall respond to the request within four business days from the date of receipt of the written request. Written requests must include:

(1) LEA name and CDS code;

(2) school/test site and school code;

(3) school/test site address, city, and zip code;

(4) LEA CAASPP coordinator name, phone number, and email address;

(5) CAASPP test site coordinator name, phone number, and email address;

(6) school/test site testing window dates;

(7) SSID(s) for the pupil(s) for which the accessibility support is being requested;

(8) CAASPP test and grade; and

(9) the accessibility support being requested.

(h) Accessibility supports that change the construct being measured by a CAASPP test invalidate the test score and results in a score that cannot be compared with other CAASPP results. Scores for pupils' tests with accessibility supports that change the construct being measured by a CAASPP test will not be counted as participating in statewide testing (and impacts the accountability participation rate indicator) but pupils will still receive individual score reports with their actual score. The following non-embedded accessibility supports have been determined to change the construct being measured on the CAASPP tests for English language arts (including the components for reading, writing, and listening), mathematics, science, and primary language and are specified below, but not limited to:

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

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

(3) translated test directions for reading, writing, or listening;

(4) bilingual dictionary for reading, listening, mathematics, science and primary language;

(5) translations (glossary) for reading, writing, and listening;

(6) read aloud for reading passages in grades 3, 4, and 5;

(7) American Sign Language for reading passages in grades 3, 4, and 5 and reading passages for primary language;

(8) abacus for non-specified mathematics items or science;

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

(10) math tools (i.e., ruler, protractor) for non-specified mathematics items; and

(11) multiplication table for mathematics in grade 3.

NOTE: Authority cited: Sections ~~12001~~, 33031, ~~and~~ 60605 and 60640, Education Code. Reference: Sections 60605 and 60640, Education Code; 34 C.F.R. Sections 200.1 and 300.160(b).

§ 854. Advance Preparation for the Tests. [REPEALED]

~~(a) Except for materials specifically provided by the CDE or its agents, no program or materials shall be used by any school district or employee of a school district that are specifically formulated or intended to prepare pupils for the standards-based achievement tests, or the primary language test, if any. No administration or use of an alternate or parallel form shall be used as practice for any pupils.~~

~~(b) Practice tests provided by the contractor as part of the standards-based achievement tests and the primary language test, if any, for the limited purpose of familiarizing pupils with the use of scannable test booklets or answer sheets and the format of test items are not subject to the prohibition of subdivision (a).~~

NOTE: Authority cited: Sections 33031 and 60605, Education Code. Reference: Sections 60605, 60611 and 60640, Education Code.

§ 855. Testing Period.

~~(a)(1) The standards-based achievement tests and the primary language test, if any, except as specified below shall be administered to each pupil during a testing window of 25 instructional days that includes 12 instructional days before and after completion of 85% of the school's, track's, or program's instructional days. Testing for all pupils, including makeup testing, is to be completed within this 25 instructional day window.~~

~~(2) Each school district shall provide for at least two makeup days of testing for pupils who were absent during the period in which any school administered the standards-based achievement tests and the primary language test, if any. All makeup testing shall occur within five instructional days of the last date that the school district administered the tests but not later than the end of the 25 instructional day period established in subdivision (a)(1).~~

~~(3) A school district with schools operating on a multitrack year round schedule may submit a request to the contractor to begin testing no earlier than the fourth Monday in February.~~

~~(b) The writing portion of the English-language arts tests shall be administered to each eligible pupil only on the day(s) specified annually by the State Superintendent of Public Instruction. An eligible pupil for purposes of the writing portion is a pupil taking the standards-based achievement tests for a grade at which the writing portion will be administered.~~

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

(2) For the 2013-14 school year, the CST and CMA for science in grades 5, 8, and 10, and CAPA for ELA and mathematics in grades 2 through 11 and science in grades 5, 8, and 10, shall be administered to each pupil during a testing window of 25 instructional days that includes 12 instructional days before and after completion of 85 percent of the school's, track's, or program's instructional days. Testing for all pupils, including makeup testing, is to be completed within this 25 instructional day window. If an LEA elects to administer the primary language test, it shall do so during this same testing window.

(b) Beginning in the 2014-15 school year, the CAASPP tests pursuant to Education Code sections 60640(b) shall be administered to each pupil during the following testing windows:

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

(2) For the grade 11 Smarter Balanced assessments and CAASPP tests administered after January 2015, the testing window shall not begin until at least 80 percent of a school’s annual instructional days have been completed, and testing may continue up to and including the last day of instruction for the regular school calendar.

For a 180-day school year, 80 percent of a school year occurs after the 144th instructional day. This allows for a 7-week window for testing.

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

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

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

§ 857. LEA CAASPP ~~District STAR~~ Coordinator.

~~(a) On or before September 30 of each school year, the superintendent of each school district shall designate from among the employees of the school district a district STAR coordinator. The district STAR coordinator, or the school district superintendent or his or her designee, shall be available through August 15 of the following school year to complete school district testing. The school district shall notify the contractor(s) of the identity and contact information, including electronic mail address, if available in the school district, for the district STAR coordinator and for the superintendent and his or her designee, if any. The district STAR coordinator shall serve as the school district representative and the liaison between the school district and the contractor(s) and the school district and the CDE for all matters related to the STAR Program. A school district superintendent may designate a separate STAR program district coordinator for any primary language test.~~

~~(b) The district STAR coordinator's responsibilities shall include, but not be limited to, all of the following duties:~~

~~(1) Responding to correspondence and inquiries from the contractor and from the CDE in a timely manner and as provided in the contractor's instructions and these regulations.~~

~~(2) Determining school district and individual school test and test material needs in conjunction with schools within the district and the contractor, using current enrollment data and communicating school district test material needs to the contractor on or before December 1.~~

~~(3) Ensuring delivery of tests and test materials to the test sites no more than ten or fewer than five working days before the first day of testing designated by the district.~~

~~(4) Coordinating the testing and makeup testing days for the school district and for those pupils of the district who are enrolled in nonpublic schools within any required time periods with the school test site coordinators. Overseeing the collection of all pupil data as required to comply with section 861.~~

~~(5) Maintaining security over the standards-based achievement tests, and the primary language test, if any, and test data using the procedure set forth in section 859. The district STAR coordinator shall sign the security agreement set forth in section 859 and submit it to the contractor prior to receipt of the test materials from the contractor.~~

~~(6) Overseeing the administration of the standards-based achievement tests, and the primary language test, if any, to eligible pupils.~~

~~(7) Overseeing the collection and return of all test materials and test data to the contractor within any required time periods.~~

~~(8) Assisting the contractor and the CDE in the resolution of any discrepancies in the test information and materials, including but not limited to, pre-identification files and all pupil level data required to comply with sections 861 and 862.~~

~~(9) Immediately notifying the CDE of any security breaches or testing irregularities in the district before, during, or after the test administration.~~

~~(10) Ensuring that an answer document is submitted for scoring for each eligible pupil enrolled in the district on the first day of testing.~~

~~(11) After receiving summary reports and files from the contractor, the district STAR~~

~~coordinator shall review the files and reports for completeness and accuracy, and shall notify the contractor and the CDE of any errors, discrepancies, or incomplete information.~~

~~(12) Training test site coordinators to oversee the test administration at each school.~~

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

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

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

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

(b) The LEA CAASPP coordinator, or the LEA superintendent, shall be available through September 29 of the following school year to complete the LEA testing activities. The LEA shall notify the contractor(s) of the identity and contact information for the LEA CAASPP coordinator and the superintendent. The LEA CAASPP coordinator shall serve as the LEA representative and the liaison between the LEA and the contractor(s) and the LEA and the CDE for all matters related to the CAASPP assessment system.

(c) The LEA CAASPP coordinator's responsibilities shall be those defined in the contractor’s(s’) or consortium’s administrative manuals and documentation, and shall include, but are not limited to, overseeing the LEA’s preparation, registration, coordination, training, assessment technology, administration, security, and reporting of the CAASPP tests.

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

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

NOTE: Authority cited: Sections 33031, ~~and~~ 60605 and 60640, Education Code. Reference: Sections 47079.5, 52052, 60604, 60605, 60610, 60630, ~~and~~ 60640 and

60643, Education Code.

§ 858. CAASPP ~~STAR~~ Test Site Coordinator.

~~(a) At each test site, including but not limited to, each elementary, middle, and high school or other grade-span designated school, each charter school, each court-school, each school or program operated by a school district, and all other public programs serving pupils in any of the grades 2 to 11, inclusive, the superintendent of the school district or the district STAR coordinator shall designate a STAR test site coordinator from among the employees of the school district. The STAR test site coordinator, or the site principal or his or her designee, shall be available to the district STAR coordinator by telephone through August 15 of the following school year for purposes of resolving discrepancies or inconsistencies in materials or errors in reports.~~

~~(b) The STAR test site coordinator's responsibilities shall include, but are not limited to, all of the following duties:~~

~~(1) Determining site test and test material needs and communicating the site needs to the district STAR coordinator.~~

~~(2) Overseeing the acquisition and distribution of tests and test materials at the test site, including but not limited to, distributing test materials to test examiners on each day of testing in accordance with the contractor's directions.~~

~~(3) Cooperating with the district STAR coordinator to provide the testing and makeup testing days for the site within any required time periods.~~

~~(4) Maintaining security over the standards-based achievement tests, the primary language test, if any, and test data. The STAR test site coordinator shall sign the security agreement set forth in section 859 and submit it to the district STAR coordinator prior to the receipt of the test materials.~~

~~(5) Arranging for and overseeing the administration of the standards-based achievement tests and the primary language test, if any, to eligible pupils at the test site.~~

~~(6) Overseeing the collection and return of all testing materials to the district STAR coordinator.~~

~~(7) Assisting the district STAR coordinator, the contractor, and the CDE in the~~

~~resolution of any discrepancies in the test information and materials.~~

~~(8) Overseeing the collection of all pupil level and other data required to comply with sections 861 and 862.~~

~~(9) Ensuring that an answer document is submitted for scoring for each eligible pupil enrolled in the school on the first day of testing for the standards-based achievement tests and the primary language test, if any.~~

~~(10) Ensuring that for each pupil tested only one scannable answer document is submitted for scoring, except that for each pupil tested at grades for which the contractor has designated the use of more than one answer document. An answer document for the STAR writing portion of the English-language arts tests administered pursuant to section 855(b) shall be submitted in addition to the answer document for the multiple choice items.~~

~~(11) Immediately notifying the district STAR coordinator of any security breaches or testing irregularities that occur in the administration of the standards-based achievement tests or the primary language test, if any, that violate the terms of the STAR Security Affidavit in section 859.~~

~~(12) Training test examiners, translators, proctors, and scribes for administering the tests.~~

(a) At each test site, including, but not limited to, each elementary, middle, and high school or other grade-span designated school, each charter school, each court-school, each school or program operated by an LEA, and all other public programs serving pupils, inclusive, the superintendent of the LEA or the LEA CAASPP coordinator shall designate a CAASPP test site coordinator from among the employees of the LEA. The CAASPP test site coordinator, or the site principal or his or her designee, shall be available to the LEA CAASPP coordinator by telephone through September 29 of the following school year for purposes of resolving discrepancies or inconsistencies in materials or errors in reports.

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

(c) The CAASPP test site coordinator shall be responsible for the training of test examiners, translators, proctors, and scribes.

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

§ 859. CAASPP ~~STAR~~ Test Security Agreement and Test Security Affidavit.

~~(a) All STAR district and test site coordinators (coordinators) shall sign the STAR Test Security Agreement set forth in subdivision (b) before receiving any of the test materials or tests administered pursuant to Education Code section 60640.~~

~~(b) The STAR Test Security Agreement shall be as follows:~~

~~STAR TEST SECURITY AGREEMENT~~

~~I acknowledge by my signature on this form that standards-based achievement tests, including the CSTs, the California Alternate Performance Assessment, the CMA, and the Standards-based Tests in Spanish, are secure tests and agree to each of the following conditions to ensure test security:~~

~~(1) I will take all necessary precautions to safeguard all tests and test materials by limiting access to persons within the school district with a responsible, professional interest in the tests' security.~~

~~(2) I will keep on file the names of all persons having access to tests and test materials. All persons having access to the materials shall be required to sign the STAR Test Security Affidavit that will be kept on file in the school district office.~~

~~(3) I will keep the CSTs, the California Alternate Performance Assessment, the CMA, and the Standards-based Tests in Spanish and their test materials in a secure, locked location and will deliver tests and test materials only to those persons who have executed STAR Test Security Affidavits on actual testing dates as provided in section 859(d) with the exception of subdivision (4) below.~~

~~(4) I will keep the California Alternate Performance Assessment materials in a secure locked location when not being used by examiners to prepare for and to administer the assessment. I will adhere to the contractor's directions for the distribution of the assessment materials to examiners.~~

~~(5) I will not copy any part of the tests or test materials without written permission from the CDE to do so.~~

~~(6) I will not disclose, or allow to be disclosed, the contents of the tests or the test instruments. I will not review any test questions, passages, or other test items with any other person before, during, or after the test administration.~~

~~(7) I will not develop scoring keys, review any pupil responses, or prepare answer documents except as required by the test administration manual(s) prepared by the testing contractor.~~

~~By signing my name to this document, I am assuring that I will abide by the above conditions.~~

~~Signed: _____~~

~~Print Name: _____~~

~~Title: _____~~

~~School District: _____~~

~~Date: _____~~

~~(c) All test examiners, proctors, translators, scribes, and any other persons having access to any of the test materials or tests administered pursuant to Education Code section 60640 shall acknowledge the limited purpose of their access to the tests by signing the STAR Test Security Affidavit set forth in subdivision (d).~~

~~(d) The STAR Test Security Affidavit shall be as follows:~~

~~STAR TEST SECURITY AFFIDAVIT~~

~~I acknowledge that I will have access to one or more of the standards-based achievement tests, including the CSTs, the California Alternative Performance Assessment, the CMA, and the Standards-based Tests in Spanish, and test materials, for the purpose of administering the test(s). I understand that these materials are highly secure, and it is my professional responsibility to protect their security as follows:~~

~~(1) I will not divulge the contents of the tests to any other person through verbal, written, or any other means of communication.~~

~~(2) I will not copy any part of the test(s) or test materials.~~

~~(3) I will keep the test(s) secure until the test(s) are actually distributed to pupils.~~

~~(4) I will limit access to the test(s) and test materials by test examinees to the actual~~

~~testing periods when they are taking the test(s).~~

~~(5) I will collect and account for all materials following each period of testing and will not permit pupils to remove test materials from the room where testing takes place.~~

~~(6) I will not review any test questions, passages, or other test items independently or with pupils or any other person before, during, or following testing.~~

~~(7) I will not develop scoring keys, review any pupil responses, or prepare answer documents except as required by the test administration manual(s) prepared by the testing contractor.~~

~~(8) I will return all test materials for the CSTs, the CMA, and the Standards-based Tests in Spanish to the designated STAR test site coordinator daily upon completion of testing.~~

~~(9) I will keep all the California Alternate Performance Assessment materials in secure locked storage except when I am administering or observing the administration of the assessment to pupils.~~

~~(10) I will administer the test(s) in accordance with the directions for test administration and test administration manuals prepared by the testing contractor.~~

~~(11) I have been trained to administer the tests.~~

~~Signed: _____~~

~~Print Name: _____~~

~~Position: _____~~

~~School: _____~~

~~School District: _____~~

~~Date: _____~~

~~(e) To maintain the security of the program, all district STAR coordinators and test site coordinators are responsible for inventory control and shall use appropriate inventory control forms to monitor and track test inventory.~~

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

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

CAASPP TEST SECURITY AGREEMENT

I acknowledge by my signature on this form that the California Assessment of Student Performance and Progress (CAASPP) tests pursuant to Education Code section 60640 are secure tests and agree to each of the following conditions to ensure test security:

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

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

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

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

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

(6) For the CAPA test, I will keep all tests and testing materials in the manner set forth above in subdivisions (3) and (5) except during actual testing administration or when being used by test examiners to prepare for and to administer the assessment. I will adhere to the contractor's directions for the distribution of the assessment materials to test examiners.

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

Signed: _____

Print Name: _____

Title: _____

LEA: _____

Date: _____

(c) All test examiners, proctors, translators, scribes, and any other persons having access to any of the tests and test materials, assessment technology, or tests administered pursuant to Education Code section 60640, shall acknowledge the limited purpose of their access to the tests by signing the CAASPP Test Security Affidavit set forth in subdivision (d).

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

CAASPP TEST SECURITY AFFIDAVIT

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

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

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

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

(4) I will limit access to the test(s) and test materials by test examinees to the actual testing periods when they are taking the test(s). I understand that only pupils who are testing and LEA staff participating in the test administration who have signed a test

security affidavit may be in the room when and where a test is being administered.

(A) I will keep all assigned, generated, or created usernames, passwords and logins secure and not divulge pupil personal information to anyone.

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

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

(D) I will not include, nor will I display, a pupil's name and Statewide Student Identifier (SSID) together in any written or electronic format.

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

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

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

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

(9) I will return all test materials to the designated CAASPP test site coordinator

each day upon completion of testing. I understand that all test booklets, answer documents, and scratch paper shall be returned to the CAASPP test site coordinator each day immediately after testing has been completed for storage or confidential destruction.

(10) If I will administer and/or observe the administration of CAPA, which means that I am a certificated or a licensed LEA employee and a trained CAPA Examiner, I will keep all the CAPA materials in a securely locked room, when possible, in a locked storage cabinet within that room except when I am preparing for the administration, administering or observing the administration of the assessment to pupils.

(11) I will actively supervise pupils throughout the testing session to make sure that they are working on the correct test section or part, marking their answers in the correct section of their answer documents, following instructions, and are accessing only authorized materials (embedded and/or non-embedded universal tools, designated supports, or accommodations) needed for the test being administered.

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

(13) I have been trained to administer the tests. By signing my name to this document, I am assuring that I have completely read this affidavit and will abide by the above conditions.

Signed: _____

Print Name: _____

Position: _____

School: _____

LEA: _____

Date: _____

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

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

§ 861. ~~School-By-School Analysis~~ Data Elements for Test Registration and State and Federal Reporting.

~~(a) Each school district shall provide the contractor for the standards-based achievement tests and the primary language test, excluding (6), (7), and (8), the following information for each pupil enrolled on the first day the tests are administered for purposes of the reporting required by the Academic Performance Index of the Public Schools Accountability Act (chapter 6.1, commencing with section 52050), section 60630, and chapter 5 (commencing with section 60640) of the Education Code:~~

~~(1) Pupil's full name.~~

~~(2) Date of birth.~~

~~(3) Grade level.~~

~~(4) Gender.~~

~~(5) English proficiency.~~

~~(6) Primary language.~~

~~(7) Date of English proficiency reclassification.~~

~~(8) If reclassified to fluent English proficient (R-FEP) pupil scored proficient or above on the California English-Language Arts Standards Test any three years since reclassification.~~

~~(9) Program participation.~~

~~(10) Use of accommodations or modifications.~~

~~(11) Statewide Student Identifier.~~

~~(12) Parent or guardian education level.~~

~~(13) School and district California Basic Educational Data System (CBEDS)~~

~~enrollment.~~

~~(14) For English learners, date first enrolled in school in the United States and if they have been enrolled in school less than 12 cumulative months at the time of testing.~~

~~(15) Documented eligibility to participate in the National School Lunch Program.~~

~~(16) Race/ethnicity.~~

~~(17) Primary disability code.~~

~~(18) Special Education Exit Date.~~

~~(19) County and District for pupils with IEPs if residence is other than where pupil attends school or receives services.~~

~~(20) Special testing conditions and/or reasons for not being tested.~~

~~(21) Pupil enrolled in NPS by district based on IEP.~~

~~(22) NPS school code.~~

~~(b) In addition to the demographic data required to be reported in section 861(a), school districts may report if an eligible pupil is not tested due to a significant medical emergency.~~

~~(c) The information is for the purposes of aggregate analyses only and shall be provided and collected as part of the testing materials for the standards-based achievement tests and the primary language test.~~

~~(d) School districts shall provide the same information for each eligible pupil enrolled in an alternative or off campus program or for pupils placed in nonpublic schools as is provided for all other eligible pupils in grades 2 to 11, inclusive.~~

~~(e) If the information required by section 861(a) is incorrect, the school district may enter into a separate agreement with the contractor to have the district's student data file corrected. The district STAR coordinator shall provide the correct information to the contractor within the contractor's timeline. Any costs for correcting the student data shall be the district's responsibility.~~

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

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

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

(2) if a pupil used an accommodation(s);

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

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

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

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

NOTE: Authority cited: Sections 33031, ~~and~~ 60605 and 60640, Education Code. Reference: Sections 49079.5, ~~52050~~ 52052, 60605, 60630, 60640, 60641 and 60643, Education Code; 7 C.F.R. Sections 245.2(a)(1)-(4), 245.3 and 245.6.

§ 862. Apportionment Information Report.

(a) Annually, the CDE shall make available electronically to each ~~school district~~ LEA ~~shall receive~~ an apportionment information report with the following information provided to the contractor by the LEA pursuant to sections 853 and 861 by grade level ~~for the standards-based achievement tests and the primary language test, if any~~:

(1) The number of pupils enrolled in each school and in the ~~school district~~ LEA on the first day of testing ~~as indicated by the number of alternate assessments and CSTs, excluding the STAR writing portion of the English-language arts tests, answer documents submitted to the test contractor for scoring~~.

(2) The number of pupils in each school and in the ~~school district~~ LEA tested with the alternate ~~performance~~ assessment.

(3) The number of pupils in each school and in the ~~school district~~ LEA exempted

from testing at the request of their parent~~s~~ or guardian~~s~~ pursuant to Education Code section 60615.

(4) The number of pupils who were administered any portion of the ~~CSTs or the modified assessment excluding the STAR writing portion of the English-language arts tests~~ CAASPP assessments pursuant to Education Code sections 60640(b)(1), 60640(b)(2), 60640(b)(4), or 60640(c)(3) through the use of CBT.

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

(6)~~(5)~~ The number of pupils with demographic information only who were not tested for any reason other than a parent or guardian exemption.

(7)~~(6)~~ The number of English language learners who were administered ~~each~~ a primary language test aligned to the English language arts standards pursuant to Education Code section 60640~~(f)~~(b)(5)(B).

(8)~~(7) The number of English language learners who were administered each primary language test pursuant to Education Code section 60640(g)~~ Beginning in 2014-15, the number of pupils in grade 2 administered a diagnostic assessment pursuant to Education Code section 60644.

(b) To be eligible for apportionment payment for the ~~standards-based achievement tests and the primary language test, if any~~ CAASPP assessments, ~~school districts~~ LEAs must meet the following conditions:

(1) The ~~school district~~ LEA has returned all secure test materials, and

(2) The ~~superintendent~~ LEA CAASPP coordinator ~~of each school district~~ has certified the accuracy of the apportionment information report for ~~examinations~~ assessments administered during the ~~calendar~~ school year ~~(January 1 through December 31)~~, which is either;

(A) ~~postmarked~~ transmitted electronically in a manner prescribed by the contractor(s) and/or the CDE by December 31, or

(B) if ~~postmarked~~ transmitted in any manner after December 31, the apportionment information report must be accompanied by a waiver request as provided by Education Code section 33050. For those apportionment information reports ~~postmarked~~

transmitted after December 31, apportionment payment is contingent upon the availability of an appropriation for this purpose in the fiscal year in which the testing window began.

NOTE: Authority cited: Sections ~~12001,~~ 33031, ~~and~~ 60605 and 60640, Education Code. Reference: Sections 60610, 60615, ~~and~~ 60640 and 60641, Education Code.

§ 862.5. Apportionment to ~~School Districts~~ LEAs.

(a) The amount of funding to be apportioned to the ~~school district~~ LEA ~~for the costs of administering the standards-based achievement tests and the primary language test, if any~~, shall be the amount established by the SBE ~~to enable school district to meet the requirements of administering the tests, and the primary language test~~ per the number of tests administered to eligible pupils ~~in grades 2 to 11, inclusive~~, and the number of ~~answer documents returned with only demographic information for~~ pupils enrolled on the first day of testing who were not tested in the ~~school district~~ LEA. The number of tests administered and the number of ~~demographic answer documents~~ pupils not tested shall be determined by the certification of the LEA CAASPP coordinator ~~school district superintendent~~ pursuant to section 862. For purposes of this portion of the apportionment, administration of the ~~standards-based achievement tests and the primary language~~ tests includes the following items:

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

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

(3) All transportation costs of delivering and retrieving tests and test materials within the ~~school district~~ LEA and to ~~nonpublic schools~~ NPSs.

(4) All costs associated with ~~mailing~~ transmitting the ~~STAR Student~~ pupil ~~R~~report(s) to parents/guardians.

(5) All costs associated with ~~pre-identification of answer sheets and consumable test booklets, and other~~ activities intended to provide the complete and accurate data required in section 861 ~~of these regulations~~.

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

~~(1) reimbursing the costs incurred by any school district pursuant to section 864.5(d) or (e); and~~

~~(2) reimbursing any school district for primary language tests for non-eligible pupils.~~

~~(c) If at the time a school district scannable documents are processed by the contractor a student data record is missing any of the data elements required in section 861 of these regulations for the standards-based achievement tests, the school district shall provide the missing data elements within the time required by the contractor to process the documents and meet the contractor's schedule of deliverables under its contract with the CDE. The additional costs incurred by the school district to have the contractor reprocess the student information to acquire the data required by section 861 of these regulations shall be withheld from the school district apportionment.~~

NOTE: Authority cited: Sections ~~12001,~~ 33031, ~~and~~ 60605 and 60640, Education Code. Reference: Sections 60640 and 60643, Education Code.

§ 863. ~~STAR~~ CAASPP ~~Student~~ Pupil Reports and Cumulative Record Labels.

(a) The ~~school district~~ LEA shall forward or transmit ~~the STAR Student Report~~ pupil results for the ~~designated achievement test and standards-based achievement~~ tests conducted ~~and the designated primary language test provided by the contractor(s) to each pupil's test~~ pursuant to Education Code section 60640 to ~~the~~ each pupil's parent or guardian~~,~~ within ~~no more than~~ 20 working days from receipt of the results ~~report~~ from the contractor.

(b) If the ~~school district~~ LEA receives the reports for the ~~designated achievement test and standards-based tests, or the designated primary language~~ tests conducted pursuant to Education Code section 60640 from the contractor after the last day of instruction for the school year, the ~~school district~~ LEA shall ~~send the pupil results to the parent or guardian by U.S. mail at the parent's or guardian's last known address. If the report is non-deliverable, the school district shall~~ make the report available to the parent or guardian ~~during~~ no later than the first 20 working days of the next school year.

(c) Schools are responsible for maintaining ~~affixing cumulative record labels reporting each~~ pupil's scores to the pupil's permanent school records or for entering the scores into electronic pupil records, and for forwarding or transmitting the results to schools to which pupils matriculate or transfer. Schools may annotate the scores when the scores may not accurately reflect pupils' achievement due to illness or testing irregularities.

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

§ 864. ~~Reporting Test Scores~~ LEA Compliance with Contractor Requirements.

~~No aggregate or group scores or reports that are compiled pursuant to Education Code section 60641 or 60643 shall be reported electronically, in hard copy, or in other media, to any party other than the school or school district where the pupils were tested, if the aggregate or group scores or reports are composed of ten or fewer individual pupil scores. In each instance in which no score is reported for this reason, the notation shall appear "The number of pupils in this category is too small for statistical accuracy or privacy protection." In no case shall any group score be reported that would deliberately or inadvertently make the score or performance of any individual pupil identifiable within the meaning of the Family Educational Rights and Privacy Act.~~

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

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

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

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

NOTE: Authority cited: Sections ~~12001,~~ 33031, ~~and~~ 60605, 60613 and 60640, Education Code. Reference: Sections 60605, 60610, 60640, 60641 and 60643, Education Code; 20 U.S.C. Section 1232g; and 34 C.F.R. Section 99.3.

§ 864.5. Test Order Information. [REPEALED]

~~(a) The school district shall provide to the contractor(s), for the standards-based achievement tests and the primary language test no later than December 1 of the year immediately prior to the year of test administration, the following data for each test site of the school district, by grade or course level:~~

~~(1) Valid county district school (CDS) codes.~~

~~(2) Number of tests.~~

~~(3) Numbers of special version tests including, but not limited to, Braille and large print.~~

~~(4) Number of Directions for Administration needed, by grade level.~~

~~(5) Number of pupils to be tested with the alternate assessments.~~

~~(6) Number of test examiners for the alternate assessments.~~

~~(7) The first and last date of instruction and all non-instructional days during the school year for each school in the district and all non-working days for the school district.~~

~~(b) The school district shall provide to the contractor for the primary language test the following data:~~

~~(1) Whether or not the district has eligible pupils for the tests.~~

~~(2) For all tests sites in the district with eligible pupils, by grade level, the information in subdivision (a)(1), (2), (3), and (4).~~

~~(3) First date of testing indicating the dates for each administration period.~~

~~(c) Each school district that elects pre-identification of answer documents shall submit an electronic file that includes all of the information required in section 861. The file must be submitted in accordance with the timeline, format, and instructions provided by the contractor(s).~~

~~(d) If the testing materials are lost or destroyed while in the possession of the school district, and the contractor provides the school district with replacement materials, the school district is responsible for the cost of all replacement materials.~~

~~(e) If the school district places an order for tests for any school that is excessive, the school district is responsible for the cost of materials for the difference between the sum of the number of pupil tests submitted for scoring including tests for non-tested~~

~~pupils and 90 percent of the materials ordered. In no event shall the cost to the school district for replacement or excessive materials exceed the amount per test booklet and accompanying material that is paid to the contractor by the CDE as part of the contract for the current year.~~

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

§ 865. Transportation. [REPEALED]

~~(a) Upon arrival of the test materials at a single location designated by each school district, the district STAR coordinator shall provide the contractor with a signed receipt certifying that all cartons were received.~~

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

~~(c) Secure transportation within a school district is the responsibility of the school district once materials have been duly delivered to the school district. The school district is responsible for secure delivery of test materials to non-public schools.~~

NOTE: Authority cited: Sections 33031 and 60605, Education Code. Reference: Section 60640, Education Code.

§ 866. School District Delivery. [REPEALED]

~~(a) No school district shall receive its standards-based achievement test or primary language test materials, if any, more than twenty or fewer than ten working days prior to the first day of testing in the school district. A school district that has not received test materials from the test contractor at least ten working days before the first date of testing in the school district shall notify the test contractor and the CDE on the tenth working day before testing is scheduled to begin that the school district has not received its materials. Deliveries of test materials to single school districts shall use the schedule in section 867.~~

~~(b) A school district and the contractor shall establish a periodic delivery schedule to~~

~~accommodate all test administration periods within the school district. Any schedule established must conform to sections 866(a) and (b) for each test administration period.~~

~~(c) No school district shall receive its writing test materials more than ten or fewer than five working days before the day on which the writing portion of the English-language arts tests are to be administered.~~

NOTE: Authority cited: Sections 33031 and 60605, Education Code. Reference: Sections 60605, 60640, 60642.5 and 60643, Education Code.

§ 867. Test Site Delivery and Return. [REPEALED]

~~(a) No school or other test site shall receive any designated achievement test, standards-based tests, or designated primary language test or related test materials more than ten or fewer than five working days prior to the first day of testing scheduled at the school or test site.~~

~~(b) All testing materials shall be returned to the school district location designated by the district STAR coordinator no more than two working days after testing is completed for each test administration period.~~

~~(c) No school or other test site shall receive any writing test materials more than six or fewer than two working days before the test administration date.~~

~~(d) Writing test materials shall be returned to the district STAR coordinator no more than one day after the day scheduled for makeup testing.~~

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

§ 867.5. Retrieval of Materials by Contractor. [REPEALED]

~~(a) The school district shall ensure that designated achievement test, standards-based tests, or designated primary language testing materials are inventoried, packaged, and labeled in accordance with instructions from the contractor, and returned to a single school district location for pickup by the contractor within five working days following completion of testing in the school district and in no event later than five working days after each test administration period.~~

~~(b) School districts shall return all writing tests and test materials to the contractor~~

~~no more than two working days after the makeup day specified for the writing test.~~

NOTE: Authority cited: Sections 33031 and 60605, Education Code. Reference: Sections 60640, 60642.5 and 60643, Education Code.

§ 868. Discrepancy Resolution for Standards-based Achievement Tests and Any Primary Language Test.

~~(a) School districts shall process discrepancies determined by the contractor(s) upon receipt of returned tests and test materials pursuant to this subdivision:~~

~~(1) Receipt of a discrepancy notice in writing, via telephone, or via electronic mail by the district STAR coordinator for one or more of the following shall require a response from the district STAR coordinator to the contractor within 24 hours.~~

~~(A) A discrepancy between the quantity of tests and test materials shipped to the school district and the number of tests and test materials returned to the contractor from the school district.~~

~~(B) Information on scannable documents or test support materials that is inconsistent, incomplete, or missing, according to criteria established with the CDE.~~

~~(2) The district STAR coordinator shall acknowledge the discrepancy notice via electronic mail, if available in the school district, to the contractor and to the CDE within 24 hours of its receipt via electronic mail.~~

~~(b) The district STAR coordinator shall report any discrepancy in the total amount of the shipment from the contractor within two working days of the receipt of the shipment. If the contractor does not remedy the discrepancy within two working days of the school district report, the school district shall notify the CDE within 24 hours.~~

~~(c) Any discrepancy in a shipment of standards-based achievement tests or test materials or primary language test or test materials received by a test site from the district STAR coordinator shall be reported to the district STAR coordinator immediately but no later than two working days of the receipt of the shipment at the testing site. The district STAR coordinator shall remedy the discrepancy within two working days.~~

~~(d) The district STAR coordinator shall report to the contractor any discrepancy reported by a STAR test site coordinator within three working days of receipt of materials at the test site. If the district STAR coordinator does not have a sufficient~~

~~supply of tests or test materials to remedy any shortage, the contractor shall remedy the shortage by providing sufficient materials directly to the test site within two working days of the notification by the district STAR coordinator.~~

~~(e) The notices required by this section shall be made by telephone with simultaneous confirmation in writing and by electronic mail.~~

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

12-24-13 [California Department of Education]

California State Board of Education

Meeting Agenda Items for January 15-16, 2014

ITEM 06

CALIFORNIA STATE BOARD OF EDUCATION

JANUARY 2014 AGENDA

SUBJECT	
California Assessment of Student Performance and Progress (CAASPP): Approve Commencement of the Rulemaking Process for Amendments to the *California Code of Regulations*, Title 5, Sections 850 – 868.	☒ Action ☒ Information ☐ Public Hearing

SUMMARY OF THE ISSUE(S)

The California Department of Education (CDE) is responsible for the oversight of the California Assessment of Student Performance and Progress assessment system (set forth in Education Code section 60640 as the Measurement of Academic Performance and Progress or MAPP), referenced in the regulations as the California Assessment of Student Performance and Progress (CAASPP), which is governed by California *Education Code* (*EC*) sections 60640 through 60649. The CAASPP is to be used for the assessment of certain elementary and secondary pupils commencing with the 2013–14 school year.

EC sections 60640 through 60649 were amended and chaptered into law on October 2, 2013. Section 60640(q) requires that Sections 850 to 868, inclusive, of Title 5 of the *California Code of Regulations* be revised by the State Board of Education (SBE) on or before July 1, 2014, to conform to the changes made to the *EC*.

Approval for the commencement of the rulemaking process is necessary to comply with *EC* Section 60640(q), which states, "On or before July 1, 2014, sections 850 to 868, inclusive, of Title 5 of the *California Code of Regulations* shall be revised by the state board to conform to the changes made to this section in the first year of the 2013–14 Regular Session."

RECOMMENDATION

The CDE recommends the SBE take the following actions:

- Approve the Notice of Proposed Rulemaking (Notice);
- Approve the Initial Statement of Reasons (ISOR);
- Approve the proposed regulations;

- Direct the CDE to commence the rulemaking process; and
- Authorize the CDE to take any necessary ministerial action to respond to any direction or concern expressed by the Office of Administrative Law during its review of the Notice, ISOR, and proposed regulations.

BRIEF HISTORY OF KEY ISSUES

Governor Brown signed Assembly Bill 484 (AB 484) on October 2, 2013. AB 484 (Chapter 489, Statutes of 2013) deletes the provisions of the *EC* referencing the Standardized Testing and Reporting (STAR) Program and establishes the CAASPP.

EC Section 60640(q) requires that Title 5 Regulations be revised by the SBE on or before July 1, 2014. The proposed regulations include definitions, requirements, responsibilities, and guidelines, for the administration, test security, reporting, and apportionment for CAASPP. The proposed amendments include, but are not limited to:

- adding and deleting references to the specific names of tests used in the different assessment systems because tests have changed and new tests are being added to the CAASPP assessment system;
- updating and adding testing accommodations, designated supports, and universal tools for paper-pencil and computer-based testing;
- revising testing periods; and
- updating testing coordinator and examiner responsibilities for test administration, including security, for paper-pencil and computer-based testing.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

N/A

FISCAL ANALYSIS (AS APPROPRIATE)

An Economic and Fiscal Impact Statement will be provided as an Item Addendum.

ATTACHMENT(S)

Attachment 1: Notice of Proposed Rulemaking (5 Pages)

Attachment 2: Initial Statement of Reasons (6 Pages)

Attachment 3: Proposed Regulations (45 Pages)

Attachment 4: Economic and Fiscal Impact Statement (STD. 399) will be provided as an Item Addendum (4 Pages)

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

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

1430 N Street Sacramento, CA 95814-5901

NOTICE OF PROPOSED RULEMAKING

AMENDMENT TO CALIFORNIA CODE OF REGULATIONS, TITLE 5, REGARDING THE CALIFORNIA ASSESSMENT OF STUDENT PERFORMANCE AND PROGRESS (Set forth in Education Code section 60640 as the Measurement of Academic Performance and Progress or MAPP)

[Notice published January 31, 2014]

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

PUBLIC HEARING

California Department of Education (CDE) staff, on behalf of the SBE, will hold a public hearing at 1:30 p.m. on March 17, 2014, at 1430 N Street, Room 1801, Sacramento, California. The room is wheelchair accessible. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the Informative Digest. The SBE requests, but does not require, that persons who make oral comments at the public hearing also submit a written summary of their statements. No oral statements will be accepted subsequent to this public hearing.

WRITTEN COMMENT PERIOD

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

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

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

Comments must be received by the Regulations Coordinator prior to 5:00 p.m. on March 17, 2014. All written comments received by CDE staff during the public comment period are subject to disclosure under the Public Records Act.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

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

AUTHORITY AND REFERENCE

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

Reference: Sections 47079.5, 47605, 47605.8, 47651, 48645.1, 49062, 49068, 49079.5, 52052, 56034, 60602.5, 60603, 60604, 60605, 60607, 60610, 60611, 60612, 60615, 60630, 60640, 60641, 60642.5, 60642.6 and 60643, Education Code; 20 U.S.C. Section 1232g; 7 C.F.R. Sections 245.2(a)(1)-(4), 245.3 and 245.6; 34 C.F.R. Sections 99.3, 300.160, 201(d), (e) and (f); and 5 CCR 11967.6.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Assembly Bill 484 (Chapter 489, Statutes of 2013) deletes the provisions of the Education Code establishing the Standardized Testing and Reporting (STAR) Program and instead establishes the Measurement of Academic Performance and Progress (set forth in Education Code section 60640 as MAPP, referenced in the regulations as the California Assessment of Student Performance and Progress (CAASPP)). Whenever possible, the proposed amendments to the regulations add language to remove the specific names of tests in the CAASPP assessment system because test names may change and new tests are being added to the CAASPP assessment system. Other amendments include: deleting sections now incorporated in law and those that will be incorporated into work completed by CAASPP contractor(s).

The CDE is presenting these regulations in compliance with Education Code section 60640(q) that states, “On or before July 1, 2014, Sections 850 to 868, inclusive, of Title 5 of the California Code of Regulations shall be revised by the state board to conform to the changes made to this section in the first year of the 2013-14 Regular Session. The state board shall adopt initial regulations as emergency regulations to immediately implement the MAPP assessments, including, but not necessarily limited to, the administration, scoring, and reporting of the tests, as the adoption of emergency regulations is necessary for the immediate preservation of the public peace, health, safety, or general welfare within the meaning of Section 11346.1 of the Government

Code. The emergency regulations shall be followed by the adoption of permanent regulations, in accordance with the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code)."

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

DISCLOSURES REGARDING THE PROPOSED ACTION/ FISCAL IMPACT

The SBE has made the following initial determinations:

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

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

Mandate on local agencies and school districts: None

Cost or savings to any state agency: None

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

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

Costs or savings in federal funding to the state: None

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

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

Effect on housing costs: None

Effect on small businesses: The proposed regulations would not have an effect on any small business because the proposed amendments only affect local educational

agencies and would have no impact on the private sector.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

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

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

CONSIDERATION OF ALTERNATIVES

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

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

CONTACT PERSONS

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

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

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

INITIAL STATEMENT OF REASONS AND INFORMATION

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

TEXT OF PROPOSED REGULATION AND CORRESPONDING DOCUMENTS

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

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

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

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

REASONABLE ACCOMMODATION FOR ANY INDIVIDUAL WITH A DISABILITY

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

INITIAL STATEMENT OF REASONS

CALIFORNIA ASSESSMENT OF STUDENT PERFORMANCE AND PROGRESS
(Set forth in Education Code section 60640 as the
Measurement of Academic Performance and Progress or MAPP)

INTRODUCTION

Assembly Bill (AB) 484 (Chapter 489, Statutes of 2013) deleted the provisions of the Education Code establishing the Standardized Testing and Reporting (STAR) Program and instead established the Measurement of Academic Performance and Progress (referred to in AB 484 as "MAPP," hereafter referred to in these regulations as the "California Assessment of Student Performance and Progress" or "CAASPP"). The proposed amendments to the regulations add and delete several definitions associated with the changes in testing programs, add and delete references to the specific names of tests used in the different assessment systems because tests have changed and new tests are being added to the CAASPP assessment system. Other amendments include aligning the regulations with the statutory changes created by AB 484, deleting sections now incorporated in law and those that will be incorporated into work completed by the CAASPP contractor(s).

PROBLEM AGENCY INTENDS TO ADDRESS

Legislation has deleted the STAR Program and established the CAASPP assessment system. The legislation specifically requires at Education Code section 60640(q) that Title 5 California Code of Regulations Sections 850 to 868 be amended to conform to the legislative changes made in California's assessment system. Replacing references to specific tests with inclusive language will ensure that the regulations include all tests within the CAASPP assessment system and will minimize the need for future amendments. Sections of the regulations found to duplicate language in the California Education Code, where duplication is unnecessary for clarity purposes, has been eliminated.

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

BENEFITS ANTICIPATED FROM REGULATORY ACTION

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

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

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

General changes were made to the regulations to include grammatical edits, and renumbering and/or relettering to reflect deletions or additions. In addition, where the regulations referenced the former STAR assessment program, it has been replaced with a reference to the CAASPP assessment system.

Proposed section 850 is amended to note that the assessment system established in Education Code section 60640 as the Measurement of Academic Performance and Progress, to be known as “MAPP,” is to be referred to for purposes of these regulations as the California Assessment of Student Performance and Progress or “CAASPP.” This amendment is made as a private company has informed the CDE that it believes the name MAPP may confuse members of the public with evaluation services that they offer. Although the CDE believes that there would be no such confusion anywhere in the public realm, the CDE will be utilizing CAASPP in these regulations. In addition, this section is amended to define the relevant terms needed to interpret, clarify and make specific the terms used in the CAASPP, as well as to delete terms that are no longer in the Education Code or that are now defined in the Education Code and there is no need to repeat the definition in the regulations. These changes are necessary to clarify the scope and applicability of the changes in the statutes and the regulations.

Proposed section 851 is amended to address the change in the Education Code which refers to local educational agencies (LEAs) administering assessment tests in place of school districts and to clarify how charter schools that are not defined as an LEA for purposes of assessment testing in the Education Code are to administer assessment testing. These amendments are necessary to conform to statutory changes in the education code. In addition, “non-classroom based programs” was added in subdivision (c) to the list of programs that LEAs shall test. This was necessary to ensure that all pupils in all programs conducted off-campus will be tested.

Proposed section 852 is amended to clarify the LEA's role in notifying parents or guardians of CAASPP in accordance with Education Code section 60604 and to specify how often a parent must make a request for their child to be excused from testing pursuant to Education Code section 60615. The amendments are necessary to clarify changes made to the Education Code and to make specific the requirements set forth in Education Code sections 60604 and 606015.

Proposed section 853 is amended to further clarify the manner in which LEAs must score and transmit tests. This is necessary to ensure that LEAs understand their role in the testing process. This section is also amended to make specific when the paper-pencil version of the CAASPP tests may be used by LEAs. This is necessary in order to implement the intent in Education Code section 60640(e). Finally, this section is amended to show how and when LEAs may use interim assessments and formative assessment tools and clarifies which agency is responsible for scoring these assessments. This is necessary to provide guidance to LEAs on the use of these tools as they are prescribed in Education Code section 60642.6.

Proposed section 853.5 is amended to eliminate the references to the testing accessibility features available for the former STAR tests and to specify the specific testing accessibility features to be available for computer-based and/or paper-pencil versions on the various the CAASPP tests, including the requirements necessary, if any, to be eligible for a specific testing accessibility feature for a specific type of test. The changes are necessary to address the changes in the testing programs in the Education Code and ensure the accessibility of the CAASPP tests for all students, including students with disabilities. In addition, this section is amended to specify the process if a study wants an accessibility feature that is not listed in the regulations and to specify how particular accessibility features will be treated for accountability purposes if the accessibility features change the construct of the assessment. This is necessary to implement the intent of the Education Code, to ensure that testing is accessible to all students, including students with disabilities, and to ensure that federal and state accountability is valid and reliable.

Section 854 is deleted to address the changes in the Education Code. The section is no longer necessary as this section is now covered in the Education Code.

Proposed section 855 is amended to address the change in tests from STAR to CAASPP and to revise testing windows, differentiating the windows depending upon grade tested and type of test. This is necessary in order to ensure that the CAASPP tests are administered to pupils by the LEAs in the most fair, efficient and effective manner. The section is also amended to provide that the CDE, with approval of the SBE, may require LEAs to administer testing in a particular time within the window, and to limit use of interim assessments when the California K-12 High-Speed Network is at capacity. This is necessary to ensure that the technological capacity of the state to administer CAASPP is not compromised and assessment testing impacted.

Proposed section 857 is amended to address the statutory changes from the STAR program to the CAASPP program and the changes in the manner in which the new tests will be administered, as well as to specify new duties for the LEA CAASPP Test Coordinator due to the gradual changeover from a paper-pencil only test to computer-based testing, and the need to adhere to varying contractor(s) administration manuals and documentation. These amendments are necessary to implement the changes to the Education Code and ensure that the new testing, including the computer-based testing, will be valid and reliable.

Proposed section 858 is amended to address the statutory changes from the STAR program to the CAASPP program and the changes in the manner in which the new tests will be administered, as well as to specify new duties for the CAASPP Test Site Coordinator due to the gradual changeover from a paper-pencil only test to computer-based testing and the need to adhere to varying contractor(s) administration manuals and documentation. These amendments are necessary to implement the changes to the Education Code and ensure that the new testing, including the computer-based testing, will be valid and reliable.

Proposed section 859 is amended throughout to address the change in tests now under CAASPP, incorporate language which addresses security issues related to computer-based testing, in addition to pencil and paper testing, to provide additional clarity and specificity to both the test security agreement and test security affidavit where it was deemed lacking, to remove redundant language where necessary, to add necessary assurances for the consortium assessment of ELA and mathematics, and to add language to specify that the LEAs must follow the guidance provided in the contractors' administration manuals. The changes are necessary to address the amendments to the Education Code and ensure the security of the tests, testing administration platforms, and the validity and reliability of the scores.

Proposed section 861 is amended to address the change in the processing of data between the LEA and California Longitudinal Pupil Achievement Data System ("CalPADS") for the tests now under CAASPP. The changes are necessary for consistency with the Education Code and the changes in the administration and processing of information related to those tests by the LEAs.

Proposed section 862 is amended to address the change in tests now under CAASPP and the change in the manner of apportionment reporting, in particular implementing reporting of information via electronic submission. The changes are necessary for consistency with the changes in the Education Code and the changes in how tests are to be administered and the reporting of pupil information to the CDE.

Proposed section 862.5 is amended to address the change in tests now under CAASPP and the changes in apportionment reporting. The changes are necessary for consistency with the Education Code and the changes in how tests are to be administered and the reporting of pupil information to the CDE.

Proposed section 863 is amended to address the change in tests now under CAASPP, to clarify that the LEA may deliver pupil scores other than through the U.S. mail, and to specify a specific deadline for notifying parents and guardians should the pupil scores not be available until the next school year. The amendments are necessary for consistency with the changes made to the Education Code, to recognize that much information is delivered to parents today in means other than mail notification, and to provide further specificity to LEAs as to when notification of scores shall take place.

Proposed section 864 is amended to delete the prohibition on providing aggregate score information on assessments when the aggregate scores are comprised of ten or fewer individual score reports. This is necessary to avoid duplication of statute as this is now covered in Education Code 60641 (c). This section is also amended to include specific requirements for LEAs to instruct them that they must follow requests and instructions given to them by the testing contractor. This is necessary to ensure the security of the CAASPP test and the validity and reliability of the pupil's scores.

Sections 864.5, 865, 866, 867, 867.5 and 878 are sections addressing how tests are ordered, delivered and returned to the testing contractor and have all been deleted from these regulations. This is necessary because the new CAASPP contractor(s) may have specific guidelines for processing the tests which will be addressed in the contractor(s)' guidance and manuals, which the LEAs will be required to follow pursuant to Section 864.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Title 5. EDUCATION

Division 1. California Department of Education

Chapter 2. Pupils

Subchapter 3.75. ~~Standardized Testing and Reporting Program~~ California Assessment of Student Performance and Progress (CAASPP)

Article 1. General

§ 850. Definitions.

~~For the purposes of the Standardized Testing and Reporting (STAR) Program, the following terms shall have the following meanings unless the context indicates otherwise:~~

~~(a) "Accommodations" means any variation in the assessment environment or process that does not fundamentally alter what the test measures or affect the comparability of scores.~~

~~(b) "Administration period" means one of multiple test administration periods used by school districts with schools or programs on non-traditional calendars that begin and complete the school year at various times and have staggered vacation periods to ensure that all pupils are tested at approximately the same point in the instructional year.~~

~~(c) "Alternate assessment" means an assessment as provided in Education Code section 60640(e) and its test materials developed to measure the degree to which pupils with exceptional needs who are unable to take the California Standards Tests (CSTs) even with accommodations or modifications are achieving the state content standards. The alternate assessments for the STAR Program are the California Alternate Performance Assessment and the California Modified Assessment (CMA). The student shall not be allowed to take both the California Alternate Performance Assessment (CAPA) and the California Modified Assessment (CMA). Students shall take CAPA in all subject areas, CSTs in all subject areas, CMA in all subject areas, or a combination of CSTs and CMA in the subject areas being assessed.~~

~~(d) "Alternate performance assessment" means an alternate assessment as provided in Education Code section 60640(e) and its test materials for pupils with significant cognitive disabilities. The alternate performance assessment for the STAR Program is the California Alternate Performance Assessment.~~

~~(e) "California Alternate Performance Assessment (CAPA)" is the alternate assessment as provided in Education Code section 60640(e) and its test materials for pupils with significant cognitive disabilities.~~

~~(f) "California Modified Assessment (CMA)" is the alternate assessment based on modified achievement standards as provided in Education Code section 60640(e) and its test materials.~~

~~(g) "California Standards Tests (CSTs)" means an assessment as provided in Education Code section 60642.5 and its test materials that measures the degree to which pupils are achieving the state content standards.~~

~~(h) "CDE" means the California Department of Education.~~

~~(i) "Eligible pupil" is any pupil who is not otherwise exempted pursuant to Education Code section 60615.~~

~~(1) For the primary language test, an eligible pupil is an English learner in grades 2 to 11, inclusive, with a primary language for which a test is required or optional pursuant to Education Code section 60640.~~

~~(2) For the California Alternate Performance Assessment, an eligible pupil is any pupil in grades 2 to 11, inclusive, who has an individualized education program (IEP) that designates the use of the alternate performance assessment and is unable to take the CSTs even with accommodations or modifications.~~

~~(3) For the CMA, an eligible pupil is any pupil in grades 3 to 11, inclusive, who has an IEP, meets the State Board of Education (SBE)-adopted eligibility criteria described in paragraphs (A) through (E) below, and whose IEP designates the use of the modified assessment in one or more content areas. The SBE-adopted eligibility criteria for guiding IEP teams in making decisions about which students with disabilities may participate in the CMA are based, in part, on Title 34 of the Code of Federal Regulations, Part 200, Title 1, Improving the Academic Achievement of the Disadvantaged. Those criteria are as follows:~~

~~(A) Previous Participation.~~

~~1. CSTs. The student shall have taken the CST in a previous year and scored Below Basic or Far Below Basic in the subject area being assessed by the CMA and may have taken the CSTs with modifications; or~~

~~2. CAPA. The student shall have taken the CAPA Level II-V in two previous years and received a performance level of either Proficient or Advanced. The student shall not be allowed to take both the CAPA and CMA.~~

~~(B) Progress Based on Multiple Measures and Objective Evidence. The student's disability has precluded the student from achieving grade-level proficiency, as demonstrated by such objective evidence as the student's performance on the CSTs and other assessments that can validly document academic achievement within the year covered by the student's IEP plan. The determination of the student's progress must be based on multiple measurements, over a period of time, that are valid for the subjects being assessed. The student will not receive a proficient score on the CSTs (even with provision of accommodations) based on evidence from multiple, valid, and objective measures of student progress (or lack of progress).~~

~~(C) Response to Appropriate Instruction.~~

~~1. The student's progress to date in response to appropriate grade-level instruction, including special education and related services designed to address the student's individual needs, is such that, even if significant growth occurs, the IEP team is reasonably certain that the student will not achieve grade-level proficiency within the year covered by the student's IEP plan.~~

~~2. The student who is assessed with the CMA has access to the curriculum, including instruction and materials for the grade in which the student is enrolled.~~

~~3. The student's IEP includes grade-level California content standards-based goals and support in the classroom for a subject or subjects assessed by the CMA.~~

~~4. The student has received special education and related services to support access to and progress in the general curriculum in which the student is enrolled.~~

~~5. The IEP team has determined that the student will not achieve grade-level proficiency even with instructional intervention.~~

~~(D) High School Diploma. The student who takes alternate assessments based on~~

~~modified academic achievement standards is not precluded from attempting to complete requirements as defined by the State for a regular high school diploma.~~

~~(E) Parents Are Informed. Parents of the students selected to be assessed with the CMA are informed that their child's achievement will be measured based on modified achievement standards.~~

~~(j) "Grade" means the grade assigned to the pupil by the school district at the time of testing.~~

~~(k) "Modification" means any variation in the assessment environment or process that fundamentally alters what the test measures or affects the comparability of scores.~~

~~(l) "Modified assessment" means an alternate assessment based on modified achievement standards as provided in Education Code section 60640(e) and its test materials. The modified assessment for the STAR Program is the CMA.~~

~~(m) "Nonpublic schools (NPS)" are nonpublic, nonsectarian schools as set forth in California Education Code section 56034.~~

~~(n) "Primary language test" means an assessment as provided in Education Code sections 60640(f)(1) and (2) and 60640(g) and its test materials in each primary language for which a test is available for English learners. The primary language test for the STAR Program is the Standards-based Tests in Spanish.~~

~~(o) "School districts" includes elementary, high school, and unified school districts; county offices of education; any charter school that for assessment purposes does not elect to be part of the school district or county office of education that granted the charter; any statewide benefit charter; and any other charter school chartered by the SBE.~~

~~(p) "Scribe" is an employee of the school district, or a person assigned by a nonpublic school to implement a pupil's IEP who has signed a STAR Test Security Affidavit and is required to transcribe a pupil's responses to the format required by the test. A pupil's parent or guardian is not eligible to be the pupil's scribe.~~

~~(q) A "significant medical emergency" is a significant accident, trauma, or illness (mental or physical) that precludes a pupil in grades 2 to 11, inclusive, from taking the standards-based achievement tests. An accident, trauma, or illness is significant if the pupil has been determined by a licensed physician to be unable to participate in the~~

~~tests.~~

~~(r) “Standards-based achievement tests” means an assessment that measures the degree to which pupils are achieving the state content standards as provided in Education Code sections 60640(e) alternate assessment(s), Education Code section 60642.5 CSTs and its test materials, and Education Code section 60640(f)(3) Standards-based Tests in Spanish, and its test materials. The STAR Program alternate assessments, the California Alternate Performance Assessment and the CMA, are standards-based achievement tests.~~

~~(s) “Standards-based Tests in Spanish” is the standards-based achievement test as provided in Education Code section 60640(f)(3), and its test materials, that is administered as the primary language test as provided in Education Code sections 60640(f) and (g) for pupils whose primary language is Spanish.~~

~~(t) “Test examiner” is an employee or contractor of a school district or a non-public school who has been trained to administer the tests and has signed a STAR Test Security Affidavit. For the alternate performance assessment, the test examiner must be a certificated or licensed school, district, or county staff member.~~

~~(u) “Test materials” include administration manuals, administrative materials, test booklets, practice tests, and test answer documents provided as part of the administration of the STAR Program assessments.~~

~~(v) “Test proctor” is an employee of a school district, or a person assigned by a nonpublic school to implement a pupil's IEP, who has signed a STAR Test Security Affidavit and has received training designed to prepare him or her to assist the test examiner in the administration of tests within the STAR Program.~~

~~(w) “Translator” is a person who has been assigned to translate the test directions into the pupil's primary language pursuant to section 853.5(f), who has signed a Test Security Affidavit as identified in section 859(d), and who has received training specifically designed to prepare him or her to assist the test examiner in the administration of the STAR Program assessments. A pupil's parent or guardian is not eligible to be the pupil's translator. A translator must be:~~

~~(1) an employee of the school district;~~

~~(2) an employee of the nonpublic school; or~~

~~(3) supervised by an employee of the school district or an employee of the nonpublic school.~~

~~(x) "Variation" means a change in the manner in which a test is presented or administered, or in how a test taker is allowed to respond, and includes, but is not limited to, accommodations and modifications.~~

~~(y) "Writing portion of the English-language arts tests" is the performance component of the standards-based achievement tests.~~

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

(a) "Accommodations" means supports documented in a pupil's Individualized Education Plan (IEP) or Section 504 Plan that are utilized in the assessment environment or consist of changes in procedures or materials that increase equitable access during the assessment and that do not fundamentally alter the comparability of scores.

(b) "Accessibility supports" means supports that may or may not (because they have not been previously identified) invalidate the measurement of the test; these supports are not universal tools, designated supports, or accommodations (e.g., read-a-loud of passages in grades 3 through 5). An LEA shall notify the CDE in writing prior to the use of the accessibility support(s).

(c) "Achievement tests" means any summative standardized test that measures the level of performance that a pupil has achieved on state-adopted content standards.

(d) "Alternate assessment" means an assessment as provided in Education Code section 60640(k) and its test materials developed to measure the level of performance for a pupil with disabilities who is unable to take the consortium summative assessment in English language arts and mathematics pursuant to Education Code section 60640(b)(1) or are unable to take an assessment of science pursuant to Education Code section 60640(b)(2), even with accommodations.

(e) "Assessment technology platform" means the electronic systems used to display

items, accept item responses, store, deliver, score the tests and restrict access to outside sources, as well as report and manage assessment results. Testing technology includes, but is not limited to, computing devices, testing software applications, network hardware, and other technology required to administer the tests.

(f) “California Alternate Performance Assessment (CAPA)” is the alternate assessment and its test materials as provided in Education Code section 60640(k) for pupils with significant cognitive disabilities.

(g) “California Modified Assessment (CMA)” is the alternate assessment and its test materials for science based on modified achievement standards.

(h) “California Standards Tests (CSTs)” is the assessment and test materials that measure the degree to which pupils are achieving the state content standards pursuant to Education Code section 60605.

(i) “Computer-based tests (CBTs)” means tests administered using an electronic computing device.

(j) “Designated supports” are features that are available for use by any pupil for whom the need has been indicated, prior to the assessment administration, by an educator or group of educators.

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

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

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

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

(l) “Embedded” means a support, whether a universal tool, designated support, or accommodation, that is part of the assessment technology platform for the computer-

administered CAASPP tests.

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

(n) “Local educational agency (LEA)” means a county office of education, school district, state special school, or direct-funded charter school as described in Education Code section 47651.

(o) “Non-embedded” means a support, whether a universal tool, designated support, or accommodation, that may be provided by the LEA and is not part of the assessment technology platform for the computer-administered CAASPP tests.

(p) “Nonpublic schools (NPS)” are nonpublic, nonsectarian schools as set forth in Education Code section 56034.

(q) “Primary language test” means a test as provided in Education Code sections 60640(b) and (c) and its test materials in each primary language for which a test is available for English learners. The primary language test is the Standards-based Tests in Spanish (STS).

(r) “Recently arrived English learner” means a pupil designated as an English learner who is in his or her first 12 months of attending a school in the United States.

(s) “Scribe” is an employee of the LEA or a person assigned by an NPS to implement a pupil’s IEP who has signed a CAASPP Test Security Affidavit and is required to transcribe a pupil’s responses to the format required by the test. A pupil’s parent or guardian is not eligible to be the pupil’s scribe.

(t) A “significant medical emergency” is a significant accident, trauma, or illness (mental or physical) that precludes a pupil from taking the achievement tests. An accident, trauma, or illness is significant if the pupil has been determined by a licensed physician to be unable to participate in the tests.

(u) “Smarter-Balanced Assessment Consortium (Smarter Balanced)” is the multi-state consortium responsible for the development of the English language arts and mathematics summative assessments administered pursuant to Education Code section 60640(b)(1) and the interim assessments and formative assessment tools administered pursuant to Education Code section 60642.6.

(v) “Standards-based Tests in Spanish (STS)” are the achievement tests and test

materials that are administered as the primary language test as provided in Education Code sections 60640(b) and (c) for pupils whose primary language is Spanish.

(w) "Test examiner" is an employee or contractor of an LEA or an NPS who has been trained to administer the tests and has signed a CAASPP Test Security Affidavit. For the alternate assessment, the test examiner must be a certificated or licensed school, district, or county staff member.

(x) "Test materials" include, but are not limited to, administration manuals, administrative materials, test booklets, assessment technology platform, practice tests, scratch paper, and test answer documents, as part of the administration of the CAASPP tests.

(y) "Test proctor" is an employee of an LEA, or a person assigned by an NPS to implement a pupil's IEP or Section 504 Plan, who has signed a CAASPP Test Security Affidavit and has received training designed to prepare him or her to assist the test examiner in the administration of tests within the CAASPP assessment system.

(z) "Translator" is a person who has been assigned to translate the test directions into the pupil's primary language pursuant to section 853.5, who has signed a Test Security Affidavit as identified in section 859(d), and who has received training specifically designed to prepare him or her to assist the test examiner in the administration of the assessments pursuant to Education Code section 60640. A pupil's parent or guardian is not eligible to be the pupil's translator. A translator must be:

(1) an employee of an LEA;

(2) an employee of the NPS; or

(3) a person supervised by an employee of an LEA or an employee of the NPS.

(aa) "Universal tools" are accessibility features of the CAASPP tests that are available to all pupils.

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

Article 2. ~~Standards-Based~~ Achievement Tests~~, Alternate Assessments,~~ and Any Primary Language Test

§ 851. Pupil Testing.

(a) ~~School districts~~ LEAs shall administer the ~~standards-based~~ achievement tests and may administer the primary language test~~, if any,~~ pursuant to Education Code section 60640 to each eligible pupil enrolled in ~~a school district~~ an LEA on the date testing begins in the pupil's school or ~~school district~~ LEA.

(b) No later than start of the 2014-2015 school year, for the purposes of the CAASPP assessment system a charter school which is not direct-funded pursuant to Education Code section 47651 shall test with, and dependent on, the LEA that granted the charter or was designated the oversight agency by the local governing board.

(c)~~(b) School districts~~ LEAs shall make ~~whatever~~ arrangements ~~are necessary to~~ for the testing of all eligible pupils in alternative education programs or programs conducted off campus, including, but not limited to, non-classroom based programs, continuation schools, independent study, community day schools, county community schools, juvenile court schools, or ~~nonpublic schools~~ NPSs.

(d)~~(c)~~ No test may be administered in a home or hospital except by a test examiner. No test shall be administered to a pupil by the parent or guardian of that pupil. This subdivision does not prevent classroom aides from assisting in the administration of the test under the supervision of a test examiner, provided that the classroom aide does not assist his or her own child, and that the classroom aide signs a security affidavit.

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

§ 852. Pupil Exemptions.

(a) Each year the LEA shall notify parents or guardians of their pupil's participation in the CAASPP assessment system in accordance with Education Code section 60604.

(b) The notification to parents or guardians, as defined in subdivision (a), shall include a notice of the provisions outlined in Education Code section 60615.

(c) A parent or guardian may annually submit to the school a written request to excuse his or her child from any or all parts of any test provided pursuant to Education

Code section 60640 for the school year. If a parent or guardian submits an exemption request after testing has begun, any test(s) completed before the request is submitted will be scored and the results reported to the parent or guardian and included in the pupil's records. ~~A school district~~ An LEA and its employees may discuss the ~~STAR Program~~ CAASPP assessment system with parents and may inform parents of the availability of exemptions under Education Code section 60615. The ~~school district~~ LEA and its employees shall not solicit or encourage any written exemption request on behalf of any child or group of children.

NOTE: Authority cited: Sections 33031 and 60640 ~~60605~~, Education Code. Reference: Sections 60604, 60605, 60607, 60612, 60615, 60640 and 60641, Education Code.

§ 853. Administration.

(a) The ~~standards-based achievement tests and the primary language test, if any,~~ CAASPP tests pursuant to Education Code section 60640 shall be administered, scored, transmitted, and/or returned by ~~school districts~~ LEAs in accordance with the manuals or other instructions provided by the contractor or CDE for administering, scoring, transmitting, and/or returning the tests, unless specifically provided otherwise in this subchapter, including instructions for administering the test with ~~variations, accommodations, and modifications~~ universal tools, designated supports, and accommodations specified in section 853.5. The procedures shall include, but are not limited to, those designed to ensure the uniform and standardized administration, and scoring of the tests to pupils, the security and integrity of the test content and test items, and the timely provision of all required pupil and school level information.

(b) If available, an LEA may utilize a paper-pencil version of any CBT of the CAASPP assessment system, in accordance with Education Code section 60640(e), if the LEA identifies the pupils that are unable to access the CBT version of the test.

(c) Interim assessments and formative assessment tools shall be made available to LEA(s) for use during the school year. Use of interim assessments and formative assessment tools shall not be considered advance preparation for a CAASPP test as defined in Education Code section 60611. LEAs that use interim assessments and/or formative assessment tools shall abide by the consortium/contractor(s) administration

and use requirements. Any scoring of any performance tasks for the interim assessment and formative assessment tools is the responsibility of the LEA.

NOTE: Authority cited: Sections ~~12001,~~ 33031 and 60640 ~~60605~~, Education Code. Reference: Sections 60603, 60605, 60611, ~~and~~ 60640 and 60642.6, Education Code.

§ 853.5. Use of Universal Tools, Designated Supports, and ~~Variations,~~ Accommodations~~, and Modifications~~.

~~(a) School districts may provide all pupils the following variations on the CSTs, the CMA, and the Standards-based Tests in Spanish:~~

~~(1) have test directions simplified or clarified.~~

~~(2) write in test booklets; for example, underlining, highlighting, or working math problems. Tests booklets for grades 2 and 3 must have any marks other than those in response circles erased or pupil responses must be transcribed into new test booklet(s) by a school, school district, or nonpublic school employee who has signed the STAR Test Security Affidavit to ensure that the tests can be scored.~~

~~(3) test in a small group setting.~~

~~(4) have as much time as needed within a single sitting to complete a test or test part on the standards-based achievement tests.~~

~~(b) School districts may provide all pupils the following testing variations on the CSTs, the CMA, and the Standards-based Tests in Spanish if regularly used in the classroom:~~

~~(1) special or adaptive furniture.~~

~~(2) special lighting, special acoustics, noise-canceling devices, visual magnifying equipment or audio amplification equipment.~~

~~(3) an individual carrel or study enclosure.~~

~~(4) test individually in a separate room provided that an employee of the school, school district, or nonpublic school, who has signed the STAR Test Security Affidavit, directly supervises the pupil.~~

~~(5) colored overlay, mask, or other means to maintain visual attention to the test or test questions.~~

~~(6) Manually Coded English or American Sign Language to present directions for~~

~~administration.~~

~~(c) Eligible pupils with disabilities who have an IEP and pupils with a Section 504 Plan shall be permitted the following presentation, response, or setting accommodations on the CSTs, the CMA, and the Standards-based Tests in Spanish, if specified in the eligible pupil's IEP or Section 504 Plan:~~

~~(1) large print versions.~~

~~(2) test items enlarged if the font size is larger than that used on large print versions is required.~~

~~(3) Braille transcriptions provided by the test contractor.~~

~~(4) audio or oral presentation of the mathematics, science, or history-social science tests.~~

~~(5) Manually Coded English or American Sign Language to present test questions on the mathematics, science, or history-social science tests.~~

~~(6) for grades 4 to 11 responses marked in test booklet and transferred to the answer document by a school, school district, or nonpublic school employee who has signed the STAR Test Security Affidavit.~~

~~(7) responses dictated orally, in Manually Coded English or American Sign Language to a scribe for selected-response items (e.g., multiple-choice test questions).~~

~~(8) responses dictated to a scribe, audio recorder, or speech to text converter on the writing portion of the English-language arts tests, and the pupil indicates all spelling and language conventions.~~

~~(9) use of word processing software with spell and grammar check tools turned off on the writing portion of the English-language arts tests.~~

~~(10) use of an assistive device that does not interfere with the independent work of the student on the multiple-choice or writing portion of the test.~~

~~(11) supervised breaks within a section of the test.~~

~~(12) administration of the test at the most beneficial time of day to the pupil.~~

~~(13) administration of any test or test part to be given in a single sitting over more than one day except for the writing portion of the English-language arts tests.~~

~~(14) test administered by a test examiner to a pupil at home or in the hospital.~~

~~(15) audio or oral presentation of any prompts or passages present in the STAR~~

~~writing portion of the English-language arts tests.~~

~~(16) Manually Coded English or American Sign Language to present any prompts or passages present in the STAR writing portion of the English-language arts tests.~~

~~(d) In addition to the accommodations set forth in section 853.5(c), a pupil who is eligible to take the CMA as defined in section 850(f), shall be permitted the following presentation, response, or setting accommodations on the CMA if specified in the eligible pupil's IEP:~~

~~(1) audio or oral presentation of test questions and answer options on the multiple-choice portion of the English-language arts tests.~~

~~(2) Manually Coded English or American Sign Language to present test questions on the multiple-choice portion of the English-language arts tests.~~

~~(3) use of a calculator on the mathematics test in grade 5.~~

~~(4) use of manipulatives on the mathematics and science tests.~~

~~(e) Eligible pupils with disabilities shall be permitted the following modifications on the CSTs and the Standards-based Tests in Spanish if specified in the eligible pupil's IEP or Section 504 Plan:~~

~~(1) calculators, arithmetic tables, and formulas or mathematics manipulatives not provided in the test materials on the mathematics or science tests.~~

~~(2) audio or oral presentation of the multiple-choice portion of the English-language arts tests.~~

~~(3) Manually Coded English or American Sign Language to present test questions on the multiple-choice portion of the English-language arts tests.~~

~~(4) spellcheckers, grammar checkers, or word processing software programs that check or correct spelling and/or grammar on the writing portion of the English-language arts tests.~~

~~(5) mechanical or electronic devices or other assistive devices that are not used solely to record the pupil's responses, including, but not limited to, transcribers, scribes, voice recognition or voice to text software, and that identify a potential error in the pupil's response or that correct spelling, grammar or conventions on the writing portion of the English-language arts tests.~~

~~(6) responses dictated orally, in Manually Coded English or American Sign~~

~~Language to provide an essay response to a scribe and the scribe provides spelling, grammar, and language conventions.~~

~~(7) dictionary.~~

~~(f) If the school district, pupil's IEP team or Section 504 Plan proposes a variation for use on the standards-based achievement tests or the primary language test, if any, that has not been listed in this section, the school district may submit to the CDE for review of the proposed variation.~~

~~(g) Identified English learner pupils shall be permitted the following testing variations if regularly used in the classroom or for assessment:~~

~~(1) Tested in a separate room with other English learners provided that an employee of the school, school district, or nonpublic school, who has signed the Test Security Affidavit, directly supervises the pupil.~~

~~(2) Additional supervised breaks following each section within a test part provided that the test section is completed within a testing day. A test section is identified by a "STOP" at the end of it.~~

~~(3) The test directions printed in the test administration manual may be translated into an English learner's primary language. English learners shall have the opportunity to ask clarifying questions about any test directions presented orally in their primary language.~~

~~(4) Access to translation glossaries/word lists for the standards-based achievement tests in mathematics, science, and history-social science (English to primary language). The translation glossaries/word lists are to include only the English word or phrase with the corresponding primary language word or phrase. The glossaries or word lists shall include no definitions, parts of speech, or formulas.~~

(a) An LEA may provide all pupils the following embedded universal tools on the CAASPP tests for English language arts (including the components of reading, writing, and listening) and mathematics as specified below:

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

(2) calculator for specific mathematic items;

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

(4) English dictionary for writing (ELA-performance task – pupil long essay(s) not

short paragraph responses);

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

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

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

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

(9) keyboard navigation for reading, writing, listening, and mathematics;

(10) mark for review for reading, writing, listening, and mathematics;

(11) math tools for specific mathematics items;

(12) spell check for specific writing items;

(13) strikethrough for reading, writing, listening, and mathematics;

(14) writing tools for specific pupil generated responses; or

(15) zoom for reading, writing, listening, and mathematics.

(b) An LEA may provide all pupils the following non-embedded universal tools on the CAASPP tests for English language arts (including the components of reading, writing, and listening), mathematics, science, and primary language as specified below:

(1) breaks;

(2) English dictionary for ELA performance task – pupil long essay(s) not short paragraph responses;

(3) scratch paper;

(4) thesaurus for ELA performance task – pupil long essay(s) not short paragraph responses;

(5) color overlay for science and primary language test;

(6) math tools (i.e., ruler, protractor) for specific mathematics items;

(7) simplify or clarify test administration directions (does not apply to test questions); or

(8) pupil marks in paper-pencil test booklet (other than responses including highlighting).

(c) An LEA may provide pupils the following embedded designated supports, unless otherwise designated, when determined for use by an educator or group of educators, on the CAASPP tests for English language arts (including the components of reading,

writing, and listening) and mathematics as specified below:

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

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

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

(4) translated test directions for mathematics;

(5) translations (glossary) for mathematics;

(6) translations (stacked) for mathematics; or

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

(d) An LEA may provide pupils the following non-embedded designated supports when determined for use by an educator or a group of educators, on the CAASPP tests for English language arts (including the components of reading, writing, and listening), mathematics, science, and primary language as specified below:

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

(2) bilingual dictionary for writing;

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

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

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

(6) magnification;

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

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

(9) separate setting for reading, writing, listening, and mathematics;

(10) translations (glossary) for mathematics, science and primary language test;

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

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

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

(1) American Sign Language for listening and mathematics;

(2) braille for reading, writing, listening, and mathematics;

(3) closed captioning for listening; or

(4) text-to-speech for reading passages for grades 6 through 8, inclusive, and 11.

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

(1) read aloud for primary language test;

(2) American Sign Language for listening, mathematics, and science;

(3) braille for paper-pencil tests;

(4) abacus for mathematics and science;

(5) alternate response options for reading, writing, listening, and mathematics;

(6) calculator for specific mathematics items;

(7) multiplication table for mathematics beginning in grade 4;

(8) print on demand for reading, writing, listening, and mathematics;.

(9) read aloud for reading passages in grades 6 through 8, inclusive, and grade 11; blind pupils in grades 3 through 8, inclusive, and grade 11 who do not yet have adequate braille skills;

(10) scribe for writing, science, and primary language test;

(11) speech-to-text;

(12) large-print version of a paper-pencil test;

(13) separate setting for science and primary language test; or

(14) administration of the test at the most beneficial time of day to the pupil.

(g) An LEA may submit a request in writing to the CDE, prior to the administration of a CAASPP test for approval for the use of an accessibility support. The LEA CAASPP coordinator or the CAASPP test site coordinator shall make the request on behalf of the LEA ten business days prior to the pupil's first day of CAASPP testing. The CDE shall respond to the request within four business days from the date of receipt of the written request. Written requests must include:

(1) LEA name and CDS code;

(2) school/test site and school code;

(3) school/test site address, city, and zip code;

(4) LEA CAASPP coordinator name, phone number, and email address;

(5) CAASPP test site coordinator name, phone number, and email address;

(6) school/test site testing window dates;

(7) SSID(s) for the pupil(s) for which the accessibility support is being requested;

(8) CAASPP test and grade; and

(9) the accessibility support being requested.

(h) Accessibility supports that change the construct being measured by a CAASPP test invalidate the test score and results in a score that cannot be compared with other CAASPP results. Scores for pupils' tests with accessibility supports that change the construct being measured by a CAASPP test will not be counted as participating in statewide testing (and impacts the accountability participation rate indicator) but pupils will still receive individual score reports with their actual score. The following non-embedded accessibility supports have been determined to change the construct being measured on the CAASPP tests for English language arts (including the components for reading, writing, and listening), mathematics, science, and primary language and are specified below, but not limited to:

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

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

(3) translated test directions for reading, writing, or listening;

(4) bilingual dictionary for reading, listening, mathematics, science and primary language;

(5) translations (glossary) for reading, writing, and listening;

(6) read aloud for reading passages in grades 3, 4, and 5;

(7) American Sign Language for reading passages in grades 3, 4, and 5 and reading passages for primary language;

(8) abacus for non-specified mathematics items or science;

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

(10) math tools (i.e., ruler, protractor) for non-specified mathematics items; and

(11) multiplication table for mathematics in grade 3.

NOTE: Authority cited: Sections ~~12001~~, 33031, ~~and~~ 60605 and 60640, Education Code. Reference: Sections 60605 and 60640, Education Code; 34 C.F.R. Sections 200.1 and 300.160(b).

§ 854. Advance Preparation for the Tests. [REPEALED]

~~(a) Except for materials specifically provided by the CDE or its agents, no program or materials shall be used by any school district or employee of a school district that are specifically formulated or intended to prepare pupils for the standards-based achievement tests, or the primary language test, if any. No administration or use of an alternate or parallel form shall be used as practice for any pupils.~~

~~(b) Practice tests provided by the contractor as part of the standards-based achievement tests and the primary language test, if any, for the limited purpose of familiarizing pupils with the use of scannable test booklets or answer sheets and the format of test items are not subject to the prohibition of subdivision (a).~~

NOTE: Authority cited: Sections 33031 and 60605, Education Code. Reference: Sections 60605, 60611 and 60640, Education Code.

§ 855. Testing Period.

~~(a)(1) The standards-based achievement tests and the primary language test, if any, except as specified below shall be administered to each pupil during a testing window of 25 instructional days that includes 12 instructional days before and after completion of 85% of the school's, track's, or program's instructional days. Testing for all pupils, including makeup testing, is to be completed within this 25 instructional day window.~~

~~(2) Each school district shall provide for at least two makeup days of testing for pupils who were absent during the period in which any school administered the standards-based achievement tests and the primary language test, if any. All makeup testing shall occur within five instructional days of the last date that the school district administered the tests but not later than the end of the 25 instructional day period established in subdivision (a)(1).~~

~~(3) A school district with schools operating on a multitrack year round schedule may submit a request to the contractor to begin testing no earlier than the fourth Monday in February.~~

~~(b) The writing portion of the English-language arts tests shall be administered to each eligible pupil only on the day(s) specified annually by the State Superintendent of Public Instruction. An eligible pupil for purposes of the writing portion is a pupil taking the standards-based achievement tests for a grade at which the writing portion will be administered.~~

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

(2) For the 2013-14 school year, the CST and CMA for science in grades 5, 8, and 10, and CAPA for ELA and mathematics in grades 2 through 11 and science in grades 5, 8, and 10, shall be administered to each pupil during a testing window of 25 instructional days that includes 12 instructional days before and after completion of 85 percent of the school's, track's, or program's instructional days. Testing for all pupils, including makeup testing, is to be completed within this 25 instructional day window. If an LEA elects to administer the primary language test, it shall do so during this same testing window.

(b) Beginning in the 2014-15 school year, the CAASPP tests pursuant to Education Code sections 60640(b) shall be administered to each pupil during the following testing windows:

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

(2) For the grade 11 Smarter Balanced assessments and CAASPP tests administered after January 2015, the testing window shall not begin until at least 80 percent of a school’s annual instructional days have been completed, and testing may continue up to and including the last day of instruction for the regular school calendar.

For a 180-day school year, 80 percent of a school year occurs after the 144th instructional day. This allows for a 7-week window for testing.

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

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

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

§ 857. LEA CAASPP ~~District STAR~~ Coordinator.

~~(a) On or before September 30 of each school year, the superintendent of each school district shall designate from among the employees of the school district a district STAR coordinator. The district STAR coordinator, or the school district superintendent or his or her designee, shall be available through August 15 of the following school year to complete school district testing. The school district shall notify the contractor(s) of the identity and contact information, including electronic mail address, if available in the school district, for the district STAR coordinator and for the superintendent and his or her designee, if any. The district STAR coordinator shall serve as the school district representative and the liaison between the school district and the contractor(s) and the school district and the CDE for all matters related to the STAR Program. A school district superintendent may designate a separate STAR program district coordinator for any primary language test.~~

~~(b) The district STAR coordinator's responsibilities shall include, but not be limited to, all of the following duties:~~

~~(1) Responding to correspondence and inquiries from the contractor and from the CDE in a timely manner and as provided in the contractor's instructions and these regulations.~~

~~(2) Determining school district and individual school test and test material needs in conjunction with schools within the district and the contractor, using current enrollment data and communicating school district test material needs to the contractor on or before December 1.~~

~~(3) Ensuring delivery of tests and test materials to the test sites no more than ten or fewer than five working days before the first day of testing designated by the district.~~

~~(4) Coordinating the testing and makeup testing days for the school district and for those pupils of the district who are enrolled in nonpublic schools within any required time periods with the school test site coordinators. Overseeing the collection of all pupil data as required to comply with section 861.~~

~~(5) Maintaining security over the standards-based achievement tests, and the primary language test, if any, and test data using the procedure set forth in section 859. The district STAR coordinator shall sign the security agreement set forth in section 859 and submit it to the contractor prior to receipt of the test materials from the contractor.~~

~~(6) Overseeing the administration of the standards-based achievement tests, and the primary language test, if any, to eligible pupils.~~

~~(7) Overseeing the collection and return of all test materials and test data to the contractor within any required time periods.~~

~~(8) Assisting the contractor and the CDE in the resolution of any discrepancies in the test information and materials, including but not limited to, pre-identification files and all pupil level data required to comply with sections 861 and 862.~~

~~(9) Immediately notifying the CDE of any security breaches or testing irregularities in the district before, during, or after the test administration.~~

~~(10) Ensuring that an answer document is submitted for scoring for each eligible pupil enrolled in the district on the first day of testing.~~

~~(11) After receiving summary reports and files from the contractor, the district STAR~~

~~coordinator shall review the files and reports for completeness and accuracy, and shall notify the contractor and the CDE of any errors, discrepancies, or incomplete information.~~

~~(12) Training test site coordinators to oversee the test administration at each school.~~

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

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

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

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

(b) The LEA CAASPP coordinator, or the LEA superintendent, shall be available through September 29 of the following school year to complete the LEA testing activities. The LEA shall notify the contractor(s) of the identity and contact information for the LEA CAASPP coordinator and the superintendent. The LEA CAASPP coordinator shall serve as the LEA representative and the liaison between the LEA and the contractor(s) and the LEA and the CDE for all matters related to the CAASPP assessment system.

(c) The LEA CAASPP coordinator's responsibilities shall be those defined in the contractor’s(s’) or consortium’s administrative manuals and documentation, and shall include, but are not limited to, overseeing the LEA’s preparation, registration, coordination, training, assessment technology, administration, security, and reporting of the CAASPP tests.

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

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

NOTE: Authority cited: Sections 33031, ~~and~~ 60605 and 60640, Education Code. Reference: Sections 47079.5, 52052, 60604, 60605, 60610, 60630, ~~and~~ 60640 and

60643, Education Code.

§ 858. CAASPP ~~STAR~~ Test Site Coordinator.

~~(a) At each test site, including but not limited to, each elementary, middle, and high school or other grade-span designated school, each charter school, each court-school, each school or program operated by a school district, and all other public programs serving pupils in any of the grades 2 to 11, inclusive, the superintendent of the school district or the district STAR coordinator shall designate a STAR test site coordinator from among the employees of the school district. The STAR test site coordinator, or the site principal or his or her designee, shall be available to the district STAR coordinator by telephone through August 15 of the following school year for purposes of resolving discrepancies or inconsistencies in materials or errors in reports.~~

~~(b) The STAR test site coordinator's responsibilities shall include, but are not limited to, all of the following duties:~~

~~(1) Determining site test and test material needs and communicating the site needs to the district STAR coordinator.~~

~~(2) Overseeing the acquisition and distribution of tests and test materials at the test site, including but not limited to, distributing test materials to test examiners on each day of testing in accordance with the contractor's directions.~~

~~(3) Cooperating with the district STAR coordinator to provide the testing and makeup testing days for the site within any required time periods.~~

~~(4) Maintaining security over the standards-based achievement tests, the primary language test, if any, and test data. The STAR test site coordinator shall sign the security agreement set forth in section 859 and submit it to the district STAR coordinator prior to the receipt of the test materials.~~

~~(5) Arranging for and overseeing the administration of the standards-based achievement tests and the primary language test, if any, to eligible pupils at the test site.~~

~~(6) Overseeing the collection and return of all testing materials to the district STAR coordinator.~~

~~(7) Assisting the district STAR coordinator, the contractor, and the CDE in the~~

~~resolution of any discrepancies in the test information and materials.~~

~~(8) Overseeing the collection of all pupil level and other data required to comply with sections 861 and 862.~~

~~(9) Ensuring that an answer document is submitted for scoring for each eligible pupil enrolled in the school on the first day of testing for the standards-based achievement tests and the primary language test, if any.~~

~~(10) Ensuring that for each pupil tested only one scannable answer document is submitted for scoring, except that for each pupil tested at grades for which the contractor has designated the use of more than one answer document. An answer document for the STAR writing portion of the English-language arts tests administered pursuant to section 855(b) shall be submitted in addition to the answer document for the multiple choice items.~~

~~(11) Immediately notifying the district STAR coordinator of any security breaches or testing irregularities that occur in the administration of the standards-based achievement tests or the primary language test, if any, that violate the terms of the STAR Security Affidavit in section 859.~~

~~(12) Training test examiners, translators, proctors, and scribes for administering the tests.~~

(a) At each test site, including, but not limited to, each elementary, middle, and high school or other grade-span designated school, each charter school, each court-school, each school or program operated by an LEA, and all other public programs serving pupils, inclusive, the superintendent of the LEA or the LEA CAASPP coordinator shall designate a CAASPP test site coordinator from among the employees of the LEA. The CAASPP test site coordinator, or the site principal or his or her designee, shall be available to the LEA CAASPP coordinator by telephone through September 29 of the following school year for purposes of resolving discrepancies or inconsistencies in materials or errors in reports.

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

(c) The CAASPP test site coordinator shall be responsible for the training of test examiners, translators, proctors, and scribes.

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

§ 859. CAASPP ~~STAR~~ Test Security Agreement and Test Security Affidavit.

~~(a) All STAR district and test site coordinators (coordinators) shall sign the STAR Test Security Agreement set forth in subdivision (b) before receiving any of the test materials or tests administered pursuant to Education Code section 60640.~~

~~(b) The STAR Test Security Agreement shall be as follows:~~

~~STAR TEST SECURITY AGREEMENT~~

~~I acknowledge by my signature on this form that standards-based achievement tests, including the CSTs, the California Alternate Performance Assessment, the CMA, and the Standards-based Tests in Spanish, are secure tests and agree to each of the following conditions to ensure test security:~~

~~(1) I will take all necessary precautions to safeguard all tests and test materials by limiting access to persons within the school district with a responsible, professional interest in the tests' security.~~

~~(2) I will keep on file the names of all persons having access to tests and test materials. All persons having access to the materials shall be required to sign the STAR Test Security Affidavit that will be kept on file in the school district office.~~

~~(3) I will keep the CSTs, the California Alternate Performance Assessment, the CMA, and the Standards-based Tests in Spanish and their test materials in a secure, locked location and will deliver tests and test materials only to those persons who have executed STAR Test Security Affidavits on actual testing dates as provided in section 859(d) with the exception of subdivision (4) below.~~

~~(4) I will keep the California Alternate Performance Assessment materials in a secure locked location when not being used by examiners to prepare for and to administer the assessment. I will adhere to the contractor's directions for the distribution of the assessment materials to examiners.~~

~~(5) I will not copy any part of the tests or test materials without written permission from the CDE to do so.~~

~~(6) I will not disclose, or allow to be disclosed, the contents of the tests or the test instruments. I will not review any test questions, passages, or other test items with any other person before, during, or after the test administration.~~

~~(7) I will not develop scoring keys, review any pupil responses, or prepare answer documents except as required by the test administration manual(s) prepared by the testing contractor.~~

~~By signing my name to this document, I am assuring that I will abide by the above conditions.~~

~~Signed: _____~~

~~Print Name: _____~~

~~Title: _____~~

~~School District: _____~~

~~Date: _____~~

~~(c) All test examiners, proctors, translators, scribes, and any other persons having access to any of the test materials or tests administered pursuant to Education Code section 60640 shall acknowledge the limited purpose of their access to the tests by signing the STAR Test Security Affidavit set forth in subdivision (d).~~

~~(d) The STAR Test Security Affidavit shall be as follows:~~

~~STAR TEST SECURITY AFFIDAVIT~~

~~I acknowledge that I will have access to one or more of the standards-based achievement tests, including the CSTs, the California Alternative Performance Assessment, the CMA, and the Standards-based Tests in Spanish, and test materials, for the purpose of administering the test(s). I understand that these materials are highly secure, and it is my professional responsibility to protect their security as follows:~~

~~(1) I will not divulge the contents of the tests to any other person through verbal, written, or any other means of communication.~~

~~(2) I will not copy any part of the test(s) or test materials.~~

~~(3) I will keep the test(s) secure until the test(s) are actually distributed to pupils.~~

~~(4) I will limit access to the test(s) and test materials by test examinees to the actual~~

~~testing periods when they are taking the test(s).~~

~~(5) I will collect and account for all materials following each period of testing and will not permit pupils to remove test materials from the room where testing takes place.~~

~~(6) I will not review any test questions, passages, or other test items independently or with pupils or any other person before, during, or following testing.~~

~~(7) I will not develop scoring keys, review any pupil responses, or prepare answer documents except as required by the test administration manual(s) prepared by the testing contractor.~~

~~(8) I will return all test materials for the CSTs, the CMA, and the Standards-based Tests in Spanish to the designated STAR test site coordinator daily upon completion of testing.~~

~~(9) I will keep all the California Alternate Performance Assessment materials in secure locked storage except when I am administering or observing the administration of the assessment to pupils.~~

~~(10) I will administer the test(s) in accordance with the directions for test administration and test administration manuals prepared by the testing contractor.~~

~~(11) I have been trained to administer the tests.~~

~~Signed: _____~~

~~Print Name: _____~~

~~Position: _____~~

~~School: _____~~

~~School District: _____~~

~~Date: _____~~

~~(e) To maintain the security of the program, all district STAR coordinators and test site coordinators are responsible for inventory control and shall use appropriate inventory control forms to monitor and track test inventory.~~

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

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

CAASPP TEST SECURITY AGREEMENT

I acknowledge by my signature on this form that the California Assessment of Student Performance and Progress (CAASPP) tests pursuant to Education Code section 60640 are secure tests and agree to each of the following conditions to ensure test security:

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

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

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

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

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

(6) For the CAPA test, I will keep all tests and testing materials in the manner set forth above in subdivisions (3) and (5) except during actual testing administration or when being used by test examiners to prepare for and to administer the assessment. I will adhere to the contractor's directions for the distribution of the assessment materials to test examiners.

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

Signed: _____

Print Name: _____

Title: _____

LEA: _____

Date: _____

(c) All test examiners, proctors, translators, scribes, and any other persons having access to any of the tests and test materials, assessment technology, or tests administered pursuant to Education Code section 60640, shall acknowledge the limited purpose of their access to the tests by signing the CAASPP Test Security Affidavit set forth in subdivision (d).

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

CAASPP TEST SECURITY AFFIDAVIT

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

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

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

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

(4) I will limit access to the test(s) and test materials by test examinees to the actual testing periods when they are taking the test(s). I understand that only pupils who are testing and LEA staff participating in the test administration who have signed a test

security affidavit may be in the room when and where a test is being administered.

(A) I will keep all assigned, generated, or created usernames, passwords and logins secure and not divulge pupil personal information to anyone.

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

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

(D) I will not include, nor will I display, a pupil's name and Statewide Student Identifier (SSID) together in any written or electronic format.

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

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

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

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

(9) I will return all test materials to the designated CAASPP test site coordinator

each day upon completion of testing. I understand that all test booklets, answer documents, and scratch paper shall be returned to the CAASPP test site coordinator each day immediately after testing has been completed for storage or confidential destruction.

(10) If I will administer and/or observe the administration of CAPA, which means that I am a certificated or a licensed LEA employee and a trained CAPA Examiner, I will keep all the CAPA materials in a securely locked room, when possible, in a locked storage cabinet within that room except when I am preparing for the administration, administering or observing the administration of the assessment to pupils.

(11) I will actively supervise pupils throughout the testing session to make sure that they are working on the correct test section or part, marking their answers in the correct section of their answer documents, following instructions, and are accessing only authorized materials (embedded and/or non-embedded universal tools, designated supports, or accommodations) needed for the test being administered.

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

(13) I have been trained to administer the tests. By signing my name to this document, I am assuring that I have completely read this affidavit and will abide by the above conditions.

Signed: _____

Print Name: _____

Position: _____

School: _____

LEA: _____

Date: _____

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

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

§ 861. ~~School-By-School Analysis~~ Data Elements for Test Registration and State and Federal Reporting.

~~(a) Each school district shall provide the contractor for the standards-based achievement tests and the primary language test, excluding (6), (7), and (8), the following information for each pupil enrolled on the first day the tests are administered for purposes of the reporting required by the Academic Performance Index of the Public Schools Accountability Act (chapter 6.1, commencing with section 52050), section 60630, and chapter 5 (commencing with section 60640) of the Education Code:~~

~~(1) Pupil's full name.~~

~~(2) Date of birth.~~

~~(3) Grade level.~~

~~(4) Gender.~~

~~(5) English proficiency.~~

~~(6) Primary language.~~

~~(7) Date of English proficiency reclassification.~~

~~(8) If reclassified to fluent English proficient (R-FEP) pupil scored proficient or above on the California English-Language Arts Standards Test any three years since reclassification.~~

~~(9) Program participation.~~

~~(10) Use of accommodations or modifications.~~

~~(11) Statewide Student Identifier.~~

~~(12) Parent or guardian education level.~~

~~(13) School and district California Basic Educational Data System (CBEDS)~~

~~enrollment.~~

~~(14) For English learners, date first enrolled in school in the United States and if they have been enrolled in school less than 12 cumulative months at the time of testing.~~

~~(15) Documented eligibility to participate in the National School Lunch Program.~~

~~(16) Race/ethnicity.~~

~~(17) Primary disability code.~~

~~(18) Special Education Exit Date.~~

~~(19) County and District for pupils with IEPs if residence is other than where pupil attends school or receives services.~~

~~(20) Special testing conditions and/or reasons for not being tested.~~

~~(21) Pupil enrolled in NPS by district based on IEP.~~

~~(22) NPS school code.~~

~~(b) In addition to the demographic data required to be reported in section 861(a), school districts may report if an eligible pupil is not tested due to a significant medical emergency.~~

~~(c) The information is for the purposes of aggregate analyses only and shall be provided and collected as part of the testing materials for the standards-based achievement tests and the primary language test.~~

~~(d) School districts shall provide the same information for each eligible pupil enrolled in an alternative or off campus program or for pupils placed in nonpublic schools as is provided for all other eligible pupils in grades 2 to 11, inclusive.~~

~~(e) If the information required by section 861(a) is incorrect, the school district may enter into a separate agreement with the contractor to have the district's student data file corrected. The district STAR coordinator shall provide the correct information to the contractor within the contractor's timeline. Any costs for correcting the student data shall be the district's responsibility.~~

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

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

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

(2) if a pupil used an accommodation(s);

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

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

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

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

NOTE: Authority cited: Sections 33031, ~~and~~ 60605 and 60640, Education Code. Reference: Sections 49079.5, ~~52050~~ 52052, 60605, 60630, 60640, 60641 and 60643, Education Code; 7 C.F.R. Sections 245.2(a)(1)-(4), 245.3 and 245.6.

§ 862. Apportionment Information Report.

(a) Annually, the CDE shall make available electronically to each ~~school district~~ LEA ~~shall receive~~ an apportionment information report with the following information provided to the contractor by the LEA pursuant to sections 853 and 861 by grade level ~~for the standards-based achievement tests and the primary language test, if any~~:

(1) The number of pupils enrolled in each school and in the ~~school district~~ LEA on the first day of testing ~~as indicated by the number of alternate assessments and CSTs, excluding the STAR writing portion of the English-language arts tests, answer documents submitted to the test contractor for scoring~~.

(2) The number of pupils in each school and in the ~~school district~~ LEA tested with the alternate ~~performance~~ assessment.

(3) The number of pupils in each school and in the ~~school district~~ LEA exempted

from testing at the request of their parent~~s~~ or guardian~~s~~ pursuant to Education Code section 60615.

(4) The number of pupils who were administered any portion of the ~~CSTs or the modified assessment excluding the STAR writing portion of the English-language arts tests~~ CAASPP assessments pursuant to Education Code sections 60640(b)(1), 60640(b)(2), 60640(b)(4), or 60640(c)(3) through the use of CBT.

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

(6)~~(5)~~ The number of pupils with demographic information only who were not tested for any reason other than a parent or guardian exemption.

(7)~~(6)~~ The number of English language learners who were administered ~~each~~ a primary language test aligned to the English language arts standards pursuant to Education Code section 60640~~(f)~~(b)(5)(B).

(8)~~(7) The number of English language learners who were administered each primary language test pursuant to Education Code section 60640(g)~~ Beginning in 2014-15, the number of pupils in grade 2 administered a diagnostic assessment pursuant to Education Code section 60644.

(b) To be eligible for apportionment payment for the ~~standards-based achievement tests and the primary language test, if any~~ CAASPP assessments, ~~school districts~~ LEAs must meet the following conditions:

(1) The ~~school district~~ LEA has returned all secure test materials, and

(2) The ~~superintendent~~ LEA CAASPP coordinator ~~of each school district~~ has certified the accuracy of the apportionment information report for ~~examinations~~ assessments administered during the ~~calendar~~ school year ~~(January 1 through December 31)~~, which is either;

(A) ~~postmarked~~ transmitted electronically in a manner prescribed by the contractor(s) and/or the CDE by December 31, or

(B) if ~~postmarked~~ transmitted in any manner after December 31, the apportionment information report must be accompanied by a waiver request as provided by Education Code section 33050. For those apportionment information reports ~~postmarked~~

transmitted after December 31, apportionment payment is contingent upon the availability of an appropriation for this purpose in the fiscal year in which the testing window began.

NOTE: Authority cited: Sections ~~12001,~~ 33031, ~~and~~ 60605 and 60640, Education Code. Reference: Sections 60610, 60615, ~~and~~ 60640 and 60641, Education Code.

§ 862.5. Apportionment to ~~School Districts~~ LEAs.

(a) The amount of funding to be apportioned to the ~~school district~~ LEA ~~for the costs of administering the standards-based achievement tests and the primary language test, if any~~, shall be the amount established by the SBE ~~to enable school district to meet the requirements of administering the tests, and the primary language test~~ per the number of tests administered to eligible pupils ~~in grades 2 to 11, inclusive~~, and the number of ~~answer documents returned with only demographic information for~~ pupils enrolled on the first day of testing who were not tested in the ~~school district~~ LEA. The number of tests administered and the number of ~~demographic answer documents~~ pupils not tested shall be determined by the certification of the LEA CAASPP coordinator ~~school district superintendent~~ pursuant to section 862. For purposes of this portion of the apportionment, administration of the ~~standards-based achievement tests and the primary language~~ tests includes the following items:

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

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

(3) All transportation costs of delivering and retrieving tests and test materials within the ~~school district~~ LEA and to ~~nonpublic schools~~ NPSs.

(4) All costs associated with ~~mailing~~ transmitting the ~~STAR Student~~ pupil ~~R~~report(s) to parents/guardians.

(5) All costs associated with ~~pre-identification of answer sheets and consumable test booklets, and other~~ activities intended to provide the complete and accurate data required in section 861 ~~of these regulations~~.

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

~~(1) reimbursing the costs incurred by any school district pursuant to section 864.5(d) or (e); and~~

~~(2) reimbursing any school district for primary language tests for non-eligible pupils.~~

~~(c) If at the time a school district scannable documents are processed by the contractor a student data record is missing any of the data elements required in section 861 of these regulations for the standards-based achievement tests, the school district shall provide the missing data elements within the time required by the contractor to process the documents and meet the contractor's schedule of deliverables under its contract with the CDE. The additional costs incurred by the school district to have the contractor reprocess the student information to acquire the data required by section 861 of these regulations shall be withheld from the school district apportionment.~~

NOTE: Authority cited: Sections ~~12001,~~ 33031, ~~and~~ 60605 and 60640, Education Code. Reference: Sections 60640 and 60643, Education Code.

§ 863. ~~STAR~~ CAASPP ~~Student~~ Pupil Reports and Cumulative Record Labels.

(a) The ~~school district~~ LEA shall forward or transmit ~~the STAR Student Report~~ pupil results for the ~~designated achievement test and standards-based achievement~~ tests conducted ~~and the designated primary language test provided by the contractor(s) to each pupil's test~~ pursuant to Education Code section 60640 to ~~the~~ each pupil's parent or guardian~~,~~ within ~~no more than~~ 20 working days from receipt of the results ~~report~~ from the contractor.

(b) If the ~~school district~~ LEA receives the reports for the ~~designated achievement test and standards-based tests, or the designated primary language~~ tests conducted pursuant to Education Code section 60640 from the contractor after the last day of instruction for the school year, the ~~school district~~ LEA shall ~~send the pupil results to the parent or guardian by U.S. mail at the parent's or guardian's last known address. If the report is non-deliverable, the school district shall~~ make the report available to the parent or guardian ~~during~~ no later than the first 20 working days of the next school year.

(c) Schools are responsible for maintaining ~~affixing cumulative record labels reporting each~~ pupil's scores to the pupil's permanent school records or for entering the scores into electronic pupil records, and for forwarding or transmitting the results to schools to which pupils matriculate or transfer. Schools may annotate the scores when the scores may not accurately reflect pupils' achievement due to illness or testing irregularities.

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

§ 864. ~~Reporting Test Scores~~ LEA Compliance with Contractor Requirements.

~~No aggregate or group scores or reports that are compiled pursuant to Education Code section 60641 or 60643 shall be reported electronically, in hard copy, or in other media, to any party other than the school or school district where the pupils were tested, if the aggregate or group scores or reports are composed of ten or fewer individual pupil scores. In each instance in which no score is reported for this reason, the notation shall appear "The number of pupils in this category is too small for statistical accuracy or privacy protection." In no case shall any group score be reported that would deliberately or inadvertently make the score or performance of any individual pupil identifiable within the meaning of the Family Educational Rights and Privacy Act.~~

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

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

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

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

NOTE: Authority cited: Sections ~~12001,~~ 33031, ~~and~~ 60605, 60613 and 60640, Education Code. Reference: Sections 60605, 60610, 60640, 60641 and 60643, Education Code; 20 U.S.C. Section 1232g; and 34 C.F.R. Section 99.3.

§ 864.5. Test Order Information. [REPEALED]

~~(a) The school district shall provide to the contractor(s), for the standards-based achievement tests and the primary language test no later than December 1 of the year immediately prior to the year of test administration, the following data for each test site of the school district, by grade or course level:~~

~~(1) Valid county district school (CDS) codes.~~

~~(2) Number of tests.~~

~~(3) Numbers of special version tests including, but not limited to, Braille and large print.~~

~~(4) Number of Directions for Administration needed, by grade level.~~

~~(5) Number of pupils to be tested with the alternate assessments.~~

~~(6) Number of test examiners for the alternate assessments.~~

~~(7) The first and last date of instruction and all non-instructional days during the school year for each school in the district and all non-working days for the school district.~~

~~(b) The school district shall provide to the contractor for the primary language test the following data:~~

~~(1) Whether or not the district has eligible pupils for the tests.~~

~~(2) For all tests sites in the district with eligible pupils, by grade level, the information in subdivision (a)(1), (2), (3), and (4).~~

~~(3) First date of testing indicating the dates for each administration period.~~

~~(c) Each school district that elects pre-identification of answer documents shall submit an electronic file that includes all of the information required in section 861. The file must be submitted in accordance with the timeline, format, and instructions provided by the contractor(s).~~

~~(d) If the testing materials are lost or destroyed while in the possession of the school district, and the contractor provides the school district with replacement materials, the school district is responsible for the cost of all replacement materials.~~

~~(e) If the school district places an order for tests for any school that is excessive, the school district is responsible for the cost of materials for the difference between the sum of the number of pupil tests submitted for scoring including tests for non-tested~~

~~pupils and 90 percent of the materials ordered. In no event shall the cost to the school district for replacement or excessive materials exceed the amount per test booklet and accompanying material that is paid to the contractor by the CDE as part of the contract for the current year.~~

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

§ 865. Transportation. [REPEALED]

~~(a) Upon arrival of the test materials at a single location designated by each school district, the district STAR coordinator shall provide the contractor with a signed receipt certifying that all cartons were received.~~

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

~~(c) Secure transportation within a school district is the responsibility of the school district once materials have been duly delivered to the school district. The school district is responsible for secure delivery of test materials to non-public schools.~~

NOTE: Authority cited: Sections 33031 and 60605, Education Code. Reference: Section 60640, Education Code.

§ 866. School District Delivery. [REPEALED]

~~(a) No school district shall receive its standards-based achievement test or primary language test materials, if any, more than twenty or fewer than ten working days prior to the first day of testing in the school district. A school district that has not received test materials from the test contractor at least ten working days before the first date of testing in the school district shall notify the test contractor and the CDE on the tenth working day before testing is scheduled to begin that the school district has not received its materials. Deliveries of test materials to single school districts shall use the schedule in section 867.~~

~~(b) A school district and the contractor shall establish a periodic delivery schedule to~~

~~accommodate all test administration periods within the school district. Any schedule established must conform to sections 866(a) and (b) for each test administration period.~~

~~(c) No school district shall receive its writing test materials more than ten or fewer than five working days before the day on which the writing portion of the English-language arts tests are to be administered.~~

NOTE: Authority cited: Sections 33031 and 60605, Education Code. Reference: Sections 60605, 60640, 60642.5 and 60643, Education Code.

§ 867. Test Site Delivery and Return. [REPEALED]

~~(a) No school or other test site shall receive any designated achievement test, standards-based tests, or designated primary language test or related test materials more than ten or fewer than five working days prior to the first day of testing scheduled at the school or test site.~~

~~(b) All testing materials shall be returned to the school district location designated by the district STAR coordinator no more than two working days after testing is completed for each test administration period.~~

~~(c) No school or other test site shall receive any writing test materials more than six or fewer than two working days before the test administration date.~~

~~(d) Writing test materials shall be returned to the district STAR coordinator no more than one day after the day scheduled for makeup testing.~~

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

§ 867.5. Retrieval of Materials by Contractor. [REPEALED]

~~(a) The school district shall ensure that designated achievement test, standards-based tests, or designated primary language testing materials are inventoried, packaged, and labeled in accordance with instructions from the contractor, and returned to a single school district location for pickup by the contractor within five working days following completion of testing in the school district and in no event later than five working days after each test administration period.~~

~~(b) School districts shall return all writing tests and test materials to the contractor~~

~~no more than two working days after the makeup day specified for the writing test.~~

NOTE: Authority cited: Sections 33031 and 60605, Education Code. Reference: Sections 60640, 60642.5 and 60643, Education Code.

§ 868. Discrepancy Resolution for Standards-based Achievement Tests and Any Primary Language Test.

~~(a) School districts shall process discrepancies determined by the contractor(s) upon receipt of returned tests and test materials pursuant to this subdivision:~~

~~(1) Receipt of a discrepancy notice in writing, via telephone, or via electronic mail by the district STAR coordinator for one or more of the following shall require a response from the district STAR coordinator to the contractor within 24 hours.~~

~~(A) A discrepancy between the quantity of tests and test materials shipped to the school district and the number of tests and test materials returned to the contractor from the school district.~~

~~(B) Information on scannable documents or test support materials that is inconsistent, incomplete, or missing, according to criteria established with the CDE.~~

~~(2) The district STAR coordinator shall acknowledge the discrepancy notice via electronic mail, if available in the school district, to the contractor and to the CDE within 24 hours of its receipt via electronic mail.~~

~~(b) The district STAR coordinator shall report any discrepancy in the total amount of the shipment from the contractor within two working days of the receipt of the shipment. If the contractor does not remedy the discrepancy within two working days of the school district report, the school district shall notify the CDE within 24 hours.~~

~~(c) Any discrepancy in a shipment of standards-based achievement tests or test materials or primary language test or test materials received by a test site from the district STAR coordinator shall be reported to the district STAR coordinator immediately but no later than two working days of the receipt of the shipment at the testing site. The district STAR coordinator shall remedy the discrepancy within two working days.~~

~~(d) The district STAR coordinator shall report to the contractor any discrepancy reported by a STAR test site coordinator within three working days of receipt of materials at the test site. If the district STAR coordinator does not have a sufficient~~

~~supply of tests or test materials to remedy any shortage, the contractor shall remedy the shortage by providing sufficient materials directly to the test site within two working days of the notification by the district STAR coordinator.~~

~~(e) The notices required by this section shall be made by telephone with simultaneous confirmation in writing and by electronic mail.~~

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

12-24-13 [California Department of Education]

California State Board of Education

Meeting Agenda Items for January 15-16, 2014

ITEM 07

CALIFORNIA STATE BOARD OF EDUCATION

JANUARY 2014 AGENDA

SUBJECT	
2014 United States Senate Youth Program Presentation	☐ Action ☒ Information ☐ Public Hearing

SUMMARY OF THE ISSUE(S)

The State Superintendent of Public Instruction (SSPI) will announce the selection of the two delegates and first and second alternates to represent California at the 52nd annual United States Senate Youth Program (USSYP) held in Washington, DC in March 2014. A news release about the recipients is available on the California Department of Education (CDE) Year 2013 Web page at http://www.cde.ca.gov/nr/ne/yr13/yr13rel118.asp .

RECOMMENDATION

The CDE recommends that the State Board of Education (SBE) President and the SSPI present the 2014 USSYP awards to the 2014 delegates and alternates. The two delegates are (1) Daniel Cameron Hamidi and (2) Sabrina Mia Van Zuiden. The two alternates are (1) Justin Mark Hopkins and (2) William Oh.

BRIEF HISTORY OF KEY ISSUES

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

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

This is an annual event at the January SBE Meeting.

FISCAL ANALYSIS (AS APPROPRIATE)

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

ATTACHMENT(S)

None.

California State Board of Education

Meeting Agenda Items for January 15-16, 2014

ITEM 08

CALIFORNIA STATE BOARD OF EDUCATION

JANUARY 2014 AGENDA

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 Program and California's Notice of Request to Waive Current Academic Assessments and Accountability from States that Participate in Field Testing of New State Assessments During the 2013–14 School Year Under the Elementary and Secondary Education Act Section 9401.	☒ Action ☒ Information ☐ Public Hearing

SUMMARY OF THE ISSUE(S)

This standing item allows the California Department of Education (CDE) to brief the State Board of Education (SBE) on timely topics related to the Elementary and Secondary Education Act (ESEA) and other federal programs.

School Improvement Grant

On November 13, 2013, California was notified that all findings related to California's School Improvement Grant (SIG) monitoring visit conducted by the U.S. Department of Education (ED) during the week of March 7–11, 2011, have been resolved. Attachment 1 provides a copy of the letter of resolution.

California's Request to Waive Title I, Part A Requirements of ESEA Under Section 9401

On June 18, 2013, the U.S. Secretary of Education announced that the ED will consider waiver requests for academic assessments and accountability (Section 111[b]][2] and [3] of the ESEA) from states that participate in field testing of new state assessments during the 2013–14 school year. This measure is intended to support states during the transition to new assessments aligned to the Common Core State Standards (CCSS).

RECOMMENDATION

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

BRIEF HISTORY OF KEY ISSUES

SIG

During the week of March 7, 2011, two monitoring teams from the ED reviewed four SIG local educational agencies, two each in northern and southern California. On May 6, 2011, the ED provided the CDE with a draft Targeted Monitoring Review of the SIG under Section 1003(g) of the ESEA, which allowed five business days for the state educational agency to provide any technical comments and edits. The California Targeted Monitoring Report of SIG is located on the ED Lead and Manage My School Monitoring Reports 2010–11 Web page at http://www2.ed.gov/admins/lead/account/monitoring/reports11/index.html. The CDE's response to the draft report was submitted to ED on May 13, 2011.

California's Request to Waive Title I, Part A Requirements of ESEA Under Section 9401

Title I, Part A of the ESEA requires states to implement yearly student academic assessments in mathematics, reading or language arts, and science for specified grades/grade spans. The Standardized Testing and Reporting (STAR) Program tests have been used in California to meet that requirement and the primary means of determining the yearly performance, or adequate yearly progress, of the state and each local educational agency.

On November 21, 2013, the CDE and SBE submitted a waiver request to the ED for flexibility in assessment administration aligned with college- and career-ready standards for the 2013–14 school year only. In addition, the waiver request seeks to allow participating schools to retain their federal accountability designations for an additional year. The one year Title I waiver pertains to how California students participate in the Smarter Balanced field tests. A copy of the Public Notice, including the waiver request and list of schools, can be accessed on the SBE Public Notice Web page at http://www.cde.ca.gov/be/pn/pn.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

SIG

At its July 2011 meeting, the SBE was provided a copy of ED's draft Targeted Monitoring Review of SIG, CDE's response to the draft report, and ED's final report. Since that time, additional information was provided to the ED in April 2012 and again during the period of June 2013 through October 2013 to clarify outstanding issues.

At its May 2011 meeting, the CDE updated the SBE on ED's monitoring visit.

California's Request to Waive Title I, Part A Requirements of ESEA Under Section 9401

At its September 2013 meeting, the SBE approved the release of a draft Title I waiver request for a 10-day comment period and delegated authority to the SBE President in consultation with the SSPI to submit the Title I waiver request to ED.

At its July 2013 SBE meeting, Deputy Superintendent of Public Instruction, Deborah V.H. Sigman, presented information about the U.S. Secretary of Education's June 18, 2013, announcement that the ED will consider waiver requests from states that participate in field testing of new state assessments during the 2013–14 school year. Deputy Superintendent Sigman indicated that the Department would pursue a waiver.

FISCAL ANALYSIS (AS APPROPRIATE)

Any state or local educational agency that does not abide by the mandates or provisions of ESEA is at risk of losing federal funding.

ATTACHMENT(S)

Attachment 1: November 13, 2013, letter from Carlas McCauley, Group Leader, Office of School Turnaround, U.S. Department of Education, to Michael Kirst, President, California State Board of Education, and Tom Torlakson, State Superintendent of Public Instruction, California Department of Education, regarding California's School Improvement Grant program (1 Page)

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

The Honorable Michael Kirst
President
California State Board of Education

The Honorable Tom Torlakson
State Superintendent of Public Instruction
California Department of Education

1430 N Street
Sacramento, CA 95814-5901

Dear President Kirst and State Superintendent Torlakson:

Thank you for your responses to the report of findings based on the review of the California Department of Education's (CDE) School Improvement Grants (SIG) program conducted during the week of March 7-11, 2011 by the U.S. Department of Education. Based on our review of your responses to the findings cited in the report, we are pleased to inform you that all findings have been resolved as of this date.

We look forward to continuing to partner with you to support the implementation of the SIG program in California.

Sincerely,

Carlas McCauley
Group Leader
Office of School Turnaround

Enclosure

cc: Jeff Breshears
Bob Storelli
Chad Portney
Monique McWayne
Lori Marshall
Jen Taylor

AAV of SBE Item 8 Attachment 1

Accessible Alternative Version (AAV) of Item 8 Attachment 1 from the January 2014 SBE Meeting Agenda.

This page is the Accessible Alternative Version (AAV) of Item 8 Attachment 1 from the California State Board of Education (SBE) Meeting Agenda for January 2014. The scanned Item 8 Attachment 1 (PDF) version is considered to be the official version of the document.

UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

The Honorable Michael Kirst
President
California State Board of Education

The Honorable Tom Torlakson
State Superintendent of Public Instruction
California Department of Education

1430 N Street
Sacramento, CA 95814-5901

Dear President Kirst and State Superintendent Torlakson:

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We look forward to continuing to partner with you to support the implementation of the SIG program in California.

Sincerely,

/s/

Carlas McCauley
Group Leader
Office of School Turnaround

Enclosure

cc: Jeff Breshears
Bob Storelli
Chad Portney
Monique McWayne
Lori Marshall
Jen Taylor

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

Last Reviewed: Friday, January 03, 2014

California State Board of Education

Meeting Agenda Items for January 15-16, 2014

ITEM 09

CALIFORNIA STATE BOARD OF EDUCATION

JANUARY 2014 AGENDA

SUBJECT	
Elementary and Secondary Education Act: Assignment of Corrective Action and Associated Technical Assistance for Each of the 84 Local Educational Agencies in Cohort 7 of Program Improvement Year 3 and Submission of Annual Evidence of Progress for Local Educational Agencies in Cohorts 1–7 of Program Improvement Year 3.	☒ Action ☒ Information ☐ Public Hearing

SUMMARY OF THE ISSUE(S)

California *Education Code* (*EC*) Section 52055.57(c) states that a local educational agency (LEA) identified for corrective action under the federal Elementary and Secondary Education Act of 2001 (ESEA) shall be subject to one or more specific sanctions as recommended by the State Superintendent of Public Instruction (SSPI) and approved by the State Board of Education (SBE).

RECOMMENDATION

The California Department of Education (CDE) recommends that the SBE:

Identify and assign Corrective Action 7 and technical assistance resources to each of the 84 LEAs in Cohort 7 of Program Improvement (PI) Year 3 as indicated in Attachments 1 and 2, consistent with federal requirements to provide technical assistance to support implementation of any corrective action, and direct those LEAs to proceed with the steps outlined in California *EC* Section 52055.57.

BRIEF HISTORY OF KEY ISSUES

In accordance with the ESEA Section 1116(c)(10)(C) and California *EC* Section 52055.57(c), any LEA that has advanced to PI Year 3 shall be subject to one or more of seven federal sanctions as recommended by the SSPI and approved by the SBE.

Since 2007, the SBE has previously assigned Corrective Action 6 to 338 PI Year 3 LEAs in 6 Cohorts.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

As noted in Item 11, of the November 2013 SBE meeting, the landscape of California educational policy, practice, and student achievement has changed significantly since

2007–08. Overall, student achievement has increased substantially since the initial cohorts of corrective action districts. Also, the adoption of the Common Core State Standards (CCSS) and a significant state appropriation to support their implementation by all LEAs essentially duplicates the previous assigned sanction, Corrective Action 6.

As a result, the SBE approved a change in the assigned federal sanction for Cohort 7 LEAs at its November 2013 meeting. The approved sanction was changed to Corrective Action 7, as delineated in California *EC* Section 52055.57(c)(7).

The new sanction is defined by the SBE as requiring a Cohort 7 LEA assigned to corrective action to continue to reserve an amount equal to 10 percent of its Title I allocation to provide professional development for teachers and administrators. The professional development is designed to strengthen the academic achievement of the LEA's students determined to be in greatest need of assistance. This 10 percent reservation is a continuation of the mandated reservations for all LEAs identified for improvement in PI Years 1 and 2.

As defined in the 2012 General Assurances for Program Improvement Local Educational Agencies Corrective Action Resources, professional development includes, but is not limited to, professional development focused on standards-based/standards-aligned instruction and materials, implementation of the CCSS, and the use of effective instructional strategies.

FISCAL ANALYSIS (AS APPROPRIATE)

The California State Budget for 2013, Assembly Bill 110, Item 6110-134-0890, Schedule (2), appropriated approximately $31 million for LEAs in corrective action. California *EC* Section 52055.57(d) provides a formula to allocate $150,000 per PI school for LEAs with intense performance problems; $100,000 per PI school for LEAs with moderate performance concerns; and $50,000 per PI school for LEAs with minor or isolated (light) performance concerns. No fiscal resources are identified for LEAs in PI Corrective Action that do not have any schools in PI.

There are sufficient funds in Budget Line Item 6110-134-0890 to support the recommendations in Attachments 1 and 2. Funds will be used to support the implementation of assigned corrective actions, including professional development.

ATTACHMENT(S)

Attachment 1: Assignment of Corrective Action 7 and Associated Technical Assistance Requirements for Each of the 84 Local Educational Agencies in Cohort 7 of Program Improvement Year 3 (2 Pages)

Attachment 2: Application of Objective Criteria for the 84 2013 Local Educational Agencies in Cohort 7 of Program Improvement Year 3 Corrective Action (2 Pages)

Assignment of Corrective Action 7 and Associated Technical Assistance Requirements for Each of the 84 Local Educational Agencies in Cohort 7 of Program Improvement Year 3

The California Department of Education (CDE) recommends that the State Board of Education (SBE) take the following individual actions for each of the 84 local educational agencies (LEAs) in Cohort 7 newly identified for Program Improvement Year 3 based on the 2013–14 Accountability Progress Report:

1. As a result of the overall improvement in student achievement over time associated with the Cohort 7 LEAs, assign the category of light intervention to all 84 LEAs in Cohort 7.

2. Assign additional resources to each of the LEAs in Cohort 7 of PI Year 3 consistent with federal requirements to provide technical assistance while instituting any corrective action.

    - All Cohort 7 LEAs that have PI schools will be provided with additional fiscal resources to implement the assigned corrective action. Cohort 7 LEAs may utilize the additional fiscal resources to access technical assistance in order to analyze the needs of the LEA and its schools, review and revise the LEA Plan as necessary, access professional development resources to improve the academic achievement of students determined to be in greatest need of assistance, and continue the implementation of standards-based/standards-aligned instruction and materials. Those LEAs that do not have PI schools will not receive additional fiscal resources to access technical assistance.

3. Require, as established by the SBE at its November 2013 meeting, that each LEA in Cohort 7 continue to reserve an amount equal to 10 percent of its Title I allocation to provide professional development for teachers and administrators to strengthen the academic achievement of the LEA's students determined to be in greatest need of assistance.

    - Professional development includes, but is not limited to, professional development focused on standards-based/standards-aligned instruction and materials, implementation of the CCSS, and the use of effective instructional strategies.

4. Require each LEA in Cohorts 1–7 of PI Year 3 to demonstrate progress of corrective action implementation and monitoring through the annual electronic submission of an end-of-year evidence of progress report to the CDE. The report shall include:

    - A description of the implementation of professional development for administrators and teachers that is designed to improve the academic

achievement of students determined to be in the greatest need of assistance.

- An end-of-year summary description of the LEA's progress toward improving student achievement.

- Documentation of annual communication with the local governing board regarding the LEA's progress toward improving student achievement.

California Department of Education - January 2014

Application of Objective Criteria for the 84 2013 Local Educational Agencies in Cohort 7 of Program Improvement Year 3 Corrective Action

County District Code	District Name	County Name	Component 1: Percentage of AYP Targets Met		Component 2: Relative AYP Performance		Component 3: Percentage of Title I Schools Not In PI				Component 4: Relative Growth in API Over Time			Component 5: Relative API Performance			2013 Objective Criteria Index Value	2013 Objective Criteria Index Rank	Differentiated Technical Assistance
			Percent AYP Targets Met	Rank	Relative AYP Performance	Rank	Number Title I Schools	Number Schools Not in PI	Percent of Title I Schools Not in PI	Rank	API Growth Over Three API Cycles	Relative API Growth Over Time	Rank	2013 Growth API Score	Relative API Performance	Rank			
4369419	Cupertino Union	Santa Clara	50.00	77	95.95	84	3	1	33.33	70	10	7.25	44	962	100.00	84	57.31	80	Light
4168866	Belmont-Redwood Shores Elementary	San Mateo	31.25	68	88.49	81	1	1	100.00	84	6	4.35	39	914	89.68	83	62.75	83	Light
3066498	Fountain Valley Elementary	Orange	6.25	15	85.14	79	2	2	100.00	83	15	10.87	57	912	89.25	82	58.30	81	Light
0761812	Walnut Creek Elementary	Contra Costa	12.50	38	84.41	78	2	0	0.00	40	-4	-2.90	15	907	88.17	81	36.44	55	Light
0161176	Fremont Unified	Alameda	30.43	67	81.55	74	5	1	20.00	58	24	17.39	72	891	84.73	80	46.82	75	Light
4369385	Cambrian	Santa Clara	14.29	41	72.47	63	3	0	0.00	34	3	2.17	31	880	82.37	79	34.26	49	Light
1964766	Lowell Joint	Los Angeles	8.33	22	72.23	61	3	0	0.00	33	10	7.25	43	878	81.94	77	33.95	46	Light
1062117	Clovis Unified	Fresno	17.39	46	79.03	71	15	6	40.00	72	12	8.70	50	878	81.94	78	45.41	72	Light
1964998	Saugus Union	Los Angeles	10.00	28	76.11	70	2	1	50.00	78	11	7.97	48	876	81.51	76	45.12	71	Light
4970896	Rincon Valley Union Elementary	Sonoma	21.43	56	73.77	64	3	0	0.00	35	-2	-1.45	19	872	80.65	75	34.88	51	Light
5672553	Pleasant Valley	Ventura	10.00	26	68.11	57	5	0	0.00	31	2	1.45	26	867	79.57	73	31.83	39	Light
3073643	Tustin Unified	Orange	19.05	50	67.06	56	11	2	18.18	52	18	13.04	61	867	79.57	74	39.38	59	Light
3166803	Dry Creek Joint Elementary	Placer	35.00	72	74.79	67	5	1	20.00	56	2	1.45	27	866	79.35	72	42.12	63	Light
1964980	Santa Monica-Malibu Unified	Los Angeles	21.05	55	74.20	65	4	0	0.00	36	20	14.49	64	865	79.14	71	37.78	58	Light
1964568	Glendale Unified	Los Angeles	19.05	51	74.50	66	18	5	27.78	65	16	11.59	59	861	78.28	70	42.24	64	Light
1965060	Torrance Unified	Los Angeles	23.81	60	75.67	69	11	2	18.18	53	7	5.07	41	860	78.06	69	40.16	60	Light
1964444	Culver City Unified	Los Angeles	10.53	30	72.39	62	4	1	25.00	63	30	21.74	74	859	77.85	68	41.50	62	Light
4168932	Pacifica	San Mateo	16.67	45	70.49	60	2	0	0.00	32	11	7.97	46	853	76.56	67	34.34	50	Light
3375200	Murrieta Valley Unified	Riverside	0.00	12	70.00	59	7	1	14.29	51	13	9.42	52	852	76.34	66	34.01	48	Light
1965045	Sulphur Springs Union	Los Angeles	27.78	65	65.66	55	4	0	0.00	30	20	14.49	63	847	75.27	65	36.64	56	Light
5673940	Moorpark Unified	Ventura	29.41	66	61.57	49	6	3	50.00	76	4	2.90	32	841	73.98	62	43.57	68	Light
3667645	Central Elementary	San Bernardino	11.11	35	60.64	47	2	0	0.00	25	14	10.14	55	841	73.98	63	31.17	33	Light
3066746	Westminster	Orange	12.50	37	53.55	33	14	2	14.29	50	21	15.22	68	841	73.98	64	33.91	45	Light
3066597	Newport-Mesa Unified	Orange	15.79	44	58.19	42	13	0	0.00	23	18	13.04	60	840	73.76	61	32.16	40	Light
3675069	Upland Unified	San Bernardino	47.62	76	80.24	73	8	1	12.50	46	24	17.39	71	833	72.26	59	46.00	74	Light
1062414	Sanger Unified	Fresno	46.67	75	69.04	58	14	6	42.86	73	25	18.12	73	833	72.26	60	49.79	78	Light
5071290	Sylvan Union Elementary	Stanislaus	5.00	13	54.31	35	10	3	30.00	66	2	1.45	28	832	72.04	58	32.56	41	Light
5672603	Simi Valley Unified	Ventura	14.29	40	64.36	52	4	0	0.00	29	11	7.97	45	831	71.83	57	31.69	37	Light
4569971	Enterprise Elementary	Shasta	18.75	49	56.37	38	8	0	0.00	20	9	6.52	42	828	71.18	56	30.56	32	Light
2866290	Saint Helena Unified	Napa	27.27	62	57.20	39	1	0	0.00	21	33	23.91	75	826	70.75	55	35.83	54	Light
4269328	Santa Ynez Valley Union High	Santa Barbara	72.73	82	93.59	83	1	0	0.00	41	-17	-12.32	7	822	69.89	54	44.78	70	Light
3066589	Magnolia Elementary	Orange	27.78	64	55.29	36	9	1	11.11	45	21	15.22	67	821	69.68	53	35.82	53	Light
4169013	San Bruno Park Elementary	San Mateo	11.11	34	53.58	34	3	0	0.00	18	-7	-5.07	13	818	69.03	52	25.73	21	Light
3166894	Placer Union High	Placer	10.00	27	79.43	72	3	0	0.00	37	16	11.59	58	817	68.82	51	33.97	47	Light
3166951	Western Placer Unified	Placer	10.53	29	58.29	43	5	1	20.00	55	0	0.00	20	816	68.60	50	31.48	35	Light
3768304	Ramona City Unified	San Diego	7.69	21	58.03	41	4	0	0.00	22	1	0.72	23	815	68.39	48	26.97	25	Light
5071092	Hart-Ransom Union Elementary	Stanislaus	20.00	53	63.88	51	1	0	0.00	28	5	3.62	35	815	68.39	49	31.18	34	Light
1573742	Sierra Sands Unified	Kern	20.00	54	57.72	40	7	4	57.14	80	19	13.77	62	814	68.17	47	43.36	66	Light
4970607	West Sonoma County Union High	Sonoma	77.78	84	92.51	82	3	1	33.33	69	36	26.09	76	810	67.31	46	59.40	82	Light
0373981	Amador County Unified	Amador	15.38	43	61.09	48	4	0	0.00	26	21	15.22	66	809	67.10	45	31.76	38	Light
0976489	SBC - Aspire Public Schools	El Dorado	0.00	9	49.32	27	6	2	33.33	67	-16	-11.59	8	806	66.45	44	27.50	26	Light
3667827	Oro Grande Elementary	San Bernardino	7.69	19	47.63	24	1	0	0.00	14	-27	-19.57	4	800	65.16	43	20.18	13	Light
2966332	Grass Valley Elementary	Nevada	0.00	10	51.34	31	3	1	33.33	68	11	7.97	47	799	64.95	42	31.52	36	Light

Application of Objective Criteria for the 84 2013 Local Educational Agencies in Cohort 7 of Program Improvement Year 3 Corrective Action

County District Code	District Name	County Name	Component 1: Percentage of AYP Targets Met		Component 2: Relative AYP Performance		Component 3: Percentage of Title I Schools Not In PI				Component 4: Relative Growth in API Over Time			Component 5: Relative API Performance			2013 Objective Criteria Index Value	2013 Objective Criteria Index Rank	Differentiated Technical Assistance
			Percent AYP Targets Met	Rank	Relative AYP Performance	Rank	Number Title I Schools	Number Schools Not in PI	Percent of Title I Schools Not in PI	Rank	API Growth Over Three API Cycles	Relative API Growth Over Time	Rank	2013 Growth API Score	Relative API Performance	Rank			
3673957	Snowline Joint Unified	San Bernardino	20.00	52	46.50	22	4	0	0.00	13	3	2.17	30	798	64.73	41	26.68	23	Light
3473973	Center Joint Unified	Sacramento	5.26	14	44.79	20	4	0	0.00	12	6	4.35	36	795	64.09	38	23.70	18	Light
1563826	Tehachapi Unified	Kern	0.00	8	49.76	28	2	0	0.00	16	14	10.14	54	795	64.09	39	24.80	20	Light
1964303	Bellflower Unified	Los Angeles	14.29	39	45.01	21	7	1	14.29	49	14	10.14	56	795	64.09	40	29.56	30	Light
1563362	Panama-Buena Vista Union	Kern	0.00	6	39.83	15	9	0	0.00	8	1	0.72	21	793	63.66	37	20.84	15	Light
3768221	National Elementary	San Diego	35.71	73	60.56	46	11	1	9.09	44	1	0.72	25	792	63.44	35	33.90	44	Light
0761754	Mt. Diablo Unified	Contra Costa	8.70	23	48.56	25	13	1	7.69	42	7	5.07	40	792	63.44	36	26.69	24	Light
1563412	Delano Joint Union High	Kern	27.27	63	64.90	54	4	2	50.00	77	42	30.43	80	787	62.37	34	46.99	76	Light
3776471	SBC - High Tech High	San Diego	0.00	7	55.75	37	3	0	0.00	19	-3	-2.17	17	786	62.15	33	23.15	17	Light
4770516	Yreka Union High	Siskiyou	57.14	78	82.20	76	2	0	0.00	39	1	0.72	24	785	61.94	32	40.40	61	Light
1764030	Lakeport Unified	Lake	23.08	59	53.17	32	4	1	25.00	61	6	4.35	38	784	61.72	31	33.46	42	Light
5075572	Waterford Unified	Stanislaus	46.15	74	40.12	17	5	0	0.00	9	-8	-5.80	12	776	60.00	29	28.09	28	Light
4975358	Windsor Unified	Sonoma	7.69	20	42.78	18	2	0	0.00	10	1	0.72	22	776	60.00	30	22.24	16	Light
1864139	Lassen Union High	Lassen	71.43	81	85.91	80	3	2	66.67	81	42	30.43	81	775	59.78	28	62.84	84	Light
1073999	Kerman Unified	Fresno	6.67	16	27.16	8	7	1	14.29	48	-15	-10.87	9	773	59.35	26	19.32	11	Light
3968577	Linden Unified	San Joaquin	7.69	18	32.45	11	2	0	0.00	7	-3	-2.17	16	773	59.35	27	19.46	12	Light
2465748	Livingston Union	Merced	0.00	3	18.60	7	4	0	0.00	5	13	9.42	51	771	58.92	25	17.39	8	Light
0461531	Paradise Unified	Butte	15.38	42	47.58	23	5	1	20.00	54	13	9.42	53	766	57.85	24	30.05	31	Light
0861820	Del Norte County Unified	Del Norte	11.76	36	39.90	16	11	3	27.27	64	12	8.70	49	765	57.63	23	29.05	29	Light
1563339	Beardsley Elementary	Kern	0.00	11	31.88	9	4	2	50.00	74	39	28.26	79	764	57.42	22	33.51	43	Light
1363149	Holtville Unified	Imperial	72.73	83	75.35	68	5	1	20.00	57	21	15.22	69	760	56.56	21	47.97	77	Light
2065193	Chowchilla Elementary	Madera	0.00	5	31.96	10	5	0	0.00	6	5	3.62	33	759	56.34	20	18.38	10	Light
5572363	Jamestown Elementary	Tuolumne	0.00	4	44.50	19	2	0	0.00	11	-17	-12.32	6	758	56.13	19	17.66	9	Light
1964881	Pasadena Unified	Los Angeles	9.52	25	33.95	12	22	2	9.09	43	-7	-5.07	14	751	54.62	18	20.42	14	Light
5071068	Denair Unified	Stanislaus	9.09	24	49.05	26	2	0	0.00	15	37	26.81	78	747	53.76	17	27.74	27	Light
1563594	Lost Hills Union Elementary	Kern	0.00	2	8.72	4	2	0	0.00	3	-9	-6.52	10	745	53.33	14	11.11	5	Light
2910298	Nevada County Office of Education	Nevada	22.22	58	50.16	29	4	4	100.00	82	2	1.45	29	745	53.33	15	45.43	73	Light
3768106	Escondido Union High	San Diego	69.23	80	81.91	75	3	0	0.00	38	23	16.67	70	745	53.33	16	44.23	69	Light
0661598	Colusa Unified	Colusa	61.54	79	64.59	53	4	1	25.00	62	20	14.49	65	736	51.40	13	43.40	67	Light
0410041	Butte County Office of Education	Butte	33.33	70	62.00	50	1	0	0.00	27	59	42.75	83	729	49.89	12	37.59	57	Light
2473619	Gustine Unified	Merced	18.18	47	14.71	6	3	0	0.00	4	-9	-6.52	11	727	49.46	11	15.17	6	Light
3675051	Lucerne Valley Unified	San Bernardino	27.27	61	35.31	13	5	2	40.00	71	36	26.09	77	725	49.03	10	35.54	52	Light
5672454	Fillmore Unified	Ventura	7.69	17	9.70	5	7	1	14.29	47	-3	-2.17	18	724	48.82	9	15.67	7	Light
5410546	Tulare County Office of Education	Tulare	22.22	57	58.99	45	2	1	50.00	75	53	38.41	82	703	44.30	8	42.78	65	Light
3667801	Needles Unified	San Bernardino	18.18	48	39.68	14	4	1	25.00	60	6	4.35	37	700	43.66	7	26.17	22	Light
0661622	Williams Unified	Colusa	11.11	32	3.71	2	4	0	0.00	2	-31	-22.46	3	695	42.58	6	6.99	3	Light
2710272	Monterey County Office of Education	Monterey	33.33	69	50.67	30	1	0	0.00	17	5	3.62	34	644	31.61	5	23.85	19	Light
1262901	Klamath-Trinity Joint Unified	Humboldt	11.11	33	7.38	3	9	2	22.22	59	-46	-33.33	1	642	31.18	4	7.71	4	Light
1062539	West Park Elementary	Fresno	11.11	31	0.00	1	1	0	0.00	1	-17	-12.32	5	611	24.52	3	4.66	1	Light
4110413	San Mateo County Office of Education	San Mateo	33.33	71	82.23	77	4	2	50.00	79	138	100.00	84	562	13.98	2	55.91	79	Light
3510355	San Benito County Office of Education	San Benito	0.00	1	58.49	44	2	0	0.00	24	-38	-27.54	2	497	0.00	1	6.19	2	Light

California State Board of Education

Meeting Agenda Items for January 15-16, 2014

ITEM 10

CALIFORNIA STATE BOARD OF EDUCATION

JANUARY 2014 AGENDA

SUBJECT	
Elementary and Secondary Education Act: Supplemental Educational Services Providers: Removal of Providers from the 2011–13, 2012–14, and 2013–15 Approval Lists for Failure to Submit a Complete 2012–13 Supplemental Educational Services Accountability Report or Failure to Meet the Regulatory Requirements of Provision of Services.	☒ Action ☒ Information ☐ Public Hearing

SUMMARY OF THE ISSUE(S)

The Elementary and Secondary Education Act (ESEA) Section 1116(e)(4)(C) requires the state educational agency (SEA) to develop and maintain a list of approved Supplemental Educational Services (SES) providers to provide services to eligible students.

RECOMMENDATION

The California Department of Education (CDE) recommends that the State Board of Education (SBE) remove SES providers from the approved 2011–13, 2012–14, and/or 2013–15 lists who failed to meet the participation or growth criteria or submit a complete 2012–13 SES Accountability Report, pursuant to the *California Code of Regulations,* Title 5 (5 *CCR*) Section 13075.4(a). 5 *CCR* sections 13075.4(a) and 13075.5(d)(1), (2), and (3)(H) are located on the CDE SES Web document at http://www.cde.ca.gov/ta/ac/ti/documents/sesregsnew082011.doc. The list of providers recommended for removal has been provided as Attachment 1.

BRIEF HISTORY OF KEY ISSUES

Federal law requires an SEA to monitor and evaluate approved SES providers in accordance with ESEA, Title I, Part A Section 1116(e)(4)(B). 5 *CCR* Section 13075.4(a) requires approved SES providers to submit an annual SES Accountability Report to the CDE by the submission deadline. 5 *CCR* Section 13075.5(d)(3)(H) allows the SBE to terminate an approved provider for failing to provide monitoring and program evaluation information requested by the SBE.

On December 17, 2013, SES providers recommended for removal from the state approved provider list were notified that action will be taken by the SBE on that recommendation at its January 2014 meeting. A copy of the notification of recommendation for removal has been provided as Attachment 4.

Pursuant to 5 *CCR* Section 13075.5(d)(1) and (2), the SES providers who did not submit or submitted incomplete Accountability Reports by the deadline were given an additional 30 calendar days to submit a complete report. These providers received additional technical assistance from the CDE, and the CDE SES Accountability Report Web page was reopened to allow the submission of the corrected reports by the resubmission deadline of October 15, 2013. A copy of the notification of the deadline for resubmission has been provided as Attachment 2.

In accordance with 5 *CCR* sections 13075.5(d)(3)(D) and 13075(d)(3)(E), providers not meeting the 75 percent participation requirement were given a deadline of December 4, 2013, to provide evidence of compliance.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

At its July 2011 and January 2012 meetings, the SBE approved 21 Program Improvement (PI) local educational agencies (LEAs) based on an approved waiver of 34 *Code of Federal Regulations* Section 200.47(b)(1)(iv)(A) and (B) granted for the 2011–12 school year.

At its July 2011 meeting, the SBE approved 75 of 139 applicants to serve as providers from July 1, 2011, through June 30, 2013.

At its May 2011 meeting, the SBE approved 161 providers out of 209 applicants to serve as SES providers from July 1, 2011, through June 30, 2013.

The combined total of SBE-approved providers authorized to provide SES for either the 2009–11 or 2010–12 cycle is currently 253.

At its November 2010 meeting, the SBE removed a total of 39 providers from the 2008–10 or 2009–11 approved provider list for failure to submit their 2009–10 Accountability Report.

FISCAL ANALYSIS (AS APPROPRIATE)

There is no fiscal impact to the state.

ATTACHMENT(S)

Attachment 1: Supplemental Educational Services Providers Recommended for Removal from the 2011–13, 2012–14, and 2013–15 Approved Lists for Failure to Submit the 2012–13 Supplemental Educational Services Accountability Report (2 Pages)

Attachment 2: September 13, 2013, letter from Jeff Breshears, Administrator, Title I Policy and Program Guidance Office, California Department of Education, to Supplemental Educational Services Providers regarding Supplemental Educational Services Accountability Report Extension (1 Page)

Attachment 3: November 6, 2013, letter from Jeff Breshears, Administrator, Title I Policy and Program Guidance Office, California Department of Education, to Supplemental Educational Services Providers regarding Supplemental Educational Services Accountability Report Evaluation and Opportunity to Correct (2 Pages)

Attachment 4: December 17, 2013, letter from Jeff Breshears, Administrator, Title I Policy and Program Guidance Office, California Department of Education, to Supplemental Educational Services Providers regarding Recommendation for Removal from the Approved List of Supplemental Educational Services Providers (1 Page)

Supplemental Educational Services Providers Recommended for Removal from the 2011–13, 2012–14, and 2013–15 Approved Lists for Failure to Submit the 2012–13 Supplemental Educational Services Accountability Report

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

Provider Name	Approval Period		
	2011–13	2012–14	2013–15
100% Learning Fun Center	X		
24 Horas de Tutoria (24 Hours Tutoring Inc)	X		
Ace it! Tutoring powered by Sylvan operated by Knowledge Boost, LLC	X		
All Honors Group, Inc. DBA Xamaze In-Home Tutoring	X		
Alpha Learning Centers (dba for Alpha Treatment Centers)	X		
Alpha Learning Centers LLC DBA Sylvan Learning Center Huntington Beach			X
Alpha Learning Centers LLC DBA Sylvan Learning Center Victorville		X	
Alpha Tutoring Services	X		
Apple Corps Tutoring sponsored by the Foundation for California Community Colleges	X		
B.E.L.L. Foundation d/b/a BELL (Building Educated Leaders for Life Foundation)			X
Club Z! In-Home Tutoring (Michelle Morgan DBA Club Z! In-Home Tutoring)	X		
DS Learning		X	
Educators Plus	X		
Global Partnership Schools	X		
Innovadia	X		
JPR Ventures Inc, DBA: Sylvan Learning Center in Rialto	X		

Provider Name	Approval Period		
	2011–13	2012–14	2013–15
Learn It Online, LLC (LION)			X
Learning Foundation Services (LFS)	X		
Learning Ladder	X		
Learning Solutions, d/b/a A+ Learning Solutions	X		
Lecciones Educational Services, LLC	X		
Spectrum Solutions	X		
Sylvan Learning Center of Carmel Valley operated by Knowledge Boost, LLC	X		
Sylvan Learning Center of Mira Mesa operated by Knowledge Boost, LLC	X		
Sylvan Learning Center of Oceanside operated by Knowledge Boost, LLC	X		
Sylvan Learning Center of Rancho Bernardo operated by Knowledge Boost, LLC	X		
Sylvan Learning of San Mateo County			X

CALIFORNIA
DEPARTMENT OF
EDUCATION

TOM TORLAKSON
STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

September 13, 2013

Dear Supplemental Educational Services Provider:

SUPPLEMENTAL EDUCATIONAL SERVICES ACCOUNTABILITY REPORT EXTENSION

Our records indicate your organization either did not submit the required 2012–13 Supplemental Educational Services (SES) Accountability Report by the September 6, 2013, extended deadline, or the report submitted was incomplete or inaccurate. The *California Code of Regulations,* Title 5 (5 *CCR)* for SES requires the submission of the annual SES Accountability Report, and stipulate that failure to submit the report may result in a recommendation to the State Board of Education (SBE) to remove an SES provider from approved provider status.

Pursuant to 5 *CCR,* Section 13075.5(d)(2), this notice provides you with an additional opportunity for your organization to submit or resubmit a corrected report no later than 5:00 p.m. on **October 15, 2013**. Failure to submit the report by this deadline will result in the recommendation to the SBE to remove your organization as an approved provider.

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

- Summary Checklist identifying information that is lacking (Attachment 1)
- SES Data Reporting Form (Attachment 2)
- Record Layout for Uploading of SES Student Data (Attachment 3)

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

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

Sincerely,

/s/

Jeff Breshears, Administrator
Title I Policy and Program Guidance Office

JB:ss
Attachments

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CALIFORNIA
DEPARTMENT OF
EDUCATION

TOM TORLAKSON
STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

November 6, 2013

Dear Supplemental Educational Services Provider:

SUPPLEMENTAL EDUCATIONAL SERVICES ACCOUNTABILITY REPORT EVALUATION AND OPPORTUNITY TO CORRECT

An evaluation of 2012–13 Supplemental Educational Services (SES) Accountability Report was submitted by your organization provides evidence that it failed to deliver the basic program to at least 75 percent of the students for whom you had an approved contract as required in Title 5, *California Code of Regulations* (5 *CCR)* for SES, Section 13075.5(d)(3)(D). The California Department of Education (CDE) may recommend to the State Board of Education (SBE) to remove an SES provider from approved provider status if this criterion is not met.

Pursuant to 5 *CCR,* Section 13075.5(d), this notice provides the opportunity for the organization to correct the violation and/or provide evidence of compliance. Please submit your response no later than **December 4, 2013** to:

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

Failure to correct and/or demonstrate compliance by this deadline may result in the recommendation to the SBE to remove this organization as an approved provider.

Compliance would include evidence that:

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

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

Sincerely,

/s/

Jeff Breshears, Administrator
Title I Policy and Program Guidance Office

JB:ss

CALIFORNIA
DEPARTMENT OF
EDUCATION

TOM TORLAKSON
STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

December 17, 2013

Dear Supplemental Educational Services Provider:

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

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

Our records indicate that you are an SES provider approved in 2011, 2012, or 2013, and you did not submit the (1) required 2012–13 SES Accountability Report by the September 6, 2013, extended deadline; or (2) the report submitted by the deadline was incomplete or inaccurate. The Accountability Report is required pursuant to *California Code of Regulations,* Title 5 (5 *CCR*), Section 13075.4(a).

Consistent with 5 *CCR*, Section 13075.5(d)(1), a written notice was provided to you on September 13, 2013, with an additional opportunity for your organization to resubmit your report by October 15, 2013.

Pursuant to 5 *CCR,* Section 13075.5(d)(2), failure to comply with the written notice after 30 calendar days may result in a recommendation to the SBE to remove the organization as an approved provider. The SBE is currently scheduled to take action on the recommendation for removal from CDE at its January 2014 meeting.

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

Sincerely,

/s/

Jeff Breshears, Administrator
Title I Policy and Program Guidance Office

JB:ss

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California State Board of Education

Meeting Agenda Items for January 15-16, 2014

ITEM 11

CALIFORNIA STATE BOARD OF EDUCATION

JANUARY 2014 AGENDA

SUBJECT	
Elementary and Secondary Education Act: School Improvement Grant: Approval of the State's Application for the Fiscal Year 2013 School Improvement Grant Under Section 1003(g) of the Elementary and Secondary Education Act.	☒ Action ☒ Information ☐ Public Hearing

SUMMARY OF THE ISSUE(S)

On September 30, 2013, the U.S. Department of Education (ED) released the fiscal year (FY) 2013 School Improvement Grant (SIG) Application under Section 1003(g) of the Elementary and Secondary Education Act (ESEA). The FY 2013 SIG funds will be used for California's Cohort 3 SIG competition. Additionally, the state of California seeks to submit a waiver to the ED to waive sections I.A.1 and II.B.10 of the SIG final requirements to permit the state to use the same Tier I, Tier II, and Tier III lists it used in the SIG FY 2009 and FY 2010 competitions.

RECOMMENDATION

- The California Department of Education (CDE) recommends that the State Board of Education (SBE) authorize SBE President Michael W. Kirst, in consultation with State Superintendent of Public Instruction Tom Torlakson, to approve California's request to the ED for a waiver of sections I.A.1 and II.B.10 of the SIG final requirements to permit the state to use the same Tier I, Tier II, and Tier III lists it used in the SIG FY 2009 and FY 2010 competitions. The draft letter to Deborah Delisle, Assistant Secretary, is provided as Attachment 2.

- The CDE recommends that the SBE authorize SBE President Michael W. Kirst, in consultation with the State Superintendent of Public Instruction Tom Torklakson, to approve California's SIG application to the ED and record of public comments. The application is provided as Attachment 3.

BRIEF HISTORY OF KEY ISSUES

On September 30, 2013, the ED released the FY 2013 SIG Application under Section 1003(g) of the ESEA. Applications were due on or before November 22, 2013; however, the ED has granted California an extension to the end of January 2014 to allow for SBE deliberation and approval of California's application and eligibility lists. The FY 2013 SIG funds will be used for California's Cohort 3 SIG competition. California is expected to

receive $57 million for FY 2013. There are no major policy changes for the FY 2013 SIG application. The application must include the following three attachments: (1) a copy of California's Application for FY 2013 SIG under Section 1003(g) of the ESEA; (2) a copy of the request for application (RFA) that will be provided to California local educational agencies (LEAs) to apply for funding; and (3) a list, by LEA, of the state's Tier I, Tier II, and Tier III schools.

Federal Waivers for School Improvement Grant Implementation

The ED invited states to apply for waivers that would provide state educational agencies (SEAs) and LEAs with additional flexibility to implement this SIG application.

SEAs are invited to request the following waivers:

- **Tier II Waiver*:** This is the same as the FY 2009 and FY 2010 waiver requests to include Tier III schools in the definition of Tier II. It would only be necessary if the state chooses to generate new lists of eligible Tier I, II, and III schools.

- **N-size Waiver*:** Allows the state to exclude small schools from being identified. It would only be necessary if the state chooses to generate new lists of eligible Tier I, Tier II, and Tier III schools.

- **Priority Schools Waiver***: Waives the school eligibility requirements in Section I.A.1 of the SIG final requirements to replace Tier I, Tier II, and Tier III lists with the SEA's list of priority schools that meet the definition of "priority schools" in the document titled *ESEA Flexibility* and that were identified in accordance with the SEA's approved request for ESEA Flexibility.

- **Period of Availability Waiver:** Allows an SEA to extend the period of availability of SIG FY 2013 funds to make those funds available until September 30, 2017.

- **School Improvement Timeline Waiver:** Allows an eligible Tier I or Tier II Title I participating school that is implementing a turnaround or restart model to start over in the school improvement timeline.

- **Schoolwide Program Waiver:** Allows an eligible Tier I or Tier II Title I participating school with a poverty percentage of less than 40 percent to operate a schoolwide program.

*Indicates the waiver is necessary only if California creates a new list of eligible schools.

Eligibility

The state of California seeks to submit a waiver to the ED to waive sections I.A.1 and II.B.10 of the SIG final requirements to permit the state to use the same Tier I, Tier II, and Tier III lists it used in the SIG FY 2009 and FY 2010 competitions. As a result, the remaining unserved Tier I, Tier II, and Tier III schools from the FY 2009 list will be eligible for FY 2013 Cohort 3 SIG funding.

Under the final requirements, published in the *Federal Register* in October 2010, SIG funds will focus on each state's "Tier I" and "Tier II" schools. In keeping with federal requirements, California has defined "persistently lowest-achieving schools" as those that are determined to have been among the lowest 5 percent of schools in program improvement in terms of their average three-year proficiency rate for English-language arts and mathematics in the three previous school years (2006–07, 2007–08, and 2008–09). In accordance with ED guidance, any high school in either Tier I or Tier II with a four-year graduation rate of less than 60 percent was also included. Prior to identifying specific schools, the SEA excluded from the list of potential schools those that had shown at least 50 points of growth in the Academic Performance Index (API) over the previous five years (to address the requirement that only schools showing a lack of progress over a certain number of years should be included). In addition, schools not meeting California's established minimum group size of 100 students with valid test scores for each of the three years were excluded.

California has defined Tier II schools as the persistently lowest-achieving secondary schools that are eligible for, but do not receive, Title I, Part A funds. An LEA must be receiving Title I funding in order to be eligible to apply.

In the Tier I and Tier II schools an LEA commits to serve, the LEA must implement one of four school intervention models: turnaround model, restart model, closure model, or transformation model. If approved to do so, an LEA may also use SIG funds in Title I schools in improvement, corrective action, or restructuring that are not identified as persistently lowest-achieving schools, referred to in federal SIG guidance as "Tier III" schools.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

California's Fiscal Year 2009 Cohort 1 School Improvement Grant

At its August 2010 meeting, the SBE took action to approve funding for FY 2009 SIG sub-grants provided under Section 1003(g) of the ESEA and 2009–10 American Recovery and Reinvestment Act (ARRA). The FY 2009 SIG Cohort 1 sub-grants provided funding to 41 districts and 90 schools.

The FY 2009 funds were used to provide a full three years of funding for the 2010–11, 2011–12, and 2012–13 school years.

California's Fiscal Year 2010 Cohort 2 School Improvement Grant

At its January 2012 meeting, the SBE took action to approve funding for FY 2010 SIG sub-grants provided under Section 1003(g) of the ESEA. The FY 2010 SIG Cohort 2 sub-grants currently provide funding to 14 districts and 39 schools.

FY 2010 SIG funds were used to fund the first year of the three-year SIG grant. California is currently using its FY 2011 and FY 2012 SIG funds for continuation grants for the FY 2010 sub-grants awarded through the Cohort 2 SIG competition.

FISCAL ANALYSIS (AS APPROPRIATE)

Per ED's guidance, FY 2013 SIG funds should be used to provide a full three years of funding for the 2014–15, 2015–16, and 2016–17 school years. The SIG funds provide LEAs with grants ranging from $50,000 to $2 million per school per year. California is expected to receive approximately $57 million for FY 2013 and is seeking authority to supplement this amount with remaining FY 2009 SIG funds recaptured through end-of-grant billing for Cohort 1.

ATTACHMENT(S)

Attachment 1: DRAFT January 17, 2014, joint letter from Tom Torlakson, State Superintendent of Public Instruction, California Department of Education, and Michael W. Kirst, President, California State Board of Education, to Deborah Delisle, Assistant Secretary, Office of Elementary and Secondary Education, U.S. Department of Education, submitting California's Fiscal Year 2013 School Improvement Grant Application (3 Pages)

Attachment 2: DRAFT January 17, 2014, joint letter from Tom Torlakson, State Superintendent of Public Instruction, California Department of Education, and Michael W. Kirst, President, California State Board of Education, to Deborah Delisle, Assistant Secretary, Office of Elementary and Secondary Education, U.S. Department of Education, regarding California's request to waive sections I.A.1 and II.B.10 of the SIG final requirements to permit the state to use the same Tier I, Tier II, and Tier III lists it used in the fiscal year 2009 and fiscal year 2010 competitions (2 Pages)

Attachment 3: DRAFT Application for FY 2013 New Awards Competition (25 Pages)

Attachment 4: DRAFT School Improvement Grant Section 1003(g) Cohort 3, Fiscal Year 2013 Request for Applications (116 Pages)

Attachment 5: Schools Eligible for FY 2013 SIG Funds (3 Pages)

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

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

1430 N Street Sacramento, CA 95814-5901

DRAFT January 17, 2014

Deborah Delisle, Assistant Secretary
Office of Elementary and Secondary Education
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

Dear Assistant Secretary Delisle:

The state of California hereby submits for your consideration California's fiscal year (FY) 2013 School Improvement Grant (SIG) Application and a consolidated request for the waiver of four provisions of federal law and regulations related to implementation of SIG under Section 1003(g) of the Elementary and Secondary Education Act (ESEA). This request would allow any local educational agency (LEA) in California that receives a SIG to use those funds in accordance with the final requirements for SIG and the LEA request for application.

California believes that the requested waivers will increase the quality of instruction for students and improve the academic achievement of students in Tier I, Tier II, and Tier III schools by enabling an LEA to use more effectively the school improvement funds to implement one of the four school intervention models in its Tier I or Tier II schools, and to carry out school improvement activities in its Tier III schools. The four school intervention models are specifically designed to raise substantially the achievement of students in the State's Tier I and Tier II schools.

California requests the waiver of the following provision:

1) Waive sections I.A.1 and II.B.10 of the SIG final requirements to permit the state to use the same Tier I, Tier II, and Tier III lists it used in the SIG FY 2009 and FY 2010 competitions.

California requests, on behalf of its LEAs, the waiver of the following three provisions:

2) Waive Section 421(b) of the General Education Provisions Act (20 *United States Code* Section 1225[b]) to extend the period of availability of FY 2013 school improvement funds for the SEA and all of its LEAs to September 30, 2017.

3) Waive Section 1116(b)(12) of the ESEA to permit LEAs to allow their Tier I, Tier II, and Tier III Title I participating schools that will fully implement a turnaround or restart beginning in the 2014–15 school year to "start over" in the school improvement timeline.

4) Waive the 40 percent poverty eligibility threshold in Section 1114(a)(1) of the ESEA to permit LEAs to implement a schoolwide program in a Tier I, Tier II, or Tier III participating school that does not meet the poverty threshold and is fully implementing one of the four school intervention models.

California assures that it will ensure that any LEA that chooses to implement one or more of these waivers will comply with Section II.A.8 of the final requirements.

California assures that it will permit an LEA to implement the waiver(s) only if the LEA receives a SIG and requests to implement the waiver(s) in its application. As such, the LEA may only implement the waiver(s) in Tier I, Tier II, and Tier III schools, as applicable, included in its application.

Prior to submitting this waiver request, California provided all schools in the state that are eligible to receive a SIG grant, as well as the public, with notice and a reasonable opportunity to comment on this request. California provided such notice by posting a public item on the January 2014 Agenda for the California State Board of Education (SBE). This item can also be accessed on the SBE meeting for January 2014 Web page at http://www.cde.ca.gov/be/ag/ag/yr13/agenda201401.asp. The State received __ public comments regarding this issue.

If you have any questions regarding this subject, please contact Deborah V.H. Sigman, Deputy Superintendent, District, School, and Innovation Branch, by phone at 916-319-0812 or by e-mail at dsigman@cde.ca.gov.

Sincerely,

Tom Torlakson
State Superintendent of Public Instruction
California Department of Education

Michael W. Kirst
President
California State Board of Education

TT/MK:jt

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

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

1430 N Street Sacramento, CA 95814-5901

DRAFT January 17, 2014

Deborah Delisle, Assistant Secretary
Office of Elementary and Secondary Education
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

Dear Assistant Secretary Delisle:

The state of California hereby submits for your consideration a waiver of sections I.A.1 and II.B.10 of the School Improvement Grant (SIG) final requirements to permit the State, as part of its application for the SIG under Section 1003(g) of the ESEA, the ability to continue use of its fiscal year (FY) 2009 SIG Tier I, Tier II, and Tier III list of persistently lowest-achieving schools.

The State is requesting this waiver due to the number of remaining unserved Tier I and Tier II schools from the FY 2009 eligibility list. Currently, 58 unserved Tier I and Tier II schools from the SIG Cohort 1 and Cohort 2 competitions remain eligible for FY 2013 SIG funding. In addition, 52 schools that received SIG Cohort 1 funds and have completed the grant period are eligible. The criteria used to identify the schools on the persistently lowest-achieving school list can be found on the California Department of Education Identification Criteria Web page at http://www.cde.ca.gov/ta/ac/pl/criteria.asp.

Prior to submitting this waiver request, California provided all schools in the state that are eligible to receive a SIG grant, as well as the public, with notice and a reasonable opportunity to comment on this request. California provided such notice by posting a public item on the January 2014 Agenda for the California State Board of Education (SBE). This item can also be accessed on the SBE meeting for January 2014 Web page at: http://www.cde.ca.gov/be/ag/ag/yr13/agenda201401.asp. The State received __ public comments regarding this issue.

If you have any questions regarding this subject, please contact Deborah V.H. Sigman, Deputy Superintendent, District, School, and Innovation Branch, by phone at 916-319-0812 or by e-mail at dsigman@cde.ca.gov.

Sincerely,

Tom Torlakson
State Superintendent of Public Instruction
California Department of Education

Michael W. Kirst
President
California State Board of Education

TT/MK:mm

School Improvement Grants

Application for FY 2013 New Awards Competition

Section 1003(g) of the
Elementary and Secondary Education Act

Fiscal Year 2013

CFDA Number: 84.377A

State Name: California

U.S. Department of Education
Washington, D.C. 20202

OMB Number: 1810-0682
Expiration Date: September 30, 2016

Paperwork Burden Statement

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. Public reporting burden for this collection of information is estimated to average 74 hours per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The obligation to respond to this collection is mandatory required to obtain or retain benefit and voluntary. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the U.S. Department of Education, 400 Maryland Ave., SW, Washington, DC 20210-4537 or email ICDocketMgr@ed.gov and reference the OMB Control Number 1810-0682. Note: Please do not return the completed FY 2013 School Improvement Grant application to this address.

SCHOOL IMPROVEMENT GRANTS

Purpose of the Program

School Improvement Grants (SIG), authorized under section 1003(g) of Title I of the Elementary and Secondary Education Act of 1965 (Title I or ESEA), are grants to State educational agencies (SEAs) that SEAs use to make competitive subgrants to local educational agencies (LEAs) that demonstrate the greatest need for the funds and the strongest commitment to use the funds to provide adequate resources in order to raise substantially the achievement of students in their lowest-performing schools. Under the final requirements published in the *Federal Register* on October 28, 2010 (http://www.gpo.gov/fdsys/pkg/FR-2010-10-28/pdf/2010-27313.pdf), school improvement funds are to be focused on each State's "Tier I" and "Tier II" schools. Tier I schools are the lowest-achieving five percent of a State's Title I schools in improvement, corrective action, or restructuring, Title I secondary schools in improvement, corrective action, or restructuring with graduation rates below 60 percent over a number of years, and, if a State so chooses, certain Title I eligible (and participating) elementary schools that are as low achieving as the State's other Tier I schools ("newly eligible" Tier I schools). Tier II schools are the lowest-achieving five percent of a State's secondary schools that are eligible for, but do not receive, Title I, Part A funds, secondary schools that are eligible for, but do not receive, Title I, Part A funds with graduation rates below 60 percent over a number of years, and, if a State so chooses, certain additional Title I eligible (participating and non-participating) secondary schools that are as low achieving as the State's other Tier II schools or that have had a graduation rate below 60 percent over a number of years ("newly eligible" Tier II schools). An LEA also may use school improvement funds in Tier III schools, which are Title I schools in improvement, corrective action, or restructuring that are not identified as Tier I or Tier II schools and, if a State so chooses, certain additional Title I eligible (participating and non-participating) schools ("newly eligible" Tier III schools). In the Tier I and Tier II schools an LEA chooses to serve, the LEA must implement one of four school intervention models: turnaround model, restart model, school closure, or transformation model.

ESEA Flexibility

An SEA that has received ESEA flexibility no longer identifies Title I schools for improvement, corrective action, or restructuring; instead, it identifies priority schools, which are generally a State's lowest-achieving Title I schools. Accordingly, if it chooses, an SEA with an approved ESEA flexibility request may select the "**priority schools list waiver**" in Section H of the SEA application for SIG funds. This waiver permits the SEA to replace its lists of Tier I, Tier II, and Tier III schools with its list of priority schools.

Through its approved ESEA flexibility request, an SEA has already received a waiver that permits its LEAs to apply for SIG funds to serve priority schools that are not otherwise eligible to receive SIG funds because they are not identified as Tier I, Tier II, or Tier III schools. The waiver offered in this application goes beyond this previously granted waiver to permit the SEA to actually use its priority schools list as its SIG list.

Availability of Funds

The Consolidated and Further Continuing Appropriations Act, 2013, provided $506 million for School Improvement Grants in fiscal year (FY) 2013.

FY 2013 SIG funds are available for obligation by SEAs and LEAs through September 30, 2015.

State and LEA Allocations

Each State (including the District of Columbia and Puerto Rico), the Bureau of Indian Education, and the outlying areas are eligible to apply to receive a SIG grant. The Department will allocate FY 2013 SIG funds in proportion to the funds received in FY 2013 by the States, the Bureau of Indian Education, and the outlying areas under Parts A, C, and D of Title I of the ESEA. An SEA must allocate at least 95 percent of its SIG funds directly to LEAs in accordance with the final requirements (http://www.gpo.gov/fdsys/pkg/FR-2010-10-28/pdf/2010-27313.pdf). The SEA may retain an amount not to exceed five percent of its allocation for State administration, evaluation, and technical assistance.

Consultation with the Committee of Practitioners

Before submitting its application for a SIG grant to the Department, an SEA must consult with its Committee of Practitioners established under section 1903(b) of the ESEA regarding the rules and policies contained therein. The Department recommends that the SEA also consult with other stakeholders, such as potential external providers, teachers' unions, and business, civil rights, and community leaders that have an interest in its application.

FY 2013 NEW AWARDS APPLICATION INSTRUCTIONS

This application is for use only by SEAs that will make new awards. New awards are defined as an award of SIG funds to an LEA for a school that the LEA was not previously approved to serve with SIG funds in the school year for which funds are being awarded—in this case, the 2014–2015 school year. New three-year awards may be made with the FY 2013 funds or any unobligated SIG funds from previous competitions not already committed to grants made in earlier competitions.

The Department will require those SEAs that will use FY 2013 funds solely for continuation awards to submit a SIG application. However, those SEAs using FY 2013 funds solely for continuation purposes are only required to complete the Continuation Awards Only Application for FY 2013 School Improvement Grants Program located at the end of this application.

SUBMISSION INFORMATION

Electronic Submission:

The Department strongly prefers to receive an SEA's FY 2013 SIG application electronically. The application should be sent as a Microsoft Word document, **not** as a PDF.

The SEA should submit its FY 2013 application to OESE.OST@ed.gov.

In addition, the SEA must submit a paper copy of the cover page signed by the SEA's authorized representative to the address listed below under "Paper Submission."

Paper Submission:

If an SEA is not able to submit its application electronically, it may submit the original and two copies of its SIG application to the following address:

Carlas McCauley, Group Leader
Office of School Turnaround
U.S. Department of Education
400 Maryland Avenue, SW, Room 3W320
Washington, DC 20202-6132

Due to potential delays in government processing of mail sent through the U.S. Postal Service, SEAs are encouraged to use alternate carriers for paper submissions.

Application Deadline

Applications are due on or before November 15, 2013.

For Further Information

If you have any questions, please contact Carlas McCauley at (202) 260-0824 or by e-mail at Carlas.Mccauley@ed.gov.

APPLICATION COVER SHEET

SCHOOL IMPROVEMENT GRANTS

Legal Name of Applicant:	Applicant's Mailing Address:
California Department of Education	1430 N Street Sacramento, CA 95814-5901

State Contact for the School Improvement Grant

Name: Bob Storelli

Position and Office: Education Administrator, School Turnaround Office

Contact's Mailing Address:

California Department of Education
1430 N Street, Suite 6208
Sacramento, CA 95814-5901

Telephone: 916-319-0833

Fax: 916-319-0123

Email address: STO@cde.ca.gov

Chief State School Officer (Printed Name):	Telephone:
Tom Torlakson	916-319-0800
Signature of the Chief State School Officer: X	Date:

The State, through its authorized representative, agrees to comply with all requirements applicable to the School Improvement Grants program, including the assurances contained herein and the conditions that apply to any waivers that the State receives through this application.

PART I: SEA REQUIREMENTS

As part of its application for a School Improvement Grant under section 1003(g) of the ESEA, an SEA must provide the following information.

A. ELIGIBLE SCHOOLS

Part 1 (Definition of Persistently Lowest-Achieving Schools): Along with its list of Tier I, Tier II, and Tier III schools, the SEA must provide the definition that it used to develop this list of schools. If the SEA's definition of persistently lowest-achieving schools that it makes publicly available on its Web site is identical to the definition that it used to develop its list of Tier I, Tier II, and Tier III schools, it may provide a link to the page on its Web site where that definition is posted rather than providing the complete definition. If an SEA is requesting the priority schools list waiver, it need not provide this definition, as its methodology for identifying its priority schools has already been approved through its ESEA flexibility request.

A. Eligible Schools Part 1 CA Response:

The California Department of Education (CDE) definition for persistently lowest-achieving schools can be found on the CDE Definition of Tiers I, II, and III Web page at http://www.cde.ca.gov/ta/ac/pl/definitions.asp.

Part 2 (Eligible Schools List): As part of its FY 2013 application an SEA must provide a list, by LEA, of each Tier I, Tier II, and Tier III school in the State or, if it is requesting the priority schools list waiver, of each priority school in the State. (A State's Tier I and Tier II schools are its persistently lowest-achieving schools and, if the SEA so chooses, certain additional Title I eligible schools that are as low achieving as the State's persistently lowest-achieving schools or that have had a graduation rate below 60 percent over a number of years.) In providing its list of schools, the SEA must indicate whether a school has been identified as a Tier I or Tier II school solely because it has had a graduation rate below 60 percent over a number of years.

Directions: SEAs that generate new lists should create this table in Excel using the format shown below. An example of the table has been provided for guidance.

SCHOOLS ELIGIBLE FOR FY 2013 SIG FUNDS									
LEA NAME	LEA NCES ID #	SCHOOL NAME	SCHOOL NCES ID#	PRIORITY (if applicable)	TIER I	TIER II	TIER III	GRAD RATE	NEWLY ELIGIBLE [1]

[1] "Newly Eligible" refers to a school that was made eligible to receive SIG funds by the Consolidated Appropriations Act, 2010. A newly eligible school may be identified for Tier I or Tier II because it has not made adequate yearly progress for at least two consecutive years; is in the State's lowest quintile of performance based on proficiency rates on State's assessments; and is no higher achieving than the highest-achieving school identified by the SEA as a "persistently lowest-achieving school" or is a high school that has a graduation rate less than 60 percent over a number of years. For complete definitions of and additional information about "newly eligible schools," please refer to the FY 2010 SIG Guidance, questions A-20 to A-30.

EXAMPLE:

SCHOOLS ELIGIBLE FOR FY 2013 SIG FUNDS									
LEA NAME	LEA NCES ID #	SCHOOL NAME	SCHOOL NCES ID#	PRIORITY	TIER I	TIER II	TIER III	GRAD RATE	NEWLY ELIGIBLE
LEA 1	##	HARRISON ES	##		X				
LEA 1	##	MADISON ES	##		X				
LEA 2	##	TAYLOR MS	##				X		X

A. Eligible Schools Part 2 CA Response: For Tier I and II schools, please see eligible schools list attached to this application. For Tier III schools, please see the following Web link for eligible schools: http://www.cde.ca.gov/ta/ac/pl/documents/tier3.xls.

Part 3 (Terminated Awards): All SEAs are required to list any LEAs with one or more schools for which funding under previously awarded SIG grants will not be renewed for the 2014-2015 school year. For each such school, note the amount of unused remaining funds and explain how the SEA or LEA plans to use those funds.

LEA NAME	SCHOOL NAME	DESCRIPTION OF HOW REMAINING FUNDS WERE OR WILL BE USED	AMOUNT OF REMAINING FUNDS
TOTAL AMOUNT OF REMAINING FUNDS:			

A. Eligible Schools Part 3 CA Response: The CDE has not terminated any SIG awards for the 2014–15 school year.

B. EVALUATION CRITERIA: An SEA must provide the criteria it will use to evaluate the information set forth below in an LEA's application for a School Improvement Grant.

Part 1: The three actions listed in Part 1 are ones that an LEA must take prior to submitting its application for a School Improvement Grant. Accordingly, the SEA must describe, with specificity, the criteria the SEA will use to evaluate an LEA's application with respect to each of the following actions:

(1) The LEA has analyzed the needs of each Tier I and Tier II school, or each priority school, as applicable, identified in the LEA's application and has selected an intervention for each school.

(2) The LEA has demonstrated that it has the capacity to use school improvement funds to provide adequate resources and related support to each Tier I and Tier II school, or each priority school, as applicable, identified in the LEA's application in order to implement fully and effectively the selected intervention

in each of those schools.

(3) The LEA's budget includes sufficient funds to implement the selected intervention fully and effectively in each Tier I and Tier II school, or each priority school, as applicable, identified in the LEA's application, as well as to support school improvement activities in Tier III schools in a State that is not requesting the priority schools list waiver, throughout the period of availability of those funds (taking into account any waiver extending that period received by either the SEA or the LEA).

Part 2: The actions in Part 2 are ones that an LEA may have taken, in whole or in part, prior to submitting its application for a School Improvement Grant, but most likely will take after receiving a School Improvement Grant. Accordingly, an SEA must describe the criteria it will use to assess the LEA's commitment to do the following:

- Design and implement interventions consistent with the final requirements;
- Recruit, screen, and select external providers, if applicable, to ensure their quality;
- Align other resources with the interventions;
- Modify its practices or policies, if necessary, to enable it to implement the interventions fully and effectively; and,
- Sustain the reforms after the funding period ends.

B. Evaluation Criteria Part 1 and Part 2 CA Response:

The CDE has specified criteria that will be used to evaluate the information provided for each of the elements in LEA applications for SIG funding. The CDE has developed a rubric to provide guidance for each of these elements for use by both LEAs and reviewers in the application development and review process. California has identified eight elements to which applicant LEAs and schools must respond based on the specific application criteria established by ED. The element responses will be reviewed using the SIG rubric (see Appendix D of the LEA RFA).

In addition to the element response, LEAs will be required to submit an LEA Budget Summary (SIG Form 4a); LEA Budget Narrative (SIG Form 4b); School Budget Summary (SIG Form 5a); School Budget Narrative (SIG Form 5b); Schools to be Served Chart (SIG Form 2); and Implementation Charts detailing actions, activities to be taken; and timelines for implementation in the Tier I, II, and III schools that the LEA commits to serve (SIG Forms 10 and 11).

The CDE will assess each LEA's commitment to design and implement its selected intervention(s) based on the completeness and appropriateness of the LEA's Element Responses, Implementation Charts, and Budget Forms. This information must indicate that the LEA has committed sufficient resources to support successful implementation as well as a comprehensive and coherent plan to fully implement all required components of the selected interventions in order for the application to be recommended for funding.

The elements to which each LEA must adequately respond are fully described in the Programmatic and Fiscal Response Requirements subsection of the Application Requirements of the California FY 2013 SIG RFA to LEAs, and generally include:

A. Needs Assessment including assessment instruments the LEA used; personnel involved; process for analyzing findings and selecting the intervention model; LEA analysis of use of California adopted standards-aligned materials and interventions; curriculum pacing/instructional time; professional

development; collaboration; instructional support; use of student data; alignment of federal, state, and private resources; and effectiveness of principals, teachers, and other school staff.

B. Demonstration of Capacity to implement selected intervention models sufficient to assure the SEA that the LEA will have adequate resources and related support for each Tier I and Tier II school identified in the LEA's application in order to implement, fully and effectively, the required activities of the school intervention model(s) it has selected.

If the LEA is not applying to serve each Tier I school, it must explain why it lacks the capacity to serve each Tier I school. If the limitation is at the LEA level then the LEA must identify the specific barriers that preclude it from serving all of its Tier I schools. If the limitation is based on conditions at a specific school or schools, then the LEA must describe those conditions. An LEA that applies for a SIG must serve each of its Tier I schools using one of the four school intervention models unless the LEA demonstrates that it lacks sufficient capacity to do so. If an LEA claims it lacks sufficient capacity to serve each Tier I school, the SEA must evaluate the sufficiency of the LEA's claim. Claims of lack of capacity should be scrutinized carefully to ensure that LEAs effectively intervene in as many of their Tier I schools as possible. An LEA that claims that it lacks sufficient capacity to serve each of its Tier I schools will be required to provide a rationale supporting that claim. The CDE will review the description of the limitation and any supporting evidence provided by the LEA to determine whether the rationale provided supports the LEA's claim. In cases in which the LEA's description of its lack of capacity is deemed insufficient to justify not serving all of its Tier I schools, the state will require additional programmatic information and may consider an alternate level of funding.

C. Selection of Intervention Models for each Tier I and Tier II school the LEA commits to serve and the rationale for each selection. The rationale must also provide the basis for not selecting one of the other three intervention models. The LEA must describe the specific activities it has undertaken to solicit stakeholder input on the development and implementation of the proposed school improvement activities in participating schools. California will require LEAs to hold at least two public meetings to consult with staff, parents, and the community regarding the LEA's SIG application and its selection of one of the four intervention models for its Tier I and II schools. The LEA must provide documentation (e.g., meeting agenda or meeting minutes) that such meetings were held, provide a summary of input obtained through these meetings, indicate which input was incorporated into the LEA's SIG application, and provide a rationale for not accepting any input that the LEA rejected.

D. Modify LEA Practices or Policies to enable funded schools to implement the interventions fully and effectively. LEA practices or policies requiring modification may include, but are not limited to, collective bargaining agreements, the distribution of resources among schools, parental involvement policies and practices, school attendance areas and enrollment policies, and agreements with charter organizations. LEAs must identify and describe which policies and practices need to be revised, the process for revision, and a description of the proposed revision.

E. Align Other Resources with the Selected Intervention Models to identify all federal, state, or private resources that are currently available to the school(s) that will be used to support implementation of the selected intervention model, including other district resources. The LEA must describe the LEA's process for ensuring that these resources will be coordinated with SIG funding to ensure maximum effectiveness in the use of all resources.

F. Annual School Goals for Student Achievement on the state and local assessments in both reading/language arts and mathematics that it will use to monitor the performance of each participating Tier I and Tier II school that receives SIG funds and the LEA commits to serve.

G. Sustain the Reforms after the Funding Period Ends to ensure continued LEA and school improvement. The LEA must provide its plan for continuing to support its SIG activities beyond the funding term, including identifying all resources that will be used to sustain the selected intervention(s) after the SIG funding period expires. The LEA must also state whether it intends to implement a waiver to extend the funding period through September 30, 2017.

H. Recruitment, Screening, and Selection of External Providers to ensure their expertise and capacity to support improvement in school and student achievement, if the LEA intends to use external entities to provide technical assistance in selecting, developing, and/or implementing one of the four intervention models. The process described must include specific selection criteria such as experience, qualifications, and record of effectiveness in providing support for school improvement.

Tier III Schools. California will not run a competition for Tier III schools until all LEA applications to serve Tier I or Tier II schools are funded. Given the substantial numbers of Tier I and Tier II schools on California's list of SIG-eligible schools, California does not anticipate funding any Tier III schools with the FY 2013 SIG funds. Inclusion of Tier III Schools is optional. However, for LEAs that opt to serve Tier III schools, the LEA must identify and describe the services the school will receive and/or the activities the school will implement. The LEA must include any findings concerning each school's current condition and analysis of needs that informed the LEA's selection of the specific improvement activities to be implemented. The LEA must also establish challenging annual school goals for student achievement on the state and local assessments in both reading/language arts and mathematics that it will use to monitor the performance of each participating Tier III school that receives SIG funds and the LEA commits to serve.

California will evaluate the SIG applications based on the evaluation criteria described above. Qualified staff from the CDE and SBE will participate in the FY 2013 SIG RFA Readers' Conference, during which they will receive extensive training in the requirements and purpose of SIG, will be familiarized with the SIG rubric, and will be calibrated to ensure rater reliability. Once this is accomplished, the LEA applications will be reviewed to ensure that each meets the specified criteria. Applications that adequately address all the requirements described in the application will be recommended to the SBE for funding based on readers' conference rubric ranking and available funding. Applications found not to meet those requirements will not be recommended for funding. LEAs with applications not recommended for funding will be provided information regarding deficiencies in the application to assist them in preparing applications for subsequent SIG cohorts.

B-1. ADDITIONAL EVALUATION CRITERIA: In addition to the evaluation criteria listed in Section B, the SEA must evaluate the following information in an LEA's budget and application:

(1) How will the SEA review an LEA's proposed budget with respect to activities carried out during the pre-implementation period[2] to help an LEA prepare for full implementation in the following school year?

(2) How will the SEA evaluate the LEA's proposed activities to be carried out during the pre-implementation period to determine whether they are allowable?

[2] "Pre-implementation" enables an LEA to prepare for full implementation of a school intervention model at the start of the 2014–2015 school year. For a full description of pre-implementation, please refer to section J of the SIG Guidance.

B-1. Additional Evaluation Criteria CA Response:
California will use the following criteria to evaluate/review the activities, actions, and budgets proposed by the LEA during the optional pre-implementation period:

- The pre-implementation activities are directly related to the selected model, are designed to address a specific need or needs identified through the LEA's needs assessment, represent a significant reform that goes beyond the basic educational program, and represent a meaningful change that could help improve student achievement from prior years.

- The LEA projected pre-implementation budget is complete, expenditures are accurately classified by object code, the full term of the grant is covered, and totals by year are provided.

- The LEA budget narrative includes detailed information to describe LEA pre-implementation activities and costs associated with each object code. Budget items accurately reflect the actual cost of implementing the selected intervention models and other LEA activities described for each participating school are included.

- The school projected budget(s) are complete, expenditures are accurately classified by object code, the full term of the grant is covered, and totals by year are provided.

- The school pre-implementation budget narrative(s) include detailed information to describe activities and costs associated with each object code.

- Budget items accurately reflect the actual cost of implementing the selected intervention models and other activities described for each participating school are included.

- The LEA and school budgets are clearly aligned and, taken together, fully describe appropriate expenditures of funds in all categories that are clearly sufficient to support the design, implementation, and ongoing maintenance of the proposed SIG activities. The proposed expenditures reflect research-based strategies likely to increase student achievement.

- The LEA and school budgets must be of sufficient size and scope to implement the selected intervention. A separate budget review process will be conducted by fiscal personnel from the CDE and California Comprehensive Center to determine whether a particular proposed use of SIG funds is allowable, directly related to the full and effective implementation of the model selected by the LEA, and that the proposed use of funds is reasonable and necessary.

C. TIMELINE: An SEA must describe its process and timeline for approving LEA applications.

C. Timeline CA Response:

Important Events	Dates
January State Board of Education (SBE) Meeting Agenda Item: • California's Application for FY 2013 School Improvement Grant (SIG) • Request for Application (RFA) for California local educational agencies (LEA) • California's List of Tier I and Tier II schools eligible for FY 2013 SIG	**January 15–16, 2014**
California's Application for FY 2013 SIG sent to the ED for approval	**January 2014**
LEA RFA posted on the California Department of Education (CDE) Web site	**January 22, 2014**
Webinar and Technical Assistance Session	**January 2014**
LEA SIG applications submitted to the CDE for format screening prior to final submission (optional)	**March 3, 2014**
LEA SIG applications due to the CDE	**March 14, 2014**
SIG RFA readers' conference conducted by the CDE to evaluate applications	**March 31–April 4, 2014**

May SBE Meeting Agenda Item: • LEA SIG FY 2013 Applications The CDE will immediately notify LEAs of approval status. LEAs receiving a SIG Cohort 3 school year (SY) 2014–15 sub-grant must begin full implementation of the intervention model(s) they select for their funded school(s) at the beginning of the 2014–15 SY.	**May 7–8, 2014**
Sub-grant award notification letters sent to LEAs	**July 1, 2014**
Optional Pre-Implementation by LEAs	Upon receipt of signed sub-grant award notification

D. DESCRIPTIVE INFORMATION: An SEA must include the information set forth below.

(1) Describe the SEA's process for reviewing an LEA's annual goals for student achievement for its Tier I and Tier II schools, or for its priority schools, as applicable, and how the SEA will determine whether to renew an LEA's School Improvement Grant with respect to one or more Tier I or Tier II schools, or one or more priority schools, in at LEA that is not meeting those goals and making progress on the leading indicators in section III of the final requirements.

(2) Describe the SEA's process for reviewing the goals an LEA establishes for its Tier III schools (subject to approval by the SEA) and how the SEA will determine whether to renew an LEA's School Improvement Grant with respect to one or more Tier III schools in the LEA that are not meeting those goals. If an SEA is requesting the priority schools list waiver, it need not provide this information, as it will have no Tier III schools.

(3) Describe how the SEA will monitor each LEA that receives a School Improvement Grant to ensure that it is implementing a school intervention model fully and effectively in the Tier I and Tier II schools, or the priority schools, as applicable, the LEA is approved to serve.

(4) Describe how the SEA will prioritize School Improvement Grants to LEAs if the SEA does not have sufficient school improvement funds to serve all eligible schools for which each LEA applies.

(5) Describe the criteria, if any, which the SEA intends to use to prioritize among Tier III schools. If an SEA is requesting the priority schools list waiver, it need not provide this information, as it will have no Tier III schools.

(6) If the SEA intends to take over any Tier I or Tier II schools, or any priority schools, as applicable, identify those schools and indicate the school intervention model the SEA will implement in each school.

(7) If the SEA intends to provide services directly to any schools in the absence of a takeover, identify those schools and, for Tier I or Tier II schools, or for priority schools, as applicable, indicate the school intervention model the SEA will implement in each school and provide evidence of the LEA's approval to have the SEA provide the services directly.

[3] If, at the time an SEA submits its application, it has not yet determined whether it will provide services directly to any schools in the absence of a takeover, it may omit this information from its application. However, if the SEA later decides that it will provide such services, it must amend its application to provide the required information.

D. Descriptive Information CA Response:

(1) Reviewing LEA's Annual Improvement Goals for Tier I and Tier II Schools

Each participating LEA must establish clear and measurable goals for student achievement on state or local assessments and measures in reading/language arts and mathematics, using the state summative assessment data and local measures. The CDE will use annual results from these assessment and accountability systems to determine progress made and compare them with LEA applicant goals in reading/language arts and mathematics for all students and subgroup categories to determine whether the funded LEA Tier I and Tier II schools have met their goals. In cases in which one or more of the schools served in an LEA are not meeting their improvement goals, the LEA's sub-grant will be considered for a reduction equivalent to the annual award for the non-achieving school(s) with the intent that the school(s) no longer receives funds.

(2) Reviewing LEA Annual Improvement Goals for Tier III Schools

As is required for Tier I and Tier II schools, each participating LEA must establish clear and measurable goals for student achievement on state or local assessments and measures in reading/language arts and mathematics, using the state summative assessment data and local measures. The CDE will use annual results from these assessment and accountability systems to determine progress made and compare them with LEA applicant goals in reading/language arts and mathematics for all students and subgroup categories to determine whether the funded LEA Tier I and Tier II schools have met their goals. In cases in which one or more of the schools served in an LEA are not meeting their improvement goals, the LEA's sub-grant will be considered for a reduction equivalent to the annual award for the non-achieving school(s) with the intent that the school(s) no longer receives funds.

(3) Monitoring LEAs That Receive a School Improvement Sub-grant

To monitor the implementation process, the CDE requires participating LEAs to submit appropriate fiscal and programmatic reports including, but not limited to, an annual renewal application and quarterly fiscal reporting. As part of the reporting process, the CDE has created an online fiscal expenditure tracking system and requires quarterly expenditure reporting, detailed fiscal narratives, and submission of updated SIG implementation plans. The CDE reviews the reported information in addition to annual LEA and school academic performance data to determine whether schools are

making appropriate progress in the implementation of the identified school intervention model(s) and in meeting student achievement goals. Once each LEA's progress is reviewed in meeting its established improvement goals, CDE staff make a recommendation to the SBE on whether to renew an LEA's SIG when one or more schools are not meeting their goals. When it has been determined that an LEA has not made sufficient progress towards reaching its goals, the sub-grant will be considered for a reduction equivalent to the annual award for the non-performing school(s) with the intent that the school(s) no longer receive funding.

The CDE conducts periodic SIG TA Webinars based on review of required fiscal and programmatic reports, monitoring data, survey data, and questions received from funded LEAs and schools. CDE staff hold regular telephone meetings with LEAs funded by the SIG.

Annual Reports

The CDE will annually review the following information that is to be submitted by each SIG sub-grantee:

- Report annual accountability data to the CDE including, but not limited to:
    - Fiscal information on the use of sub-grant funds provided under ESEA Section 1003 (a) and (g) and the Consolidated Appropriations Act. All audits of financial statements must and will be conducted in accordance with Government Auditing Standards (GAS) and with policies, procedures, and guidelines established by the Education Department General Administrative Regulations (EDGAR), Single Audit Act Amendments, and Office of Management and Budget Circular A-133.
    - Measures to demonstrate implementation of the research and evidence-based strategies identified in the sub-grant application.

      Each participating LEA must establish clear and measurable goals for student achievement on state or local assessments and measures in reading/language arts and mathematics, using the state summative assessment data and local measures. The CDE will use annual results from these assessment and accountability systems to determine progress made and compare them with LEA applicant goals for each funded school in reading/language arts and mathematics for all students and subgroup categories.
    - LEA Progress on SIG Plan Implementation

      For each participating school, the LEA must describe the actions and activities required to implement the selected intervention model, including a timeline with specific dates of implementation. The LEA must regularly report progress on these actions and activities. The CDE will annually evaluate whether the LEA has made sufficient progress on the implementation of each school's plan. In cases in which the LEA has not made sufficient progress, the LEA's sub-grant will be considered for a reduction equivalent to the annual award for the non-achieving school(s) with the intent that the school(s) no longer receives funding.

- Respond to any specific data requests from the ED.

- Utilize annual student achievement goals and student achievement data to evaluate the effectiveness of improvement strategies identified in the SIG sub-grant application for purposes of local monitoring and continuous improvement efforts.

Leading Indicators
The SEA will also review the performance of participating schools on the nine leading indicators identified by ED in its March 1, 2012, SIG Guidance, and will consider progress on these indicators when determining whether to adjust an LEA's sub-grant. For those indicators for which the CDE does not currently collect data, the CDE will require that funded LEAs include this information in their annual reports for this program.

Site Visits
CDE staff conducts a minimum of one site visit, over the three year grant period, to SIG-funded LEAs and schools in order to verify implementation. LEAs are required to upload evidence of compliance with grant requirements in the California Accountability and Improvement System (CAIS). Documents that have been uploaded in the CAIS are reviewed by CDE staff prior to the on-site visit. The monitoring visits include interviews with LEA staff, school staff, and parents. In addition, LEA and school plans and financial documents are reviewed by CDE staff to ensure proper management of SIG funds.

(4) SIG funding priority to LEAs

California anticipates that SIG funding will not be sufficient to fund all eligible Tier I, Tier II, and Tier III schools. LEA applications to serve Tier I and Tier II schools will have highest priority for funding.

LEA applications will be scored and ranked to determine funding eligibility using the rubric identified in the LEA RFA.

An LEA's capacity to implement the selected school interventions, and other factors, such as the number of schools served in each tier, the selected intervention model, school enrollment, and the overall quality of LEA applications will be considered. In accordance with ED Guidance, if the CDE determines that the LEA does not have the capacity to meet the needs of all schools in the application, the CDE reserves the right to fund the LEA to serve only a portion of the schools included in the LEA's application. The CDE will only consider awarding funds to those LEAs that develop and submit a comprehensive and viable application likely to improve student academic achievement.

If sufficient SIG funds are not available to allow each LEA to implement fully and effectively the selected intervention model(s) at all of their Tier I and Tier II schools, the CDE will take into account the distribution of Tier I and Tier II schools among such LEAs in the State to ensure that Tier I and Tier II schools throughout the State can be served.

(5) Criteria to Prioritize Among Tier III Schools

Criteria to prioritize applications of Tier III schools may be based on the year in PI, length of time in PI

beyond year five PI status, year of LEA PI Status, decile rank on California's API accountability system, and actual API performance in recent years.

(6) CDE Takeover of Schools

The CDE does not intend to take over a SIG applicant school.

(7) SEA direct services to any participating school in Tier I or II

The CDE does not intend to provide direct services to any schools in Tier I or Tier II.

E. ASSURANCES: The SEA must provide the assurances set forth below.

By submitting this application, the SEA assures that it will do the following (check each box):

☒ Comply with the final requirements and ensure that each LEA carries out its responsibilities outlined in the final requirements.

☒ Award each approved LEA a School Improvement Grant in an amount that is of sufficient size and scope to implement the selected intervention in each Tier I and Tier II school, or each priority school, as applicable, that the SEA approves the LEA to serve.

☒ Monitor and evaluate the actions an LEA has taken, as outlined in its approved SIG application, to recruit, select and provide oversight to external providers to ensure their quality.

☒ Monitor and evaluate the actions the LEA has taken, as outlined in its approved SIG application, to sustain the reforms after the funding period ends and provide technical assistance to LEAs on how they can sustain progress in the absence of SIG funding.

☒ If a Tier I or Tier II school, or priority school, as applicable, implementing the restart model becomes a charter school LEA, hold the charter school operator or charter management organization accountable, or ensure that the charter school authorizer holds the respective entity accountable, for meeting the final requirements.

☒ Post on its Web site, within 30 days of awarding School Improvement Grants, all final LEA applications and a summary of the grants that includes the following information: name and NCES identification number of each LEA awarded a grant; total amount of the three year grant listed by each year of implementation; name and NCES identification number of each school to be served; and type of intervention to be implemented in each Tier I and Tier II school or priority school, as applicable.

☒ Report the specific school-level data required in section III of the final SIG requirements.

F. SEA RESERVATION: The SEA may reserve an amount not to exceed five percent of its School Improvement Grant for administration, evaluation, and technical assistance expenses.

The SEA must briefly describe the activities related to administration, evaluation, and technical assistance that the SEA plans to conduct with any State-level funds it chooses to reserve from its School Improvement Grant

allocation.

F. SEA Reservation CA Response:

The CDE will reserve no more than five percent for its administration, evaluation, and technical assistance expenses.

The CDE will use these funds to conduct annual data collection and analysis activities, provide general technical assistance activities related to application submission and acceptable uses of funds, and coordinate direct technical assistance to schools. In addition, a small portion of the state reservation will be used to facilitate the on-site monitoring review visits to funded schools as part of California's plan for SIG program monitoring and technical assistance. The SEA will conduct a series of Webinars and conference calls relating to the SIG LEA RFA application process, ongoing one-on-one technical assistance from CDE staff to eligible applicants, and CDE Web page postings for frequently asked questions and answers and other pertinent information concerning SIG implementation.

LEAs receiving SIG grant awards must participate in a statewide evaluation process and provide all required information on a timely basis. In addition, LEAs must respond to any additional surveys or other methods of data collection that may be required by the CDE or ED throughout the life of the sub-grant.

G. CONSULTATION WITH STAKEHOLDERS

☒ By checking this box, the SEA assures that it has consulted with its Committee of Practitioners regarding the information set forth in its application.

H. WAIVERS: SEAs are invited to request waivers of the requirements set forth below. An SEA must check the corresponding box(es) to indicate which waiver(s) it is requesting.

California requests a waiver of the State-level requirements it has indicated below. The State believes that the requested waiver(s) will increase its ability to implement the SIG program effectively in eligible schools in the State in order to improve the quality of instruction and raise the academic achievement of students in Tier I, Tier II, and Tier III schools or in its priority schools, as applicable.

Waiver 1: Tier II waiver

☐ In order to enable the State to generate new lists of Tier I, Tier II, and Tier III schools for its FY 2013 competition, waive paragraph (a)(2) of the definition of "persistently lowest-achieving schools" in Section I.A.3 of the SIG final requirements and incorporation of that definition in identifying Tier II schools under Section I.A.1(b) of those requirements to permit the State to include, in the pool of secondary schools from which it determines those that are the persistently lowest-achieving schools in the State, secondary schools participating under Title I, Part A of the ESEA that have not made adequate yearly progress (AYP) for at least two consecutive years or are in the State's lowest quintile of performance based on proficiency rates on the State's assessments in reading/language arts and mathematics combined.

Assurance

☐The State assures that it will include in the pool of schools from which it identifies its Tier II schools all Title I secondary schools not identified in Tier I that either (1) have not made AYP for at least two consecutive years; or (2) are in the State's lowest quintile of performance based on proficiency rates on the State's assessments in reading/language arts and mathematics combined. Within that pool, the State assures that it will identify as Tier II schools the persistently lowest-achieving schools in accordance with its approved definition. The State is attaching the list of schools and their level of achievement (as determined under paragraph (b) of the definition of "persistently lowest-achieving schools") that would be identified as Tier II schools without the waiver and those that would be identified with the waiver. The State assures that it will ensure that any LEA that chooses to use SIG funds in a Title I secondary school that becomes an eligible Tier II school based on this waiver will comply with the SIG final requirements for serving that school.

Waiver 2: n-size waiver

☐In order to enable the State to generate new lists of Tier I, Tier II, and Tier III schools for its FY 2013 competition, waive the definition of "persistently lowest-achieving schools" in Section I.A.3 of the SIG final requirements and the use of that definition in Section I.A.1(a) and (b) of those requirements to permit the State to exclude, from the pool of schools from which it identifies the persistently lowest-achieving schools for Tier I and Tier II, any school in which the total number of students in the "all students" group in the grades assessed is less than [Please indicate number].

Assurance

☐The State assures that it determined whether it needs to identify five percent of schools or five schools in each tier prior to excluding small schools below its "minimum n." The State is attaching, and will post on its Web site, a list of the schools in each tier that it will exclude under this waiver and the number of students in each school on which that determination is based. The State will include its "minimum n" in its definition of "persistently lowest-achieving schools." In addition, the State will include in its list of Tier III schools any schools excluded from the pool of schools from which it identified the persistently lowest-achieving schools in accordance with this waiver.

Waiver 3: Priority schools list waiver

☐ In order to enable the State to replace its lists of Tier I, Tier II, and Tier III schools with its list of priority schools that meet the definition of "priority schools" in the document titled *ESEA Flexibility* and that were identified in accordance with its approved request for ESEA flexibility, waive the school eligibility requirements in Section I.A.1 of the SIG final requirements.

Assurance

☐ The State assures that its methodology for identifying priority schools, approved through its ESEA flexibility request, provides an acceptable alternative methodology for identifying the State's lowest-performing schools and thus is an appropriate replacement for the eligibility requirements and definition of persistently lowest-achieving schools in the SIG final requirements.

Waiver 4: Period of availability of FY 2013 funds waiver

Note: This waiver only applies to FY 2013 funds for the purpose of making three-year awards to eligible

LEAs.

☒ Waive section 421(b) of the General Education Provisions Act (20 U.S.C. § 1225(b)) to extend the period of availability of FY 2013 school improvement funds for the SEA and all of its LEAs to September 30, 2017.

WAIVERS OF LEA REQUIREMENTS

California requests a waiver of the requirements it has indicated below. These waivers would allow any local educational agency (LEA) in the State that receives a School Improvement Grant to use those funds in accordance with the final requirements for School Improvement Grants and the LEA's application for a grant. The State believes that the requested waiver(s) will increase the quality of instruction for students and improve the academic achievement of students in Tier I, Tier II, or Tier III schools by enabling an LEA to use more effectively the school improvement funds to implement one of the four school intervention models in its Tier I, Tier II, or Tier III schools. The four school intervention models are specifically designed to raise substantially the achievement of students in the State's Tier I, Tier II, and Tier III schools.

Waiver 5: School improvement timeline waiver

Note: An SEA that requested and received the school improvement timeline waiver for the FY 2012 competition and wishes to also receive the waiver for the FY 2013 competition must request the waiver again in this application.

An SEA that has been approved for ESEA flexibility need not request this waiver as it has already received a waiver of the requirement in section 1116(b) of the ESEA to identify schools for improvement through its approved ESEA flexibility request.

Schools that started implementation of a turnaround or restart model in the 2011-2012, 2012-2013, 2013-2014 school years cannot request this waiver to "start over" their school improvement timeline again.

☒Waive section 1116(b)(12) of the ESEA to permit LEAs to allow their Tier I, Tier II, and Tier III Title I participating schools that will fully implement a turnaround or restart model beginning in the 2014–2015 school year to "start over" in the school improvement timeline.

Assurances

☒The State assures that it will permit an LEA to implement this waiver only if the LEA receives a School Improvement Grant and requests the waiver in its application as part of a plan to implement the turnaround or restart model beginning in the 2014–2015 school year in a school that the SEA has approved it to serve. As such, the LEA may only implement the waiver in Tier I, Tier II, and Tier III schools, as applicable, included in its application.

☒The State assures that, if it is granted this waiver, it will submit to the U.S. Department of Education a report that sets forth the name and NCES District Identification Number for each LEA implementing a waiver.

Waiver 6: Schoolwide program waiver

Note: An SEA that requested and received the schoolwide program waiver for the FY 2012 competition and wishes to also receive the waiver for the FY 2013 competition must request the waiver again in this application.

An SEA that has been approved for ESEA flexibility need not request this waiver as it has already received a waiver of the schoolwide poverty threshold through its approved ESEA flexibility request.

☒Waive the 40 percent poverty eligibility threshold in section 1114(a)(1) of the ESEA to permit LEAs to implement a schoolwide program in a Tier I, Tier II, or Tier III participating school that does not meet the poverty threshold and is fully implementing one of the four school intervention models.

Assurances

☒The State assures that it will permit an LEA to implement this waiver only if the LEA receives a School Improvement Grant and requests to implement the waiver in its application. As such, the LEA may only implement the waiver in Tier I, Tier II, and Tier III schools, as applicable, included in its application.

☒The State assures that, if it is granted this waiver, it will submit to the U.S. Department of Education a report that sets forth the name and NCES District Identification Number for each LEA implementing a waiver.

I. ASSURANCE OF NOTICE AND COMMENT PERIOD – APPLIES TO ALL WAIVER REQUESTS

☒The State assures that, prior to submitting its School Improvement Grant application, the State provided all LEAs in the State that are eligible to receive a School Improvement Grant with notice and a reasonable opportunity to comment on its waiver request(s) and has attached a copy of that notice as well as copies of any comments it received from LEAs. The State also assures that it provided notice and information regarding the above waiver request(s) to the public in the manner in which the State customarily provides such notice and information to the public (e.g., by publishing a notice in the newspaper; by posting information on its Web site) and has attached a copy of, or link to, that notice.

PART II: LEA APPLICATION

An SEA must develop an LEA application form that it will use to make subgrants of school improvement funds to eligible LEAs.

LEA APPLICATION REQUIREMENTS

The LEA application form that the SEA uses must contain, at a minimum, the information set forth below. An SEA may include other information that it deems necessary in order to award school improvement funds to its LEAs.

A. SCHOOLS TO BE SERVED: An LEA must include the following information with respect to the schools it will serve with a School Improvement Grant.

An LEA must identify each Tier I, Tier II, and Tier III school, or each priority school, as applicable, the LEA commits to serve and identify the model that the LEA will use in each Tier I and Tier II school, or in each priority school, as applicable.

SCHOOL NAME	NCES ID #	PRIORITY (if applicable)	TIER I	TIER II	TIER III	INTERVENTION (TIER I AND II/PRIORITY ONLY)			
						turnaround	restart	closure	transformation

Note: An LEA that has nine or more Tier I and Tier II schools may not implement the transformation model in more than 50 percent of those schools.

A. Schools To Be Served CA Response: Please see LEA Request for Application (RFA) attached to this application.

B. DESCRIPTIVE INFORMATION: An LEA must include the following information in its application for a School Improvement Grant.

(1) For each Tier I and Tier II school, or each priority school, that the LEA commits to serve, the LEA must demonstrate that the LEA has analyzed the needs of each school, such as instructional programs, school leadership and school infrastructure, and selected interventions for each school aligned to the needs each school has identified.

(2) The LEA must ensure that each Tier I and Tier II school, or each priority school, that it commits to serve receives all of the State and local funds it would receive in the absence of the school improvement funds and that those resources are aligned with the interventions.

(3) The LEA must describe actions it has taken, or will take, to—

- Determine its capacity to provide adequate resources and related support to each Tier I and Tier II school, or each priority school, identified in the LEA's application in order to implement, fully and effectively, the required activities of the school intervention model it has selected;
- Design and implement interventions consistent with the final requirements of the turnaround model,

restart model, school closure, or transformation model;

- Recruit, screen, and select external providers, if applicable, to ensure their quality;
- Modify its practices or policies, if necessary, to enable its schools to implement the interventions fully and effectively; and,
- Sustain the reforms after the funding period ends.

(4) The LEA must include a timeline delineating the steps it will take to implement the selected intervention in each Tier I and Tier II school, or each priority school, identified in the LEA's application.

(5) The LEA must describe how it will monitor each Tier I and Tier II school, or each priority school, that receives school improvement funds including by-

- Establishing annual goals for student achievement on the State's assessments in both reading/language arts and mathematics; and,
- Measuring progress on the leading indicators as defined in the final requirements.

(6) For each Tier III school the LEA commits to serve, the LEA must identify the services the school will receive or the activities the school will implement.

(7) The LEA must describe the goals it has established (subject to approval by the SEA) in order to hold accountable its Tier III schools that receive school improvement funds.

(8) As appropriate, the LEA must consult with relevant stakeholders regarding the LEA's application and implementation of school improvement models in its Tier I and Tier II schools or in its priority schools, as applicable.

B. Descriptive Information CA Response: Please see LEA RFA attached to this application.

C. BUDGET: An LEA must include a budget that indicates the amount of school improvement funds the LEA will use each year in each Tier I, Tier II, and Tier III school, or each priority school, it commits to serve.

The LEA must provide a budget that indicates the amount of school improvement funds the LEA will use each year to—

- Implement the selected model in each Tier I and Tier II school, or priority school, it commits to serve;
- Conduct LEA-level activities designed to support implementation of the selected school intervention models in the LEA's Tier I and Tier II schools or priority schools; and
- Support school improvement activities, at the school or LEA level, for each Tier III school identified in the LEA's application.

Note: An LEA's budget should cover three years of full implementation and be of sufficient size and scope to implement the selected school intervention model in each Tier I and Tier II school the LEA commits to serve. Any funding for activities during the pre-implementation period must be included in the first year of the LEA's three-year budget plan.

An LEA's budget for each year may not exceed the number of Tier I, Tier II, and Tier III schools, or the number of priority schools, it commits to serve multiplied by $2,000,000 (not to exceed $6,000,000 per school over three years).

Example:

LEA XX BUDGET					
	Year 1 Budget		**Year 2 Budget**	**Year 3 Budget**	**Three-Year Total**
	Pre-implementation	**Year 1 - Full Implementation**			
Tier I ES #1	$257,000	$1,156,000	$1,325,000	$1,200,000	$3,938,000
Tier I ES #2	$125,500	$890,500	$846,500	$795,000	$2,657,500
Tier I MS #1	$304,250	$1,295,750	$1,600,000	$1,600,000	$4,800,000
Tier II HS #1	$530,000	$1,470,000	$1,960,000	$1,775,000	$5,735,000
LEA-level Activities	$250,000		$250,000	$250,000	$750,000
Total Budget	**$6,279,000**		**$5,981,500**	**$5,620,000**	**$17,880,500**

C. Budget CA Response: Please see LEA RFA attached to this application.

D. ASSURANCES: An LEA must include the following assurances in its application for a School Improvement Grant.

The LEA must assure that it will—

(1) Use its School Improvement Grant to implement fully and effectively an intervention in each Tier I and Tier II school, or each priority school, that the LEA commits to serve consistent with the final requirements;

(2) Establish annual goals for student achievement on the State's assessments in both reading/language arts and mathematics and measure progress on the leading indicators in section III of the final requirements in order to monitor each Tier I and Tier II school, or priority school, that it serves with school improvement funds, and establish goals (approved by the SEA) to hold accountable its Tier III schools that receive school improvement funds;

(3) If it implements a restart model in a Tier I or Tier II school, or priority school, include in its contract or agreement terms and provisions to hold the charter operator, charter management organization, or education management organization accountable for complying with the final requirements;

(4) Monitor and evaluate the actions a school has taken, as outlined in the approved SIG application, to recruit, select and provide oversight to external providers to ensure their quality;

(5) Monitor and evaluate the actions schools have taken, as outlined in the approved SIG application, to sustain the reforms after the funding period ends and that it will provide technical assistance to schools on how they can sustain progress in the absence of SIG funding; and,

(6) Report to the SEA the school-level data required under section III of the final requirements.

D. Assurances CA Response: Please see LEA RFA attached to this application

E. WAIVERS: If the SEA has requested any waivers of requirements applicable to the LEA's School Improvement Grant, an LEA must indicate which of those waivers it intends to implement.

The LEA must check each waiver that the LEA will implement. If the LEA does not intend to implement the waiver with respect to each applicable school, the LEA must indicate for which schools it will implement the waiver.

☐ "Starting over" in the school improvement timeline for Tier I and Tier II Title I participating schools implementing a turnaround or restart model.

☐ Implementing a school-wide program in a Tier I or Tier II Title I participating school that does not meet the 40 percent poverty eligibility threshold.

E. Waivers CA Response: Please see LEA RFA attached to this application

School Improvement Grant
Section 1003(g)
Cohort 3, Fiscal Year 2013

Request for Applications
(RFA)

Applications must be received by the California Department of Education (CDE) no later than 4 p.m. on March 14, 2014

California Department of Education
Improvement and Accountability Division
School Turnaround Office
1430 N Street, Suite 6208
Sacramento, CA 95814-5901
916-319-0833

http://www.cde.ca.gov/sp/sw/t1/sig09.asp

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Timeline

A number of important dates are identified below for local educational agencies (LEAs) or chartering authorities intending to apply for School Improvement Grant (SIG) funds.

Important Events	Dates
January State Board of Education (SBE) Meeting Agenda Item: • California's Application for Fiscal Year (FY) 2013 School Improvement Grant (SIG) • Request for Application (RFA) for California LEAs • California's List of Tier I and Tier II schools eligible for FY 2013 SIG	**January 15–16, 2014**
California's Application for FY 2013 SIG sent to U.S. Department of Education for approval*	**January 2014**
Draft LEA RFA posted on the California Department of Education (CDE) Web site*	**January 22, 2014**
Webinar and Technical Assistance Session	**January 2014**
LEA SIG applications submitted to the CDE for format screening prior to final submission (optional)	**March 3, 2014**
LEA SIG applications due to the CDE	**Before 4 p.m. on March 14, 2014**
SIG RFA readers' conference conducted by the CDE to evaluate applications	**March 31–April 4, 2014**

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May SBE Meeting Agenda Item: • LEA SIG FY 2013 Applications The CDE will immediately notify LEAs of approval status. LEAs receiving a SIG Cohort 3 school year (SY) 2014–15 sub-grant must begin full implementation of the intervention model(s) they select for their funded school(s) at the beginning of the 2014–15 SY.	**May 7–8, 2014**
Sub-grant award notification letters sent to LEAs*	**July 1, 2014**
Optional Pre-Implementation by LEAs	Upon receipt of signed sub-grant award notification

*Pending SBE Approval

General Information

A. Overview

Hereafter, the term California Department of Education (CDE) refers to the CDE operating under the policy direction of the SBE. For information regarding the definition of terms used in this document, refer to the U.S. Department of Education (ED) SIG Application Web document at http://www2.ed.gov/programs/sif/applicant.html.

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 LEAs and independent charter schools that receive Title I funds and have at least one school identified in Tier I or Tier II. These funds are for identified and approved schools that demonstrate the greatest need and the strongest commitment to use the funds. These sub-grants are intended to provide adequate resources in order to raise substantially the achievement of students to enable the schools to make adequate yearly progress (AYP) and exit improvement status.

SIG funding will be provided to LEAs with schools that meet eligibility requirements as defined by ED according to prescribed priorities and evidence of greatest need and demonstration of greatest commitment. Based on the priorities for SIG, California will specifically base its funding on the state's list of remaining unserved Tier I and Tier II

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schools and previously served 2009 “persistently lowest-achieving” Tier I and Tier II schools. California will prioritize funding based on a determination of schools with greatest need and the geographic distribution of all Tier I and Tier II schools throughout the state. California will not run a competition for Tier III schools until all LEA applications to serve Tier I or Tier II schools are funded. Given the substantial numbers of Tier I and Tier II schools on California’s list of SIG-eligible schools, California does not anticipate funding any Tier III schools with the FY 2013 SIG funds.

The CDE will provide guidance to LEAs as they plan, implement, monitor, and evaluate selected intervention models in their lowest achieving schools. The state will also work to ensure that schools successfully implement one of the four school intervention models by promoting district partnerships to share expertise and lessons learned in ways known to build upon and sustain success. The services provided to Tier I and Tier II schools are clearly focused on making sure that schools are equipped to maximize student success. Ongoing technical assistance will be provided to LEAs during sub-grant implementation.

B. Opportunity to Improve

To receive a SIG sub-grant, an LEA must submit an application to the CDE that complies with the provisions herein. These funds are intended to support research-based, effective and sustainable school improvement activities that increase the likelihood that all students learn challenging academic content and achieve proficiency on state assessments in reading/language arts and mathematics.

For FY 2013, California received approximately $57 million through the ED Appropriations Act of 2013. FY 2013 SIG funds will be used to fund the three year SIG grant and are available for obligation by the CDE and LEAs from July 1, 2014, through September 30, 2017.

C. Eligibility

The CDE has requested a waiver of sections I.A.1 and II.B.10 of the SIG final requirements to permit the state to use the same Tier I, Tier II, and Tier III lists it used in the Cohort 1 and Cohort 2 competitions. As a result, the remaining unserved Tier I and Tier II schools from the Cohort 2 SIG competition will be eligible for FY 2013 SIG funding. In addition, Tier I and Tier II schools that received Cohort 1 SIG funds and have completed the grant period are eligible.

In keeping with federal requirements, California has defined “persistently lowest-achieving schools” as those that are determined to have been among the lowest 5 percent of schools in Program Improvement (PI) in terms of their average three-year proficiency rate for English-language arts (ELA) and mathematics over three school

years (2006–07, 2007–08, and 2008–09). In accordance with ED guidance, any high school in either Tier I or Tier II with a four-year graduation rate of less than 60 percent was also included. Prior to identifying specific schools, the CDE excluded from the list of potential schools those that had shown at least 50 points of growth in the Academic Performance Index (API) over a five year period (2004–05, 2005–06, 2006–07, 2007–08, and 2008–09) to address the requirement that only schools showing a lack of progress over a certain number of years should be included. In addition, schools not meeting California's established minimum group size of 100 students with valid test scores for each of the three years were excluded.

California has defined Tier II schools as the persistently lowest-achieving secondary schools that are eligible for, but do not receive, Title I, Part A funds. California was granted a waiver in FY 2009 of the definition of "persistently lowest-achieving schools" to permit California to include among its persistently lowest-achieving Tier II secondary schools, Tier III Title I secondary schools that are lower achieving than one or more Tier II schools. They do not qualify as Tier II schools because they are receiving Title I, Part A funds, and do not qualify as Tier I schools because they are not among the lowest-achieving 5 percent of such schools in the State.

In the Tier I and Tier II schools an LEA commits to serve, the LEA must implement one of four school intervention models: turnaround model, restart model, closure model, or transformation model.

NOTE: An LEA with a Tier I or Tier II school must be receiving Title I funding in order to be eligible to apply.

D. Funding Priority and Levels

Federal SIG regulations provide equal priority for funding Tier I and Tier II schools. ED requires states to award SIG funds to serve Tier I and Tier II schools that LEAs commit to serve prior to awarding any funds to an LEA to serve any Tier III schools. There may not be sufficient funding to serve all eligible schools. Therefore, California intends to fund all Tier I and Tier II schools statewide prior to funding any Tier III schools. Given this intent, LEA applicants are strongly encouraged to commit to serve all of their Tier I and Tier II schools prior to including any Tier III schools in their SIG sub-grant application.

LEA applications will be scored and ranked to determine funding eligibility.
An LEAs capacity to implement the selected school interventions, and other factors, such as the number of schools served in each tier, the selected intervention model, school enrollment, and the overall quality of LEA applications will be considered. In accordance with ED Guidance, if the CDE determines that the LEA does not have the capacity to meet the needs of all schools in the application, the CDE reserves the right to fund the LEA to serve only a portion of the schools included in the LEAs application.

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The CDE will only consider awarding funds to those LEAs that develop and submit a comprehensive and viable application likely to improve student academic achievement.

The CDE also reserves the right to fund applications at a lesser amount if the application can be implemented with less funding. Furthermore, if funding is not sufficient to fully fund all applications that merit award, the CDE reserves the right to fund applications at a lesser amount, identify which schools or sites will receive funding, and award sub-grants accordingly.

The portion of an LEAs SIG sub-grant for a school that is subject to closure is limited to the time necessary to close the school, usually one year or less. As such, funds allocated for a school closure would not be subject to renewal.

If sufficient SIG funds are not available to allow each LEA to implement fully and effectively the selected intervention model(s) at all of their Tier I and Tier II schools, the CDE will take into account the distribution of Tier I and Tier II schools among such LEAs in the State to ensure that Tier I and Tier II schools throughout the State can be served.

An approved LEA application will receive a minimum of $50,000 and a maximum $2,000,000 per year for each of their eligible Tier I and Tier II schools that are included and approved in the sub-grant application. Funding levels will reflect the LEAs projected cost of implementing the selected intervention strategy for each school as approved by the SEA.

Program Guidelines

A. School Improvement Intervention Models

An LEA that wishes to receive a SIG is required to submit an application to the state identifying which schools it commits to serve from the state's list of Tier I and Tier II schools. Tier I and Tier II schools must implement one of the following four school intervention models (as described in the *Federal Register* and provided below) intended to improve the management and effectiveness of these schools. LEAs receiving a Cohort 3 FY 2013 SIG sub-grant must begin full implementation of the intervention model(s) they select for their funded schools at the beginning of the 2014–15 SY, which is Year 1 of the SIG sub-grant. Those LEAs electing to carry out optional pre-implementation activities may begin implementation upon receipt of a Grant Award Notice from the CDE.

(See the current SIG Guidelines on the ED Web site at http://www2.ed.gov/programs/sif/legislation.html for detailed information on each SIG model). Additional information can be accessed at the CDE SIG Cohort 3 RFA Web site here: http://www.cde.ca.gov/sp/sw/t1/sig09.asp.

i. **Turnaround model,** which includes, among other actions, replacing the principal and rehiring no more than 50 percent of the school's staff, adopting a new governance structure, and implementing an instructional program that is research-based and vertically aligned from one grade to the next as well as aligned with California's adopted content standards. This includes ELA and mathematics core and intensive intervention programs that are SBE-adopted (2001 or later) in kindergarten through grade eight and standards-aligned core and intervention instructional materials in grades nine through twelve.

Required Activities:

A turnaround model is one in which an LEA implements each of the following strategies:

a. Replace the principal and grant the new principal sufficient operational flexibility (including in staffing, calendars/time, and budgeting) to implement fully and effectively a comprehensive approach in order to substantially improve student achievement outcomes and increase high school graduation rates.

b. Use locally-adopted competencies to measure the effectiveness of staff who can work within the turnaround environment to meet the needs of students, to screen all existing staff and rehire no more than 50 percent, and select new staff.

c. Implement such strategies as (1) financial incentives, (2) increased opportunities for promotion and career growth, and (3) more flexible work conditions that are designed to recruit, place, and retain staff with the skills necessary to meet the needs of the students in the turnaround school.

d. Provide staff ongoing, high-quality, job-embedded professional development that is aligned with the school's comprehensive instructional program and designed with school staff to ensure that they are equipped to facilitate effective teaching and learning and have the capacity to successfully implement school reform strategies.

e. Adopt a new governance structure, which may include, but is not limited to, requiring the school to report to a new "turnaround office" in the LEA, or hire a "turnaround leader" who reports directly to the LEA.

f. Use data to identify and implement an instructional program that is research-based and vertically aligned from one grade to the next as well as aligned with California's adopted academic standards. This includes ELA and mathematics core and intensive intervention programs that are

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SBE-adopted (2001 or later) in kindergarten-grade eight and standards-aligned core and intervention instructional materials in grades nine-twelve.

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

h. Establish schedules and implement strategies that provide increased learning time (ILT) for all students in the following three areas and as outlined in SIG Federal Guidance (See Program Guidelines Section B):

- Instruction in core academic subjects.
- Instruction in other subjects and enrichment activities that contribute to a well-rounded education.
- Time for teachers to collaborate, plan, and engage in professional development within and across grades and subjects.

i. Provide appropriate social-emotional and community-oriented services and supports for students.

Permissible Activities:

A turnaround model may also implement other strategies such as:

j. Any of the required and permissible activities under the transformation model.

k. A new school model.

See Form 10.1 Turnaround Implementation Chart for a complete list of required components for a Tier I or Tier II school.

ii. **Transformation model**, in which an LEA implements each of the following strategies:

Note: An LEA that has nine or more Tier I and Tier II schools, including schools that are currently being served with SIG funds and those that are eligible to receive FY 2013 SIG funds may implement the transformation model in no more than 50 percent of these schools.

a. Developing and increasing teacher and school leader (and other staff) effectiveness.

Required Activities:

1. Replace the principal who led the school prior to commencement of the transformation model.

2. Use rigorous, transparent, and equitable evaluation systems for teachers and principals that:

    A. Take into account data on student growth as a significant factor, as well as other factors such as multiple observation-based assessments of performance and ongoing collections of professional practice reflective of student achievement and increased high school graduation rates.

    B. Are designed and developed with teacher and principal involvement.

3. Identify and reward school leaders, teachers, and other staff who, in implementing this model, have increased student achievement and high school graduation rates, and identify and remove those who, after ample opportunities have been provided for them to improve their professional practice, have not done so.

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

5. Implement such strategies as financial incentives, increased opportunities for promotion and career growth, and more flexible work conditions that are designed to recruit, place, and retain staff with the skills necessary to meet the needs of the students in a transformation school.

Permissible Activities:

1. Providing additional compensation to attract and retain staff with the skills necessary to meet the needs of the students in a transformation school.

2. Instituting a system for measuring changes in instructional practices resulting from professional development.

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3. Ensuring that the school is not required to accept a teacher without the mutual consent of the teacher and principal, regardless of the teacher's seniority.

b. Comprehensive Instructional Reform Strategies

Required Activities:

1. Use data to identify and implement an instructional program that is research-based and vertically aligned from one grade to the next as well as aligned with California's adopted academic content standards. This includes ELA and mathematics core and intensive intervention programs that are SBE-adopted (2001 or later) in kindergarten through grade eight and standards-aligned core and intervention instructional materials in grades nine through twelve.

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

Permissible Activities:

1. Conducting periodic reviews to ensure that the curriculum is being implemented with fidelity, is having the intended impact on student achievement, and is modified if deemed ineffective.

2. Implementing a school wide "response-to-intervention" model.

3. Providing additional supports and professional development to teachers and principals in order to implement effective strategies to support students with disabilities in the least restrictive environment and to ensure that English learner students acquire the English proficiency (language) skills necessary to master academic content within a certain time period.
4. Using and integrating technology-based supports and interventions as part of the instructional program.

5. In secondary schools

    A. Increasing rigor by offering opportunities for students to enroll in advanced coursework (such as Advanced Placement; International Baccalaureate; or science, technology, engineering, and mathematics courses, especially those that incorporate rigorous and relevant

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project-, inquiry-, or design-based contextual learning opportunities), early-college high schools, dual enrollment programs, or thematic learning academies that prepare students for college and careers, including by providing appropriate supports designed to ensure that low-achieving students can take advantage of these programs and coursework.

B. Improving student transition from middle to high school through summer transition programs or freshman academies.

C. Increasing graduation rates through, for example, credit-recovery programs, re-engagement strategies, smaller learning communities, competency-based instruction and performance-based assessments, and acceleration of basic reading and mathematics skills.

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

c. Increasing Learning Time

Required Activities:

1. Establish schedules and implement strategies that provide ILT for all students in the following three areas and as outlined in SIG Federal Guidance (See Program Guidelines Section B):

   - Instruction in core academic subjects.
   - Instruction in other subjects and enrichment activities that contribute to a well-rounded education.
   - Time for teachers to collaborate, plan, and engage in professional development within and across grades and subjects.

d. Creating Community-Oriented Schools

Required Activities:

1. Provide ongoing mechanisms for family and community engagement.

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Permissible activities:

1. Partnering with parents and parent organizations, faith- and community-based organizations, health clinics, other state or local agencies, and others to create safe school environments that meet students' social, emotional, and health needs.

2. Extending or restructuring the school day so as to add time for such strategies as advisory periods that build relationships between students, faculty, and other school staff.

3. Implementing approaches to improve school climate and discipline, such as implementing a system of positive behavioral supports or taking steps to eliminate bullying and student harassment.

4. Expanding the school program to offer full-day kindergarten or pre-kindergarten.

e. Providing Operational Flexibility and Sustained Support

Required Activities:

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

2. Ensure that the school receives ongoing, intensive technical assistance and related support from the LEA, the SEA, or a designated external lead partner organization (such as a school turnaround organization or an Educational Management Organization (EMO).

Permissible Activities:

1. Allowing the school to be run under a new governance arrangement, such as a turnaround division within the LEA.

2. Implementing a per-pupil school-based budget formula that is weighted based on student needs.

See Form 10.2 Transformation Implementation Chart for a complete list of required components for a Tier I or Tier II school.

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iii. **Restart model,** in which an LEA converts a school or closes and reopens a school under a charter school operator, a Charter Management Organization (CMO), or an EMO that has been selected through a locally-determined **rigorous review process**, using SEA provided guidance, by the LEA. (A CMO is a non-profit organization that operates or manages charter schools by centralizing or sharing certain functions and resources among schools. An EMO is a for-profit or non-profit organization that provides "whole-school operation" services to an LEA.) If an LEA implements a restart model in a Tier I or Tier II school, the LEA must include in its contract or agreement terms and provisions to hold the charter school operator, CMO, or EMO accountable for complying with the final requirements. A restart model school must enroll, within the grades it serves, any former student who wishes to attend the school.

See Form 10.3 Restart Implementation Chart for a complete list of required components for a Tier I or Tier II school.

iv. **Closure Model**, in which an LEA closes a school and enrolls the students who attended that school in other schools in the LEA that are higher achieving. These other schools should be within reasonable proximity to the closed school and may include, but are not limited to, charter schools or new schools for which achievement data are not yet available. SIG funds may not be used in the school that is receiving students who previously attended a school that is subject to closure in order to cover the costs associated with accommodating those students.

See Form 10.4 School Closure Implementation Chart for a complete list of required components for a Tier I or Tier II school.

B. Increased Learning Time Guidelines for School Improvement Grant

Question A-31 in the EDs February 23, 2011, SIG Guidance defines ILT with respect to SIG:

ILT means using a longer school day, week, or year schedule to significantly increase the total number of school hours to include additional time for the following program requirements:

a. Instruction in core academic subjects including English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography.

b. Instruction in other subjects and enrichment activities that contribute to a well-rounded education, including, for example, physical education, service learning,

and experiential and work-based learning opportunities that are provided by partnering, as appropriate, with other organizations.

c. Teachers to collaborate, plan, and engage in professional development within and across grades and subjects.

The definition indicates that the ILT should occur in each of the three areas.

The ED provides further guidance on ILT in its Education Data Exchange Network (EDEN) N167—SIG File. Specifications for submission of the SIG leading indicators are available as a Web document located at http://www2.ed.gov/about/inits/ed/edfacts/eden/non-xml/n167-7-3.doc. The EDEN Submission System is an electronic system that facilitates the efficient and timely transmission of data from SEA to the ED. The data collected using this file specification are used to monitor and report performance on the SIG program. (Note: The "Inactive" watermark on this guidance means that data files cannot be submitted at this time; however, the guidance contained within the specifications has been finalized and approved by ED.) The guidance states:

> **What constitutes "all students had the opportunity to participate?"**
>
> All students had the opportunity to participate if there was no selection process for the activity. For example, an afterschool program available only to a subset of students in the school, such as those who are failing a course, would not be included.
>
> **Are minutes from an activity that was not available to all students included?**
>
> No, minutes are included only when the activity was available to all students.

Increased Learning Time

Increases should be reported relative to the prior school year.

All students must have the opportunity to participate in the ILT; it must occur in core, enrichment, and teacher collaboration; and it must represent an increase relative to the prior SY, which is 2013–14 for Cohort 3.

Question E-12 from the SIG Guidance also states that ILT is more closely focused on increasing the number of instructional minutes in the school day or days in the school year.

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With respect to extending learning into before- and after-school hours, Question A-32 in the SIG Guidance states:

> Extending learning into before- and after-school hours can be difficult to implement effectively, but is permissible under this definition, although the Department encourages LEAs to closely integrate and coordinate academic work between in school and out of school. To satisfy the requirements in Section I.A.2(a)(1)(viii) of the turnaround model and Section I.A.2(d)(3)(i)(A) of the transformation model for providing ILT, a before- or after-school instructional program must be available to all students in the school.
>
> An afterschool program is available only to a subset of students in the school, such as those who are failing a course, would not be a form of ILT.

With respect to a minimum amount of ILT, Question A-32d in the SIG Guidance states:

> Although research supports the effectiveness of increasing learning time by a minimum of 300 hours, the final requirements do not require that an LEA implementing either the turnaround model or the transformation model necessarily provide at least 300 hours of ILT. An LEA has the flexibility to determine precisely how to meet the requirement to establish schedules that provide ILT, and should do so with an eye toward the goal of increasing learning time enough to have a meaningful impact on the academic program in which the model is being implemented.

C. Pre-Implementation

"Pre-implementation" enables an LEA to prepare for full implementation of a school intervention model at the start of the 2014–15 SY. As soon as the grant award is received, the LEA may use part of its first-year allocation for SIG-related activities in schools that will be served in Cohort 3 SY 2014–15. For a full description of pre-implementation, please refer to Section J of the SIG Guidance.

Pre-implementation activities include, but are not limited to:

- Holding community meetings to review school performance, discuss the school intervention model to be implemented, and develop school improvement plans in line with the intervention model selected.

- Conducting the required rigorous review process to select a charter school operator, a CMO, or an EMO and contract with that entity; or properly recruit, screen, and select any external providers that may be necessary to assist in planning for the implementation of an intervention model.

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- Recruiting and hiring the incoming principal, leadership team, instructional staff, and administrative support; or evaluate the strengths and areas of need of current staff.

- Providing remediation and enrichment to students in schools that will implement an intervention model at the start of the 2014–15 SY; identifying and purchasing instructional materials aligned with state academic standards that have data-based evidence of raising student achievement; or compensate staff for instructional planning.

- Training staff on the implementation of new or revised instructional programs; providing instructional support for returning staff members or training staff on the new evaluation system and locally adopted competencies.

- Developing and piloting a data system for use in SIG-funded schools to analyze data on leading baseline indicators, or develop and adopt interim assessments for use in SIG-funded schools.

Please Note:

- SIG funds may not be used to continue paying unassigned teachers who have been removed from the classroom and are not participating in activities to prepare their school for full implementation of a school intervention model.

- An LEA may not use SIG funds to buy out the remainder of the current principal's contract.

Pre-implementation activities will be evaluated to ensure that SIG funds awarded for the first year cover full and effective implementation through the duration of the 2014–15 SY, including activities carried out during the pre-implementation period. All pre-implementation activities funded with SIG funds will be reviewed to determine if they are reasonable and necessary, directly related to the full and effective implementation of the model selected by the LEA, and address the needs identified by the LEA.

D. Responsibilities of the Local Educational Agencies

i. For each Tier I and Tier II school that the LEA commits to serve, the LEA must demonstrate that:

    - The LEA has analyzed the needs and the appropriateness of each model for each school and then selected the model that will be most effective for each school.

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- The LEA has the capacity to use SIG funds to provide adequate resources and related support to each Tier I and Tier II school identified in the LEAs application in order to implement, fully and effectively, the required activities of the school intervention model(s) it has selected.

ii. If the LEA is not applying to serve each Tier I school identified, the LEA must explain why it lacks capacity to serve each Tier I school using SIG Form 2.

iii. The LEA must describe actions it has taken, or will take, to:

- Design and implement intervention(s) consistent with the final requirements that may include pre-implementation activities to be carried out prior to the beginning of the 2014–15 SY.
- Recruit, screen, and select external providers, if applicable, to ensure their quality.
- Align other resources with the intervention(s) including federal, state, private, and other district resources.
- Modify its practices or policies, if necessary, to enable its schools to implement the interventions fully and effectively.
- Sustain the reforms after the funding period ends.

iv. The LEA must include a timeline delineating the steps it will take to implement the selected intervention in each Tier I and Tier II school identified in the LEAs application using the appropriate Implementation Chart. The timeline must include beginning and ending implementation dates using a month and year designation.

v. The LEA must describe the annual school goals for student achievement in both reading/language arts, mathematics, and graduation rate (if applicable) that it has established in order to monitor its Tier I and Tier II schools that receive school improvement funds.

vi. As appropriate, the LEA must consult with relevant stakeholders regarding the LEAs application and implementation of school improvement models in its Tier I and Tier II schools.

E. Program Accountability and Monitoring

The CDE is responsible for monitoring LEA SIG implementation in accordance with the following program accountability requirements:

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1. Each LEA receiving funding through this RFA meets the eligibility requirements for the sub-grant described herein, and the LEA has provided all required assurances that it will comply with all program implementation and reporting requirements established through this RFA.

2. Each LEA receiving funding through this RFA appropriately uses these funds to implement one of the four school improvement models described in this application.

3. Each LEA implements a selected intervention model in each school funded through this application within the timeline in which the funds provided are to be used.

To fulfill its monitoring responsibilities, the CDE will require funded LEAs to submit appropriate fiscal and program information. In addition, representatives of the state and/or the regional consortia may conduct site visits to a selected representative sample of funded LEAs and their funded schools. The purpose of these visits would be to validate information submitted by LEAs and gather additional information from interviews and observations for technical assistance, monitoring, and evaluation purposes.

Reporting and Accountability Requirements

Applicants awarded SIG funds must satisfy periodic reporting and accountability requirements throughout the term of the sub-grant. These requirements address: (A) program accountability; (B) fiscal reporting requirements; (C) site visits; and (D) program evaluation.

A. Program Accountability

Each identified PI school and LEA receiving SIG sub-grant funds is responsible for carrying out its school improvement responsibilities under ESEA Section 1116(b) and (c) located on the ED Web site at http://www2.ed.gov/policy/elsec/leg/esea02/pg2.html#sec1116.

The LEA must include on Form 2 a list of each of the schools served, their National Center for Education Statistics (NCES) Identification Number, the intervention model selected for each school, and the waivers for which the LEA is applying. These codes can be found at http://nces.ed.gov/.

Each LEA and school receiving a SIG sub-grant is responsible for carrying out its school improvement responsibilities in accordance with its approved sub-grant application and

improvement plan. This includes making progress toward annual school goals and benchmarks.

LEAs are required to provide regular updates throughout the year to the CDE on Implementation Chart progress for each funded school.

For any Tier I or Tier II school, the LEA must provide school-level data on all of the metrics designated by ED. Refer to current SIG Guidance on the ED Web site at http://www2.ed.gov/programs/sif/legislation.html (Outside Source) for a complete listing of metrics and indicators.

B. Fiscal Reporting Requirements

SIG sub-grantees must submit quarterly expenditure reports to the CDE by the dates listed below. The LEA or chartering authority is responsible for ensuring that reports are accurate, complete, and submitted on time.

Quarter	Reporting Period	Report Due Date
1	July 1–September 30	October 31
2	October 1–December 31	January 31
3	January 1–March 31	April 30
4	April 1–June 30	July 31
5	July 1–September 30	October 31

C. Site Visits by Regional Consortia or State Staff

If selected as part of a site visit sample, LEAs and their funded schools must agree to site visits by state representatives and/or the regional consortia. The site visit is intended to validate information provided in expenditure and program evaluation reports, gather more detailed information on implementation efforts and challenges, and provide technical assistance and support.

D. Program Evaluation

All SIG recipients will be responsible for fulfilling the following program evaluation requirements:

i. Report annual accountability data to the CDE including, but not limited to:

   a. Fiscal information on the use of grant funds provided under ESEA Section 1003(g).

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b. Measures to demonstrate implementation of the research- and evidence-based strategies identified in the sub-grant application.

c. The number and percentage of students who score proficient in reading/language arts and mathematics for each school receiving funds through this application.

In lieu of California Standardized Testing and Reporting (STAR) scores, LEAs and schools should use multiple local measures to evaluate how SIG goals are being met. These local measures may include, but are not limited to, the following: district ELA, math and other subject benchmark assessments; curriculum-imbedded assessments; performance measures imbedded in supplemental technology-based instructional programs and applications; local pilot measures for Common Core standards being implemented in classrooms; and other valid and reliable assessments of reading acquisition skills, writing skills, and math skills, and meaningful performance assessments of student learning. This may include other State assessments, where available, such as the Smarter Balanced interim assessments.

ii. Respond to any specific data requests from the ED.

iii. Utilize annual student achievement goals and student achievement data to evaluate the effectiveness of improvement strategies identified in the SIG sub-grant application for purposes of local monitoring and continuous improvement efforts.

iv. In addition, the CDE will review the performance of participating schools on the nine leading indicators identified by ED in SIG Guidance on the ED Web site at http://www2.ed.gov/programs/sif/legislation.html.

1. Number of instructional minutes within the SY.

2. Student participation rate on state assessments in reading/language arts and in mathematics, and by student subgroup.

3. Dropout rate where applicable.

4. Student attendance rate.

5. Number and percentage of students completing advanced coursework where applicable (e.g., Advanced Placement/International Baccalaureate, early-college high schools, and dual enrollment classes).

6. Discipline incidents.

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7. Truants.

8. Distribution of teachers by performance level on an LEAs teacher evaluation systems.

9. Teacher attendance rate.

For those indicators for which the CDE does not currently collect data, the CDE will require that funded LEAs include this information in their annual reports for this program if applicable. Refer to SIG Guidance on the ED Web site at http://www2.ed.gov/programs/sif/legislation.html for a complete listing of metrics and indicators.

Fiscal Operations

Sub-grantees must comply with the following fiscal operational requirements.

A. Use of Funds

SIG funding shall be used to support school improvement efforts by LEAs and their eligible schools funded by this sub-grant process. Sub-grant funds may be used for staff salaries, materials, services, training, equipment, supplies, evaluation, minor facilities upgrades, or other purposes, except as specifically limited by all applicable legal requirements including all regulations or statutes or by the SEA. Each eligible LEA that receives an award may use the funds to carry out activities that advance the SIG sub-grant priorities. Sub-grantees may only use sub-grant funds for their intended purposes. Any funds provided to LEAs for pre-implementation will be counted as part of their first year SIG award.

The SIG funds must supplement, not supplant, existing services and may not be used to supplant federal, state, local, or nonfederal funds. Programs may not use SIG funds to pay for existing levels of service funded from any other source. An LEA that commits to serve one or more Tier I or Tier II schools that do not receive Title I, Part A funds must ensure that each of those schools receives all of the federal, state, and local funds it would have received in the absence of the SIG funds. SIG funds may not be used for new construction, most transportation, or purchases not directly related to any components in the models. Please refer to Section I of the FY 2011 SIG Guidance on the Ed Web site at http://www2.ed.gov/programs/sif/legislation.html for further information on allowable use of SIG funds.

If the sub-grantee terminates program operation, the CDE will bill the LEA sub-grantee for any overpayment.

Please refer to Appendix B for a list of the expenditure codes to be used in this RFA. For a detailed description of these expenditure classifications, refer to the *California School Accounting Manual,* 2008 Edition. Visit the CDE Accounting Web page at http://www.cde.ca.gov/fg/ac/sa/ for viewing and downloading information.

B. Payments to Sub-grantees

The CDE will issue payments in five increments as follows:

- The first payment: 22.5 percent of the annual sub-grant award, plus all expenses already incurred, no later than 30 days after the CDE receives the Grant Award Notification letter (AO-400), or within 30 days after the Budget Act becomes effective, whichever is later.

- Subsequent payments will be made quarterly in amounts that equal 22.5 percent of the total award, plus expenses already incurred to date, upon verification that quarterly reports have been submitted to the CDE by the LEA.

- No payments will be made in excess of the grant award. Ten percent will be withheld until approval of the final year-end expenditure report.

C. Renewal of Funding

The CDE will consider the following factors annually in determining whether to recommend to the SBE that the LEAs SIG sub-grant, in whole or in part, will be renewed:

- Local Educational Agencies Progress on Annual School Achievement Goals

Each participating LEA must establish clear, measurable, and challenging goals for student achievement **for each school.** In lieu of STAR scores, LEAs and schools should use multiple local measures to evaluate how SIG goals are being met. These local measures may include, but are not limited to, the following: district ELA, math and other subject benchmark assessments; curriculum-imbedded assessments; performance measures imbedded in supplemental technology-based instructional programs and applications; local pilot measures for Common Core standards being implemented in classrooms; and other valid and reliable assessments of reading acquisition skills, writing skills, and math skills, and meaningful performance assessments of student learning. This may include other state assessments, where available, such as the Smarter Balanced interim assessments.

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The CDE will evaluate whether or not the LEA is meeting its student achievement goals in reading/language arts and mathematics for all students and subgroups and making progress on the federal nine leading indicators in each funded school.

In cases in which one or more of the schools served in an LEA are not meeting their improvement goals, the LEAs sub-grant will be considered for a reduction equivalent to the annual award for the non-achieving school(s) with the intent that the school(s) no longer receives funding.

- Local Education Agencies Progress on School Improvement Plan Implementation

For each participating school, the LEA must describe the actions and activities required to implement the selected intervention model, including a timeline with specific dates of implementation. The LEA must regularly report progress on these actions and activities. The CDE will annually evaluate whether the LEA has made sufficient progress on the implementation of each school's plan. In cases in which the LEA has not made sufficient progress, the LEAs sub-grant will be considered for a reduction equivalent to the annual award for the non-achieving school(s) with the intent that the school(s) no longer receive(s) funding.

D. Termination of Funding

Funding shall be terminated if there is evidence of fraud or fiscal irregularity in the use of funds for their intended purpose.

Application Review and Sub-grant Award Process

A. Selection Process

LEAs with eligible Tier I or Tier II schools may apply for SIG funding through this application. When recommending sub-grant applications for funding, the CDE will recommend funding those applications that fully comply with all requirements described in this RFA. The SEA will only consider awarding funds to those LEAs that develop and submit a comprehensive and viable application likely to improve student academic achievement. The CDE has provided a rubric that describes expectations for LEA responses to each element and other requirements of the application. This rubric is included as Appendix D in this RFA. Respondents are advised to use the rubric as a guide in preparing their applications.

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B. Award Notification

The CDE will post its notification of proposed sub-grant awards for the SIG program on the CDE Web site at http://www.cde.ca.gov/ within 30 days of the SBE action to award SIG sub-grants to LEAs. Applicants will be notified in writing as soon as possible thereafter. All applications, whether approved or not, will be posted in their entirety on the CDE Web site in accordance with federal requirements. In addition, CDE will post a summary of the SIG grant awards including LEA name and NCES number, amount of grant, name of each school approved to be served, and the intervention model to be implemented in each school served.

Programmatic and Fiscal Response Requirements

With the exception of implementation charts, budgets, and sustainability plans, the application must be in Microsoft Word 2003 or later, single spaced, and 12 point Arial font using one inch margins.

LEAs must respond to all of the programmatic and fiscal elements listed in this application. When responding to the elements, LEAs should provide a thorough response that addresses **all** components of each element. The CDE has provided a rubric that describes expectations for LEA responses to each element and other requirements of the application. This rubric is included as Appendix D in this RFA. Respondents are advised to use the rubric as a guide in preparing their applications. The rubric will be used by reviewers to evaluate each application during the application review and approval process.

LEAs responding to this RFA must submit a complete application packet, including a complete response to all items described in this RFA, required forms, and all original signatures required as noted on each application form. The LEA must complete an Implementation Chart for each Tier I or Tier II school it commits to serve (SIG Forms 10).

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SIG Form 1—Application Cover Sheet

School Improvement Grant (SIG)
Application for Funding

APPLICATION RECEIPT DEADLINE
March 14, 2014, 4 p.m.

Submit to:
California Department of Education
Improvement and Accountability Division
School Turnaround Office
1430 N Street, Suite 6208
Sacramento, CA 95814-5901

NOTE: Please print or type all information.

County Name:		**County/District Code:**
Local Educational Agency (LEA) Name		**LEA NCES Number:**
LEA Address		**Total Grant Amount Requested**
City	**Zip Code**	
Name of Primary Grant Coordinator	**Grant Coordinator Title**	
Telephone Number	**Fax Number**	**E-mail Address**
CERTIFICATION/ASSURANCE SECTION: As the duly authorized representative of the applicant, I have read all assurances, certifications, terms, and conditions associated with the federal SIG program; and I agree to comply with all requirements as a condition of funding. I certify that all applicable state and federal rules and regulations will be observed and that to the best of my knowledge, the information contained in this application is correct and complete.		
Printed Name of Superintendent or Designee		**Telephone Number**
Superintendent or Designee Signature (Blue Ink)		**Date**

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SIG Form 2—Schools to Be Served

An LEA must submit a list of schools it commits to serve and identify the intervention model the LEA will use in each Tier I and Tier II school. It must also indicate for which Tier I or Tier II Title I school it will implement the PI accountability timeline "start-over" or School-Wide Program (SWP).

Note: An LEA that has nine or more Tier I and Tier II schools, including schools that are currently being served with SIG funds and those that are eligible to receive FY 2013 SIG funds, may implement the transformation model in no more than 50 percent of these schools. Complete SIG Form 2—Schools to Be Served chart.

Waiver: The state has requested a waiver of the requirements listed below. These waivers would allow any LEA in California that receives SIG funds to use those funds in accordance with the final requirements for SIG and the LEAs application for a sub-grant. The period of availability waiver will automatically apply to all LEAs with approved applications.

- Waive Section 1116(b)(12) of the ESEA for an LEA with an approved application to allow its Tier I or Tier II schools to implement a turnaround or restart model and "start over" in the PI timeline. (**Note:** Tier I or Tier II Title I schools only)

- Waive the 40 percent poverty eligibility threshold in Section 1114(a)(1) of the ESEA to permit an LEA with an approved application to implement a SWP in a Tier I or Tier II school that does not meet the poverty threshold. (**Note**: Tier I or Tier II Title I schools only)

(The LEA must indicate for which schools it will implement the "start over" and SWP waiver on the Schools to Be Served chart SIG Form 2).

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SIG Form 2—Schools to Be Served

Indicate which schools the LEA commits to serve, their Tier designation, and the intervention model the LEA will implement for each Tier I and Tier II school. For each Tier I and Tier II Title I school, indicate which waiver(s) will be implemented at each school. **Note**: An LEA that has nine or more Tier I and Tier II schools, including schools that are currently being served with SIG funds and those that are eligible to receive FY 2013 SIG funds, may implement the transformation model in no more than 50 percent of these schools. (Attach as many sheets as necessary.)

School Name	NCES Code (Available at http://nces.ed.gov)	TIER I	TIER II	INTERVENTION MODEL				WAIVER(S) TO BE IMPLEMENTED		
				Turnaround	Restart	Closure	Transformation	"Starting Over" in the School Improvement Timeline (Restart and Turnaround Only)	Implement a School-Wide Program in a Title I Participating School that does not meet the 40 Percent Poverty Eligibility Threshold	Not Applying for Waiver

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SIG Form 2a—Eligible, But not Served Schools

If the LEA is not applying to serve all Tier I schools within its jurisdiction, the LEA must identify those schools and explain why it lacks the capacity to serve each Tier I school using SIG Form 2a. If the limitation is at the LEA level then the LEA must identify the specific barriers that preclude serving all of its Tier I schools. If the limitation is based on conditions at a specific school or schools, the LEA must describe those conditions. If there are additional limiting factors, the LEA must describe them. The SEA will review the description of the limitation and any supporting evidence provided by the LEA to determine whether the rationale provided supports the LEAs claim of lack of capacity. This section will also serve as the LEAs demonstration of capacity. Identify each Tier I school that is eligible to receive the SIG, but that the LEA is not applying to serve, and give the reason for their exclusion.		
School Name	**NCES Code (Available at http://nces.ed.gov/)**	**Reason For Not Serving**

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A. Needs Assessment (Required) (Forms 3, 3a)

The LEA must describe the process and findings of the needs assessment conducted for **each** school it commits to serve and the evidence used to select the intervention model to be implemented at each school.

- Form 3: District and School Improvement Team
- Form 3a: School Performance, Data, and Analysis

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SIG Form 3—District and School Improvement Team

The role of the district and school improvement team is to organize and lead the needs assessment process. District leadership may assign additional roles to the team, such as developing, defining, and recommending actions necessary to accomplish the goals of the school improvement plan.

The team should be comprised of a cross-section of district staff, school staff and parents, or community members involved in school improvement, professional development, curriculum and instruction, assessment, Title I coordination, special education, student services, fiscal management, union representation, and the school board. If the district is working with a technical assistance (TA) provider, it may choose to have the TA provider serve on the team. It is suggested that the team identify a contact to serve as the team lead, e.g. the superintendent or superintendent's designee. This person may serve as a liaison to the CDE, district leadership, external support providers, and other team members. The team lead has the full support of district leadership, is knowledgeable about the development of the SIG, and is comfortable leading and facilitating diverse groups of people.

District and School Improvement Team Membership

Name	Title/Position	Representing

Please add more lines, if needed.

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SIG Form 3a—School Performance Data and Analysis

As part of the needs assessment process, the district must provide school performance data and analysis. Please complete the information requested on the forms below. (8 page limit per school.)

District Name:		
School Name:	**CDS:**	

School Demographics			
	2010–11	**2011–12**	**2012–13**
Grade Levels Currently Served (Example K-6)			
Total Enrollment			
Percentage of Special Education Students			
Percentage of English Language Learners			
School Background Information			
Home languages of English Language Learners (please list up to three primary languages): • • •			

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SIG Form 3a—School Performance Data and Analysis

Briefly describe the community served by the school.

Briefly describe the background of the school prior to implementing SIG reform efforts (within the last three years) and include climate, culture, instructional practices, data use, and school staffing.

Prior and Current School Improvement Reform Efforts

Please complete the table below on prior and current reform efforts (within the last five years) at the school. Indicate if the reform effort was successful in school improvement or not successful and the reason.

Year	Reform Effort	Successful	Not Successful	Reason
Example: 2010	*Implemented PLC model and purchased data program*		*X*	*Inadequate professional development on data program for staff resulting in inconsistent data use. Content of PLC meetings was not structured often resulting in time spent on staff meetings or other school related business.*

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SIG Form 3a—School Performance Data and Analysis

Student Academic Performance Data			
Please complete the table below regarding school academic performance data for the school years requested. School data reports may be found at CDE Dataquest: http://dq.cde.ca.gov/dataquest.			
API Data			
	2010–11	**2011–12**	**2012–13**
Growth—Schoolwide			
Met Growth Target— Schoolwide (yes or no)			
Met Growth Target—for all Subgroups (yes or no)			
AYP Data			
	2010–11	**2011–12**	**2012–13**
Percent of Students at or Above Proficient			
Met AYP Schoolwide Criteria (yes or no)			
Met all Participation Rate Criteria (yes or no)			

California Standards Test Data by Schoolwide			
For the school years listed below, please enter the percentage of **all students** who tested proficient or above on the California Standards Test for English-language arts and mathematics. You will need to provide data for each grade level tested at school. Add grade levels to table, as needed.			
Grade: (*please indicate grade level)*			
	2010–11	**2011–12**	**2012–13**
English-language arts			
Mathematics			
Grade: (*please indicate grade level)*			
	2010–11	**2011–12**	**2012–13**
English-language arts			
Mathematics			

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SIG Form 3a—School Performance Data and Analysis

CST Data by Subgroup						
For the **2012–13 school year**, please indicate the percentage of student in each of the listed subgroups represented at your school who tested proficient or above on the for English-language arts and mathematics. You will need to provide data for each grade level tested at school. Add grade levels to table, as needed.						
Grade: *(please indicate grade level)*						
Content Area	White, Non-Hispanic	Black or African-American	Hispanic or Latino	Socioeconomically Disadvantaged	English Language Learners	Special Education
English-language arts						
Mathematics						
Grade: *(please indicate grade level)*						
Content Area	White, Non-Hispanic	Black or African-American	Hispanic or Latino	Socioeconomically Disadvantaged	English Language Learners	Special Education
English-language arts						
Mathematics						

2013 Graduation Rate						
For the **2012–13 school year**, please indicate the high school graduation rate for each of the listed subgroups represented at your school.						
All Students	White, Non-Hispanic	Black or African-American	Hispanic or Latino	Socioeconomically Disadvantaged	English Language Learners	Special Education

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SIG Form 3a—School Performance Data and Analysis

School Information			
	2010–11	**2011–12**	**2012–13**
Number of minutes all students were required to be at school and any additional learning time, if applicable			
Student attendance rate (%)			
Discipline incidents			
Truancy rate (%)			
High school dropout rate (%) –*high schools only*			
High school graduation rate (%) – *high schools only*			
Number of students who complete advanced coursework (such as Advanced Placement (AP), International Baccalaureate (IB), or advanced mathematics courses)–*high schools only*			
Number of students who complete at least one class in a postsecondary institution (dual enrollment)–*high schools only*			
Teacher attendance rate (%)			
Distribution of teachers by performance level on the district's teacher evaluation system			

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SIG Form 3a—School Performance Data and Analysis

Needs Analysis
Please describe the process and findings of the needs assessment conducted for each school that the LEA will commit to serve. The description of the needs assessment must address the following areas: • Assessment instruments used to conduct the analysis (e.g., Academic Performance Survey (APS), Inventory of Services and Supports (ISS) for Students with Disabilities, District Assessment Survey (DAS), and the forms found within this application) and if applicable, other assessments used (e.g. California Modified Assessment, California Alternate Performance Assessment, California English Language Development Test, etc.) • The roles and responsibilities of the district and school personnel and other collaborative partners responsible for conducting the needs assessment and/or analyzing its results • The process for analyzing the findings • A summary of the findings for the school

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B. Demonstration of Capacity (Required) (Forms 4a, 5a, 4b, 5b, 6, 10)

The LEA must demonstrate that is has the capacity to use SIG funds to provide adequate resources and related support to each Tier I and Tier II school identified in the LEAs application in order to implement, fully and effectively, all required components of the school intervention model(s) it has selected.

This element includes the following required SIG Forms:

- SIG Forms 4a, 5a, 4b, and 5b: Budget Summary and Narrative
  All budget forms should be accessed here:
  http://www.cde.ca.gov/fg/fo/r16/regsig13rfa.asp

- SIG Form 6: Demonstration of Capacity, see below page 41.

- SIG Form 10: Implementation Charts
  Form 10 should be accessed here:
  http://www.cde.ca.gov/fg/fo/r16/regsig13rfa.asp

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SIG Form 6—Demonstration of Capacity

The LEA must demonstrate that is has the capacity to use SIG funds to provide adequate resources and related support to each Tier I and Tier II school identified in the LEAs application in order to implement, fully and effectively, **all** required components of the school intervention model(s) it has selected. To do this, the LEA must analyze a number of factors, including, but not limited to district and school personnel; curriculum, assessment and instructional support; increased learning time, family and community engagement; social-emotional community-oriented services; school restart; and school closure.

The District and School Improvement Team will need to analyze each item and determine the degree to which the team strongly agrees or strongly disagrees with the statement. Discussion points are included to guide team leaders around possible barriers to implement a required component. Please answer all items to determine the best-fit intervention model for each school. (6 page limit per school.)

District Name:		
School Name:	**CDS:**	

District and School Personnel	Strongly Agree	Agree	Disagree	Strongly Disagree
Turnaround/Transformation: Our LEA has the ability to select a new principal for the school(s), with the experience, training, and skills to make school improvements. Discussion: Personnel policies and procedures, principal duty statement	☐	☐	☐	☐
Turnaround/Transformation: Our LEA has the ability to assign effective teachers and leaders to the lowest achieving schools. Discussion: Personnel policies and procedures, bargaining agreements	☐	☐	☐	☐
Turnaround: Our LEA has the ability to grant the principal sufficient operational flexibility (including in staffing, calendars/time, and budgeting). Discussion: District policies and principal's duties	☐	☐	☐	☐
Turnaround: Our LEA has the ability to use locally adopted competencies to	☐	☐	☐	☐

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screen all existing staff and rehire no more than 50 percent, and select new staff. Discussion: District policies, bargaining agreements/relationship with union and other stakeholders, current competencies/screening processes				
Transformation: Our LEA has the ability to develop a rigorous, transparent, and equitable principal and teacher evaluation, designed and developed with teacher and principal involvement that takes into account data on student growth as a significant factor. Discussion: District policies/procedures, bargaining agreements/relationship with union and other stakeholders	☐	☐	☐	☐
Transformation: Our LEA has the ability to identify and reward school leaders, teachers, and other staff that have increased student achievement. Discussion: District policies/procedures, bargaining agreements/relationship with union and other stakeholders	☐	☐	☐	☐
Transformation: Our LEA has the ability to identify and remove school leaders, teachers, and other staff that have not increased student achievement, after ample opportunities to improve professional practice. Discussion: District policies, bargaining agreements, faculty handbook, MOUs	☐	☐	☐	☐
Turnaround/Transformation: Our LEA has the ability to implement strategies to recruit, place, and retain staff with the skills necessary to meet the needs of the students. Discussion: District policies, bargaining agreements, faculty handbook, current MOUs	☐	☐	☐	☐
Turnaround: Our LEA has the ability to adopt a new governance structure.	☐	☐	☐	☐

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Discussion: District policies, and current district and school reporting structure				
Transformation: Our LEA has the ability to give the school sufficient operational flexibility (such as staffing, calendars/time, and budgeting). Discussion: District policies	☐	☐	☐	☐
Transformation: Our LEA has the ability to ensure that the school(s) receives ongoing, intensive technical assistance and related support. Discussion: District policies, service agreements with LEA/TA providers	☐	☐	☐	☐
Curriculum, Assessment, and Instructional Support	**Strongly Agree**	**Agree**	**Disagree**	**Strongly Disagree**
Turnaround/Transformation: Our LEA has the ability to provide staff ongoing, high quality job-embedded professional development that is designed by staff and aligned with the school's instructional program. Discussion: District/school policies and procedures, current professional development being provided, current instructional program, analysis of needs/data/research	☐	☐	☐	☐
Turnaround/Transformation: Our LEA has the ability to use data to identify and implement an instructional program that is research-based and vertically aligned from one grade to the next as well as aligned with California's adopted academic standards. Discussion: District/school policies, data infrastructure/system, professional development, analysis of needs/data/research; alignment of curriculum, instruction, and assessment with standards	☐	☐	☐	☐
Turnaround/Transformation: Our LEA has the ability to promote the continuous use of student data (such as formative, interim, and summative assessments) to inform and differentiate instruction in order to meet the academic needs of individual students.	☐	☐	☐	☐

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Discussion: District/school policies, data infrastructure/system, professional development, teacher collaboration, analysis of needs and student data				
Increased Learning Time	**Strongly Agree**	**Agree**	**Disagree**	**Strongly Disagree**
Turnaround/Transformation: Our LEA has the ability to establish schedules and implement strategies that provide increased learning time in the following three areas: (A) Instruction in core academic subjects, (b) Instruction in other subjects and enrichment, (c) Time for teachers to collaborate, plan, and engage in professional development within and across grades and subjects. Discussion: Current instructional minutes/school schedule, district/school policies, bargaining agreements, current teacher collaboration and instructional planning	☐	☐	☐	☐
Social-Emotional and Community-Oriented Services Family and Community Engagement	**Strongly Agree**	**Agree**	**Disagree**	**Strongly Disagree**
Turnaround: Our LEA has the ability to provide appropriate social-emotional and community-oriented services and supports for students. Discussion: Current student support services provided, needs of students and families, involvement of community	☐	☐	☐	☐
Transformation: Our LEA has the ability to provide ongoing mechanisms for family and community engagement. Discussion: Current services and communication provided, needs of students and families, involvement of community	☐	☐	☐	☐
School Restart	**Strongly Agree**	**Agree**	**Disagree**	**Strongly Disagree**
Restart: Our LEA has the ability to convert or close and reopen a school under a charter school operator, a charter management organization, or an education management organization that has been selected through a	☐	☐	☐	☐

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rigorous process. Discussion: Potential qualified partners/providers, rigorous review process, community support, collective bargaining, contract procedures and provisions				
Restart: Our LEA has the ability to enroll, within the grades it serves, all former students who wish to attend the school. Discussion: District policies/procedures, contract procedures and provisions	☐	☐	☐	☐
Restart: Our LEA has the ability to fulfill all California requirements for converting to a charter school. Discussion: Potential operators/organizations, contract/MOU with chartering authority, conversion process	☐	☐	☐	☐
School Closure	**Strongly Agree**	**Agree**	**Disagree**	**Strongly Disagree**
Closure: Our LEA has the ability to close a school and enroll the students who attended that school in other schools in the LEA that are higher achieving. Discussion: District policy/procedures, achievement data, identification of high achieving schools and proximity, collective bargaining, community support/involvement and communication, timeline	☐	☐	☐	☐
Closure: Our LEA has the ability to support families and students in their transition to a new school. Discussion: District policy/procedures, student and family supports/communication	☐	☐	☐	☐
Process and Implementation				
The LEA must briefly describe the process it used for completing the needs and capacity analysis (School Performance-Form 4 and Demonstration of Capacity-Form 5) and how it plans to implement all required components fully and effectively by the beginning of the 2014–15 School Year, including required components that may be challenging.				

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C. Selection of Intervention Model(s) (Required) (Forms 7, 7a)

Based on the findings of the needs analysis, the LEA must describe its rationale for selecting the intervention model for **each** school and how specific findings from the needs analysis led to the LEAs selection of the intervention model for each school. Include collaborative partners involved and their roles in the selection process. The LEA must include the selected intervention model in the appropriate Implementation Chart (Form 10 for each Tier I and Tier II school) that the LEA intends to serve.

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SIG Form 7—Analysis and Selection of the Intervention Model

Describe how specific findings from the needs and capacity analysis (School Performance-Form 3a and Demonstration of Capacity-Form 6) led to the LEA's selection of the intervention model. The LEA must provide the analysis and rationale for selecting the intervention model for each school. In addition, the LEA must provide an analysis and rationale for not selecting the other three intervention models for each school. Enter the LEA's intervention model selection on Form 2- List of Schools. (2 page limit per school.)

District Name:		
School Name:	**CDS:**	
Model	**Selected Model Analysis and Rationale**	**Analysis and Rationale for Models Not Selected**
Turnaround		
Transformation		
Restart		
Closure		

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SIG Form 7a—Consultation with Relevant Stakeholders

The LEA must consult with relevant stakeholders such as students, parents, educators, and the community regarding the LEA's application.

To fulfill this requirement, LEAs must hold at least two public meetings to consult with staff, parents, and the community regarding the LEAs application, and its selection and development of one of the four intervention models for its Tier I and II schools (per *Education Code* Section 53202(b)). Please include original copies of the confirmation form for each school for which the LEA is applying. The LEA must provide documentation that such meetings were held (e.g., meeting agenda or meeting minutes), provide a summary of input obtained through these meetings, indicate which input was incorporated into the LEA's SIG application, and provide a rationale for not accepting any input that the LEA rejected. Please only provide documentation for two public meetings.

Consultation with Relevant Stakeholder Confirmation

District Name:			
School Name:		**CDS:**	
Meeting Date:		**Meeting Location:**	
Meeting Purpose:			
Name	**Title/Position**	**Representing**	**Date**
Summary of meeting: Please provide brief summary of input obtained from meeting. Indicate input incorporated into LEA's SIG application, and provide a rationale for not accepting any input that the LEA rejected. (1 page limit per meeting per school.)			

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D. Modify Local Educational Agencies Practices or Policies (Required)

Depending on the intervention model(s) selected, the LEA may need to revise some of its current policies, protocols, and practices to enable its schools to implement the interventions fully and effectively. These may include, but are not limited to: collective bargaining agreements, the distribution of resources among schools, parental involvement policies and practices, school attendance areas and enrollment policies, and agreements with charter organizations and other external service providers.

Instructions: If the LEA anticipates the need to modify any of its current practices, protocols, or policies in order to fully implement the selected intervention model(s), it must identify and describe which policies and practices need to be revised, the process for revision, and a description of the proposed revision, including timelines.

Please use the table below to complete this section.

Revised Policies, Protocols and/or Practices	Description of and Process for the Revision	Timeline for Revision

Successful applicants will be required to revise their LEA Plan and Single Plan for Student Achievement, as appropriate, for each funded school upon approval of the application by the SBE.

E. Align Other Resources with the Selected Intervention Models (Required)

The LEA must identify all federal, state, or private resources that are currently available to the school(s) that will be used to support implementation of the selected intervention model(s), including other district resources and services provided by the district and/or collaborative partners. The LEA must describe the LEAs process for ensuring that these resources will be coordinated with SIG funding to ensure maximum effectiveness in the use of all resources.

An LEA might use a number of other resources, in addition to its SIG funds, to implement the approved school intervention model(s). For example, an LEA might use school improvement funds it receives under Section 1003(a) of ESEA. The LEA might also use its general Title I, Part A funds as well as funds it receives under other ESEA authorities, such as Title II, Part A, which it could use for recruiting high-quality teachers, or Title III, Part A, which it could use to improve the English proficiency of English learner students.

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Please use the table below to identify state, local, and other federal resources available for supporting full implementation of the selected intervention model.

Alignment of Other Resources		
Available Resources that will Support School Improvement Grant Implementation (Federal, State, Local)	Description of how School Improvement Grant funds will Supplement, not Supplant Currently Available Resources.	Alignment to Needs Analysis and Intervention Model
		Needs Analysis Page #: Specific Intervention Model Component:

F. Annual School Goals for Student Achievement (Required)

Each participating LEA must establish clear, measurable, and challenging goals for student achievement in reading/language arts, mathematics, and high school graduation rates (if applicable).

In lieu of CST scores from STAR tests that will not be administered in 2014, LEAs and schools should use multiple local measures to evaluate how SIG goals are being met. These local measures may include, but are not limited to, the following: district ELA, math and other subject benchmark assessments; curriculum-imbedded assessments; performance measures imbedded in supplemental technology-based instructional programs and applications; local pilot measures for Common Core standards being implemented in classrooms; and other valid and reliable assessments of reading acquisition skills, writing skills, and math skills, and meaningful performance assessments of student learning. This may include other State assessments, where available.

Use the format below to describe annual goals that will be used to monitor Tier I and Tier II school(s) identified in this application.

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Annual Goals for Mathematics

School-wide, Grade Level or Subgroup	Current Proficiency Rate	Goal for 2014–15 School Year	Goal for 2015–16 School Year	Goal for 2016–17 School Year
Local Measure:				

Annual Goals for English-language Arts/Reading

School-wide, Grade Level or Subgroup	Current Proficiency Rate	Goal for 2014–15 School Year	Goal for 2015–16 School Year	Goal for 2016–17 School Year
Local Measure:				

Annual Goals for Graduation Rate (if applicable)

School-wide or Subgroup	Current Graduation Rate	Goal for 2014–15 School Year	Goal for 2015–16 School Year	Goal for 2016–17 School Year
Local Measure:				

G. Sustain the Reforms After the Funding Period Ends (Required) (Form 8)

SIG funding provided through this application must be expended by September 30, 2017. Each applicant must demonstrate how it plans to sustain the selected intervention(s) after the funding period ends and include all the resources that will be used to support sustainability efforts for each participating school. Form 8 Sustainability of the Reforms should be accessed at http://www.cde.ca.gov/fg/fo/r16/regsig13rfa.asp

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H. Recruitment, Screening, and Selection of External Providers (Sections I and/or II)

Section I (Restart Model Only- Required). If the LEA wishes to contract with a charter school operator, a CMO, or an EMO to implement the restart model, it must select that charter school operator, CMO, or EMO through a "rigorous review process." In addition, the LEA must be able to demonstrate, as part of its commitment to obtain SIG funds, that it can sustain the services of the CMO or EMO and any attendant fee after the SIG funds are no longer available (Sections I.A.4(a)(vi) and II.A.2(a)(iv)) and include a budget for each school it intends to serve that identifies any fee (Section II.A.2(a)(vi)). Please use the table below to complete this section.

Instructions: Describe the rigorous review process the LEA used, or will use to ensure that the charter school operator, CMO, or EMO is qualified to assist the LEA in making meaningful changes and implementing comprehensive reform. In demonstrating its rigorous review process, this description should explain how the LEA:

- Examined, or plans to examine prospective plans and strategies;
- Will ensure that the provider has a meaningful plan for contributing to the reform efforts in the target school;
- Will determine whether or not the proposed plan demonstrates full capacity to (1) implement strategies and services proposed, and (2) begin full implementation at the start of the 2014-15 school year; and
- Will sustain the services of the CMO or EMO and any attendant fee after the SIG funds are no longer available.

Response:

Additional suggested supporting document(s), or attachments include, but are not limited to, evidence of a pool of potential partners that have expressed an interest in and have exhibited an ability to restart a school in which the LEA proposes to implement the restart model; letter(s) of intent from potential partners; recruitment, screening, and selection criteria; Request for Proposal (RFP); provider evaluation plan; timelines, etc.

Resources that may be used to assist the applicant with this section:

- Guidance on Fiscal Year 2010 School Improvement Grants Under Section 1003(g) of the Elementary and Secondary Education Act of 1965 (see sections C-1,2,3,4,5,9,10; H-19; j-8,9,12).

- Federal Register. Vol. 75, No. 208/Thursday, October 28, 2010. Available at http://www.gpo.gov/fdsys/pkg/FR-2010-10-28/pdf/2010-27313.pdf.

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- Guide to Working with External Providers, American Institute for Research: http://www.air.org/files/External_Providers_Guide.pdf.

Section II (All Models-If Applicable, can Include Restart). If the LEA intends to use external entities to provide technical assistance in selecting, planning, developing, and implementing any component of the four intervention models, it must describe its process for ensuring their quality.

Instructions: Describe the actions the LEA has taken, or will take to recruit, screen, and select external providers. Include in this description the following elements:

- Specific selection criteria used, such as experience, qualifications, and record of effectiveness in providing support for school improvement.

- An indication of whether or not the external provider has previously provided support to the LEA and/or school, or whether this is a new external provider to the LEA.

- A brief description of the scope of work, or services the LEA will receive from the external provider.

Applicants planning to continue with the same external provider should include evidence of the provider's effectiveness to date. This evidence should be based on local measures, policies, practices, and/or protocols.

Please use the table below to complete this section.

1.	Specific selection criteria used to recruit, screen, and select external providers:			
2.	LEA actions it has taken, or will take to recruit, screen, and select external providers:			
3.	External Provider	Brief Description of the Proposed Scope of Work, or Services to be Provided	Contract or Service Agreement Status	*Evidence of Effectiveness to Date
			New/Continuing	

***If contract or service agreement is continuing**

Additional suggested supporting document(s), or attachments include, but are not limited to, evidence of a pool of potential partners that have exhibited an ability to assist the LEA/school(s) with selecting, planning, developing, and implementing any component of the four intervention models; letter(s) of intent from potential partners; RFP; provider evaluation documents and/or evaluation plan; timelines, etc.

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Resources that may be used to assist the applicant with this section:

- Guidance on Fiscal Year 2010 School Improvement Grants Under Section 1003(g) of the Elementary and Secondary Education Act of 1965 (see sections E-13; H19, 19a; J-9,12).

- Federal Register. Vol. 75, No. 208/Thursday, October 28, 2010. Available at http://www.gpo.gov/fdsys/pkg/FR-2010-10-28/pdf/2010-27313.pdf.

- Guide to Working with External Providers, American Institute for Research: http://www.air.org/files/External_Providers_Guide.pdf.

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I. Attachments (20 Page Limit–Not Scored)

The SIG program must be designed, implemented, and sustained through a collaborative organizational structure that may include students, parents, representatives of participating LEAs and school sites, and private and/or public external technical assistance and support providers. The LEA may also attach documents from these collaborative partners that indicate support of its application. Please include a table of contents with this section if supporting documents are included.

Attachments may include, but are not limited to, letters of support and/or involvement from the LEAs collaborative partners. Please include a table of contents and identify the type of attachment (e.g., parent letter) in the upper right-hand corner and number each page. All attachments must be submitted in English or include an English translation.

All letters of support, additional meeting minutes, and any other additional documents must be submitted as a Portable Document Format (PDF). Provide a link to the local board meeting Web site. Do not attach copies of local board minutes.

Applicants may also provide Memoranda of Understanding (MOUs) describing commitments in support of the LEA SIG application from private and/or public external technical assistance and support providers. Though not legally binding, the purpose of the MOUs is to clearly describe the specific commitments of staff, services, minor facilities upgrades, equipment, and roles of responsible persons or entities in the delivery of services or resources provided by each partner, including the estimated monetary value of these contributions.

Submission of Applications

LEAs responding to this RFA must submit a complete application packet and provide all original signatures required, as noted on each application form. Applications must be submitted with all forms compiled in the order listed on the SIG Application Checklist provided as Appendix A located on page 57 of this RFA.

Applicants must submit an original, three hard copies, and one electronic Microsoft Word 2003 or later copy (all single spaced in **12 point Arial font using one inch margins)** of each application and ensure that the original and copies are received by the School Turnaround Office on or before (not postmarked by) 4 p.m., March 14, 2014. Implementation charts, budgets, and sustainability plans should be submitted in Microsoft Excel 2003 or later. Applicants must submit an electronic copy to STO@cde.ca.gov on or before March 14, 2014. Mailed documents must arrive on or before the March 14, 2014, deadline and should be sent to the following address:

California Department of Education
Improvement and Accountability Division
School Turnaround Office
1430 N Street, Suite 6208
Sacramento, CA 95814-5901

Applicants may personally deliver the sub-grant application package to the School Turnaround Office on or before (not postmarked by) 4 p.m., March 14, 2014, at the following location:

California Department of Education
Improvement and Accountability Division
School Turnaround Office
1430 N Street, Suite 6208
Sacramento, CA 95814-5901

To comply with Federal Americans with Disability Act (ADA) Regulations, please adhere to the following guidelines:

- Submit text based documents only (no scanned images)
- If images are included, also include alternative text for that image
- Do not use color to convey information
- Do not include images of handwritten signatures for privacy reasons

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Appendix A: School Improvement Grant Application Checklist

Required Components

The following components must be included as part of the application. Check or initial by each component, and include this form in the application package. These forms can be downloaded from the CDE School Improvement Grant Web page at http://www.cde.ca.gov/sp/sw/t1/regsig09rfa.asp. Please compile the application packet in the order provided below.

Include this completed checklist in the application packet

_____Form 1 Application Cover Sheet
(Must be signed in **blue ink** by the LEA Superintendent or Designee)

_____Form 2 Schools to Be Served

_____Form 2a Eligible, but Not Served Schools

_____Form 3 District and School Improvement Team

_____Form 3a School Performance Data and Analysis

_____Form 4a LEA Budget Summary (all budget forms must be accessed here: : http://www.cde.ca.gov/fg/fo/r16/regsig13rfa.asp

_____Form 4b LEA Budget Narrative

_____Form 5a School Budget Summary

_____Form 5b School Budget Narrative

_____Form 6 Demonstration of Capacity

_____Form 7 Analysis and Selection of the Intervention Model

_____Form 7a Consultation with Relevant Stakeholders

_____Form 8 Sustainability of the Reform after the Funding Period Ends

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_____Form 10 Implementation Chart(s) for a Tier I or Tier II School Summary (Form 10 must be accessed here:) http://www.cde.ca.gov/fg/fo/r16/regsig13rfa.asp

Form 10.1 Turnaround Implementation Chart

Form 10.2 Transformation Implementation Chart

Form 10.3 Restart Implementation Chart

Form 10.4 Closure Implementation Chart

_____Form 11 Implementation Chart(s) for a Tier III School, if applicable. (California will not run a competition for Tier III schools until all LEA applications to serve all Tier I and Tier II schools are funded. Form 11 must be accessed here: http://www.cde.ca.gov/fg/fo/r16/regsig13rfa.asp.)

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Appendix B: Object of Expenditure Codes (Page 1 of 3)

School districts and county superintendents of schools are required to report expenditures in accordance with the object classification plan in the California School Accounting Manual. The use of these object codes will facilitate the preparation of budgets and the various financial reports requested by federal, state, county, and local agencies. The California School Accounting Manual is available from the CDE Publication Sales (call 1-800-995-4099).

1000–1999 Certificated Personnel Salaries
1100 Certificated Teachers' Salaries
1200 Certificated Pupil Support Salaries
1300 Certificated Supervisors' and Administrators' Salaries
1900 Other Certificated Salaries

2000–2999 Classified Personnel Salaries
2100 Classified Instructional Salaries
2200 Classified Support Salaries
2300 Classified Supervisors' and Administrators' Salaries
2400 Clerical, Technical, and Office Staff Salaries
2900 Other Classified Salaries

3000–3999 Employee Benefits
3101 State Teachers' Retirement System, certificated positions
3102 State Teachers' Retirement System, classified positions
3201 Public Employees' Retirement System, certificated positions
3202 Public Employees' Retirement System, classified positions
3301 OASDI/Medicare/Alternative, certificated positions
3302 OASDI/Medicare/Alternative, classified positions
3401 Health and Welfare Benefits, certificated positions
3402 Health and Welfare Benefits, classified positions
3501 State Unemployment Insurance, certificated positions
3502 State Unemployment Insurance, classified positions
3601 Workers' Compensation Insurance, certificated positions
3602 Workers' Compensation Insurance, classified positions
3701 OPEB, Allocated, certificated positions
3702 OPEB, Allocated, classified positions
3751 OPEB, Active Employees, certificated positions
3752 OPEB, Active Employees, classified positions
3801 PERS Reduction, certificated positions
3802 PERS Reduction, classified positions
3901 Other Benefits, certificated positions
3902 Other Benefits, classified positions

4000–4999 Books and Supplies
4100 Approved Textbooks and Core Curricula Materials
4200 Books and Other Reference Materials
4300 Materials and Supplies
4400 Non-capitalized Equipment
4700 Food

5000–5999 Services and Other Operating Expenditures
5100 Sub-agreements for Services
5200 Travel and Conferences

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Appendix B: Object of Expenditure Codes (Page 2 of 3)

5000–5999 Services and Other
5300 Dues and Memberships
5400 Insurance
5500 Operations and Housekeeping Services
5600 Rentals, Leases, Repairs, and Non-capitalized Improvements
5700–5799 Transfers of Direct Costs
5710 Transfers of Direct Costs
5750 Transfers of Direct Costs—Inter-fund
5800 Professional/Consulting Services and Operating Expenditures
5900 Communications

6000–6999 Capital Outlay
6100 Land
6170 Land Improvements
6200 Buildings and Improvements of Buildings
6300 Books and Media for New School Libraries or Major Expansion of School Libraries
6400 Equipment
6500 Equipment Replacement
6900 Depreciation Expense (for proprietary and fiduciary funds only)

7000–7499 Other Outgo

7100–7199 Tuition
7110 Tuition for Instruction Under Inter-district Attendance Agreements
7130 State Special Schools
7141 Other Tuition, Excess Costs, and/or Deficit Payments to Districts or Charter Schools
7142 Other Tuition, Excess Costs, and/or Deficit Payments to County Offices
7143 Other Tuition, Excess Costs, and/or Deficit Payments to JPAs

7200–7299 Interagency Transfers Out
7211 Transfers of Pass-Through Revenues to Districts or Charter Schools
7212 Transfers of Pass-Through Revenues to County Offices
7213 Transfers of Pass-Through Revenues to JPAs
7221 Transfers of Apportionments to Districts or Charter Schools
7222 Transfers of Apportionments to County Offices
7223 Transfers of Apportionments to JPAs
7281 All Other Transfers to Districts or Charter Schools
7282 All Other Transfers to County Offices
7283 All Other Transfers to JPAs
7299 All Other Transfers Out to All Others

7300–7399 Transfers of Indirect Costs (Effective 2008-09)
7310 Transfers of Indirect Costs
7350 Transfers of Indirect Costs—Inter-fund
7370 Transfers of Direct Support Costs (Valid through 2007–08)
7380 Transfers of Direct Support Costs—Inter-fund (Valid through 2007–08)

7430–7439 Debt Service
7432 State School Building Repayments
7433 Bond Redemptions
7434 Bond Interest and Other Service Charges

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Appendix B: Object of Expenditure Codes (Page 3 of 3)

7435 Repayment of State School Building Fund Aid—Proceeds from Bonds
7436 Payments to Original District for Acquisition of Property
7438 Debt Service—Interest
7439 Other Debt Service—Principal

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Appendix C: General Assurances, Certifications, and Sub-grant Assurances (Page 1 of 4)

(Required for all Applicants)

Note: All sub-grantees are required to retain on file a copy of these assurances for your records and for audit purposes. Please download the General Assurances form located on the CDE Funding Tools and Materials Web Site at http://www.cde.ca.gov/fg/fo/fm/.

Certifications Regarding Drug-Free Workplace, Lobbying, and Debarment and Suspension (Do not submit as part of RFA.)

Download the following three forms from the CDE Funding Tools and Materials Web site at http://www.cde.ca.gov/fg/fo/fm/. The signature on the front of the application indicates acknowledgement and agreement to all assurances.

1. Drug-Free Workplace
2. Lobbying
3. Debarment and Suspension

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Appendix C: General Assurances, Certifications, and Sub-grant Assurances (Page 2 of 4)

Sub-grant Conditions and Assurances

As a condition of the receipt of funds under this sub-grant program, the applicant agrees to comply with the following Sub-grant Conditions and Assurances.

The US Department of Education requires LEAs to adhere to the following assurances:

1. Use its SIG to implement fully and effectively an intervention in each Tier I and Tier II school that the LEA commits to serve consistent with the final requirements of SIG;

2. Establish challenging annual goals for student achievement on the state's assessments in both reading/language arts and mathematics and measure progress on the leading indicators in Section III of the final requirements in order to monitor each Tier I and Tier II school that it serves with school improvement funds;

3. If it implements a restart model in a Tier I or Tier II school, include in its contract or agreement terms and provisions to hold the charter operator, charter management organization, or education management organization accountable for complying with the final requirements;

4. Monitor and evaluate the actions a school has taken, as outlined in the approved SIG application, to recruit, select, and provide oversight to external providers to ensure their quality;

5. Monitor and evaluate the actions schools have taken, as outlined in the approved SIG application, to sustain the reforms after the funding period ends and that it will provide technical assistance to schools on how they can sustain progress in the absence of SIG funding; and

6. Report to the SEA the school-level data required under Section III of the final requirements. (this may include other data requested by the CDE.)

Furthermore, the CDE requires LEAs to adhere to the following additional assurances:

7. Ensure that the identified strategies and related activities are incorporated in the revised LEA Plan and Single Plan for Student Achievement.

8. Follow all fiscal reporting and auditing standards required by the CDE.

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Appendix C: General Assurances, Certifications, and Sub-grant Assurances (Page 3 of 4)

9. Participate in a statewide evaluation process as determined by the SEA and provide all required information on a timely basis.

10. Respond to any additional surveys or other methods of data collection that may be required for the full sub-grant period.

11. Use funds only for allowable costs during the sub-grant period.

12. Include in the application all required forms signed by the LEA Superintendent or designee.

13. Use fiscal control and fund accountability procedures to ensure proper disbursement of, and accounting for, federal funds paid under the sub-grant, including the use of the federal funds to supplement, and not supplant, state and local funds, and maintenance of effort (20 USC § 8891).

14. Hereby express its full understanding that not meeting all SIG requirements will result in the termination of SIG funding.

15. Ensure that funds are spent as indicated in the sub-grant proposal and agree that funds will be used **only** in the school(s) identified in the LEAs AO-400 sub-grant award letter.

16. All audits of financial statements will be conducted in accordance with Government Auditing Standards and with policies, procedures, and guidelines established by the Education Department General Administrative Regulations (EDGAR), Single Audit Act Amendments, and OMB Circular A-133.

17. Ensure that expenditures are consistent with the federal Education Department Guidelines Administrative Regulations (EDGAR) under Title 34 Education on the Web page at http://www.ed.gov/policy/fund/reg/edgarReg/edgar.html.

18. Agree that the SEA has the right to intervene, renegotiate the sub-grant, and/or cancel the sub-grant if the sub-grant recipient fails to comply with sub-grant requirements.

19. Cooperate with any site visitations conducted by representatives of the state or regional consortia for the purpose of monitoring sub-grant implementation and expenditures, and provide all requested documentation to the SEA personnel in a timely manner.

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Appendix C: General Assurances, Certifications, and Sub-grant Assurances (Page 4 of 4)

20. Repay any funds which have been determined through a federal or state audit resolution process to have been misspent, misapplied, or otherwise not properly accounted for, and further agree to pay any collection fees that may subsequently be imposed by the federal and/or state government.

21. Administer the activities funded by this sub-grant in such a manner so as to be consistent with California's adopted academic content standards.

22. Obligate all sub-grant funds by the end date of the sub-grant award period or re-pay any funding received, but not obligated, as well as any interest earned over one-hundred dollars on the funds.

23. Maintain fiscal procedures to minimize the time elapsing between the transfer of the funds from the CDE and disbursement.

24. Comply with the reporting requirements and submit any required report forms by the due dates specified.

I hereby certify that the agency identified below will comply with all sub-grant conditions and assurances described in items 1 through 24 above.

The signature on the front of this application indicates acknowledgement and agreement to all assurances.

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Appendix D: School Improvement Grant Rubric

School Improvement Sub-grants Application
Section 1003(g) of the Elementary and Secondary Act

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Appendix D: School Improvement Grant Rubric

School Improvement Sub-grants Application
Section 1003(g) of the Elementary and Secondary Act

A. Needs Assessment (Required)

The LEA describes the process of the needs assessment conducted on each school it commits to serve and the evidence used to select the intervention model to be implemented at each school.

Requirements of Element	Advanced-4 points	Adequate-3 points	Limited-2 Points	Inadequate-1 Point	Score
Form 3a: The LEA must evaluate each school's demographics, background, prior reforms, and academic performance.	The LEA evaluated each school's demographics, background, prior reforms, and academic performance.			The LEA did not evaluate each school's demographics, background, prior reforms, and academic performance.	**/4 points**
Forms 3 and 3a: The LEA must describe the process and findings of the needs assessment conducted for each school that the LEA commits to serve. The description of the needs assessment must address the following areas: • **Assessment instruments used to conduct the analysis.** • **The roles and responsibilities of the district and school personnel and other collaborative partners responsible for conducting the needs assessment and/or**	The LEA clearly describes the process and findings of the needs assessment conducted for each school. The description includes the assessment instruments used to conduct the analysis; roles and responsibilities of the district and school personnel and other collaborative partners responsible for conducting the needs assessment and/or analyzing its results; the process for analyzing the findings,	The LEA adequately describes the process and findings of the needs assessment conducted for each school. The description includes the assessment instruments used to conduct the analysis; roles and responsibilities of the district and school personnel and other collaborative partners responsible for conducting the needs assessment and/or analyzing its results; the process for analyzing the findings,	The LEA provides a limited description of the process and findings of the needs assessment conducted for each school. The description includes the assessment instruments used to conduct the analysis; roles and responsibilities of the district and school personnel and other collaborative partners responsible for conducting the needs assessment and/or analyzing its results; the process for	The LEA did not provide a description of the process and findings of the needs assessment conducted for each school. The description did not include the assessment instruments used to conduct the analysis; roles and responsibilities of the district and school personnel and other collaborative partners responsible for conducting the needs assessment and/or analyzing its results;	**/4 points**

A. Needs Assessment (Required)

The LEA describes the process of the needs assessment conducted on each school it commits to serve and the evidence used to select the intervention model to be implemented at each school.

Requirements of Element	Advanced-4 points	Adequate-3 points	Limited-2 Points	Inadequate-1 Point	Score
analyzing its results. • **The process for analyzing the findings.** • **A summary of the findings for the school.**	a summary of the findings for the school	a summary of the findings for the school.	analyzing the findings, a summary of the findings for the school.	the process for analyzing the findings, a summary of the findings for the school.	
Needs Assessment Total Points	**/8 points**				
Comments:					

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Appendix D: School Improvement Grant Rubric

School Improvement Sub-grants Application
Section 1003(g) of the Elementary and Secondary Act

B. Demonstration of Capacity (Required)

The LEA demonstrates its capacity to use school improvement funds to provide adequate resources and related support to each Tier I and Tier II school identified in the LEA's application.

Requirements of Element	Advanced-4 points	Adequate-3 points	Limited-2 Points	Inadequate-1 Point	Score
Form 6: The LEA must evaluate the LEAs ability to implement intervention model components.	The LEA evaluated the LEAs ability to implement intervention model components.			The LEA did not evaluate the LEAs ability to implement intervention model components.	**/4 points**
Form 6: The LEA must describe the process it used for completing the needs and capacity analysis and how it plans to implement all required components fully and effectively by the beginning of the 2014–15 School Year, including required components that may be challenging.	The LEA clearly describes the process it used for completing the needs and capacity analysis and how it plans to implement all required components fully and effectively by the beginning of the 2014–15 School Year, including required components that may be challenging.	The LEA adequately describes the process it used for completing the needs and capacity analysis and how it plans to implement all required components fully and effectively by the beginning of the 2014–15 School Year, including required components that may be challenging.	The LEA provides a limited description of the process it used for completing the needs and capacity analysis and how it plans to implement all required components fully and effectively by the beginning of the 2014–15 School Year, including required components that may be challenging.	The LEA did not provide a description of the process it used for completing the needs and capacity analysis and how it plans to implement all required components fully and effectively by the beginning of the 2014–15 School Year, including required components that may be challenging.	**/4 points**

B. Demonstration of Capacity (Required)

The LEA demonstrates its capacity to use school improvement funds to provide adequate resources and related support to each Tier I and Tier II school identified in the LEA's application.

Requirements of Element	Advanced-4 points	Adequate-3 points	Limited-2 Points	Inadequate-1 Point	Score
Form 2a: The LEA must identify the specific barriers that preclude serving all of its Tier I schools, and provides evidence of the existence of those barriers.	The LEA clearly identifies the specific barriers that preclude serving all of its Tier I schools, and provides evidence of the existence of those barriers.	The LEA adequately identifies the specific barriers that preclude serving all of its Tier I schools, and provides evidence of the existence of those barriers.	The LEA provides limited information on the specific barriers that preclude serving all of its Tier I schools, and provides evidence of the existence of those barriers.	The LEA does not identify the specific barriers that preclude serving all of its Tier I schools, and provides evidence of the existence of those barriers.	**/4 points**
Demonstration of Capacity Total Points	**/12 points**				
Comments:					

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Appendix D: School Improvement Grant Rubric

School Improvement Sub-grants Application
Section 1003(g) of the Elementary and Secondary Act

C. Selection of the Intervention Model (Required)

The LEA must describe how specific findings from the needs and capacity analysis led to the LEA's selection of the intervention model.

Requirements of Element	Advanced-4 points	Adequate-3 points	Limited-2 Points	Inadequate-1 Point	Score
Form 7: The LEA must provide the analysis and rationale for selecting the intervention model for each school.	The LEA clearly describes the analysis and rationale for selecting the intervention model for each school.	The LEA adequately describes the analysis and rationale for selecting the intervention model for each school.	The LEA provides a limited analysis and rationale for selecting the intervention model for each school.	The LEA did not provide the analysis and rationale for selecting the intervention model for each school.	**/4 points**
Form 7: The LEA must provide an analysis and rationale for not selecting the other three intervention models for each school.	The LEA clearly describes the analysis and rationale for not selecting the intervention model for each school.	The LEA adequately describes the analysis and rationale for not selecting the intervention model for each school.	The LEA provides a limited analysis and rationale for not selecting the intervention model for each school.	The LEA did not provide the analysis and rationale for not selecting the intervention model for each school.	**/4 points**
Form 7a: The LEA must describe the process for consulting with relevant stakeholders, including parents, regarding the LEA's application and solicited their input for the development and implementation of school improvement models	The LEA clearly describes a process for consulting with relevant stakeholders regarding the LEA's application and solicited their input for the development and implementation of school improvement models. The LEA held at least two public meetings regarding the LEAs application and identifies which	The LEA adequately describes a process for consulting with relevant stakeholders regarding the LEA's application and solicited their input for the development and implementation of school improvement models. The LEA held at least two public meetings regarding the LEAs application	The LEA provides a limited description of the process for consulting with relevant stakeholders regarding the LEA's application and solicited their input for the development and implementation of school improvement models. The LEA held at least two public meetings regarding	The LEA does not provide a description of the process for consulting with relevant stakeholders regarding the LEA's application and solicited their input for the development and implementation of school improvement models. The LEA did not hold at least two public meetings and	**/4 points**

C. Selection of the Intervention Model (Required)

The LEA must describe how specific findings from the needs and capacity analysis led to the LEA's selection of the intervention model.

Requirements of Element	Advanced-4 points	Adequate-3 points	Limited-2 Points	Inadequate-1 Point	Score
in its participating Tier I and Tier II schools. LEAs must hold at least two public meetings to consult with staff, parents, and the community regarding the LEAs application and its selection of one of the four models. The LEA must identify which stakeholder recommendations have been used in the development of the LEA's SIG application.	stakeholder recommendations have been used.	and identifies which stakeholder recommendations have been used.	the LEAs application and identifies which stakeholder recommendations have been used.	did not identify which stakeholder recommendations have been used.	
Selection of the Intervention Model Total Points	**/12 points**				
Comments:					

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Appendix D: School Improvement Grant Rubric

School Improvement Sub-grants Application
Section 1003(g) of the Elementary and Secondary Act

D. Modify LEA Practices or Policies (Required)

Depending on the intervention model selected, the LEA may need to revise some of its current policies and practices to enable its schools to implement fully and effectively the selected intervention model/s/.

Requirements of Element	Advanced-4 points	Adequate-3 points	Limited-2 Points	Inadequate-1 Point	Score
If the LEA needs to modify any of its current practices, protocols, or policies in order to fully implement the selected intervention model(s), the description must include the following: • **The revised policies, protocols and/or practices.** • **Description of and process for the revision.** • **Timeline for revision.**	The LEA clearly describes the revised policies, protocols and/or practices; description of and process for the revision; and a timeline for the revision.	The LEA adequately describes the revised policies, protocols and/or practices; description of and process for the revision; and a timeline for the revision.	The LEA provides a limited description of the revised policies, protocols and/or practices; description of and process for the revision; and a timeline for the revision.	The LEA did not provide a description of the revised policies, protocols and/or practices; description of and process for the revision; and a timeline for the revision.	**/4 points**
Modify LEA Practices or Policies Total Points	**/4 points**				
Comments:					

Appendix D: School Improvement Grant Rubric

School Improvement Sub-grants Application
Section 1003(g) of the Elementary and Secondary Act

E. Align Other Resources with the Interventions (Required)

The LEA must identify all federal, state, or private resources that are currently available to the school(s) that will be used to support implementation of the selected intervention model(s), including other district resources and services provided by the district and/or collaborative partners.

Requirements of Element	Advanced-4 points	Adequate-3 points	Limited-2 Points	Inadequate-1 Point	Score
The LEA must describe the LEAs process for ensuring resources will be coordinated with SIG funding to ensure maximum effectiveness in the use of all resources. The description must include the following: • **Available resources that will support SIG implementation.** • **Description of how SIG funds will supplement, not supplant currently available resources.** • **Alignment to the**	The LEA clearly describes the LEAs process for ensuring resources will be coordinated with SIG funding to ensure maximum effectiveness in the use of all resources. The description includes the available resources that will support SIG implementation; a description of how SIG funds will supplement, not supplant currently available resources; and alignment to the needs analysis and intervention model.	The LEA adequately describes the LEAs process for ensuring resources will be coordinated with SIG funding to ensure maximum effectiveness in the use of all resources. The description includes the available resources that will support SIG implementation; a description of how SIG funds will supplement, not supplant currently available resources; and alignment to the needs analysis and intervention model.	The LEA provides a limited description the LEAs process for ensuring resources will be coordinated with SIG funding to ensure maximum effectiveness in the use of all resources. The description includes the available resources that will support SIG implementation; a description of how SIG funds will supplement, not supplant currently available resources; and alignment to the needs analysis and intervention model.	The LEA did not provide a description of the LEAs that process for ensuring resources will be coordinated with SIG funding to ensure maximum effectiveness in the use of all resources. The description does not include the available resources that will support SIG implementation; a description of how SIG funds will supplement, not supplant currently available resources; and alignment to the needs analysis and intervention model.	**/4 points**

E. Align Other Resources with the Interventions (Required)

The LEA must identify all federal, state, or private resources that are currently available to the school(s) that will be used to support implementation of the selected intervention model(s), including other district resources and services provided by the district and/or collaborative partners.

Requirements of Element	Advanced-4 points	Adequate-3 points	Limited-2 Points	Inadequate-1 Point	Score
needs analysis and intervention model.					
Align Other Resources Total Points	/4 points				
Comments:					

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Appendix D: School Improvement Grant Rubric

School Improvement Sub-grants Application
Section 1003(g) of the Elementary and Secondary Act

F. Annual Goals for Student Achievement (Required)

The LEA must establish annual goals for student achievement in both reading/language arts, mathematics, and high school graduation rates (if applicable) that it will use to monitor each Tier I and Tier II school it commits to serve. The annual goals for student achievement must be measurable, realistic, and based on the needs of the school.

Requirements of Element	Advanced-4 points	Adequate-3 points	Limited-2 Points	Inadequate-1 Point	Score
The LEA must identify goals in reading/language arts, mathematics, and high school graduation rates (if applicable). The goals must include the following: • **Student groups (school-wide, grade level, or subgroup)** • **Current proficiency rate** • **Measure** • **Goals for 2014–15, 2015–16, 2016–17**	The LEA clearly describes the annual goals for student achievement and includes the student groups; current proficiency rate; measure; and future goals.	The LEA adequately describes the annual goals for student achievement and includes the student groups; current proficiency rate; measure; and future goals.	The LEA provides a limited description of the annual goals for student achievement and includes the student groups; current proficiency rate; measure; and future goals.	The LEA did not provide a description of the annual goals for student achievement and include the student groups; current proficiency rate; measure; and future goals.	**/4 points**
Annual Goals for Student Achievement Total Points	**/4 points**				
Comments:					

Appendix D: School Improvement Grant Rubric

School Improvement Sub-grants Application
Section 1003(g) of the Elementary and Secondary Act

G. Sustain the Reforms After the Funding Period Ends (Required)

The LEA must identify the resources that will be used to sustain the selected intervention(s) after the SIG funding period expires for each participating school.

Requirements of Element	Advanced-4 points	Adequate-3 points	Limited-2 Points	Inadequate-1 Point	Score
Form 8: The LEA must provide a sustainability plan that includes a timeline for sustaining required components of the selected intervention model for 2017–18, 2018–19, and 2019–20.	The LEA clearly describes a sustainability plan that includes a timeline for sustaining required components of the selected intervention model for 2017–18, 2018–19, and 2019–20.	The LEA adequately describes a sustainability plan that includes a timeline for sustaining required components of the selected intervention model for 2017–18, 2018–19, and 2019–20.	The LEA provides a limited sustainability plan that includes a timeline for sustaining required components of the selected intervention model for 2017–18, 2018–19, and 2019–20.	The LEA did not provide a sustainability plan that includes a timeline for sustaining required components of the selected intervention model for 2017–18, 2018–19, and 2019–20.	**/4 points**
Sustain the Reforms Total Points	**/4 points**				
Comments:					

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Appendix D: School Improvement Grant Rubric

School Improvement Sub-grants Application
Section 1003(g) of the Elementary and Secondary Act

H. Recruitment, Screening, Selection of External Providers (Restarts-Required, Other Models-If Applicable)

If the LEA intends to use external entities to provide technical assistance in selecting, planning, developing, and implementing any component of the four intervention models, it must describe its process for ensuring their quality.

Requirements of Element	Advanced-4 points	Adequate-3 points	Limited-2 Points	Inadequate-1 Point	Score
Restarts Only: The LEA must describe the rigorous review process the LEA used, or will use to ensure that the charter school operator, CMO, or EMO is qualified to assist the LEA in making meaningful changes and implementing comprehensive reform. This description should explain how the LEA: • **Examined, or plans to examine prospective plans and strategies** • **Will ensure that the provider has a meaningful plan for**	The LEA clearly describes the rigorous review process the LEA used, or will use to ensure that the external provider is qualified. The description includes how the LEA examined, or plans to examine prospective plans and strategies; will ensure that the provider has a meaningful plan for contributing to the reform efforts in the target school; will determine whether or not the proposed plan demonstrates full capacity to (1) implement strategies and services proposed, and (2) begin full implementation at the start of the 2014-15	The LEA adequately describes the rigorous review process the LEA used, or will use to ensure that the external provider is qualified. The description includes how the LEA examined, or plans to examine prospective plans and strategies; will ensure that the provider has a meaningful plan for contributing to the reform efforts in the target school; will determine whether or not the proposed plan demonstrates full capacity to (1) implement strategies and services proposed, and (2) begin full implementation at the start of the 2014-15 school year; will sustain the services after the	The LEA provides a limited description of the rigorous review process the LEA used, or will use to ensure that the external provider is qualified. The description includes how the LEA examined, or plans to examine prospective plans and strategies; will ensure that the provider has a meaningful plan for contributing to the reform efforts in the target school; will determine whether or not the proposed plan demonstrates full capacity to (1) implement strategies and services proposed, and (2) begin full implementation at the start of the 2014-15	The LEA did not describe the rigorous review process the LEA used, or will use to ensure that the external provider is qualified. The description did not include how the LEA examined, or plans to examine prospective plans and strategies; will ensure that the provider has a meaningful plan for contributing to the reform efforts in the target school; will determine whether or not the proposed plan demonstrates full capacity to (1) implement strategies and services proposed, and (2) begin full implementation at the start of the 2014-15	**/4 points**

H. Recruitment, Screening, Selection of External Providers (Restarts-Required, Other Models-If Applicable) **If the LEA intends to use external entities to provide technical assistance in selecting, planning, developing, and implementing any component of the four intervention models, it must describe its process for ensuring their quality.**					
Requirements of Element	**Advanced-4 points**	**Adequate-3 points**	**Limited-2 Points**	**Inadequate-1 Point**	**Score**
contributing to the reform efforts in the target school • **Will determine whether or not the proposed plan demonstrates full capacity to (1) implement strategies and services proposed, and (2) begin full implementation at the start of the 2014-15 school year** • **Will sustain the services of the CMO or EMO and any attendant fee after the SIG funds are no longer available.**	school year; will sustain the services after the SIG funds are no longer available.	SIG funds are no longer available.	school year; will sustain the services after the SIG funds are no longer available.	school year; will sustain the services after the SIG funds are no longer available.	
All Models: The LEA must describe the actions the LEA has taken, or will take to	The LEA clearly describes the specific selection criteria; an indication of whether	The LEA adequately describes the specific selection criteria; an indication of whether or	The LEA provides a limited description of the specific selection criteria; an indication	The LEA did not provide a description of the specific selection criteria; an	**/4 points**

H. Recruitment, Screening, Selection of External Providers (Restarts-Required, Other Models-If Applicable) **If the LEA intends to use external entities to provide technical assistance in selecting, planning, developing, and implementing any component of the four intervention models, it must describe its process for ensuring their quality.**					
Requirements of Element	**Advanced-4 points**	**Adequate-3 points**	**Limited-2 Points**	**Inadequate-1 Point**	**Score**
recruit, screen, and select external providers. This description must include: • **Specific selection criteria used, such as experience, qualifications, and record of effectiveness in providing support for school improvement.** • **An indication of whether or not the external provider has previously provided support to the LEA and/or school, or whether this is a new external provider to the LEA.** • **A brief**	or not the external provider has previously provided support to the LEA and/or school; and a brief description of the scope of work, or the services the LEA will receive from the external provider.	not the external provider has previously provided support to the LEA and/or school; and a brief description of the scope of work, or the services the LEA will receive from the external provider.	of whether or not the external provider has previously provided support to the LEA and/or school; and a brief description of the scope of work, or the services the LEA will receive from the external provider.	indication of whether or not the external provider has previously provided support to the LEA and/or school; and a brief description of the scope of work, or the services the LEA will receive from the external provider.	

H. Recruitment, Screening, Selection of External Providers (Restarts-Required, Other Models-If Applicable) If the LEA intends to use external entities to provide technical assistance in selecting, planning, developing, and implementing any component of the four intervention models, it must describe its process for ensuring their quality.					
Requirements of Element	**Advanced-4 points**	**Adequate-3 points**	**Limited-2 Points**	**Inadequate-1 Point**	**Score**
description of the scope of work, or services the LEA will receive from the external provider.					
Recruitment, Screening, and Selection of the External Provider Total Points	**/8 points**				
Comments:					

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Appendix D: School Improvement Grant Rubric

School Improvement Sub-grants Application
Section 1003(g) of the Elementary and Secondary Act

I. Budgets – SIG Forms 4a, 4b and 5a, 5b

The LEA must include a LEA Proposed Budget Summary (SIG Form 4a), LEA Budget Narrative (SIG From 4b), School Proposed Budget Summary (SIG Form 5a), and School Budget Narrative (SIG Form 5b) for each school the LEA commits to serve.

Requirements of Element	Advanced-4 points	Adequate-3 points	Limited-2 Points	Inadequate-1 Point	Score
The budget narratives include sufficient detail to describe activities and costs associated with each object code.	The budget narratives include extensive detail to describe activities and costs associated with each object code. All items are associated with specific object codes and all unit costs are provided.	The budget narratives include adequate detail to describe activities and costs associated with each object code. Most items are associated with specific object codes and most unit costs are provided.	The budget narratives include limited detail to describe activities and costs associated with each object code. Some items are associated with object codes and some unit costs are provided.	The budget narratives include insufficient detail to describe activities and costs associated with each object code. Items are not associated with specific object codes and unit costs are not provided.	**/4 points**
The budget address the activities outlined in the implementation charts.	The budget fully addresses the activities outlined in the implementation charts and clearly reflects required model components.	The budget adequately addresses the activities outlined in the implementation charts and reflects required model components.	The budget generally addresses the activities outlined in the implementation charts and reflects required model components.	The budget does not address all of the activities outlined in the implementation charts and does not reflect required model components.	**/4 points**
All items, including services, materials, contracts, and staff positions listed in the budget are substantiated in the implementation chart.	All items, including services, materials, contracts, and staff positions listed in the budget are fully substantiated in the implementation chart.	Most items, including services, materials, contracts, and staff positions listed in the budget are adequately substantiated in the implementation chart.	Some items, including services, materials, contracts, and staff positions listed in the budget are minimally substantiated in the implementation chart.	Items, including services, materials, contracts, and staff positions listed in the budget are not clearly substantiated in the implementation chart.	**/4 points**
Budget requests are in compliance with SIG requirements and reflect allowable	Budget requests are clearly in compliance with SIG requirements, reflect	Budget requests appear to be in compliance with SIG requirements, seem to	Budget requests are in limited compliance with SIG requirements, reflect	Budget requests are not clearly in compliance with SIG requirements, do not	**/4 points**

I. Budgets – SIG Forms 4a, 4b and 5a, 5b

The LEA must include a LEA Proposed Budget Summary (SIG Form 4a), LEA Budget Narrative (SIG From 4b), School Proposed Budget Summary (SIG Form 5a), and School Budget Narrative (SIG Form 5b) for each school the LEA commits to serve.

Requirements of Element	Advanced-4 points	Adequate-3 points	Limited-2 Points	Inadequate-1 Point	Score
expenditures.	clearly allowable expenditures, and do not include items unrelated to model implementation.	reflect allowable expenditures, and do not include items unrelated to model implementation.	allowable expenditures, and may include minor items unrelated to model implementation.	reflect allowable expenditures, and include a variety of items unrelated to model implementation.	
Budget Total Points:	**/16 points**				
Comments:					

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Appendix D: School Improvement Grant Rubric

School Improvement Sub-grants Application
Section 1003(g) of the Elementary and Secondary Act

J. Implementation Chart – SIG Forms 10.1, 10.2, 10.3, 10.4

For each identified Tier I and Tier II school, the LEA must complete a SIG Form 10, Implementation Chart for a Tier I or Tier II School, for the intervention model to be implemented. The LEA must include actions and activities necessary to implement each required component of the selected intervention model, a timeline with specific start and end dates, the individual position and person, if known, who will be responsible for oversight and monitoring, and the type of evidence that will be submitted to the CDE, upon request, to verify implementation.

Requirements of Element	Advanced-4 points	Adequate-3 points	Limited-2 Points	Inadequate-1 Point	Score
The implementation charts include sufficient detail to describe strategies required to implement each component of the selected intervention model.	The implementation charts include extensive detail to describe strategies required to implement each component of the selected intervention model.	The implementation charts include adequate detail to describe strategies required to implement each component of the selected intervention model.	The implementation charts include limited detail to describe strategies required to implement each component of the selected intervention model.	The implementation charts include inadequate detail to describe strategies required to implement each component of the selected intervention model.	**/4 points**
All components of the selected intervention model are addressed.	All components of the selected intervention model are fully addressed.	All components of the selected intervention model are adequately addressed	Most components of the selected intervention model are addressed.	The components of the selected intervention model are not addressed.	**/4 points**
Implementation charts include timelines with start and end dates, persons responsible for oversight and monitoring, and the type of evidence that will be submitted to the CDE.	Implementation charts include detailed timelines with specific start and end dates, persons responsible for oversight and monitoring, and the type of evidence that will be submitted to the CDE.	Implementation charts include timelines with specific start and end dates, persons responsible for oversight and monitoring, and the type of evidence that will be submitted to the CDE.	Implementation charts include general timelines, persons responsible for oversight and monitoring, and the type of evidence that will be submitted to the CDE.	Implementation charts do not include timelines, persons responsible for oversight and monitoring, and the type of evidence that will be submitted to the CDE.	**/4 points**

J. Implementation Chart – SIG Forms 10.1, 10.2, 10.3, 10.4

For each identified Tier I and Tier II school, the LEA must complete a SIG Form 10, Implementation Chart for a Tier I or Tier II School, for the intervention model to be implemented. The LEA must include actions and activities necessary to implement each required component of the selected intervention model, a timeline with specific start and end dates, the individual position and person, if known, who will be responsible for oversight and monitoring, and the type of evidence that will be submitted to the CDE, upon request, to verify implementation.

Requirements of Element	Advanced-4 points	Adequate-3 points	Limited-2 Points	Inadequate-1 Point	Score
The actions and activities listed are aligned with the needs analysis of the school. The description includes references to aspects of the needs analysis.	The actions and activities listed are clearly aligned with the needs analysis of the school. The description includes references to specific aspects of the needs analysis.	The actions and activities listed are adequately aligned with the needs analysis of the school. The description includes references to general aspects of the needs analysis.	The actions and activities listed show limited alignment with the needs analysis of the school. The description includes limited or no references to aspects of the needs analysis.	The actions and activities listed do not show limited alignment with the needs analysis of the school. The description does not include references to aspects of the needs analysis.	**/4 points**

Implementation Chart Total Points:	**/16 points**
Comments:	

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Appendix D: School Improvement Grant Rubric

School Improvement Sub-grants Application
Section 1003(g) of the Elementary and Secondary Act

K. Percent of Schools Not Previously Served with SIG Funds (Competitive Preference)

Schools that have not received SIG funds in a prior cohort and are applying for SIG FY 2013 are given competitive preference.

Requirements of Element	Advanced-4 points	Adequate-3 points	Limited-2 Points	Inadequate-1 Point	Score
The CDE will calculate the total percent of un-served schools eligible to apply for FY 2013 SIG funds. Calculation will be based on the Tier I and Tier II Eligibility List and the List of Schools to Be Served from the LEA RFA.	76%-100% of schools applying for SIG FY 2013 funds have not been served with SIG funds in a prior cohort.	51%-75% of schools applying for SIG FY 2013 funds have not been served with SIG funds in a prior cohort.	26%-50% of schools applying for SIG FY 2013 funds have not been served with SIG funds in a prior cohort.	0%-25% of schools applying for SIG FY 2013 funds have not been served with SIG funds in a prior cohort.	**/4 Points**
Percent of Schools Total Points:	**/4 Points**				
Comments:					

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Appendix D: School Improvement Grant Rubric

School Improvement Sub-grants Application
Section 1003(g) of the Elementary and Secondary Act

All Models		
Required Elements	**Score**	**Possible Points**
A. Needs Assessment (Required)		**8**
B. Demonstration of Capacity (Required)		**12**
C. Selection of the Model (Required)		**12**
D. Modify LEA Practices or Policies (Required)		**4**
E. Align Other Resources (Required)		**4**
F. Annual Goals (Required)		**4**
G. Sustain the Reforms (Required)		**4**
H. Recruitment, Screening, Selection of External Providers (Optional for all Models-If contracting with an external provider for planning, developing, and/or implementing)		**4**
I. Budget (Required)		**16**
J. Implementation Chart (Required)		**16**
K. Percent of Schools (Competitive Preference)		(4 additional points available- not included in total amount possible)
Total Points:		
Percent:		

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Appendix D: School Improvement Grant Rubric

School Improvement Sub-grants Application
Section 1003(g) of the Elementary and Secondary Act

Restart Only		
Required Elements	**Score**	**Possible Points**
A. Needs Assessment (Required)		**8**
B. Demonstration of Capacity (Required)		**12**
C. Selection of the Model (Required)		**12**
D. Modify LEA Practices or Policies (Required)		**4**
E. Align Other Resources (Required)		**4**
F. Annual Goals (Required)		**4**
G. Sustain the Reforms (Required)		**4**
H. Recruitment, Screening, Selection of External Providers (Required-Restart)		**4**
H. Recruitment, Screening, Selection of External Providers (Optional -If contracting with an external provider for planning, developing, and/or implementing)		**4**
I. Budget (Required)		**16**
J. Implementation Chart (Required)		**16**
K. Percent of Schools (Competitive Preference)		(4 additional points available- not included in total amount possible)
Total Points:		
Percent:		

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Appendix E: School Improvement Grant Information Resources

NOTICES

Final Requirements—October 28, 2010
http://www2.ed.gov/programs/sif/2010-27313.pdf
This document contains the interim final requirements governing the process that a SEA uses to award school improvement funds authorized under section 1003 (g) of the ESEA To LEAs in order to transform school culture and substantially raise the achievement of students attending the State's persistently lowest-achieving schools, including secondary schools. The official version will be posted in the U.S. Federal Register.

FREQUENTLY ASKED QUESTIONS

Guidance on School Improvement Grants Under Section 1003(g) of the Elementary and Secondary Act of 1965—
http://www2.ed.gov/programs/sif/legislation.html

Final Requirements for School Improvement Grants as Amended in January 2010—January 28, 2010 MS Word
http://www2.ed.gov/programs/sif/finalreq20100128.doc

APPLICATION

SEA Application— http://www.cde.ca.gov/sp/sw/t1/sig09.asp

OTHER SCHOOL IMPROVEMENT RESOURCES

Academic Program Survey (APS)
http://www.cde.ca.gov/ta/lp/vl/improvtools.asp#aps

Profiles of successful California schools
http://www.cde.ca.gov/ta/lp/vl/improvingschls.asp

California *Education Code* (EC)
http://www.leginfo.ca.gov/calaw.html

District Assistance Survey (DAS)
http://www.cde.ca.gov/ta/ac/ti/stateassesspi.asp

English Learner Subgroup Self-Assessment (ELSSA)
http://www.cde.ca.gov/sp/el/t3/documents/t3elssa09.xls

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Appendix E: School Improvement Grant Information Resources

Essential Program Components
http://www.cde.ca.gov/ta/lp/vl/essentialcomp.asp

Indirect Cost Rates
http://www.cde.ca.gov/fg/ac/ic

Inventory of Services and Supports (ISS) for Students with Disabilities
http://www.cde.ca.gov/sp/se/sr/documents/issswdtool.doc

Least Restrictive Environment (LRE) Self-Assessment
http://www.wested.org/cs/we/view/pj/204

Single Plan for Student Achievement
http://www.cde.ca.gov/nclb/sr/le/singleplan.asp

The Regional Educational Laboratories (RELs)
http://ies.ed.gov/ncee/edlabs/

Center on Instruction
http://www.centeroninstruction.org/

CDE Teacher and Principal Evaluation Systems
http://www.cde.ca.gov/nclb/sr/tq/tpevalsys.asp

United States Department of Education School Turnaround Learning Community
http://www.schoolturnaroundsupport.org/

National Comprehensive Center for Teacher Quality
http://www.tqsource.org/

National Center on Time and Learning
http://www.timeandlearning.org/

California Comprehensive Center at WestEd
http://cacompcenter.org/

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Appendix F: Guiding Questions for Selection of the Intervention Model

The following questions should be used by the District and School Intervention Team to guide model selection and assist in preparing for the development of the school improvement implementation plan.

Turnaround Model

1. What is the district's capacity to implement and support the turnaround model at the school-site(s)? What resources are available to support the reform effort?

2. How will the district develop the ability to recruit and consistently staff high quality school administration and faculty appropriate to meet the needs of the students at the school-site(s)?

3. What will be the district's process to screen all existing staff, rehire no more than 50 percent and select new staff? How will locally adopted competences be developed and used in the screening process for hiring returning and new staff?

4. How will the district select a new principal to lead the school-site(s)? What characteristics such as experience, training and competencies will be expected?

5. What type of operational flexibility will be granted to the new principal in leading the school-site(s), for example, with regards to staffing, calendars, scheduling, budgeting?

6. What type of policy and structural changes does the district need to make in order to support the implementation of the turnaround model?

7. What types of contractual changes or agreements with the labor union are necessary to ensure full and effective implementation of the turnaround model?

8. What type of screening and selection process will be used to determine the effectiveness of the school-site(s) instructional program?

9. How will the district ensure that district and school level activities conducted with SIG funds only support the SIG school-site(s)?

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Appendix F: Guiding Questions for Selection of the Intervention Model

10. How will the district support the new school-site administration in determining the changes necessary in operational practices for the reform effort as well as progress monitor implementation and student achievement?

Transformation Model

1. What is the district's capacity to implement and support the transformation model at the school-site(s)? What resources are available to support the reform effort?

2. How will the district select a new principal to lead the school-site(s)? What characteristics such as experience, training and competencies will be expected?

3. How will the district enable leadership to make and sustain strategic staff recognition and replacements for the school-site(s)?

4. What type of operational flexibility will be granted to school-site(s), for example, with regards to staffing, calendars, scheduling, budgeting, to substantially improve student achievement outcomes?

5. What type of screening and selection process will be used to determine the effectiveness of the school-site(s) instructional program?

6. What type of policy and structural changes does the district need to make in order to support the implementation of the transformation model?

7. What types of contractual changes or agreements with the labor union are necessary to ensure full and effective implementation of the transformation model?

8. How will the district ensure that district and school level activities conducted with SIG funds only support the SIG school-site(s)?

9. How will the district support the new school-site administration in determining the changes necessary in operational practices for the reform effort as well as progress monitor implementation and student achievement?

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Appendix F: Guiding Questions for Selection of the Intervention Model

Restart Model

1. Are there high quality charter management organizations (CMOs), educational management organizations (EMOs) or strong community organizations interested in contracting with the district to convert the school-site into a new school?

2. Which option above, CMO, EMO or community organization, would be the optimum choice to meet the needs of the students at the current school-site(s) and provide increased academic achievement?

3. What types of contractual changes or other agreements are necessary to restart the school as a charter school or under new educational management?

4. What process will be used to screen and select the new CMO or EMO for the school-site(s)?

5. How will the district hold the CMO or EMO accountable in contract or other agreement for student academic achievement? Will the district be prepared to terminate the contract if expectations are not met?

6. What role will the district play in the reform effort at the school-site(s), for example, with regards to central services, progress monitoring, special education and other related services?

7. How will the district solicit feedback and inform students and parents of the changes that will occur at the school-site(s)?

8. What policy changes will occur to allow enrollment of any former student who wishes to attend the school, as long as the student is within the grades that the new school serves?

Closure Model

1. What will be the process and criteria to identify the school-site(s) to be closed?

2. How will the district solicit feedback from parents and the community regarding the school-site(s) closure?

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Appendix F: Guiding Questions for Selection of the Intervention Model

3. What will be the impact of the school-site(s) closure on school enrollment area, school community/neighborhood, and district?

4. How will students and families be supported in their transition to the new school?

5. How will the district ensure that the students who attend the closed school-site(s) are enrolled in a nearby higher achieving school?

6. What considerations will be made to support the new schools with increased enrollment, for example, in regards to staffing, safety, counseling services?

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Appendix G: ED Data Collection Requirements

Metric	Source	Achievement Indicators	Leading Indicators
School Data			
Intervention used			
AYP status	ED Facts	X	
Which AYP targets the school met and missed	ED Facts	X	
School improvement status	ED Facts	X	
Number of minutes	CBEDS		X
Type of increased learning time	CBEDS		X
Student Outcomes/Academic Progress Data			
Percentage of students at or above each proficiency level on state assessments in reading/language arts and mathematics (eg., Basic, Proficient, Advanced) by grade and by student group	ED Facts	X	
Student participation rate on state assessments in reading/language arts and in mathematics, by student subgroup	ED Facts		X
Average scale scores on state assessments in reading/language arts and in mathematics by grade, for the “all students” group, for each achievement quartile, and for each subgroup	New to SIG	X	
Percentage of limited English proficient students who attain English language proficiency	ED Facts	X	
Graduation rate	ED Facts	X	
Dropout rate	ED Facts		X
Student attendance rate	ED Facts/CBEDS		X
Number and percentage of students completing advanced course work (e.g., AP/IB and/or dual enrollment classes (Includes three new data groups)	CBEDS		X
College enrollment rates	New to SIG	X	
Student Connection and School Climate			
Discipline incidents	ED Facts		X
Truants	ED Facts		X
Talent			
Distribution of teachers by performance level on LEA’s teacher evaluation system	New to SIG		X

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Teacher attendance rate	CBEDS		X

*Table adapted from final requirements for SIG authorized under section 1003(g) of Title I of the ESEA.

Please see the Federal Register, Volume 75, Number 208 on the School Improvement Grants; American Recovery and Reinvestment Act of 2009 (ARRA); Title 1 of the Elementary and Secondary Education Act of 1965, as amended at http://www2.ed.gov/programs/sif/2010-27313.pdf.

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Appendix H: Online Forms (Forms 4a, 4b, 5a, 5b, 8, 10, 11)

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School Improvement Grant, Cohort 3
Budget Summary- LEA Form 4A

District	
Site	
CDS Code	
County	
Contact	
E-mail	
Telephone	

LEA Form 4A

Resource: 3180
SACS Code: 8290
Fed Award: S377A130006
GAN: 13-1234-00000

Object Code Series	Line Item Description	Year 0 (Pre-Imp.)	Year 1	Year 2	Year 3
		FY 2013-14	FY 2014-15	FY 2015-16	FY 2016-17
1000-1999	Certificated Personnel Salaries				
2000-2999	Classified Personal Salaries				
3000-3999	Employee Benefits				
4000-4999	Books and Supplies				
5000-5999	Services/Other Operating Expenses				
6000-6999	Capital Outlay				
7310 / 7350	Indirect Costs				
	Subtotal	$ -	$ -		
	Total	$ -		$ -	$ -

CDE Use Only	
Version	Date

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School Improvement Grant, Cohort 3
Budget Narrative- LEA Form 4B

FY 2013-14 (Pre-Implementation)

LEA Form 4B

District	
Site	
CDS	
County	
Contact	
E-mail	
Telephone	

Activity Number	Component Number	Expenditure Description	List Budget Sub-Codes	Certificated Salaries	Classified Salaries	Benefits	Books and Supplies	Services and Other Expenses	Capital Outlay	Indirect Costs	Total
				1000	2000	3000	4000	5000	6000	7000	

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Total								

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School Improvement Grant, Cohort 3
Budget Summary- School Form 5A

District	
Site	
CDS Code	
County	
Contact	
E-mail	
Telephone	

School Form 5A

Resource: 3180
SACS Code: 8290
Fed Award: S377A130006
GAN: 13-1234-00000

Object Code Series	Line Item Description	Year 0 (Pre-Imp.)	Year 1	Year 2	Year 3
		FY 2013-14	FY 2014-15	FY 2015-16	FY 2016-17
1000-1999	Certificated Personnel Salaries				
2000-2999	Classified Personal Salaries				
3000-3999	Employee Benefits				
4000-4999	Books and Supplies				
5000-5999	Services/Other Operating Expenses				
6000-6999	Capital Outlay				
7310 / 7350	Indirect Costs				
	Subtotal	$ -	$ -		
	Total	$ -		$ -	$ -

CDE Use Only	
Version	Date

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School Improvement Grant, Cohort 3
Budget Narrative- School Form 4B

FY 2013-14 (Pre-Implementation)

School Form 4B

District	
Site	
CDS	
County	
Contact	
E-mail	
Telephone	

Activity Number	Component Number	Expenditure Description	List Budget Sub-Codes	Certificated Salaries	Classified Salaries	Benefits	Books and Supplies	Services and Other Expenses	Capital Outlay	Indirect Costs	Total
				1000	2000	3000	4000	5000	6000	7000	

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Total								

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Appendix H: Form 8 Sustainability of the Reforms After the Funding Period Ends

LEA:			
School:			
Area of Sustainability	**2017 - 18**	**2018 - 19**	**2019 - 20**
Developing and increasing teacher and school leader effectiveness			
may include, but not limited to: - staff replacement - teacher and principal evaluation - identifying and rewarding staff - ongoing professional development - recruit, place, and retain			
Comprehensive instructional reform strategies			
may include, but not limited to: - modified instructional program - use of student data			

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Appendix H: Form 8 Sustainability of the Reforms After the Funding Period Ends

Increasing learning time and creating community-oriented schools			
may include, but not limited to: - schedules and strategies that provide ILT - family and community engagement - social emotional support			
Operational flexibility and sustained support			
may include, but not limited to: - sufficient operating flexibility - ongoing, intensive, technical assistance			

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Appendix H: Form 10 Implementation Charts
Turnaround Model

LEA:			**Date:**		
School:					
Required Components	**Strategies**		**Start & End Dates (MM/YYYY)**	**Oversight**	**Description of Evidence**
I-SIG 01: Replace the principal and grant the new principal sufficient operational flexibility.					
Principal Replacement*					
Principal name		Hire date			
Operational Flexibility					
*LEAs that retain a principal hired within the last 2 years should be able to demonstrate that: (1) the prior principal in the school at issue was replaced as part of a broader reform effort, and (2) the new principal has the experience and skills needed to implement successfully a turnaround, restart, or transformation model.					
I-SIG 02: Use locally-adopted competencies to measure the effectiveness of staff who can work within the turnaround environment, screen all existing staff and rehire no more than 50 percent, and select new staff.					
Determine locally-adopted competencies					
Evaluate current staff and rehire no more than 50%					
Screen and select new staff					

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Appendix H: Form 10 Implementation Charts
Turnaround Model

I-SIG 03: Implement strategies that are designed to recruit, place, and retain staff with the skills necessary to meet the needs of the students in the turnaround school.				
Recruitment				
Placement				
Retention				
I-SIG 04: Provide staff ongoing, high-quality, job-embedded professional development that is aligned with the school's comprehensive instructional program.				
I-SIG 05: Adopt a new governance structure which may include, but is not limited to, requiring the school to report to a new "turnaround office" in the LEA, or hiring a "turnaround leader" who reports directly to the LEA.				
I-SIG 06: Use data to identify and implement an instructional program that is research-based and vertically aligned from one grade to the next as well as aligned with California's adopted academic standards.				
Develop screening criteria				
Evaluate research base and alignment of current program				
Identify a new instructional program or revise current program				

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Appendix H: Form 10 Implementation Charts
Turnaround Model

Implement new or revised instructional program						
I-SIG 07: Promote the continuous use of student data to inform and differentiate instruction in order to meet the academic needs of individual students.						
I-SIG 08: Establish schedules and implement strategies that provide increased learning time.						
	Increase by Day	***Increase by Week***	***Increase by Year***			
Core						
Enrichment						
Collaboration						
Total Unduplicated Time						
I-SIG 09: Provide appropriate social-emotional and community-oriented services and supports for students.						
VI-SIG 30: Optional Component						

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Appendix H: Form 10 Implementation Charts
Transformation Model

LEA:				**Date:**		
School:						
Required Components	**Strategies**			**Start & End Dates (MM/YYYY)**	**Oversight**	**Description of Evidence**
II-SIG 10: Replace the principal who led the school prior to the commencement of the transformation model.						
Principal Replacement*						
Principal name		Hire date				
*LEAs that retain a principal hired within the last 2 years should be able to demonstrate that: (1) the prior principal in the school at issue was replaced as part of a broader reform effort, and (2) the new principal has the experience and skills needed to implement successfully a turnaround, restart, or transformation model.						
II-SIG 11: Use rigorous, transparent, and equitable evaluation systems for teachers and principals that take into account data on student growth as a significant factor that are designed and developed with teacher and principal involvement.						
Principal and teacher involvement						
Data on student growth						
Multiple observation-based assessments						

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Appendix H: Form 10 Implementation Charts
Transformation Model

Ongoing collections of professional practice				
II-SIG 12: Identify and reward school leaders, teachers, and other staff who, in implementing this model, have increased student achievement and high school graduation rates; and identify and remove those who, after ample opportunities have been provided for them to improve their professional practice, have not done so.				
Identify and reward				
opportunities to improve professional practice				
Identify and remove				
II-SIG 13: Implement strategies that are designed to recruit, place, and retain staff with the skills necessary to meet the needs of the students in the transformation school.				
Recruitment				
Placement				
Retention				

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Appendix H: Form 10 Implementation Charts
Transformation Model

II-SIG 14: Provide staff ongoing, high-quality, job-embedded professional development that is aligned with the school's comprehensive instructional program.				
II-SIG 15: Give the school sufficient operational flexibility (such as staffing, calendars/time, and budgeting) to implement fully a comprehensive approach to substantially improve student achievement outcomes and increase high school graduation rates.				
II-SIG 16: Use data to identify and implement an instructional program that is research-based and vertically aligned from one grade to the next as well as aligned with California's adopted academic standards.				
Develop screening criteria				
Evaluate research base and alignment of current program				
Identify a new instructional program or revise current program				
Implement new or revised instructional program				

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Appendix H: Form 10 Implementation Charts
Transformation Model

II-SIG 17: Promote the continuous use of student data to inform and differentiate instruction in order to meet the academic needs of individual students.						
II-SIG 18: Establish schedules and implement strategies that provide increased learning time.						
	Increase by Day	***Increase by Week***	***Increase by Year***			
Core						
Enrichment						
Collaboration						
Total Unduplicated Time						
II-SIG 19: Provide ongoing mechanisms for family and community engagement.						
II-SIG 20: Ensure that the school receives ongoing, intensive technical assistance and related support from the LEA, the SEA, or a designated external lead partner organization (such as a school turnaround organization or an EMO).						
VI-SIG 30: Optional Component						

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Appendix H: Form 10 Implementation Charts
Restart Model

LEA:		Date:		
School:				
Required Components	**Strategies**	**Start & End Dates (MM/YYYY)**	**Oversight**	**Description of Evidence**
Fulfill all California requirements for converting to a charter school (if applicable).				
III-SIG 21: Create a locally-determined rigorous review process for the purposes of selecting a CMO or an EMO.				
III-SIG 22: Create a plan to transfer students who either cannot attend the new school because their grade is no longer served by the Restart school or whose parents choose not to have their child attend the Restart school.				
III-SIG 23: Create an accountability contract with the CMO or EMO which includes clearly defined goals for student achievement.				
VI-SIG 30: Optional Component				

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Appendix H: Form 10 Implementation Charts
Closure Model

LEA:		Date:		
School:				
Required Components	**Strategies**	**Start & End Dates (MM/YYYY)**	**Oversight**	**Description of Evidence**
IV-SIG 24: The LEA closes the school and enrolls the students who attended that school in other nearby schools in the LEA that are higher achieving.				
IV-SIG 25 The LEA supports families and students in their transition to the new school.				
VI-SIG 30: Optional Component				

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SIG Form 11—Implementation Chart for a Tier III school

Complete this form for each Tier III school the LEA commits to serve. Identify the services the school will receive and/or the activities the school will implement, a timeline with specific start and end dates of implementation, and the position (and person, if known) responsible for oversight. If the LEA is opting to implement one of the four intervention models, please complete SIG Form 10 for the appropriate model.

School:

Actions & Activities	Timeline		Oversight
	Start	End	

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SCHOOLS ELIGIBLE FOR FY 2013 SIG FUNDS

LEA NAME	LEA NCES ID #	SCHOOL NAME	SCHOOL NCES ID#	PRIORITY	TIER I	TIER II	TIER III	GRAD RATE	NEWLY ELIGIBLE
ABC Unified	0601620	Pharis F. Fedde Middle	00020			x			
Alisal Union	0601950	Bardin Elementary	00083		x				
Alisal Union	0601950	Dr. Martin Luther King, Jr., Elementary	10559		x				
Alta Vista Elementary	0602220	Alta Vista Elementary	00098		x				
Alum Rock Union Elementary	0602310	Cesar Chavez Elementary	00111		x				
Alvord Unified	0602430	Norte Vista High	00137			x			
Antelope Valley Union High	0602820	Antelope Valley High	00203			x			
Antelope Valley Union High	0602820	Eastside High	10823			x			
Antelope Valley Union High	0602820	Littlerock High	09516			x			
Aromas/San Juan Unified	0691136	San Juan	10297		x				
Arvin Union Elementary	0603270	Bear Mountain Elementary	00413		x				
Arvin Union Elementary	0603270	Sierra Vista Elementary	00246		x				
Azusa Unified	0603600	Valleydale Elementary	00285		x				
Beardsley Elementary	0604260	Beardsley Intermediate	08797		x				
Buttonwillow Union Elementary	0606720	Buttonwillow Elementary	00594		x				
Chualar Union Elementary	0608580	Chualar Elementary	00854		x				
Coachella Valley Unified	0609070	West Shores High	07685		x				
Compton Unified	0609620	Centennial High	00975		x			x	
Compton Unified	0609620	Davis Middle	07272		x				
Compton Unified	0609620	Dominguez High	00978		x				
Compton Unified	0609620	Martin Luther King Elementary	00986		x				
Compton Unified	0609620	Vanguard Learning Center	00999			x			
Compton Unified	0609620	Walton Middle	01000		x				
Compton Unified	0609620	Whaley Middle	01002		x				
Compton Unified	0609620	Willowbrook Middle	01003			x			
Del Norte County Office of Ed	0691063	Castle Rock	08694			x			
East Side Union High	0611820	Escuela Popular Accelerated Family Learn	10666		x			x	
Escondido Union Elementary	0612880	Felicita Elementary	01454		x				
Fairfax Elementary	0613290	Shirley Lane Elementary	10809		x				
Farmersville Unified	0600035	Farmersville High	07903			x			
Farmersville Unified	0600035	George L. Snowden Elementary	01549		x				
Fontana Unified	0613920	Fontana A. B. Miller High	10301			x			
Greenfield Union Elementary	0616080	El Camino Real	12809		x				
Greenfield Union Elementary	0616080	Mary Chapa Literacy and Technology Academy	02009		x				
Greenfield Union Elementary	0616080	Vista Verde Middle	02266		x				
Hacienda la Puente Unified	0616325	William Workman High	02074			x			
Hayward Unified	0616740	Burbank Elementary	02106		x				
Hayward Unified	0616740	Longwood Elementary	02120		x				

LEA NAME	LEA NCES ID #	SCHOOL NAME	SCHOOL NCES ID#	PRIORITY	TIER I	TIER II	TIER III	GRAD RATE	NEWLY ELIGIBLE
Hayward Unified	0616740	Tennyson High	02135			x			
Kern County Office of Ed	0691012	Kern County Community	07502		x			x	
King City Joint Union High	0619650	Greenfield High	08221		x				
Klamath-Trinity Joint Unified	0619950	Hoopa Valley Elementary	02389		x				
La Honda-Pescadero Unified	0620220	Pescadero Elementary and Middle	02422		x				
Lake Tahoe Unified	0620640	Bijou Community	02477		x				
Lakeside Union Elementary	0620760	Lakeside Elementary	02491		x				
Lennox Elementary	0621420	Century Academy for Excellence	11614		x				
Lindsay Unified	0621870	Jefferson Elementary	02594		x				
Lindsay Unified	0621870	Lindsay Senior High	02595			x			
Lodi Unified	0622230	Lawrence Elementary	02653		x				
Lodi Unified	0622230	Sutherland Elementary	01341		x				
Los Angeles County Office of Ed	0601407	Today's Fresh Start Charter	11336		x				
Los Angeles Unified	0622710	Angeles Mesa Elementary	02816		x				
Los Angeles Unified	0622710	Audubon Middle	02829		x				
Los Angeles Unified	0622710	Carson Senior High	02899			x			
Los Angeles Unified	0622710	International Studies Learning Center	10863		x				
Los Angeles Unified	0622710	Los Angeles Senior High	03151			x			
Los Angeles Unified	0622710	Miguel Contreras Learning Complex	11650		x				
Los Angeles Unified	0622710	Robert Fulton College Preparatory School	03029		x				
Los Angeles Unified	0622710	San Fernando Senior High	03325			x			
Los Angeles Unified	0622710	Sun Valley Middle	03378			x			
Los Angeles Unified	0622710	Sylmar Senior High	03385			x			
Los Angeles Unified	0622710	Woodcrest Elementary	03471		x				
Maricopa Unified	0623820	Maricopa Elementary	03596		x				
Marysville Joint Unified	0624090	Ella Elementary	03626		x				
McFarland Unified	0624230	McFarland High	07315		x				
Monterey Peninsula Unified	0625530	Highland Elementary	03828		x				
Monterey Peninsula Unified	0625530	Martin Luther King	03829		x				
Monterey Peninsula Unified	0625530	Seaside High	03843			x			
Moreno Valley Unified	0625800	March Mountain High	03868			x		x	
Mt. Diablo Unified	0626370	Shore Acres Elementary	03972		x				
Oakland Unified	0628050	Elmhurst Community Prep	11961		x				
Oakland Unified	0628050	United for Success Academy	11909		x				
Pajaro Valley Unified	0629490	Calabasas Elementary	04539		x				
Pajaro Valley Unified	0629490	Hall District Elementary	04543		x				
Pajaro Valley Unified	0629490	T. S. MacQuiddy Elementary	04552		x				
Palm Springs Unified	0629550	Desert Hot Springs High	08267		x				
Palmdale Elementary	0629580	Cactus Middle	08933			x			

LEA NAME	LEA NCES ID #	SCHOOL NAME	SCHOOL NCES ID#	PRIORITY	TIER I	TIER II	TIER III	GRAD RATE	NEWLY ELIGIBLE
Palmdale Elementary	0629580	Tumbleweed Elementary	04577		x				
Palo Verde Unified	0629640	Palo Verde High	04602			x			
Perris Elementary	0630180	Good Hope Elementary	04710		x				
Perris Union High	0630210	Perris High	04712			x			
Pomona Unified	0631320	Emerson Middle	04839			x			
Pomona Unified	0631320	Pomona Senior High	04858			x			
Ravenswood City Elementary	0631860	Costano Elementary	04915		x				
Ravenswood City Elementary	0631860	Ronald McNair Academy	04914		x				
Reef-Sunset Unified	0632270	Avenal Elementary	07334		x				
Riverside County Office of Ed	0691026	Riverside County Community	10577		x				
San Diego Unified	0634320	Burbank Elementary	05426		x				
San Diego Unified	0634320	Charter School of San Diego	03939			x			
San Diego Unified	0634320	King/Chavez Arts Academy	11390		x				
San Diego Unified	0634320	San Diego Business	11143		x				
San Diego Unified	0634320	San Diego MVP Arts	11144		x				
San Juan Unified	0634620	Encina Preparatory High	05778			x			
San Lorenzo Unified	0634710	Hillside Elementary	05853		x				
Santa Ana Unified	0635310	Century High	09633		x				
Santa Ana Unified	0635310	Saddleback High	06004			x			
Santa Ana Unified	0635310	Santa Ana High	06005			x			
Santa Ana Unified	0635310	Sierra Intermediate	06007			x			
Santa Ana Unified	0635310	Valley High	06011		x				
Santa Ana Unified	0635310	Willard Intermediate	06013		x				
Santa Barbara Unified	0601414	Adelante Charter	08628		x				
Santa Maria-Bonita	0605580	Adam (William Laird) Elementary	09312		x				
Santa Maria-Bonita	0605580	Alvin Elementary	09313		x				
Santa Maria-Bonita	0605580	Calvin C. Oakley Elementary	09320		x				
Semitropic Elementary	0636330	Semitropic Elementary	06192		x				
Soledad Unified	0637050	Rose Ferrero Elementary	08746		x				
Vallejo City Unified	0640740	Vallejo High	06739			x			
Wasco Union Elementary	0641400	Palm Avenue Elementary	06846		x				
Waukena Joint Union Elementary	0641820	Waukena Joint Union Elementary	06870		x				
West Contra Costa Unified	0632550	Lincoln Elementary	05042		x				

California State Board of Education

Meeting Agenda Items for January 15-16, 2014

ITEM 12

CALIFORNIA STATE BOARD OF EDUCATION

JANUARY 2014 AGENDA

SUBJECT	
Approval of 2013–14 Consolidated Applications.	☒ Action ☒ Information ☐ Public Hearing

SUMMARY OF THE ISSUE(S)

Each local educational agency (LEA) must submit a complete and accurate Consolidated Application for Funding (ConApp) each fiscal year in order for the California Department of Education (CDE) to send funding to LEAs for any or all of the categorical funds contained in the ConApp for which they are eligible. The ConApp is the annual fiscal companion to the LEA Plan. The State Board of Education (SBE) is asked to annually approve ConApps for approximately 1,600 school LEAs, county offices of education, and direct-funded charter schools.

RECOMMENDATION

The CDE recommends that the SBE approve the 2013–14 ConApps submitted by LEAs in Attachments 1 and 2.

BRIEF HISTORY OF KEY ISSUES

Each year, the CDE, in compliance with *California Code of Regulations, Title 5*, Section 3920, recommends that the SBE approve applications for funding Consolidated Categorical Aid Programs submitted by LEAs. Prior to receiving funding, the LEA must also have a SBE-approved LEA Plan that satisfies the SBE's and CDE's criteria for utilizing federal and state categorical funds.

Approximately $2.9 billion of state and federal funding is distributed annually through the ConApp process. The 2013–14 ConApp consists of six federal-funded programs and only one state-funded program. The state funding source is Economic Impact Aid carryover (which is used for State Compensatory Education and/or English learners). The federal funding sources include:

- Title I, Part A Basic Grant (Low Income);
- Title I, Part D (Delinquent);
- Title II, Part A (Teacher Quality);
- Title III, Part A (Immigrant);
- Title III, Part A (Limited English Proficient Students); and
- Title VI, Part B (Rural, Low-Income).

The CDE provides the SBE with two levels of approval recommendations. Regular approval is recommended when an LEA has submitted a correct and complete ConApp, Part I, and has no compliance issues or is making satisfactory progress toward resolving one or two noncompliant issues that are less than 365 days. Conditional approval is recommended when an LEA has submitted a correct and complete ConApp, Part I, but has one or more noncompliant issues that is/are unresolved for over 365 days. Conditional approval by the SBE provides authority to the LEA to spend its categorical funds under the condition that it will resolve or make significant progress toward resolving noncompliant issues. In extreme cases, conditional approval may include the withholding of funds.

Attachment 1 identifies the LEAs that have no outstanding noncompliant issues or are making satisfactory progress toward resolving one or two noncompliant issues that is/are unresolved for less than 365 days. The CDE recommends regular approval of the 2013–14 ConApp for these 21 LEAs. Attachment 1 also includes ConApp entitlement figures from school year 2012–13 because the figures for 2013–14 have not yet been determined. Fiscal data are absent if an LEA is new or is applying for direct funding for the first time.

Attachment 2 identifies the LEAs that have noncompliant issues for more than 365 days. The CDE recommends conditional approval of the 2013–14 ConApp for these 5 LEAs. Attachment 2 also includes ConApp entitlement figures from school year 2012–13 because the figures for 2013–14 have not yet been determined.

Attachment 3 provides background information for each LEA listed in Attachment 2 of the remaining noncompliant items from a 2011–12 Federal Program Monitoring review.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

To date, the SBE has approved 2013–14 ConApps for 1,592 LEAs. Attachments 1 and 2 represent the third set of 2013–14 ConApps presented to the SBE for approval.

FISCAL ANALYSIS (AS APPROPRIATE)

The CDE provides resources to track the SBE approval status of the ConApps for approximately 1,600 LEAs. The cost to track the noncompliant status of LEAs related to programs within the ConApp is covered through a cost pool of federal funds and Economic Impact Aid carryover funds. Through the Federal Program Monitoring process, CDE staff communicates with LEA staff on an ongoing basis to determine the

evidence needed to resolve issues, reviews the evidence provided by LEA staff, and maintains a tracking system to document the resolution process.

ATTACHMENT(S)

Attachment 1: Consolidated Applications List (2013–14) - Regular Approvals (1 page)

Attachment 2: Consolidated Applications List (2013–14) - Conditional Approvals (1 page)

Attachment 3: List of Local Educational Agencies Recommended for Conditional Approval with One or More Remaining Noncompliant Item(s) for More Than 365 Days (10 pages)

Consolidated Applications List (2013–14) – Regular Approvals

The following local educational agencies have submitted a correct and complete Consolidated Application (ConApp), Spring Release, and have no compliance issues or are making satisfactory progress toward resolving one or two noncompliant issues that are less than 365 days. The California Department of Education (CDE) recommends regular approval of these applications.

CDS Code	Local Educational Agency Name	Total 2012–13 ConApp Entitlement	2012–13 Total Entitlement Per Student	Total 2012–13 Title I Entitlement	2012–13 Entitlement Per Free and Reduced Lunch K-12 Student	2012–13 Percent At or Above Proficiency - Language Arts (APR)	2012–13 Percent At or Above Proficiency – Math (APR)
54718370000000	Burton Elementary	$1,370,136	$324	$661,620	$462	45.9	47.7
10623310127175	California Virtual Academy @ Fresno	$0	$0	$0	$0	50.5	30.3
33736760000000	Coachella Valley Unified	$17,622,328	$954	$8,988,948	$1,187	32.9	43.8
42750100000000	Cuyama Joint Unified	$185,171	$755	$96,710	$964	36.8	40.1
26736680000000	Eastern Sierra Unified	$149,403	$327	$66,226.00	$617	57.4	58
37679910119255	EJE Middle Academy	$56,838	$344	$55,346	$414	57.4	61.9
45699710000000	Enterprise Elementary	$1,825,360	$501	$1,105,856	$737	57.4	62.4
43694680000000	Fremont Union High	$839,345	$79	$0	$546	85.1	86.2
49707220000000	Guerneville Elementary	$187,638	$667	$98,917	$1,072	61.6	65.7
35674700127688	Hollister Prep	$0	$0	$0	$0	0.0	0.0
27660500000000	King City Union	$1,523,158	$606	$662,940	$663	42.4	52.8
19647330127670	KIPP Iluminar Academy	$0	$0	$0	$0	0.0	0.0
49708210000000	Montgomery Elementary	$19898	$710	$11819	$19,898	77.3	86.4
19647330125641	KIPP Sol Academy	$0	$0	$0	$0	0.0	0.0
43695830000000	Morgan Hill Unified	$2,674,858	$307	$988,883	$839	57.9	57.7
36677930000000	Mt. Baldy Joint Elementary	$8,287	$62	$0	$8,287	83.3	74.7
23738660000000	Potter Valley Community Unified	$140,840	$497	$70,327	$749	36.7	40
43694274330676	San Jose Conservation Corps Charter	$0	$0	$0	$0	57.1	62.7
27660680000000	South Monterey County Joint Union High	$831,967	$443	$398,952	$586	43.1	38.5
50713240000000	Valley Home Joint Elementary	$85,020	$509	$49,988	$1,062	65.2	67.8
54722560000000	Visalia Unified	$12,806,475	$475	$7,353,661	$727	54.3	58.6

Total Number of LEAs in the report: 21
Total ConApp entitlement funds for LEAs receiving regular approval: $40,326,722

Consolidated Applications List (2013–14) – Conditional Approvals

The following local educational agencies have submitted a correct and complete Consolidated Application (ConApp), Spring Release, and are making satisfactory progress toward resolving one or two noncompliant issues that are more than 365 days. The California Department of Education recommends conditional approval of these applications.

CDS Code	Local Educational Agency Name	Total 2012–13 ConApp Entitlement	2012–13 Total Entitlement Per Student	Total 2012–13 Title I Entitlement	2012–13 Entitlement Per Free and Reduced Lunch K-12 Student	2012–13 Percent At or Above Proficiency - Language Arts (APR)	2012–13 Percent At or Above Proficiency – Math (APR)
13630730000000	Brawley Elementary	$3,193,472	$836	$1,657,065	$1,073	50.8	51.9
03630990000000	Calexico Unified	$8,511,011	$916	$3,585,825	$1,170	37.6	43.8
18641620000000	Ravendale-Termo Elementary	$90,067	$11,258	$0	$45,033	47.6	28.6
27754400000000	Soledad Unified	$2,465,413	$528	$877,476	$573	47.7	57.1
36679340000000	Victor Valley Union High	$6,860,225	$647	$4,395,087	$822	46.5	41.6

Total Number of LEAs in the report: 5
Total ConApp entitlement funds for LEAs receiving regular approval: $21,120,188

List of Local Educational Agencies Recommended for Conditional Approval with One or More Remaining Noncompliant Item(s) for More Than 365 Days

Local Educational Agency: Brawley Elementary School District
County LEA Code: 1363073
Year Reviewed: 2011–12
Dates of Review: October 17–19, 2011
Number of Days Noncompliant as of December 13, 2013: 786

1) **Program and Code:** English Learner (EL), III-EL 09

   Requirement: Adequate general fund resources are used to provide each English learner with learning opportunities in an appropriate program, including English language development, and the rest of the core curriculum. The provision of such services is not contingent on the receipt of state or federal categorical aid funds. For Economic Impact Aid – Limited English Proficiency (EIA-LEP) and Title III, the LEA uses categorical funds only to supplement the level of Federal, State and local public funds and in no case supplant such Federal, State, and local public funds.

   Summary of non-compliant issue: The LEA was not able to account for EIA-LEP and Title III funds spent at the LEA and sites as direct services to English learners. The LEA uses EIA-LEP and Title III funds to supplant Federal, State, and local public funds.

   Description of resolution status: The LEA has a new superintendent and the LEA team will be completing the task of resolving the findings. At this time this item remains unresolved.

2) **Program and Code:** English Learner, VI-EL 19

   Requirement: For participating private schools, the LEA provides equitable educational services and benefits to address the needs of eligible school students, their teachers, and their families.

   Summary of non-compliant issue: The LEA needed to provide documents such as agendas, minutes, sign-in sheets, notices sent to private schools, records of private school affirmation, and policies/procedures on private schools' participation verifying that the LEA has fulfilled the Title III program requirement

to provide equitable educational services to English learners attending private non-profit schools within its boundaries.

Description of resolution status: The LEA indicated that it would draft the letters to the private schools which would include a description of the services including services for English Learners. Upon completion of these forms, the LEA would then provide the forms, and additional documentation regarding private school consultation to the CDE for review. The LEA has not provided the requested documentation which demonstrates the LEA had met the requirements of this item.

Local Educational Agency: Calexico Unified School District
County District Code: 1363099
Year Reviewed: 2011–12
Dates of Review: November 14–18, 2011
Number of Days Noncompliant as of December 13, 2013: 756

1) **Program and Code:** English Learner, III-EL 09

   Requirement: Adequate general fund resources are used to provide each English learner with learning opportunities in an appropriate program, including English language development, and the rest of the core curriculum. The provision of such services is not contingent on the receipt of state or federal categorical aid funds. For EIA-LEP and Title III, the LEA uses categorical funds only to supplement the level of Federal, State and local public funds and in no case supplant such Federal, State, and local public funds.

   Summary of non-compliant issue: The LEA used EIA-LEP funds to supplant federal, state, and local public funds. At Mains Elementary School and Calexico High School the proportion of EIA-LEP funds to pay for librarian positions is not aligned with the allowable duties and activities for this funding source. At Calexico High School, the Assessment Assistants, Project Office Assistant, and Office Assistant are funded with EIA-LEP, but instead serve all students, not simply English learner students.

   Description of resolution status: The LEA indicated that it was working to resolve this finding. In the meantime, a new LEA coordinator was named, but no additional evidence of compliance was provided. The new LEA coordinator stated that work was proceeding on the findings; however, no new documentation has been provided.

2) **Program and Code:** English Learner, III-EL 11

   Requirement: The LEA disburses categorical funds, including EIA-LEP and Title III, in accordance with the approved Consolidated Application (ConApp).

   Summary of non-compliant issue: SPSAs at the reviewed sites do not include the correct EIA-LEP budget allocation as identified in the approved 2010–11 ConApp.

   Description of resolution status: The LEA indicated that it was working on resolving this finding. In the meantime, a new LEA coordinator was named, but no additional evidence of compliance was provided. The new LEA coordinator stated that work was proceeding on the findings; however, no new documentation has been provided.

Local Educational Agency: Ravendale-Termo Elementary School District
County District Code: 1864162
Year Reviewed: 2011–12
Dates of Review: October 11–13, 2011
Number of Days Noncompliant as of December 13, 2013: 792

1) **Program and Code:** English Learner (EL) Program II-EL 06

   Requirement: School Site Council (SSC) Develops and Approves the Single Plan for Student Achievement (SPSA).

   Summary of non-compliant issue: A review of documentation and fiscal records as well as interviews with site staff revealed that the Juniper Ridge School does not have a SPSA to address the academic needs of English learners. Juniper Ridge School must follow the legal requirements listed above to develop a SPSA to address the academic needs of English learners. The SPSA must describe how Economic Impact Aid – Limited English Proficiency (EIA-LEP) funds are used to provide direct services to English learners and how services support English language and academic proficiency. The activities must align with the intended purpose of the funds. The estimated costs must be stated and tied to the activities that address the academic needs of English learners. The dollar amount must reflect the total allocation in the Consolidated Application (ConApp); and the SPSA must include budget pages detailing positions, activities, and services funded with EIA-LEP funds.

   Description of resolution status: The LEA indicated that they would provide the California Department of Education (CDE) the required documentation. At this time, the LEA has not provided the required documentation.

Local Educational Agency: Soledad Unified School District
County District Code: 2775440
Year Reviewed: 2011–12
Dates of Review: January 9–12, 2012
Number of Days Noncompliant as of December 13, 2013: 701

1) **Program and Code:** English Learner (EL) Program, II-EL 06

   Requirement: School Site Council (SSC) Develops and Approves the Single Plan for Student Achievement (SPSA).

   Summary of non-compliant issue: Amounts of Economic Impact Aid – Limited English Proficiency (EIA-LEP) funds stated in the SPSAs do not match the amounts allocated to sites in the approved Consolidated Application (ConApp). Also, the SPSAs do not have descriptions of how programs for English learners will be implemented (6a-e & 6.2). The LEA was asked to submit revised and approved SPSAs and related expenditure reports showing actual site allocations and description of how English learners will be served.

   Description of resolution status: The LEA EL coordinator recently expressed that an attempt would be made to clear the findings as soon as possible. This item remains unresolved.

2) **Program and Code:** English Learner Program, III-EL 11

   Requirement: The LEA disburses categorical funds, including EIA-LEP and Title III, in accordance with the approved ConApp.

   Summary of non-compliant issue: A review of documentation revealed that there was no budget allocated for EIA-LEP (7091), and that Title III funds did not match the amounts on LEA budgets. The LEA must submit revised budgets for EIA-LEP and Title III along with updated and approved SPSAs in which all disbursements match the allocations in the approved ConApp. The LEA was also requested to submit 2010–11 EIA-LEP expenditure reports to show how the funds were expended.

   Description of resolution status: The LEA EL coordinator recently expressed that an attempt would be made to clear the findings as soon as possible. The LEA EL coordinator indicated that the LEA has not responded because of numerous staff changes. This item remains unresolved.

Local Educational Agency: Victor Valley Union High School District
County District Code: 3667934
Year Reviewed: 2011–12
Dates of Review: June 11–14, 2012
Number of Days Noncompliant as of December 13, 2013: 547

1) **Program and Code:** Compensatory Education (CE), I-CE 02

   Requirement: With approval from the local governing board, each Title I school shall jointly develop with, and distribute to, parents of Title I students a written parental involvement policy, agreed upon by such parents, and updated periodically to meet the changing needs of parents and the school.

   Summary of non-compliant issue: Silverado High School must submit a school-level parent involvement policy and school-parent compact that has been jointly developed with, and distributed to, parents of Title I, Part A students.

   Description of resolution status: This item was reviewed by the California Department of Education (CDE) staff during an onsite visit to the LEA. However, no further response has been received by CDE staff for this item from the LEA.

2) **Program and Code:** Compensatory Education, II-CE 08

   Requirement: The School Site Council (SSC) annually develops, reviews, updates, and approves the Single Plan for Student Achievement (SPSA), including proposed expenditures.

   Summary of non-compliant issue: Cobalt Middle School did not provide evidence to show SSC developed or updated the SPSA, nor did the SPSA contain all required elements.

   Silverado High School did not provide evidence to show the SSC developed or updated the SPSA, the SPSA did not contain all required elements, nor was there evidence the local governing board approved the SPSA.

   Description of resolution status: Cobalt Middle School has submitted an SPSA; however, CDE requested that the LEA provide evidence of the approval by the local governing board. No response has been received for this item.

   No SPSA has been submitted by the LEA for Silverado High School. As a result, this item remains unresolved.

3) **Program and Code:** Compensatory Education, II-CE 15

Requirement: For schools in Program Improvement (PI) Years 3–5, the LEA implemented one of the corrective actions in PI Year 3, planned for alternative governance in PI Year 4, and implemented the alternative governance in PI Year 5.

Summary of non-compliant issue: Silverado High School's Program Improvement status advanced to Year 4 during 2010–11 and the LEA was required to plan for and implement an Alternative Governance Plan during 2011–12. The LEA did not provide evidence to document this activity.

Description of resolution status: CDE requested a copy of the local board meeting minutes where the decision was made to replace the prior principal at Silverado High School. CDE has not received a response since the request was made. As a result, this item remains unresolved.

4) **Program and Code:** Compensatory Education, III-CE 18

Requirement: The LEA disburses Title I, Part A and Economic Impact Aid/State Compensatory Education (EIA/SCE) funds in accordance with the approved Consolidated Application (ConApp).

Summary of non-compliant issue: The LEA is funding clerical, computer media, teachers, and librarians with Title I, Part A and EIA/SCE funds while the positions descriptions do not verify these positions are providing direct services to students, violating the 85/15 rule.

Also, the LEA did not provide 2011–12 budget summary reports that matched the Title I, Part A Required and Allowable Reservations documented in the Consolidated Application Reporting System (CARS).

In addition, the LEA did not disburse Title I, Part A and EIA/SCE funds to school sites in accordance with CARS.

Description of resolution status:

CDE asked the LEA to provide position descriptions for the clerical, computer media, teachers, and librarians to show these positions were providing direct services to students. No such documentation has been received by CDE staff.

CDE also required the LEA to reverse any charges for these positions while the staff conducted administrative activities versus direct services to students. No such documents have been received by the CDE staff.

The LEA provided 2012–13 budget summary reports; however, the Required and Allowable Reservations in CARS did not match the budget allocations in the budget summary reports. A follow-up discussion between the LEA and CDE staff has been held.

The LEA did not disburse the entire school site allocations for Title I, Part A and EIA/SCE to Cobalt Middle and Silverado High School as reported in CARS. The SPSA provided for Cobalt Middle does not match the school allocations in CARS. No SPSA has been provided for Silverado High.

This item was also reviewed during a meeting at the LEA with CDE staff during which time CDE staff asked LEA staff to correct the CARS submission to match the budget summary reports. CDE has not received evidence that appropriate action has been taken by the LEA. As a result, this item remains unresolved.

5) **Program and Code:** Compensatory Education, III-CE 19

Requirement: The LEA uses Title I, Part A and EIA/SCE funds only to supplement, not supplant, state and local funds.

Summary of non-compliant issue: The LEA is funding clerical, computer media, teachers, and librarians with Title I, Part A and EIA/SCE funds and the LEA did not provide evidence to show they were not supplanting general funds with these activities.

Description of resolution status: No response has been received by CDE at this time. This item was reviewed by CDE in a meeting with LEA staff. As a result, this item remains unresolved.

6) **Program and Code:** Compensatory Education, III-CE 20

Requirement: Charges to Federal Awards for salaries and wages, whether treated as direct or indirect costs, will be based on payrolls documented in accordance with generally accepted practice of the governmental unit and approved by a responsible official(s) of the government unit.

Summary of non-compliant issue: The LEA did not provide evidence that documents staff funded by Title I, Part A or EIA/SCE had completed time accounting documents.

Description of resolution status: The LEA provided some time accounting documents; however, they have not responded to questions asked by CDE. This item was also reviewed by CDE during an on-site meeting. As a result, this item remains unresolved.

7) **Program and Code:** Compensatory Education, III-CE 21

Requirement: For all categorical programs, the LEA maintains an inventory record for each piece of equipment with an acquisition cost of $500 or more per unit that is purchased with state and/or federal funds.

Summary of non-compliant issue: The LEA did not provide an inventory for review.

Description of resolution status: No response has been received by the CDE reviewer for this item. This item remains unresolved.

8) **Program and Code:** Compensatory Education, III-CE 22

Requirement: LEA in PI reserves and spends not less than 10 percent for professional development (PD).

Summary of non-compliant issue: The LEA did not reserve or spend 10 percent of its Title I, Part A funds for PD.

Description of resolution status: CDE asked the LEA to provide a plan to spend their funds for PD. No plan has been received by CDE. This item remains unresolved.

9) **Program and Code:** Compensatory Education, III-CE 23

Requirement: An LEA that has schools in PI spends an amount equal to 20 percent of its Title I, Part A allocation on public school choice-related transportation costs and/or Supplemental Educational Services (SES) unless a lesser amount is needed.

Summary of non-compliant issue: The LEA did not provide budget summary reports to demonstrate that 20 percent of the annual entitlement was reserved for SES or School Choice.

Description of resolution status: CDE requested budget summary reports for SES and School Choice that match CARS. Currently, the budget summary reports for the LEA do not match their CARS reports. This item was also reviewed during an onsite meeting during which time CDE asked the LEA to correct the CARS submission to match the budget summary reports. No response has been received by CDE to address this issue. This item remains unresolved.

10) **Program and Code:** Compensatory Education, IV-CE 28

Requirement: The SSC and LEA annually evaluate and determine if the needs of all children have been met by the strategies described in the SPSA

Summary of non-compliant issue: Evidence of annual evaluations conducted of Title I, Part A or EIA/SCE activities at Cobalt Middle or Silverado High Schools was not provided.

Description of resolution status: The LEA has provided an evaluation tool to both schools, as mentioned during a conference call. No evidence of annual evaluation has been received by CDE at this time.

11) **Program and Code:** Compensatory Education, V-CE 31

Requirement: The school devotes sufficient resources to high-quality and ongoing PD for staff and parents.

Summary of non-compliant issue: Each Title I school is required to devote sufficient resources to PD activities. Due to the lack of budget summary documents, it could not be determined that either Cobalt Middle or Silverado High School had devoted sufficient funds to PD.

Description of resolution status: No evidence has been received by CDE at this time. This item remains unresolved.

12) **Program and Code:** Compensatory Education, VII-CE 36

Requirement: Schools that receive Title I, Part A and/or EIA/SCE funds implement activities, instructional strategies, and accelerated curriculum described in the SPSA.

Summary of non-compliant issue: Each school receiving Title I, Part A or EIA/SCE funds must implement the instructional strategies or accelerated curriculum described in the SPSA.

Description of resolution status: The LEA did not provide evidence to demonstrate that the activities listed in the SPSA for Cobalt Middle or Silverado High Schools had been implemented. No evidence has been received by CDE. This item remains unresolved.

California State Board of Education

Meeting Agenda Items for January 15-16, 2014

ITEM 13

CALIFORNIA STATE BOARD OF EDUCATION

JANUARY 2014 AGENDA

SUBJECT	
Ingenium Charter School: Consider a Material Revision of the Charter to Change from Grades Kindergarten Through Six to Grades Kindergarten Through Five.	☒ Action ☒ Information ☒ Public Hearing

SUMMARY OF THE ISSUE(S)

Ingenium Charter School (ICS), (County-District-School Code 19 76679 0121137), a State Board of Education (SBE) authorized charter school, has requested a material revision of its charter to change the grade levels served by the school, as provided in Attachment 1 of Agenda Item 1. The current charter authorizes ICS to serve 414 students in grades kindergarten through six; the proposed program change will serve 386 students during the 2013–14 school year and 418 students during the 2014–15 school year in grades kindergarten through five. The revised charter petition and budget are provided as Attachment 3 of Agenda Item 1 and attachment 4 of Agenda Item 1.

RECOMMENDATION

The California Department of Education (CDE) recommends that the SBE hold a public hearing to approve the request to revise the ICS charter petition to eliminate grade six.

BRIEF HISTORY OF KEY ISSUES

On January 5, 2010, the SBE approved the ICS charter petition to serve grades kindergarten through six provided that the charter school incorporates specific provisions. Since approval, ICS has incorporated the specific provisions and made technical amendments to reflect SBE authorization to the charter petition. The CDE finds that ICS implements the program as described in the charter petition and the school leadership provides regular updates to CDE staff, both formally and informally.

The ICS petition was approved by the SBE with the condition that ICS adhere to a Memorandum of Understanding (MOU) between ICS and the SBE that requires a material revision of the petition if the school adds or deletes the grade levels to be served. Currently, ICS serves students in grades kindergarten through six. ICS is requesting a material revision to delete the sixth grade from their program because the charter school management organization, Ingenium Schools, was approved by the Los Angeles Unified School District (LAUSD) to open a middle school. In February 2013, LAUSD approved a charter petition for Ingenium Charter Middle School (ICMS) that will

serve students in grades six through eight, which opened on August 7, 2013. The middle school is located on the same school site as ICS and can therefore serve the sixth grade students who would have attended ICS.

The CDE staff reviewed the material revision request and petition, and finds that the material revision is a minimal change and the petition still meets the standards and criteria in *EC* Section 47605. CDE staff finds:

- The charter petition submitted to the SBE by ICS to support the request for a material revision has minimal changes. The content of the petition has not changed, other than to reflect the elimination of grade six.

- Based on 2011–12 academic data, ICS had a higher schoolwide 2012 Growth Academic Performance Index than three of seven surrounding schools. Data tables are provided as Attachment 2 of Agenda Item 1 for surrounding schools.

- During the first three years of operation as an SBE-authorized charter school, ICS has complied with the terms of the MOU with the SBE.

- The ICS revised budget (Attachment 4 of Agenda Item 1) projects to end with operating surpluses for the next several fiscal years. The CDE finds that balances and reserves should be adequate for the remaining two fiscal years of the charter term.

- To date, ICS has submitted all required documentation to the CDE including but not limited to, attendance reports, compliance documents, budgets, and audit reports.

Therefore, the CDE recommends that the SBE approve the request for a material revision of the ICS charter.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SBE authorized ICS on January 5, 2010. The ICS petition was denied by the LAUSD governing board on December 9, 2008, and was denied on appeal by the Los Angeles County Office of Education on March 17, 2009.

FISCAL ANALYSIS (AS APPROPRIATE)

The CDE receives approximately one percent of ICS's general-purpose apportionment for CDE's oversight activities.

ATTACHMENT(S)

Attachment 1: Ingenium Charter School Material Revision Request (1 page)

Attachment 2: Ingenium Charter School Data Tables (7 pages)

Attachment 3: Ingenium Charter School Material Revision Petition (330 Pages)

Attachment 4: Ingenium Charter School Budget (8 pages)

August 5, 2013

Ms. Julie Russell
Director
Charter Schools Division
California Department of Education
1420 N Street, Suite 5401
Sacramento, CA 95814

Dear Ms. Russell:

Ingenium Schools has been awarded a charter by Los Angeles Unified School District to operate Ingenium Charter Middle School (ICMS). Our plan has been to move the ICS sixth grade to the middle school and operate ICS as a K-5 school.

CDE staff has informed us that reducing the school by one grade level will require a material revision to the original charter. The purpose of the attached Material Revision to the ICS charter petition is to secure SBE approval of our elimination of sixth grade at ICS.

We are looking forward to the CDE Charter Schools Division's review of our Material Revision.

Sincerely,

Glenn Noreen
President

1502 WEBSTER AVENUE • CLAREMONT, CA • 91711-3548
PHONE: (909) 827-8595

Table 1: 2012 Demographic Data for the Surrounding Schools Where Pupils Would Otherwise be Required to Attend

School Name	Ingenium Charter	N.E.W. Academy Canoga Park	Enadia Way Elementary	Canoga Park Elementary	Capistrano Avenue Elementary	Hart Street Elementary	Justice Street Elementary	Nevada Avenue Elementary
CDS Code	**19766790121137**	**19647330102483**	**19647330117036**	**19647336016299**	**19647336016331**	**19647336017495**	**19647336017693**	**19647336018295**
Student Enrollment	255	447	222	865	389	816	398	516
% Black or African American	10.2	0.2	8.6	3.6	3.9	2.7	6.5	6.2
% American Indian or Alaska Native	0.4	0.0	0.5	0.5	0.8	1.1	1.8	0.2
% Asian	4.3	3.4	5.0	2.7	9.8	3.4	11.6	3.7
% Filipino	5.1	0.4	5.9	1.6	5.1	0.9	6.8	4.7
% Hispanic or Latino	65.1	93.5	55.4	86.6	59.4	86.6	27.9	78.5
% Native Hawaiian or Pacific Islander	1.2	0.0	0.9	0.2	1.0	0.4	0.8	0.2
% White	7.8	1.3	23.4	4.0	19.8	4.5	44.5	6.0
% Two or More Races	5.5	0.7	0.0	0.1	0.0	0.0	0.0	0.4
% Socioeconomically Disadvantaged	73.7	96.6	75.7	88.4	73.3	95.1	33.2	91.3
% English Learners	29.8	74.7	17.6	58.0	41.4	56.0	5.5	45.0
% Students with Disabilities	4.7	9.6	12.6	10.8	20.1	11.4	13.1	9.9

Prepared by the California Department of Education, August 2013

Table 2: 2011 Truancy, Suspension, and Expulsion Data for the Surrounding Schools Where Pupils Would Otherwise be Required to Attend

School Name	Ingenium Charter	NEW Academy Canoga Park	Enadia Way Elementary	Canoga Park Elementary	Capistrano Avenue Elementary	Hart Street Elementary	Justice Street Elementary	Nevada Avenue Elementary
CDS Code	**19766790121137**	**19647330102483**	**19647330117036**	**19647336016299**	**19647336016331**	**19647336017495**	**19647336017693**	**19647336018295**
Enrollment	292	454	214	863	375	784	410	536
Truancy Number (Rate)	0 (0.0)	98 (21.60)	72 (33.60)	221 (25.60)	77 (20.50)	110 (14.00)	70 (17.10)	187 (34.90)
Suspension Number (Rate)	2 (0.7)	3 (0.7)	0 (0)	1 (0.1)	1 (0.3)	3 (0.4)	8 (2)	1 (0.2)
Expulsion Number (Rate)	0 (0.0)	0 (0.00)	0 (0.00)	0 (0.00)	0 (0.00)	0 (0.00)	0 (0.00)	0 (0.00)

Prepared by the California Department of Education, August 2013

Table 3. Academic Performance Index (API) Growth for the Surrounding Schools Where Pupils Would Otherwise be Required to Attend

School Name	Ingenium Charter	N.E.W. Academy Canoga Park	Enadia Way Elementary	Canoga Park Elementary	Capistrano Avenue Elementary	Hart Street Elementary	Justice Street Elementary	Nevada Avenue Elementary
CDS Code	**19766790121137**	**19647330102483**	**19647330117036**	**19647336016299**	**19647336016331**	**19647336017495**	**19647336017693**	**19647336018295**
API Growth for 2011-12	-17	22	23	6	-36	-60	22	-2
API Growth for 2010-11	B	-1	64	2	24	-50	9	51
API Growth for 2009-10	*	74	10	20	37	24	38	-35
API Growth for 2008-09	*	41	B	12	5	26	-14	21

*School was not open during school year listed
B - School did not have a valid API Base and there is no Growth or target information.

Prepared by the California Department of Education, August 2013

Table 4: 2012 Growth Academic Performance Index (API) Data for the Surrounding Schools Where Pupils Would Otherwise be Required to Attend

School Name	Ingenium Charter	N.E.W. Academy Canoga Park	Enadia Way Elementary	Canoga Park Elementary	Capistrano Avenue Elementary	Hart Street Elementary	Justice Street Elementary	Nevada Avenue Elementary
CDS Code	**19766790121137**	**19647330102483**	**19647330117036**	**19647336016299**	**19647336016331**	**19647336017495**	**19647336017693**	**19647336018295**
Valid Scores Schoolwide	113	303	122	510	233	473	271	313
Schoolwide*	807 (-17)	829 (22)	861 (23)	757 (6)	849 (-36)	705 (-60)	893 (22)	796 (-2)
Black or African American	812 (-)	- (-)	- (-)	697 (-)	894 (-)	893 (-)	881 (-)	766 (-)
American Indian or Alaska Native	- (-)	- (-)	- (-)	- (-)	- (-)	- (-)	- (-)	- (-)
Asian	- (-)	928 (-)	904 (-)	- (-)	945 (-)	752 (-)	890 (-)	908 (-)
Filipino	- (-)	- (-)	- (-)	- (-)	937 (-)	- (-)	- (-)	910 (-)
Hispanic or Latino	798 (-)	798 (25)	809 (33)	750 (0)	864 (-44)	756 (-68)	813 (34)	781 (8)
Native Hawaiian or Pacific Islander	- (-)	- (-)	- (-)	- (-)	- (-)	- (-)	- (-)	- (-)
White	811 (-)	- (-)	889 (-)	758 (-)	910 (-)	821 (-)	889 (18)	841 (-)
Two or More Races	- (-)	- (-)	- (-)	- (-)	- (-)	- (-)	- (-)	- (-)
Socioeconomically Disadvantaged	779 (-)	806 (23)	824 (20)	750 (7)	865 (-34)	765 (-60)	814 (24)	786 (7)
English Learners	790 (-)	762 (38)	796 (-)	740 (-3)	858 (-45)	749 (-81)	771 (-)	759 (2)
Students with Disabilities	- (-)	682 (-)	681 (-)	513 (-)	690 (-7)	582 (-)	791 (-)	669 (-)
Statewide/Similar Schools Rank	6 / -	5 / 8	7 / 7	3 / 5	9 / 10	3 / 7	8 / 1	5 / 7

- The Growth API is not displayed when there are less than 11 valid scores

Prepared by the California Department of Education, August 2013

Table 5: 2012 Adequate Yearly Progress (AYP) Data for the Surrounding Schools Where Pupils Would Otherwise be Required to Attend

School Name	Ingenium Charter	N.E.W. Academy Canoga Park	Enadia Way Elementary	Canoga Park Elementary	Capistrano Avenue Elementary	Hart Street Elementary	Justice Street Elementary	Nevada Avenue Elementary
CDS Code	**19766790121137**	**19647330102483**	**19647330117036**	**19647336016299**	**19647336016331**	**19647336017495**	**19647336017693**	**19647336018295**
Met AYP Criteria	No	Yes	No	No	No	No	No	No
# Criteria Met/# Criteria Applicable	7 / 13	17 / 17	10 / 13	9 / 17	12 / 21	8 / 17	15 / 17	14 / 17
2011-12 Program Improvement (PI) Status	Not in PI	Not in PI	Not in PI	In PI	Not in PI	In PI	Not Title1	Not in PI
2011-12 Program Improvement (PI) Year	NA	NA	NA	Year 5	NA	Year 1	NA	NA

Prepared by the California Department of Education, August 2013

Table 6: 2012 Adequate Yearly Progress (AYP) Data: Percent Proficient in English-Language Arts (ELA) for the Surrounding Schools Where Pupils Would Otherwise be Required to Attend

ELA % Proficency Target: 78.4								
School Name	**Ingenium Charter**	**N.E.W. Academy Canoga Park**	**Enadia Way Elementary**	**Canoga Park Elementary**	**Capistrano Avenue Elementary**	**Hart Street Elementary**	**Justice Street Elementary**	**Nevada Avenue Elementary**
CDS Code	**19766790121137**	**19647330102483**	**19647330117036**	**19647336016299**	**19647336016331**	**19647336017495**	**19647336017693**	**19647336018295**
Number of Valid Scores Schoolwide	113	299	122	508	233	473	270	312
Schoolwide (Met Target)	53.1 (No)	53.5 (Yes)	65.6 (Yes)	44.7 (No)	64.4 (No)	34.9 (No)	76.3 (Yes)	52.6 (No)
Black or African American (Met Target)	53.8 (--)	-- (--)	72.7 (--)	47.6 (--)	81.8 (--)	54.5 (--)	68.8 (--)	44.4 (--)
American Indian or Alaska Native (Met Target)	-- (--)	-- (--)	-- (--)	-- (--)	-- (--)	-- (--)	-- (--)	-- (--)
Asian (Met Target)	-- (--)	66.7 (--)	-- (--)	58.3 (--)	73.9 (--)	57.1 (--)	85.7 (--)	-- (--)
Filipino (Met Target)	-- (--)	-- (--)	-- (--)	-- (--)	93.3 (--)	-- (--)	94.4 (--)	70.6 (--)
Hispanic or Latino (Met Target)	50.7 (No)	52.2 (Yes)	60.3 (Yes)	43.0 (No)	55.7 (No)	32.0 (No)	63.6 (Yes)	51.0 (Yes)
Native Hawaiian or Pacific Islander (Met Target)	-- (--)	-- (--)	-- (--)	-- (--)	-- (--)	-- (--)	-- (--)	-- (--)
White (Met Target)	58.3 (--)	-- (--)	79.2 (--)	72.7 (--)	75.0 (--)	50.0 (--)	81.1 (Yes)	64.7 (--)
Two or More Races (Met Target)	-- (--)	-- (--)	-- (--)	-- (--)	-- (--)	-- (--)	-- (--)	-- (--)
Socioeconomically Disadvantaged (Met Target)	44.2 (No)	53.7 (Yes)	59.8 (Yes)	44.7 (No)	60.7 (No)	34.9 (No)	61.2 (Yes)	50.9 (No)
English Learners (Met Target)	48.4 (--)	47.4 (Yes)	57.1 (--)	38.4 (No)	51.9 (No)	25.5 (No)	53.3 (--)	43.6 (No)
Students with Disabilities (Met Target)	-- (--)	48.4 (--)	42.1 (--)	23.5 (--)	36.7 (No)	8.1 (--)	52.4 (--)	33.3 (--)

-- Percent proficient is not displayed when there are less than 11 valid scores
(--) The student group is not numerically significant, therefore no AYP determination was made

Prepared by the California Department of Education, August 2013

Table 7: 2012 Adequate Yearly Progress (AYP) Data: Percent Proficient in Mathematics for the Surrounding Schools Where Pupils Would Otherwise be Required to Attend

Math % Proficency Target: 79.0								
School Name	**Ingenium Charter**	**N.E.W. Academy Canoga Park**	**Enadia Way Elementary**	**Canoga Park Elementary**	**Capistrano Avenue Elementary**	**Hart Street Elementary**	**Justice Street Elementary**	**Nevada Avenue Elementary**
CDS Code	**19766790121137**	**19647330102483**	**19647330117036**	**19647336016299**	**19647336016331**	**19647336017495**	**19647336017693**	**19647336018295**
Number of Valid Scores Schoolwide	113	302	122	509	233	472	270	313
Schoolwide (Met Target)	65.5 (No)	77.5 (Yes)	69.7 (No)	53.0 (No)	78.1 (Yes)	47.9 (No)	78.9 (Yes)	62.3 (Yes)
Black or African American (Met Target)	46.2 (--)	-- (--)	81.8 (--)	61.9 (--)	81.8 (--)	81.8 (--)	87.5 (--)	50.0 (--)
American Indian or Alaska Native (Met Target)	-- (--)	-- (--)	-- (--)	-- (--)	-- (--)	-- (--)	-- (--)	-- (--)
Asian (Met Target)	-- (--)	100.0 (--)	-- (--)	58.3 (--)	78.3 (--)	85.7 (--)	82.1 (--)	-- (--)
Filipino (Met Target)	-- (--)	-- (--)	-- (--)	-- (--)	93.3 (--)	-- (--)	88.9 (--)	88.2 (--)
Hispanic or Latino (Met Target)	67.2 (No)	76.2 (Yes)	63.0 (No)	52.2 (No)	75.7 (Yes)	44.5 (No)	64.9 (No)	60.7 (Yes)
Native Hawaiian or Pacific Islander (Met Target)	-- (--)	-- (--)	-- (--)	-- (--)	-- (--)	-- (--)	-- (--)	-- (--)
White (Met Target)	66.7 (--)	-- (--)	79.2 (--)	63.6 (--)	77.5 (--)	55.6 (--)	84.3 (Yes)	70.6 (--)
Two or More Races (Met Target)	-- (--)	-- (--)	-- (--)	-- (--)	-- (--)	-- (--)	-- (--)	-- (--)
Socioeconomically Disadvantaged (Met Target)	61.6 (No)	78.1 (Yes)	67.0 (No)	53.0 (No)	75.0 (No)	47.9 (No)	61.2 (No)	62.3 (Yes)
English Learners (Met Target)	67.7 (--)	73.2 (Yes)	57.1 (--)	49.2 (No)	74.1 (No)	43.5 (No)	66.7 (--)	56.4 (Yes)
Students with Disabilities (Met Target)	-- (--)	84.8 (--)	63.2 (--)	31.4 (--)	50.0 (No)	21.0 (--)	57.1 (--)	57.8 (--)

-- Percent proficient is not displayed when there are less than 11 valid scores
(--) The student group is not numerically significant, therefore no AYP determination was made

Prepared by the California Department of Education, August 2013

INGENIUM CHARTER SCHOOL

CHARTER PETITION

Material Revision

22250 Elkwood Street

Canoga Park, CA 91304-5501

Contact: Brandy Price

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AUGUST 2, 2013

INGENIUM CHARTER SCHOOL

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INGENIUM CHARTER SCHOOL

AFFIRMATIONS AND ASSURANCES

As the authorized representative of the applicant, I hereby certify that the information submitted in this application for the charter for Ingenium Charter School ("the Charter School") to be located within the Los Angeles Unified School District boundaries is true to the best of my knowledge and belief; I also certify that this application does not constitute the conversion of a private school to the status of a public charter school; and further, I understand that if awarded the charter, the Charter School is committed to the following affirmations:

- The Charter School shall conduct all required pupil assessment tests pursuant to Education Code §60605 or any other pupil assessments applicable to pupils in non-charter public schools.
- The Charter School shall meet all statewide standards applicable to non-charter public schools.
- The Charter School shall be nonsectarian in its programs, admission policies, employment practices, and all other operations.
- The Charter School will not charge tuition.
- The Charter School will not discriminate on the basis of the characteristics listed in Education Code Section 220 (actual or perceived disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code or association with an individual who has any of the aforementioned characteristics).
- The Charter School will admit all pupils who wish to attend the Charter School, subject only to capacity.
- The Meetings of the Board of Directors for the Charter School shall be held in accordance with the Brown Act.
- The Charter School shall comply with the Individuals with Disabilities in Education Improvement Act of 2004 ("IDEIA"), Section 504 of the Rehabilitation Act ("Section 504"), and the Americans with Disabilities Act ("ADA").
- The Charter School shall comply with the Public Records Act and the Family Educational Privacy Rights Act ("FERPA").
- Admission to the Charter School shall not be determined according to the place of residence of the pupil, or of his or her parent or guardian, within California. This is subject only to capacity and the admissions procedures and preferences stated herein.
- The Charter School shall continually strive for a healthy, collaborative, synergistic relationship with the California State Board of Education ("SBE") without imposing a burden or liability on SBE.

- The Charter School shall offer, at a minimum, the same number of minutes of instruction set forth in paragraph (1) of subdivision (a) of Education Code §47612.5 for the appropriate grade levels.
- The Charter School shall maintain written contemporaneous records that document all pupil attendance and make those records available for audit and inspection.
- The Charter School shall comply with all laws related to the minimum and maximum age for public instruction.
- The Charter School shall meet all requirements for employment set forth in applicable provisions of law, including, but not limited to, teaching credentials, fingerprinting, and background checks as required by law.
- The Charter School shall ensure that teachers in the Charter School hold a Commission on Teacher Credentialing certificate, permit, or other document equivalent to that which a teacher in other public schools are required to hold, and are highly qualified as required by the No Child Left Behind Act ("NCLB"). As allowed by statute, flexibility will be given to non-core, non-college preparatory teachers.
- The Charter School shall on a regular basis consult with its parents and teachers regarding the Charter School's educational program.
- The Charter School shall at all times maintain all necessary and appropriate insurance coverage.
- The Charter School facilities shall comply with the California Building Code, as adopted and enforced by the local building enforcement agency with jurisdiction over the area in which the Charter School is located.
- The Charter School shall notify the Superintendent of the school district of the pupil's last known address within 30 days of the pupil being expelled from or leaving the Charter School without graduating. The Charter School shall provide that school district with a copy of the cumulative record of the pupil, including a transcript of grades or report card and health information, upon request.
- The Charter School shall comply with all applicable provisions of the No Child Left Behind Act.
- The Charter School shall not enroll pupils over 19 years of age unless continuously enrolled in public school and making satisfactory progress toward high school diploma requirements.
- The Charter School shall not require any child to attend a charter school nor any employee to work at a charter school.

The Charter School shall comply with all other applicable federal, state and local laws.

_____ _____

Glenn Noreen, Lead Petitioner Date

PREFERENCE FOR THIS PETITION

Ingenium Charter School submits this petition to the California State Board of Education ("SBE") as its sponsoring district and is requesting charter approval for a period of five years from September 2010 to June 2015. "In reviewing petitions for the establishment of charter schools within the school district, the school district governing board shall give preference to petitions that demonstrate the capability to provide comprehensive learning experiences to students identified by the petitioner or petitioners as academically low achieving pursuant to the standards established by the State Department of Education under Section 54032."

Accordingly, this charter petition is entitled to preference in the review and approval process.

REVOCATION

SBE may revoke the charter of Ingenium Charter School if Ingenium Charter School commits a breach of any terms of its charter. Further, SBE may revoke the charter if Ingenium Charter School commits a breach of any provision set forth in a policy related to charter schools adopted by SBE Board of Education and/or any provisions set forth in the Charter School Act of 1992. Furthermore, SBE may revoke the charter of Ingenium Charter School on any of the following grounds:

- Ingenium Charter School committed a material violation of any of the conditions, standards, or procedures set forth in the charter.
- Ingenium Charter School failed to meet or pursue any of the pupil outcomes identified in the charter.
- Ingenium Charter School failed to meet generally accepted accounting principles, or engaged in fiscal mismanagement.
- Ingenium Charter School violated any provisions of law.

Prior to revocation, and in accordance with Cal. Educ. Code section 47607(d), SBE will notify Ingenium Charter School in writing of the specific violation, and give Ingenium Charter School a reasonable opportunity to cure the violation, unless SBE determines, in writing, that the violation constitutes a severe and imminent threat to the health or safety of the pupils. Notwithstanding the immediately preceding language, revocation proceedings are not subject to the dispute resolution clause set forth in this charter.

CHARTER RENEWAL

Ingenium Charter School must submit its renewal petition to SBE's Charter School Division no earlier than September of the year before the charter is due to expire and no later than January 31 of the year the charter is scheduled to expire.

INGENIUM CHARTER SCHOOL

ELEMENT 1: EDUCATIONAL PROGRAM

(A) IDENTIFICATION OF THOSE WHOM THE SCHOOL IS EDUCATING

Ingenium Charter School ("the School," "Charter School," or "Ingenium") intends to serve elementary school age students residing within and in the areas surrounding the City of Carson. It will reflect the ethnic, cultural, and economic diversity of Los Angeles Unified School District ("LAUSD").

DEMOGRAPHIC DATA OF THE TARGET POPULATION

Ingenium Charter School is negotiating a lease for a site located at 1717 E. Carson Street in Carson. The nearest existing LAUSD elementary school is Del Amo Elementary School; we expect many of our students will come from this school. During the 2006-2007 school year Del Amo Elementary School's student population was 45% Hispanic, 21% Filipino, 17% African-American, 11% Pacific Islander, 3% White, and 2% Asian. 11% of Del Amo Elementary School's students were English Language Learners and 70% qualified for free and reduced price meals.

Appendix B, Demographic Information, lists the nearest four LAUSD elementary schools and the nearest middle and senior high schools as well as the four nearest LAUSD charter schools and their respective demographics and academic performance. The nearest LAUSD charter school is seven miles from the proposed school site.

ACADEMIC ACHIEVEMENT DATA FOR THOSE STUDENTS

The proposed site for Ingenium Charter Schools is within the service boundary of Banning High School, whose API State Ranking is 1 and Similar Schools Ranking is 3. Its 2006 Base API was 589. See Appendix B, "Demographic Information," for detailed academic information on nearby schools.

Ingenium Charter School will serve students in kindergarten through fifth grades: generally, students between the ages of 5 and 11. The school will have 386 students in 2013-2014 and 418 students in 2014-2015. Average class size will be 28 students in kindergarten and first grades, 30 in second grade, and 32 students in third through fifth grades. The table below details planned enrollments in 2013-2014 and 2014-2015.

Grade	2013 2014	2014 2015
Kindergarten	84	84
First	84	84
Second	90	90
Third	64	96
Fourth	32	32
Fifth	32	32

The school will comply with statutes governing the minimum age of attendance at a public school.

INGENIUM CHARTER SCHOOL

(B)1. MISSION AND VISION

SCHOOL MOTTO:

Establishing a tradition of excellence with a vision for tomorrow.

PURPOSE:

Inspiring students to become accomplished, enthusiastic learners who are responsible and "response-able" citizens.

MISSION:

Ingenium Schools is committed to working collaboratively with all stakeholders towards developing life-long learners. We provide a student-centered education that encourages leadership, accountability, and character development through a standards based model, focused on continuous improvement.

VISION STATEMENT

Our students will learn to become lifetime learners who are continuously accountable for their own progress. All students will take ownership of their own learning by using quality systems and tools such as setting their own learning and behavioral/social goals and preparing action plans for achieving these goals in Individual Learning Plans. They will track their own learning and behavioral/social progress in Student Assessment Binders. As a result, they will become self-aware and self-reflecting analytical thinkers and independent decision-makers.

Classes will be flexibly designed to adjust curriculum, adding and subtracting to the time spent on concepts to reflect the rate at which students master their learning goals. Frequent assessments will be given to allow students to track their progress with real-time data. Students will also track their enthusiasm for learning, self-motivation, and level of personal responsibility.

Upon leaving Ingenium Charter School, students will be able to demonstrate the ability to gather, analyze and use data and information, communicate precisely, solve problems, work cooperatively, think creatively, initiate action, and participate in a global society. They will be self-motivated, competent, lifelong learners who fully embrace the concept of individual accountability.

(C)TYPICAL DAY AT INGENIUM CHARTER SCHOOL

A DAY IN THE LIFE OF INGENIUM CHARTER SCHOOL: VISITOR'S PERSPECTIVE

Dr. Brooks, a new Ingenium Schools Board candidate with a background in education, has decided to visit Ingenium Charter School as she considers her potential involvement with the organization. Dr. Brooks' journal of her visit:

I arrive early in the morning, at approximately 7:00AM, well before the start of the school day. As I enter the school, I am impressed by a charming piece of student artwork

illustrating the school logo, motto, and name. The bright blue color gives me a warm and welcoming feeling as I approach the sign-in desk for visitors.

Instructions for visitors are clearly posted and the receptionist at the desk is friendly and helpful as she introduces herself, explains the procedures, has me sign the visitor's log, issues me a name tag (which has my name printed on it), and directs me to the Principal's office. She tells me that the Principal, Mr. Johnson, is expecting me, then notifies him on the radio that I have arrived. She wishes me a good day at Ingenium Charter School. The efficacy of the process and her pleasant disposition give me a positive and safe feeling as I walk down the hall.

As I approach the Principal's office, I am a bit surprised to notice quite a few students sitting in various classrooms working on projects Some are working individually on a computer and others are sitting in groups talking, writing, and eating breakfast under the watchful eye of staff members and parent volunteers.

I step into a room that belongs to a fourth grade teacher who is quietly working with three students solving math problems. As I walk around the room, I notice several items displayed on the walls: progress charts showing results for assessments over the course of the semester to date for each subject area. In addition to the charts, student-written class improvement action plans are posted addressing academic and behavioral goals. Another poster contains teacher comments on overall class progress.

I see pacing charts displayed for subject areas with markings noting accomplishments and a checklist showing completion of each accomplishment with the words "mastery achieved" or "understanding demonstrated at introductory level."

An attendance chart indicates weekly student attendance. It includes a recognition column listing days that the class had perfect attendance during the week and individual students with perfect attendance.

Posters listing the top three achievers and the three students who improved the most for the week in each subject area are also posted.

The standards for fourth grade are posted with a date for the STAR test and asterisks next to the standards the students are expected to master by that time. Classroom rules are clearly posted as well as overall school rules.

Students continue to work with the teacher, and as I move around the room, one of the students comes over to ask me if I have any questions on what I am seeing in her classroom. After she introduces herself, this polite third grade student, Susanna Montoya, tells me she would be more than happy to explain anything as she has completed her work.

Susanna addresses me by name (it is on my name tag) and asks me why I am visiting the school. I tell her I might join the Ingenium Schools Board. She tells me that she thinks Ingenium Charter School is the best school she has ever been in because everyone cares about the students. She told me that she was not a very good student in second and third grades but that, since coming to Ingenium Charter School and learning how to organize herself

with the help of the teachers and other students, she is surprised to see that she can be successful in school. She tracks her own data and makes action plans when she does not meet her goals; this process helped her to figure out how she learns best and when to ask for help, and she feels herself becoming a responsible and "response-able" student. She even uses a Student Assessment Binder at home for keeping track of her chores and behavior with her mom. She proudly tells me that last week she was the number one English achiever in her class and that she was so happy (after having done poorly in English in second grade) that she ran to Mr. Johnson to tell him. She tells me that it is amazing to have not only a teacher who takes the time to really know and work with her but to also have a Principal who does the same thing. Susanna tells me that the best thing of all is that she is proud of herself and her family is proud of her, too.

I thank her for taking time to speak with me and promise to come see her later in the day. I walk down the hall. As I arrive at Mr. Johnson's office, he is standing outside smiling. He tells me he had taken a walk and discovered that I was "entranced" with Susanna; he decided to let me enjoy the moment. Mr. Johnson tells me that Susanna is one of the school's true success stories as she had been a runaway with a very poor attendance and academic record when she came to Ingenium Charter School and she has totally turned herself around. Susanna is now one of the top students in the third grade and, as I saw, has gained in self-confidence; she appears to have no problem communicating with anyone.

Mr. Johnson invites me in, explains the schedule for the day, hands me a list of classes with teacher names as well as a map of the school, and introduces me to my guides: Latoya Reynolds, the 4th Grade Class President, and Afa Tuafalo, the 5th Grade Class President. Mr. Johnson asks me if I have any questions and sends me on my way with my guides.

I notice that everyone wears a uniform: students, staff, and faculty. I ask my guides about this. Latoya explains that there is an agreement that since staff, faculty, and administration serve as models for the students in every way, it is only fair that they also model dress. Afa added that the students can wear either blue or white school shirts and the office staff and teachers also wear these colors.

The students come in from breakfast or enter the school as it is only about 20 minutes before class begins. Everyone seems to know each other and warm greetings are exchanged as students move through the campus. I notice that no one has on "saggy" pants and everyone is in appropriate school dress.

Latoya and Afa show me around the school. After asking if I have any questions, they tell me that they are off to class and ask me to come by if they can be of any help.

After they leave me, the bell rings and I am a bit surprised to see that very few students arrive late. As I walk through the empty hallways, I notice that all the hallways have bulletin boards displaying overall student achievement results for each grade level as well as for each individual class. A recognition board is placed in every hallway with weekly class and individual student commendations for attendance, achievement, and behavior. I also notice a Parent Volunteer of the Week poster with a picture and name of a parent and the parent's child's name. I see the security guard who had greeted me at the desk; he asks me how my day is going so far and if have any questions. He also tells me that an intercom is located in

each classroom and then shows me how to call the office if I need anything. The instructions are clearly marked on the wall as well.

I now enter a third grade class where a reading class is in session. I see several students who are clearly struggling with English. These students are grouped together and the teacher is previewing the reading selection to the students while the rest of the class is silently reading; the Open Court teacher edition contains the Spanish preview. The teacher also previews the vocabulary with the students (again with the assistance of the Open Court textbook) before having the ELL students read the selection out loud. I enter a fifth grade class and notice a student near the front of the room taking down some information on a recording chart while the other students are congregated in small groups working on the "do now" questions on the board. When I walk over, I can see that she is marking down students who are working on the "do now" problem. She looks up, welcomes me to the class, and tells me she is recording students working on the "do now" because this is a way to track who is on task. I ask her why this information is important and she tells me the class agreed at the beginning of the year that getting to work right away and not wasting time is really important in order to be successful. She tells me that the teacher tracks attendance, too, because of course you can't know what is going on if you are not in class or come late all the time.

The student points to the wall and tells me everything is posted there, including class action plans and class agreements. I thank her and let her get back to work.

I go into fourth grade class whose teacher, Ms. Pandergast, calls the class together and asks for a volunteer from the "Armada" group to address the "do now" questions. I now notice that each group has a name related to an historical reference. One student comes forward and puts a flow chart on the board illustrating the effects of the Mexican War for Independence. Another student joins him and they proceed to explain the flow chart. Students raise hands to ask questions and the "lead student" calls on them. The teacher thanks the students, who return to their seats. She then invites two more students to come up; they post a map they created showing the routes used by early California settlers as well as the location of Mexican missions and other early settlements in the state. They show how the early settlers came in to the state. Two other students then present a skit in which they reenact conversations between new settlers and established missionaries. Ms. Pandergas then reminds the students that this is a review of standards that will be on the next gatekeeper assessment and that it is now time to reveal the results of last week's assessment. She reads the overall results for her fourth grade classes' History Gatekeeper Assessment, then for all fourth grade classes. She announces the top three achievers and the three most improved students, inviting them to stand up as the other students applaud and call out, "way to go."

Ms. Pandergas congratulates the students on their accomplishments but reminds them that, although they are the highest achieving class this week, they fell short in one area. The students and teacher then brainstorm ideas for addressing the area that needs improvement. Ms. Pandergas has a student summarize the ideas (some teacher-directed and some student-directed) and she adds them to the action plan at the front of the room.

Ms. Pandergas then hands back the exams to each student, asking them to analyze their own results. As she hands them back, all the students open their Student Assessment Binders and begin looking at their History Gatekeeper Assessment, recording the information in

the Individual Learning Plans for History in their Student Assessment Binders, and making notes on their own action plans in the Individual Learning Plans. As they finish, they ask Ms. Pandergas to come over and take a look. Some students even share their plans with other students and the feeling of "all for one, one for all" is quite evident in this classroom.

Students then return to their groups to work on a project that is due the following week. Everyone is focused on the task at hand though they all seem to be doing something different. I walk to each group, noticing Ms. Pandergas visiting each group and answering questions, as well as one student in each group seeming to direct the action. I stop by one group and a young lady explains that she is the group prefect for this project and it is her responsibility to keep everyone on task and get their work done. She tells me it's pretty cool and that sometimes some of the kids get a little distracted so it's good that she is on the job. She goes on to explain that the whole class has to work together to make sure everyone can be successful, not just the teacher since it is a team. She tells me even the top kids are not perfect so they need help sometimes too and it's important to ask if you need it. I ask her why different groups seem to be working on different things and she tells me they are divided up for this project based on their action plans for this unit, so people are working on different standards. Her group is working on creating a map that shows the major nations of California Indians. She points to the display board and tells me the standards are marked on the pacing chart for this unit and the names of each group are next to the one they are working on. I thank her and let her get back to work.

I remain in the classroom and read the charts on the wall. It is clear that areas of improvement are addressed directly in the class action plan and these students are able to move forward and master the standards and continue to improve. The class focus on results and understanding and tracking data is evident.

As the students continue to work, I notice the teacher taking a moment to make some notes and realize that she has a Classroom Assessment Binder and an action plan. As the period draws to a close, the students begin to finish up their history work for the day and take down the homework listed on the board.

A list of assessment dates is posted to the side of the board as well as quarter and semester benchmark dates and state tests. The classroom is well organized; it is obviously a standards-based fourth grade class. It is clear to see that data is recognized, evaluated, and analyzed, and students are recognized for their levels of achievement and effort as they progress towards achieving their goals, mastering the standards and achieving excellence. I am most impressed with the students' ability to explain the program and their acceptance of responsibility for their learning.

As the bell rings, Ms. Pandergast leads the students to the cafeteria for their nutrition break. Food service staff members are dressed in the school uniform with red shirts and aprons with the school logo. Two lines are formed on each side of the cafeteria and students quickly line up, swipe their ID card, and pick up their snack. The lines move efficiently and I notice a food service worker on each side taking a count. After all the students move through the line, I ask the worker what the list is for. He tells me that he enters the nutrition data in his Staff Assessment Binder everyday (this is a backup for the machine data) and compares it to both the breakfast and lunch counts. He explains that it is his responsibility,

as the supervisor, to monitor the number of students for each meal and to create a report for the Principal each week. This way he can see if something needs to be changed. He tells me that students fill out surveys each month on the food and service; his staff also completes monthly surveys. All of this goes into his Staff Assessment Binder and he updates his action plan based on the data. I see a list of comments and improvements made addressing them each month on the wall of the cafeteria, as well as commendations from students and staff. I see another chart displaying levels of satisfaction each month. Finally, I see a Food Service Worker of the Month poster with a picture of one of the servers, his name, and his position.

Students enjoy this brief respite and have time for social interaction. No electronic devices are evident and, though lively conversation is taking place, everything is under control. Mr. Johnson appears as do many teachers and other staff members and they converse with the students and each other. The atmosphere is most convivial and warm; it feels like a family.

I visit two other classes where I see similar strategies being utilized and results given out for the weekly assessments. This seems to be standard procedure for a Monday. I stop in to a third grade class. Students are working in small groups of three solving math equations. One group seems to be struggling and all the group members raise their hands. The teacher is already helping a different group and she points to a boy sitting at the next table. He immediately gets up and goes to help the girls with their hands raised. It is evident that this is a typical event in this classroom. I listen more closely and discover that this boy, Joe, is explaining a very simple problem to the girls in the group. As I look around the room, I realize there is a separate display area labeled Moving With Math and another list of the California Third Grade Math Standards with the same type of data charts I saw earlier. As Joe finishes explaining the problem and helping the girls check their work, I ask him what he is doing. He explains that he is the prefect for his group and that they are having a hard time with two of the third grade math standards so they are working on mastering those before they move forward. One of the girls, Sabrina, then adds that the three of them wrote action plans for mastering these two standards this week that included:

- Having Joe help them (Joe is the best student in the class).
- Working with Ms. Testa, their teacher, during Homework help and in the morning before class.
- Asking Ms. Testa to give them a new test on Friday.

The goal in their action plans is to master these standards by the end of the week so they can catch up with the class and help the class do well on the next assessment.

Again, it is apparent that these students are willing to take responsibility for their own learning with the help of the teachers and encouragement of the other students as well.

During lunch, I see similar interactions take place and am pleased to see that lunch is as well organized as nutrition. Students are filling out lunch surveys and commenting on choices and rating service and satisfaction. They are engaged in lively discussions regarding this form and other topics. The entire staff is present during lunch and many sit with groups of

students, engaging in conversation. One group is even discussing a class project in fifth grade Drama class and how much fun they are having adapting Hamlet to reflect their own lives. Students do not have any electronic devices, which you usually see at other schools; instead, they are busy talking and being social. No inappropriate behaviors are evident and, though some need a bit of prodding from each other, all clear off their own table and return their trays.

The students gather their belongings and move along to class, stopping periodically to notice something on the display. One student stops to show a few others that his mom is the Volunteer of The Week. The other students congratulate him and tell him his mom is so cool; she even helped one with a homework problem the other day.

I notice in several classrooms that students are either helping each other or working independently and teachers are helping them as well.

It is now near the end of the school day and I take a bit of time to meet with Miranda, the Office Manager. I notice that she, too, has a Staff Assessment Binder in which she is making notes. Miranda shows me her Staff Assessment Binder and explains that, just like the kids, all staff members (and even the Board members) maintain Staff Assessment Binders and create action plans to achieve their goals. She tracks attendance and her efficiency in handling the areas she oversees in the office. Miranda updates her action plan when she is unable to meet her goals or she does not see any improvement. She explains that she meets with Mr. Johnson to review her notebook every week (Mondays) after she sends a short summary on Friday. She said that this helps her stay focused on her job and helps Mr. Johnson by keeping the office running smoothly. She tells me that they are a team and Mr. Johnson always reminds her that no one can be successful alone; all of us have to be responsible and "response-able" people.

I can see that Miranda keeps charts on her walls, showing attendance figures, including tardies (of which there are very few), a customer satisfaction wall chart, and an action plan. She also has a school schedule and keeps Mr. Johnson's appointment calendar. I see that she supervises an office clerk.

The regular day is ended. Helping Hands (HH) students are entering the school's Multipurpose Room. They are greeting their peer and college tutors. Each HH student has a Student Assessment Binder in hand.

The HH teacher enters the class and ensures each HH student is paired up with a tutor. She rotates around to groups of students and tutors. When a tutor has a problem he can't handle, the teacher takes over.

There are five or six students to each college tutor. In some groups, the tutor is working with one or two HH students while the other HH students are working independently or with peer tutors.

I see one tutor reviewing an Individual Lesson Plan (ILP) with Mark, an HH student. I ask to see Mark's ILP, which is contained in his Student Assessment Binder. The ILP shows that mark, a third grader, is having problems with multiplication in math and has not mas-

tered Math Standard 2.4: "Solve simple problems involving multiplication of multidigit numbers by one-digit numbers (3,671 x 3 = __)."

The tutor gives a workbook to Mark and works with him through two multiplication problems using large plastic numbers. The tutor then gives Mark an assignment to work on five more problems before coming back to review how he did.

Mark told me that it is important for him to master this standard because he is one of only three students in his class who have not mastered it and they are holding his class average down; he doesn't want to be one of those at the bottom of the class graph. The tutor tells me that the ILP showed that Mark is a "visual" learner, which is why he used the large manipulatives. Mark says he thinks that using the large numbers helps him to understand the problem better and Mark uses the large numbers to help him solve the five work problems.

I visit again on the following Wednesday, when school dismisses early for afternoon teacher professional development and teacher collaboration. After school is dismissed, I have the opportunity to sit down with all the second glade teachers. They are discussing assessment results, pinpointing areas of success, and brainstorming ideas for instructional strategies and interventions. One of the teachers who had great success on grammar last week shares her approach with the other teachers and gives them a graphic organizer she used to help her students through the grammar maze.

Teachers seem very comfortable sharing information and commending each other on accomplishments. Mr. Johnson comes in for about 20 minutes during this meeting and participates in the discussion. He notices I am there and, after mentioning to the teachers that I was an elementary teacher for many years, they invite me to join in as well. The comfort level of the teachers with each other and the Principal is very high. The teachers are open to ideas even from this visitor and they seem truly invested in the effort to continuously show improvement and move the students forward in achieving their learning goals.

The day is over for me and I return to the office. Mr. Johnson is outside on the campus talking with many students, as are some of the other staff members.

I saw usage of RSM methodologies in all the classes I observed. Data-driven, standards-based instruction and students being recognized for achievements and continuous improvement are hallmarks of a successful RSM-based school program and is evident everywhere at Ingenium Charter School. The students demonstrate that they take responsibility for their own learning with the guidance of the teachers and oversight of the Principal. The Principal is a visible presence in the classroom and monitors continuous improvement at all levels. Teachers meet together during common prep periods, look at their own Classroom Assessment Binders, and review their department/course action plans on a regular basis, oftentimes engaging the Principal in their discussions.

In every classroom, results are posted for every class and standards are posted on the walls in each subject area. Ingenium's school environment is a safe, positive, respectful learning place where students are actively involved in their own learning and all adults model the program on a daily basis, working together to achieve success. I thoroughly enjoyed my day.

INGENIUM CHARTER SCHOOL

A DAY IN THE LIFE OF A 4TH GRADE STUDENT AT INGENIUM CHARTER SCHOOL

This scenario illustrates a day in the life of Miguel Saucedo, a fictional fourth grade student at a Ingenium Charter School.

At 7:55, when the school bell rings, I'm sitting quietly in my seat reading Harry Potter and the Sorcerer's Stone. I have my pencil, homework, and Student Assessment Binder on my desk.

Janice Cota, our Class Prefect, is entering the number of students who are sitting quietly and prepared to work in the Classroom Assessment Binder. When we started the year, some students arrived after the bell rang, were not reading, or did not have their materials out when the bell rang. As a class we agreed that we had to come to school on time and be prepared to learn because we were not achieving our goals and were in danger of not meeting our customer's expectations. We agreed to an action plan to get everyone to be in their seats on time and ready to go. The plan requires that Janice record the number of students each day that are ready to go when the bell rings. When we all are ready every day for one week, the whole class will get the prize that the class agreed to – a donut party. We turned in our plan to the Principal, Mr. Johnson, and explained to him that we are working to improve our attendance and level or preparedness when we arrive at school. Mr. Johnson had been checking our attendance data and noticed that our class was struggling to arrive on time. He asked us to keep him informed of our progress.

We have our Student Assessment Binders out because it's Monday – the day when we get the results back from our Friday assessments. Ms. Jarndyce, my teacher, has a big smile on her face, so I know we did well. Our four Row Prefects hand out our scores as the Class Prefect (Janice) posts the class results on the wall.

Our class did well on the reading assessment and we met our goal for the week in reading, but I did not make the improvement that I wrote down in the reading section of my Student Assessment Binder. I wrote an action plan in my Student Assessment Binder for what I am going to do to catch up with the rest of the class. The Plan, Do, Study, Act template in my Student Assessment Binder helped me write my action plan and my row prefect checked it. I'm going to read an extra 30 minutes a day at home and ask my older brother Carlos to help me with words I don't understand. This has been a problem for me because I sometimes get discouraged when I come across new words and stop reading. I think Carlos can help me. I am also going to use the comprehension questions that Ms. Jarndyce gave to us to use with any story that we read.

Sarah won the Accelerated Reading Award for the month. She told me she likes this school because you get recognition for academic improvement, not just for sports.

We separated into four groups. Three of them read while Ms. Jarndyce worked with the group I am in (the one with the students who did not meet their reading goals) to help us improve our reading so that we will meet customer expectations.

Mr. Manette, a fifth grade teacher, came in for about ten minutes to tell us how well we were doing and how he was looking forward to having us next year because we are meeting his expectations for where we should be now, although he said we need to do better as a

class on math. While he was with us, Ms. Jardyce was talking to a third grade class about her expectations for what they will be able to do when they enter her class next year.

In our math class, Ms. Jarndyce gave us our math assessment results. I did well but the class did not. Many students cannot "Solve division problems in which a multidigit number is evenly divided by a one-digit number," one of the standards we wanted to have mastered by now. I'm good at doing this. We worked on a class action plan for how we are going to master this standard before the next assessment. We are going to separate our class into six groups, each with a high-scoring student, to work on this standard. Ms. Jarndyce is going to give us worksheets that use this standard to work on in the groups. She also is going to go around to each group to see how it is going and give tips. I'm going to be leading one of the groups as a math prefect. I love helping other people when I am successful at something and I know that they will help me when I need help with my reading.

During science time we reviewed the vocabulary words from last week. I knew all of the words except for Photosynthesis. I put my notes and the definition of this word in my homework folder to study at home tonight. Before we were allowed to go home for the day we had to fill our out agendas. We copied the standard that we learned for each subject from the board into our agenda. Part of our homework each night is to review the standards that we learned with our parents so that they understand what we are studying. Then I wrote down my assignment for each subject. I also wrote a note to begin looking for a book for my next book report. My choice is not due until Friday, but I sometimes forget to look for one and I wanted to begin early this time. Finally, I wrote a half page letter to my parents explaining how I did on my assessments last week and what my new goals and action plans are for this week. Mondays are an important day of the week for me because they help me make a plan for the rest of the week so that I know what to expect.

INSTRUCTIONAL PROGRAM AND CURRICULUM

INSTRUCTIONAL DESIGN

Balanced Instructional Model

Ingenium Charter School will utilize the Balanced Instructional Model (BIM), an element of the Reinventing Schools Model, as the framework for classroom instruction. The BIM focuses on students applying skills and knowledge in real-life situations. It is aligned to standards, assessments, and reporting. The BIM builds collegiality and supports a common vision for all staff and students in the school.

The Balanced Instructional Model (BIM) consists of four components: direct instruction, practical application, simulation, and real-life connections. Skills are taught through direct instruction, and then students apply their knowledge in the three remaining components. The BIM is explained in detail in Chapter 3 of the *Guide to Reinventing Schools*.

The overview below illustrates the BIM instructional methodology, which aims to create real-life learning situations in all content areas. Active learning is an important element of the BIM, which stipulates hands-on activities to prove mastery of skills and is used in all areas of development engaging every student in active learning. Best practices and current research support the focus on relevant, integrated, deep instruction. The Reinventing Schools Coali-

tion (RISC) developed the BIM instructional model because of the documented need to do a better job of motivating students to learn. The results RISC has documented for the BIM are significant; see Chapter 10 of the *Guide to Reinventing Schools* for the results in Chugach School District in Alaska. **This system meets the needs of all students, exceptional or not.**

Balanced Instructional Model Defined

Direct Instruction
Follows a traditional five-step lesson plan (drill and practice, lectures) using district standards and skills-based assessments.

Practical Application
Allows students to practically apply knowledge and skills (usually in an individual setting), i.e. paper and pencil problem solving, giving a speech using standards and analytical or self-assessments.

Simulation
Allows students to apply knowledge and skills in a role-playing situation using standards and analytical or self-assessments.

Real-Life Connection
Allows students to apply knowledge and skills in real-life situations using standards and analytical or self-assessments.

There is no formulaic order to using this model. Some teachers will choose to begin with simulation. At other times teachers may start at drill and practice and stop at practical application. The ultimate goal of the BIM is to spend as much time as possible using real-life connections.

Classroom Learning System

All Ingenium Charter School classrooms will employ the Reinventing Schools Model Classroom Learning System (CLS) to promote inquiry-based learning and learner self-initiative. The Classroom Learning System is the process by which the Balanced Instructional Model and other elements of the Reinventing Schools Model is implemented. By motivating students, fostering a desire to learn and providing an effective, efficient, and high-quality educational experience, the CLS guides each student to achieve his or her full potential.

The Classroom Learning System creates a dynamic learning environment that empowers teachers and learners in a cost-effective manner. It uses several strategies to improve teacher efficiency.

The CLS supports complete and useful parent communications, including Student Assessment Binders, Data Snapshots, Student-Led Conferences, and newsletters.

In the CLS, teachers and students put processes and systems into place to guide the learning of the class and of individual students. Key to the system is the development of a classroom culture which encourages students to communicate openly in a trusting and accepting classroom environment enabling them to take responsibility for their learning. All students manage their learning and chart their progress whether it be in PE or math. When things don't go right, they learn to plan for a rapid change.

In the CLS, state standards are unpacked in order to specifically clarify what students are expected know and be able do, then regrouped into "strands" of four to eight standards. Gatekeeper assessments are developed to determine whether students have mastered the standards in each strand. These gatekeeper assessments will be administered when students and their teachers believe the students are ready to demonstrate mastery. Results of the gatekeeper assessments will be recorded in the AERIES system and will be used to create monthly school wide reports on standards mastery progress.

RISC has been contracted to unpack the California standards, group them into strands, and develop the gatekeeper assessments in mathematics, language arts, science, and social studies.

In addition, teachers will administer formative and summative assessments to measure student progress on mastering the strands. These will come from:

- Biweekly math and language arts and monthly science and social studies formative assessments drawn from the gatekeeper assessments. These feature random questions from the gatekeeper assessments and at the start of new strand units include standards that students have not worked on yet; these assessment questions serve as "previews" for the students of what they are about to learn.
- Teachers' own toolkits.
- Textbook assessment toolbox-developed quizzes.
- Raised hands in a classroom to determine how many students know an answer.
- KWL (Know, Want to know, Learn) charts.
- Other teachers in the school.
- Other RISC schools. RISC will align the Ingenium/CA standards with the Alaskan standards to facilitate cross-RISC resource sharing.

These formative assessments, as well as student work, will be used to determine when a student is ready for the gatekeeper assessment.

Here's how this system will work in a representative second grade classroom:

- Students will complete their own Individual Learning Plans for the Second Grade Math Measurement and Geometry Strand and the classroom will complete a related classroom learning plan (see the sample Individual Learning Plan in Appendix M). Both plans will include learning goals and action plans for meeting the goals.
- The class will study the strand for one to two months. Teachers will deliver instruction to support the classroom and individual learning plans.

- Teachers will deliver the formative assessments listed above. If a student demonstrates in the formative assessments that he or she is falling behind, the teacher will assign a peer tutor to the student, assign the student to Helping Hands, or take other action to help the student catch up.

- As students demonstrate to themselves and their teacher that they have mastered the standards in the strand, they will take the RISC-developed Second Grade Math Measurement and Geometry Gatekeeper Strand Gatekeeper Assessment. They may do this as a class or as groups within the class. For example, it could be that six students out of the class of demonstrate to the teacher that they have mastered the Measurement and Geometry strand in math and are ready for the Gatekeeper Assessment.

- The teacher (or an aide or volunteer) will administer the Gatekeeper Assessment, which will normally be a pen-and-pencil machine-scored assessment with a written portion. The assessment will be graded by the teacher and the results entered into the AERIES system. The results will be viewable by school administrators and parents and entered in the Student Assessment Binders.

- The students who have "cleared" the Measurement and Geometry Strand may continue on to other strands while others students continue to work on it until they, too, clear it.

Here are the primary ways in which this program differs from traditional classrooms.

- Students will be frequently assessed to make sure they understand what they are doing with the formative assessments.

- If the formative assessments demonstrate that students are not mastering the material, actions will be taken immediately to correct the situation.

    - The teacher will deliver specifically targeted instruction addressing the deficiencies.

    - The students not mastering the material may be referred to Helping Hands.

    - The teacher may assign peer tutors to students needing help.

- When students and their teacher agree they are ready, they are given a gatekeeper assessment to verify they have mastered the material. If they pass the gatekeeper assessment, they move on to new material. If they do not pass it, they work on the elements of the standards that the assessment indicates they have not mastered and retake the assessment when they and their teacher believe they are ready.

- Students who have not cleared the strand continue working on it until they pass its gatekeeper assessment. Accordingly, some students in a class may be working on different strands simultaneously.

- Classroom progress towards mastering the strands is prominently posted on the classroom bulletin board, along with the classroom mission statement, learning plans, learning goals, and classroom action plans for meeting those goals.

The following elements will be common to all Ingenium classrooms:

- Classroom data centers.

- Individual Lesson Plans.

- Student Assessment Binders.

Classroom Data Centers

The focal point of the Ingenium Classroom Learning System is the classroom data center. It commands center stage and communicates a classroom environment focused on evidence of student learning.

Data centers become a reference for teachers and students to organize and maintain their focus on results. A classroom in which each student understands the expectations based on explicit, measurable goals/objectives with data charts and quality tools to keep the class on track is critical to attaining results.

The classroom data center evolves as the teacher and students:

- Formulate the class mission, ground rules, responsibilities, and core values that were created in building the class culture.

- Develop and evaluate class goals/objectives and action plans based on student needs, the curriculum, the class mission, and stakeholder expectations.

- Establish data charts for each goal that allow the class to monitor progress frequently to determine what is or is not working, allowing for immediate corrective action, as needed.

- Incorporate quality tools and the PDSA cycle to problem solve — assessing, redirecting, and revising goals and objectives as needed.

Ingenium classroom data centers include:

- The class mission and core values.

- Course or grade level goals/objectives.

- The class goals/objectives and action plans.
- Data charts indicating class progress towards achieving learning goals.

Individual Learning Plans

All students will have current Individual Learning Plans (ILPs). Students will receive ongoing instruction in goal setting and achievement. They will put this into practice for the remainder of their school career by writing goals to address their individual needs. Every student can work with teachers and parent(s) to establish their goals, action steps to attain them, and formats to assess and demonstrate that they have achieved their goals. This assures that all students' individual needs are met in addition to classroom and school-wide instruction. It also aids students in taking ownership of their education, making it relevant and tied to goals beyond elementary school. Examples of ILPs as well as more detailed descriptions are contained in chapter 2 of the *Guide to Reinventing Schools*.

ILPs:

- Are completed and renewed one at a time.
- Usually include no more than two standard areas.
- Document progress on standards.
- Are managed by one teacher.
- Are always student-driven.

"I like ILPs because it gives me the chance to write my own lessons plans, and I can work ahead without always having to go to the teacher."

- Student, Chugach School District, Alaska

Individual Learning Plans (ILPs) are instructional tools for all students. ILPs are delivered and achieved through any of the strands of the Balanced Instructional Model (Direct Instruction, Practical Application, Simulation, and Real-Life Connection).

The goals of using ILPs as an instructional tool are to:

1. Teach and reinforce goal-setting.
2. Enable students to identify and evaluate personal strengths and weaknesses.
3. Move students through a Developmental Report Card (DRC).
4. Encourage parent and community involvement.

"I like ILP's because it gives all my students a chance to set their own goals."

- Middle School Teacher, Iditarod Area School District, Alaska

"My son improved dramatically on his violin by completing an ILP!"

- Parent, Chugach School District, Alaska

Student Assessment Binders

Student Assessment Binders support students in becoming co-producers of their learning. They help students organize processes for learning. Student Assessment Binders include:

- Individual Learning Plans (which are stored in Student Assessment binders).
- Individual mission statements prepared by students based on their own needs and aligned with the classroom mission. Personal goals/objectives and action plans based on curricular and stakeholders expectations and individual needs and missions.
- Formative assessments to document progress.
- Data charts to monitor self-progress towards each goal/objective.
- Subject expectations and goals/objectives.
- Quality tools such as force-field analyses to determine "drivers" and "preventers" in achieving goals and PDSA models to redirect learning processes.
- A parent communication section to keep parents informed on at least a quarterly basis and also provide parents with the opportunity for input.

Ingenium Charter Schools' Student Assessment Binders are explained in more detail, with examples, in chapter 5 of the Guide to Reinventing Schools. A sample Individual Learning Plan and Student Assessment Binder Snapshot are included in Appendix X.

Student Assessment Binders empower students

Student Assessment Binders empower students to become accountable for their learning. By writing goals and objectives based on actual course or subject objectives, students have control over their pace of learning. Goals and objectives are also written by students to capture short-term gains to motivate themselves to achieve long-range goals.

Student Assessment Binders provide feedback

As with classroom data centers, analyzing what is working or not working provides timely feedback to the student to correct the course of action, as needed. The binder also documents progress that can predict course grades, ensuring "no surprises" at the end of each school quarter or semester.

Student Assessment Binders help students manage their learning

Student Assessment Binders are constructed in a way for students to observe short-term gains, a powerful motivator to achieve long-term goals. With tools to manage learning, students are provided with the means for self-empowerment and motivation.

TEACHING METHODOLOGIES

In addition to the four instructional components listed in the *Balanced Instructional Model* section above (direct instruction, practical application, simulation, and real-life connections), Ingenium Charter School teachers and classes will have access to a variety of instructional methodologies, including:

- Explicit focus on all areas of English language arts.
- Problem solving across all content areas.
- Diverse prompts for multiple writing tasks.
- Multidisciplinary project-based learning.
- Multiple intelligences and learning styles.
- Inquiry-based instruction and approach to learning.
- Differentiated instruction.
- Collaborative group work.

Ingenium Charter School classes will provide all students opportunities for learning and on-going personal development. Instruction will emphasize a cooperative framework with teacher-student interactions as well as student-peer interactions. Interactive patterns of small group work will enable contributions from larger numbers of students within our core classes.

The Balanced Instructional Model instructional delivery focuses on students as active learners. Through collaborative, student-centered curriculum development by teams of teachers within Ingenium Charter School, core content will be consistently delivered. Curriculum delivery will include:

- Teaching students to use self-questioning and think-aloud techniques.
- Helping students learn how to work cooperatively in group projects.
- Promoting individual creativity through creative research projects.
- Managing student-controlled peer interaction within a cooperative framework.

- Assisting students in reflecting on their own academic success and challenges.
- Utilizing different motivational strategies within the classroom (rewards/praise).
- Reducing distances between teacher-student interactions and encouraging peer tutoring.
- Engaging students in curricular conversations and promote critical thinking skills.

Ingenium Charter School will utilize additional teaching methods that overlap learning styles and contribute to the needs of all our students. These include giving students experience with problems before giving them the tools to solve them, balancing concrete with conceptual information, liberally using graphic representations and demonstrations, and showing students how concepts are connected within and between subjects and to everyday life experiences they encounter.

The development of rubrics (referred to as "scoring guides" in the RSM lexicon) is another method our teachers will utilize to clarify their expectations for themselves and students (see chapter 3 of the *Guide to Reinventing Schools*). This method addresses the following:

- What do we want students to know and be able to do with instruction?
- How well do we want students to know instructional information and related processes; what do we want them to do with the instructional information?
- How deeply do we want students to understand the California content standards for each course?
- How will teachers know when the students master the instruction and how well they master it?
- How will teachers know when a student masters the standards (what evidence would they use to demonstrate mastery)?

With the assistance of RISC coaches, Ingenium Charter School teachers will divide performance standards into different component and complexity levels based on student ability levels. The benefits include reflective practice among students and instructors within the classes.

Varying instructional strategies will promote student interest within the classroom, such as creating stimulating and successful questioning techniques. Some of these include cognitive, speculative, affective, and management questions addressed to the students within the classroom. Lastly, opportunities for students to receive continual feedback from their teachers will lead to more successful and efficient learning in our classrooms.

Ingenium Charter School believes that collaborative teamwork is essential and should be an integral part of the educational process. Teachers, students, administrators, and parents working together as a team can ensure the continued progress of our children. Success in our environment lies not at the end of the road, but in having made the educational journey, step by step.

Learning outside of school plays a vital role in the development of competence in language, reading, writing, mathematics, and a variety of other academic domains. There is a full range of informal content-related activities our students bring to class. Much of their diverse backgrounds and attitudes are based on this informal education. It may become more specialized as students find some subjects more interesting than others. Ingenium Charter School understands the influence home and community environments have on overall content literacy. Our teachers will explore, enhance, and develop a range of curricular connections to the students' informal background. We will encourage resources outside the classroom, such as guest speakers, field trips, and other community enrichment contributions to embellish classroom learning experiences for our students. Their community service and internship opportunities will further enhance learning.

SCOPE AND SEQUENCE OF SKILLS TO BE TAUGHT

READING AND LANGUAGE ARTS

Ingenium Charter School will develop and deliver a language arts curriculum that is based upon certain core instructional concepts, to be covered systematically and explicitly, consistent with current research-based approaches to the teaching of reading and language arts. Ingenium Charter School will develop and deliver a language arts curriculum that is systematic and carefully articulated, and establishes specific, continuing standards leading to competence and alignment with the California English Language Arts Content Standards.

Ingenium Charter School will develop proficiency in reading and language arts by adhering to the goals and key components of effective language arts instruction such as:

- Developing lifelong readers and writers early in students' lives, giving them a unique balance of competence, motivation, accessibility, and experiences with print;
- Providing a strong literature, language, and comprehension program that includes a balance of oral and written language;
- Implementing an organized, explicit skills program that includes phonemic awareness, phonics, and decoding skills to address the needs of the emergent reader;
- Administering ongoing diagnosis that informs teaching and assessment that ensures accountability; and
- Ensuring a powerful early intervention program that provides individual tutoring for students at risk of failure in reading.

INGENIUM CHARTER SCHOOL

All elements of the California English/Language Arts Content Standards (California Department of Education, 1997) will be implemented at each grade level. Ingenium Charter School will use Open Court Reading 2002 for its English/Language Arts curriculum. A summary of topics, skills, and California State content standards to be taught, is found below.

Kindergarten		READING:	
	School	Print/book awareness	1.1-1.5
	Shadow	Phonemic awareness	1.7-1.13
	Finding Friends	Alphabet knowledge	1.6
	The Wind	Phonics	1.14-1.18
	Stick to It	Comprehension skills	2.1-2.5, 3.1-3.3
	Red, White, and Blue		
	Teamwork		
	By the Sea		
		WRITING: Strategies:	
		Writing process	1.1-1.3
		Writer's craft	1.1-1.3
		Purpose	1.1
		Penmanship	1.4
		GRAMMAR: Conventions:	
		Parts of speech	1.1-1.2
		Sentences	1.1-1.2
		Usage	1.1-1.2
		Mechanics	
		LISTENING/SPEAKING/ VIEWING	
		Listening skills	1.1-1.2
		Speaking skills	2.1-2.3
		Visual information	
First		READING:	
	Let's Read	Print/book awareness	1.1-1.3
	Animals	Phonemic awareness	1.4-1.9
	Things That Go	Alphabet knowledge	1.10
	Our Neighborhood at Work	Phonics	1.11-1.16
	Weather	Comprehension strategies	2.1-2.7
	Journeys	Comprehension skills	3.1-3.3
	Keep Trying	Vocabulary	1.17
	Games		
	Being Afraid		
	Homes		
		WRITING: Strategies:	
		Writing process	1.1-1.2

		Forms	1.1-1.2
		Writer's craft	1.1-1.2
		Purpose	
		WRITING: Applications:	2.12.2
		Penmanship	1.3
		GRAMMAR: Conventions:	
		Parts of speech	1.2-1.3
		Sentences	1.1
		Usage	1.1-1.3
		Mechanics	1.41.7
		Spelling	1.8
		LISTENING/SPEAKING/ VIEWING	
		Listening skills	1.1-1.3
		Speaking skills	1.4-1.5, 2.12.4
		Visual information	
Second		READING:	
	Sharing Stories	Print/book awareness	1.1-1.6
	Kindness	Phonemic awareness	1.1-1.6
	Look Again	Alphabet knowledge	1.1-1.6
	Fossils	Phonics	1.1-1.6
	Courage	Comprehension strategies	2.1-2.8
	Our Country and Its People	Comprehension skills	3.1-3.4
		Vocabulary	1.7-1.10
		Study skills	
		WRITING: Strategies:	
		Forms	1.1, 1.3, 1.4
		Writer's craft	
		WRITING: Applications	2.1-2.2
		Penmanship	1.2
		GRAMMAR: Conventions	
		Parts of speech	1.3, 1.6
		Sentences	1.1-1.2
		Usage	1.1-1.6
		Mechanics	1.1-1.6
		Spelling	1.7-1.8
		LISTENING/SPEAKING/ VIEWING:	
		Listening skills	1.1-1.4
		Speaking skills	1.5-1.9; 2.1-2.2
		Visual information	
Third		READING:	
	Friendship	Phonemic awareness	1.1-1.3
	City Wildlife	Alphabet knowledge	1.1-1.3

	Imagination	Phonics	1.4-1.8
	Money	Comprehension strategies	2.1-2.2
	Storytelling	Vocabulary	1.4-1.8
	Country Life	Study skills	
		WRITING:	
		Writing process	1.1, 1.3, 1.4
		Forms	1.1, 1.3, 1.4
		Writer's craft	2.1-2.3
		Penmanship	1.2
		GRAMMAR:	
		Parts of speech	1.2
		Sentences	1.1
		Usage	1.3-1.4
		Mechanics	1.5-1.6
		Spelling	1.8-1.9
		LISTENING/SPEAKING/ VIEWING:	
		Listening skills	1.3-1.4
		Speaking skills	1.5-1.11; 2.1-2.3
		Visual information	
Fourth		READING:	
	Risks and Consequences	Phonemic awareness	1.1
	Dollars and Sense	Alphabet knowledge	
	From Mystery to Medicine	Phonics	1.2-1.6
	Survival	Comprehension Strategies	2.1
	Communication	Comprehension skills	2.2-2.4
	A Changing America	Vocabulary	3.1-3.5
		Study skills	
		WRITING:	
		Writing process	1.1, 1.3, 1.4
		Forms	2.1-2.3
		Writer's craft	1.5-1.8; 2.1-2.4
		Penmanship	1.4
		GRAMMAR:	
		Parts of speech	1.3
		Sentences	1.1
		Usage	1.2
		Mechanics	1.4-1.6
		Spelling	1.7
		LISTENING/SPEAKING/ VIEWING	
		Listening skills	1.1-1.4
		Speaking skills	1.5-1.9; 2.1-2.4

		Visual information	
Fifth		READING:	
	Cooperation and Competition	Print/book awareness	1.1
	Astronomy	Phonemic awareness	1.1
	Heritage	Phonics	1.1-1.5
	Making a New Nation	Comprehension strategies	2.1-2.2
	Going West	Comprehension skills	2.3-2.5; 3.1-3.7
	Journeys and Quests	Vocabulary	1.2-1.5
		Study skills	
		WRITING:	
		Writing process	1.1-1.5
		Forms	2.1-2.4
		Writer's craft	1.1-1.5; 2.1-2.4
		Purpose	2.1-2.4
		GRAMMAR:	
		Parts of speech	1.1-1.4
		Sentences	1.1-1.4
		Usage	1.1-1.4
		Mechanics	1.1-1.4
		Spelling	1.5
		LISTENING/SPEAKING/ VIEWING	
		Listening skills	1.1-1.3
		Speaking skills	1.4-1.7; 2.1-2.3
		Visual information	

MATH

Ingenium Charter School's teaching methodologies will emphasize the importance of a balanced mathematics curriculum. It will stress the critical interrelationships among computational and procedural proficiency, problems solving ability, and conceptual understanding of all aspects of mathematics. Student progress will be assessed frequently toward the achievement of the mathematics standards and instruction adjusted as needed. Utilizing the natural progression of the five strands set forth by the state (i.e. Number Sense; Algebra and Functions; Measurement and Geometry; Statistics, Data Analysis, and Probability; and Mathematical Reasoning), teachers will provide the learning in each instructional year that lays the necessary groundwork for success in subsequent grades; create and maintain a classroom environment that fosters a genuine understanding and confidence in all students that through hard work and sustained effort, they can achieve or exceed the mathematics standards.

The goals for student achievement will align with those set forth in the Mathematics Framework for California Students:

- Develop fluency in basic computational and procedural skills, an understanding of mathematical concepts, and the ability to use mathematical reasoning to solve mathematical problems, including recognizing and solving routine problems readily and finding ways to reach a solution or goal when no routine path is apparent;

- Communicate precisely about quantities, logical relationships, and unknown values through the use of signs, symbols, models, graphs, and mathematical terms;

- Develop logical thinking in order to analyze evidence and build arguments to support or refute hypotheses;

- Make connections among mathematical ideas and between mathematics and other disciplines;

- Apply mathematics to everyday life and develop an interest in pursuing advanced studies in mathematics mathematically related career choices;

- Develop an appreciation for the beauty and power of mathematics.

Students will receive a balanced instructional program so that they will become proficient in basic computational and procedural skills, develop conceptual understanding, and become adept at problem solving. Students will practice basic computational and procedural skills sufficiently and use them frequently enough to commit them to memory. They will also develop a conceptual understanding of each domain so that they know not only how to apply skills but also when to apply them and why they are being applied. This will enable them to apply their knowledge to new situations and problems and to recognize when they have made procedural errors.

A progression of learning experiences fostering academic rigor will be used to help students learn the necessary skills, understand and master the concepts of mathematics, and connect them to real world experiences. A variety of strategies to enhance learning and ensure that all students have the opportunity to learn including brainstorming and discussion, games, manipulatives, project-based and problem-based instruction, technology, and visuals will be used. To guide students in developing and maintaining a positive classroom culture, different types of groupings will be experienced, such as, flexible, ability/aptitude, and cooperative.

A variety of formative and summative assessments will be used to give every student the opportunity to demonstrate their progress. As teachers and students reflect on the expectations set forth in the California state standards, they will be able to monitor progress frequently to determine what is or is not working, allowing for immediate corrective action, as needed.

Ingenium Charter School will use Scott Foresman Mathematics as an adopted text. The five strands of mathematics to be addressed on each grade level are:

- Number Sense;

- Algebra and Functions;
- Measurement and Geometry;
- Statistics, Data Analysis, and Probability; and
- Mathematical Reasoning.

Grade	Unit Themes/Titles	State Standard
K	NUMBER SENSE	
	Sorting and classifying patterns	1.1, 1.2, 1.3
	Numbers to 5	2.1
	Shapes and sharing numbers to 10	3.1
	ALGEBRA AND FUNCTIONS	
	Measurement	1.1
	Time and money	
	MEASUREMENT and GEOMETRY	1.0, 2.0
	Greater numbers	1.1, 2.1, 2.2
	Introducing addition	1.2, 1.3, 1.4
	Introducing subtraction	1.2, 1.3, 1.4
	STATISTICS, DATA,	1.0
	ANALYSIS, AND PROBABILITY	1.1,1.2
	MATHEMATICAL REASONING	1.0, 2.0, 1.1, 1.2; 2.1, 2.2
First	NUMBER SENSE	
	Numbers and patterns	1.1-1.5
	Understanding addition	2.1-2.7
	Understanding subtraction	2.1-2.7
	Use estimation strategies in computation and problem-solving for numbers up to the 100th place	3.1
	ALGEBRA AND FUNCTIONS	
	Use number sentences with operational symbols and expressions to solve problems	1.1-1.3
	MEASUREMENT AND GEOMETRY	1.0, 2.0
	Money	
	Time and Probability	1.1, 1.2
	Measurement	
	Two Digit Addition and Subtraction	2.1-2.4
	STATISTICS, DATA ANALYSIS, AND PROBABILITY	
	MATHEMATICAL REASONING	1.1, 1.2, 2.1 1.0, 2.0, 3.0, 1.1, 1.2, 2.1, 2.2, 3.0
Second	NUMBER SENSE	
	Using Addition and	1.0-6.0

	Subtraction Strategies	1.1-1.3
	Place Value and Adding	2.1-2.3, 6.1
	Two-Digit Numbers	
	Subtracting Two-Digit	3.1-3.3, 6.1
	Numbers	4.1-4.3
	Money	5.1-5.2, 6.1
	Time	
	ALGEBRA	1.0
	Patterns and Numbers	1.1-1.3
	Adding and Subtracting	1.0, 2.0
	Comparison	1.1-1.5
	Three-Digit Numbers	
	MEASUREMENT and GEOMETRY	2.1-2.2
	Measurement	
	STATISTICS, DATA ANALYSIS, and PROBA-BILITY	1.0, 2.0
	Geometry	
	Fractions and Probability	1.1-1.4
	Multiplication	
	Division	2.1-2.2
	MATHEMATICAL REASONING	1.0, 2.0, 3.0
		1.1-1.2
		2.1-2.2
		3.0
Third	NUMBER SENSE	1.0,2.0,3.0
	Place Value and Money	
	Addition and Subtraction	1.1-1.5
	Measurement	2.1-2.8
	Multiplication Concepts	
	Multiplication Facts	
	Division Concepts	3.1-3.4
	Division Facts	
	Geometry	
	ALGEBRA and FUNCTIONS	1.0, 2.0
	Multiplying Greater Numbers	
	Dividing Greater Numbers	
	Fractions and Decimals	1.11.5
	Data, Graphs, and	2.12.2
	Probability	
	MEASUREMENT and GEOMETRY	1.0, 2.0
		1.1-1.4
		2.1-2.6
	STATISTICS, DATA ANALYSIS, And PROBA-	1.0

	BILITY	1.1-1.4
		1.0, 2.0, 3.0
	MATHEMATICAL REASONING	1.1-1.2 2.1-2.6 3.1-3.3
Fourth	NUMBER SENSE	1.0, 2.0, 3.0 ,4.0
	Place Value	
	Adding and Subtracting	1.1-1.9
	Whole Numbers and Money	2.1-2.2
	Multiplication and	3.1-3.4
	Division Facts	4.1-4.2
	ALGEBRA and FUNCTIONS	1.0, 2.0
	Multiplying by One-Digit Numbers	1.1-1.5
	Multiplying by Two-Digit Numbers	2.1-2.2
	Dividing by One-Digit Numbers	
	MEASUREMENT and GEOMETRY	1.0, 2.0, 3.0
	Fraction Concepts	1.1-1.4
	Probabilities	
	Adding and Subtracting	3.1-3.8
	Fractions and Mixed	
	STATISTICS, DATA ANALYSIS, and PROBA-BILITY	1.0, 2.0
	Numbers Decimals	1.1-1.3
	Data and Graphs Geometry and Area	2.1-2.2
	Measurement, Perimeter	
	MATHEMATICAL REASONING	1.0, 2.0, 3.0
		1.1-1.2
		2.1-2.6
		3.1-3.3
Fifth	NUMBER SENSE	
	Understanding Place Value	1.0, 2.0
	Adding and Subtracting	1.1-1.5
	Whole Numbers and	
	Decimals	
	Using Data and Statistics	2.1-2.5
	Multiplying Whole Numbers	
	Dividing Whole Numbers	
	Multiplying and Dividing	
	ALGEBRA and FUNCTIONS	1.0
	Decimals	1.1-1.5
	Fraction Concepts	
	Fraction Computation	
	MEASUREMENT and	
	GEOMETRY	1.0, 2.0

Integers, Equations, and Graphs	1.1-1.4
Geometry	2.1-2.3
Measurement	
Ratio, Percent, and	
STATISTICS, DATA ANALYSIS, and PROBABILITY	
Probability	1.1-1.5
MATHEMATCAL REASONING	
	1.1-1.2
	2.1-2.6
	3.1-3.3

SCIENCE

Ingenium Charter School Science Program will provide children with the opportunity to investigate the natural world, learn about interesting, relevant, and exciting science ideas, and link science to mathematics, writing, technology, and all other aspects of the elementary curriculum. It will nurture a lifelong fascination with the natural world in our students.

The Science Program is based on the following principles of scientific literacy:

- All children can investigate and learn science concepts and can experience literacy.
- Children must develop knowledge of and the ability to use the tools and processes of scientific inquiry.
- Children experience success in science when they develop age-appropriate knowledge and understanding of the life, earth, and physical sciences and when they learn the history and nature of science.
- While engaged in the study of science, children should have the opportunity to build success in other curricular areas.
- Science content should be presented to children in an interesting, comprehensible, and easily organized format.

Children's competence in the concepts and processes of science will be assessed through a variety of tools that are consistent, authentic, and fair. The California Science Content Standards outline what students should know and should be able to do in science. The content is organized into four strands:

- Life Science
- Earth Science

- Physical Science
- Investigation and Experiments

Ingenium Charter School will use the California Edition of Harcourt Science as its textbook and the investigation kits that accompany the series. Instruction will incorporate the California Science Standards with each lesson involving hands-on investigation. A variety of formative and summative assessments will be used to identify where students are on their learning continuum at regular intervals so that feedback can be conveyed to students (and their parents) on how to improve students' learning. The curriculum for the K-6 grades will cover the following topics and skills.

Grade	Unit Themes/Titles	Skills Covered	State Standards
K	PHYSICAL SCIENCE		
	Objects Around us	Objects can be described in terms of the materials they are made of and their physical properties	1.a
	Investigating Water	Water can be a liquid or a solid and can be made to change back and forth from one form to the other	1.b
		Water left in an open container evaporates but water in a closed container does not	1.c
	LIFE SCIENCE		
	Animals		
	Plants	Observe and describe similarities and differences in the appearance and behavior of plants and animals	2.a
		Stories sometimes give plants attributes they do not really have	2.b
		Identify major structures of common plants and animals	
	EARTH SCIENCE		
	Earth's Land, Air, and Water	Characteristics of mountains, rivers, oceans, valleys, deserts, and landforms	3.a
	Weather	Changes in weather occur from day to day and across seasons, affecting Earth and its inhabitants	3.b
		Identify resources from Earth and how they are conserved	3.c
	INVESTIGATION AND EXPERIMENTATIONS		
		Observe using five senses	4.a
		Describe common properties	4.b
		Describe positions	4.c
		Compare and sort	4.d

		Communicate observations	4.e
First	PHYSICAL SCIENCE		
	Investigating Matter	Solids, liquids, and gases have different properties	1.a
		Heat and Light *Properties of substances can change when the substances are mixed, cooled, or heated	1.b
	LIFE SCIENCE		
	Living and Nonliving Things		
	A Place to Live All About Plants All About animals	Different plants and animals inhabit different kinds of environments and have external features that help them thrive in different kinds of places	2.a
		Both plants and animals need water, animals need food, and plants need light	2.b
	Plants and animals Need One Another	Animals eat plants or other animals for food and may also use plants or even other animals for shelter and nesting	2.c
		Infer what animals eat from the shape of their teeth	2.d
		Roots are associated with the intake of water and soil nutrients and green leaves are associated with making food from sunlight	2.e
	EARTH SCIENCE		
	Measuring Weather	Use simple tools to measure weather conditions and record changes from day to day and across the seasons	3.a
	The Seasons	Weather changes from day to day but that trends in temperature or rain(or snow) tend to be predictable during a season	3.b
		Sun warms the land, air, and water	3.c
	INVESTIGATIONS and EXPERIMENTATION		
	Magnets	Draw pictures that portray some features of the thing being described	4.a
	Pushes and Pulls	Record observations and data with pictures, numbers, or written statements	4.b
		Record observations on a bar graph	4.c
		Describe the relative position of objects by using two references	4.d
		Make new observations when discrepancies exist between two descriptions of the same object or phenomenon	4.e

Second	PHYSICAL SCIENCE		
	Observing and Measuring Matter Changes in Matter	Position of an object can be described by locating it in relation to another object or to the background	1.a
	Forces and Motion	An object's motion can be described by recording the change in position of the object over time	1.b
		The way to change how something is moving by giving it a push or pull. The size of the change is related to the strength, or the amount force, of the push or pull	1.c
		Tools and machines are used to apply pushes and pulls to make things move	1.d
		Objects fall to the ground unless something holds them up	1.e
		Magnets can be used to make some objects move without being touched	1.f
	Sound	Sound is made by vibrating objects and can be described by its pitch and volume	1.g
	LIFE SCIENCE		
	Plants Grow and Change Animals Grow and Change People Grow and Change	Organisms reproduce offspring of their own kind and the offspring resemble their parents and one another	2.a
		The sequential stages of life cycles are different for different animals	2.b
		Many characteristics of an organism are inherited from the parents. Some characteristics are caused or influenced by the environment	2.c
		There is variation among individuals of one kind within a population	2.d
		Light, gravity, touch, or environmental stress can affect the germination, growth, and development of plants	2.e
		Flowers and fruits are associated with reproductions in plants	2.f
	EARTH SCIENCES		
	Earth's Resources	Compare the physical properties of different kinds of rocks and know that rock is composed of different combinations of minerals	3.a
		Smaller rocks come from the breakage and weathering of larger rocks	3.b

		Soil is made partly from weathered rock and partly from organic materials and that solids differ in their color, texture, capacity to retain water, and ability to support the growth of many kinds of plants	3.c
	Earth Long Ago	Fossils provide evidence about the plants and animals that lived long ago and animals that lived long ago and that scientists learn about the past history of Earth by studying fossils	3.d
		Rock, water, plants, and soil provide many resources that humans need	3.e
	INVESTIGATION and EXPERIMENTATION	Make predictions based on observed patterns and not random guessing	4.a
		Measure length, weight, temperature, and liquid volume with appropriate tools and express those measurements in standard metric system units	4.b
		Compare and sort common objects according to two or more physical attributes	4.c
		Write or draw descriptions of a sequence of steps, events, and observation	4.d
		Construct bar graphs to record data, using appropriately labeled axes	4.e
		Use magnifiers or microscopes to and draw descriptions of small objects or small features of objects	4.f
		Follow oral instructions for a scientific investigation	4.g
Third	PHYISCAL SCIENCES		
	Properties of Matter Changes in Matter	Energy comes from the Sun	1.a
	Energy	Sources of stored energy take forms	1.b
		Machines and living things convert stored energy to motion and heat	1.c
		Energy can be carried from one place to another by waves, such as water waves and sound waves, by electric current and by moving objects	1.d
		Matter has three forms: solids, liquid, and gas	1.e
		Evaporation and melting are changes that occur when objects are heated	1.f
		When two or more substances are	1.g

	combined, a new substance may be formed with properties that are different from those of the original material	
	All matter is made of small particles called atoms, too small to be seen with the naked eye	1.h
	There are 100 different types of which are presented on the periodic table of the elements	1.i
PHYISCAL SCIENCE		
Light	Sunlight can be blocked to create shadows	2.a
	Light is reflected from mirrors and other surfaces	2.b
	The color of light striking an object affects the way the object is seen	2.c
	An object is seen when light traveling from the object enters the eye	2.d
LIFE SCIENCES		
How Plants Grow	Plants and animals have structures that serve different functions in growth, survival, and reproduction	3.a
Types of Animals	Diverse life forms live in different environments	3.b
Where Living Things Are Found	Living things cause changes in the environment in which they live	3.c
	When the environment changes, some plants and animals survive and reproduce; others die or move to new locations	3.d
	Some kinds of organisms that once lived on Earth have completely disappeared and some of those resembled others that are alive today	3.e
EARTH SCIENCES		
Earth in the form of light	Patterns of stars stay the same, although they appear to move across the sky nightly	4.a
Earth, the Water Planet	The Moon's appearance changes during the four week lunar cycle	4.b
The Solar System and Beyond	Telescopes magnify the appearance of some objects in the sky	4.c
	Earth is one of several planets that orbit the Sun and that the Moon orbits Earth	4.d
	The position of the Sun in the sky changes during the course of the day	4.e

		and from season to season	
	INVESTIGATION AND EXPERIMEN-TATIONS		
		Repeat observations to improve accuracy and know that the results of similar scientific investigations seldom turn out exactly the same	5.a
		Differentiate evidence from opinions	5.b
		Use numerical data in describing and comparing objects, events and measurements	5.c
		Predict the outcome of a simple investigation and compare the results with the prediction	5.d
		Collect data in an investigation and analyze those data to develop a logical conclusion	5.e
Fourth	PHYISCAL SCIENCES		
	Physical Properties of Matter	Design and build simple series and parallel circuits by using components such as wires, batteries, and bulbs	1.a
		Build a simple compass and use it to detect magnetic effects, including Earth's magnetic field	1.b
	Electricity and Magnetism	Electric currents produce magnetic fields and know how to build a simple electromagnet	1.c
		The role of electromagnets construction of electric generators, and simple devices, such as doorbells and earphones	1.d
		Electrically charged objects attract or repel each other	1.e
		Magnets have two poles and like poles repel each other while unlike poles attract each other	1.f
		Electrical energy can be converted to heat, light, and motion	1.g
	LIFE SCIENCES		
	Plant Growth and Adap-	Plants are the primary source of matter	2.a

tations	and energy entering most food chains	
Living Things Interact	Producers and consumers are related in food chains and food webs and may compete with each other for resources in an ecosystem	2.b
	Decomposers recycle matter from dead plants and animals	2.c
LIFE SCIENCES		
Protecting and preserving Ecosystems	Ecosystems can be characterized by their living and nonliving components	3.a
Animal Growth and Adaptations	In any particular environment, some kinds of plants and animals survive well, some survive less well, and some cannot survive at all	3.b
Biomes	Many plants depend on animals for pollination and seed dispersal, and animals depend on plants for food and shelter	3.c
	Most microorganisms do not cause disease and many are beneficial	3.d
EARTH SCIENCES		
Rocks and Minerals	Differentiate among igneous, sedimentary, and metamorphic rocks by referring to their properties and methods of formation	4.a
	Identify common rockforming minerals and ore minerals by using table of diagnostic properties	4.b
EARTH SCIENCES		
Changes to Earth's Surface	Some changes in the earth are due to slow processes, and some changes are due to rapid processes	5.a
	Natural processes cause rocks to break down into smaller pieces	5.b
Soil—A Natural Resource	Moving water erodes landforms, reshaping the land by taking it away from some places and depositing it as pebbles, sand slit, and mud in other places	5.c
INVESTIGATION and EXPERIMENTATIONS		
	Differentiate observation from inference	6.a
	Measure and estimate the weight length, or volume of objects	6.b
	Formulate and justify predictions based on cause-and-effect relationships	
	Conduct multiple trials to test a predic-	

		tion and draw a conclusion about the relationships between predictions and results	
		Construct and interpret graphs from measurements	
		Follow a set of written instructions for a scientific investigation	
Fifth	PHYISCAL SCIENCES		
	Matter and Its Properties	During chemical reactions the in the reactants rearrange to form products with different properties	1.a
	Atoms and Elements	Matter is made of atoms, which may combine to form molecules	1.b
		Metals have properties in common, such as high electrical conductivity. Some metals are pure elements, others are composed of a combination of elemental metals	1.c
		Each element is made of one kind of atom and the elements are Organized in the periodic table by their chemical properties	1.d
		Scientists have developed instruments that can create discrete images of atoms and molecules that show that the atoms and molecules often occur in well-ordered arrays	1.e
	Energy	Know differences in chemical and physical properties of substances are used to separate mixtures and identify compounds	1.f
		Properties of solid, liquid, and gaseous substances	1.g
		Living organisms and most materials are composed of just a few elements	1.h
		Common properties of salts	1.i
	LIFE SCIENCES		
	From Single Cells to Body Systems	Many multicellular organisms have specialized structures to support the transport of materials	2.a
	Classifying Living Things	Blood circulates through the heart chambers, lungs, and body and how carbon dioxide and oxygen are exchanged in the lungs and tissues	2.b
		Sequential steps of digestion	2.c
		Role of the kidney in removing cellular waste from blood and converting it	2.d

	into urine	
	Sugar, water, and minerals are transported in a vascular plant	2.e
Plants and Their Adaptations	Plants use carbon dioxide and energy from sunlight to build molecules of sugar and released oxygen	
Plant Processes	Plant and animal cells break down sugar to obtain energy	
EARTH SCIENCES		
Earth's Air and Water	Most of Earth's water is present as salt water in the oceans	3.a
	When liquid water evaporates, it turns into water vapor in the air and can reappear as a liquid when cooled or as a solid if cooled below the freezing point of water	3.b
	Water vapor in the air moves from one place to another and can form for or clouds and can fall to Earth as rain, hail, sleet, or snow	3.c
	The amount of fresh water located in rivers, lakes, underground sources, and glaciers is limited and that its availability can be extended by recycling and decreasing the use of water	3.d
	Know the origin of the water used by local communities	3.e
EARTH SCIENCES (WEATHER)		
Earth's Weather	Uneven heating of Earth causes air movements (convection currents)	4.a
	Know the influence that the ocean has on the weather and the role that the water cycle plays in weather patterns	4.b
Weather Prediction and Climate	Know the causes and effects of different types of severe weather	4.c
	The Earth's atmosphere exerts a pressure that decreases with distance above Earth's surface and that at any point it exerts this pressure equally in all directions	4.d
EARTH SCIENCES (THE SOLAR SYSTEM)		
The Solar System	The Sun is the central and largest body in the solar system and is composed primarily of hydrogen and helium	5.a
Earth and the Moon	The solar system includes the Earth,	5.b

	the moon, the Sun, other planets and their satellites, and smaller objects The path of a planet around the Sun is due to the gravitational Attraction between the Sun and the Planet	
INVESTIGATION and EXPERIMENTATION		
	Classify objects in accordance with appropriate criteria	6.a
	Develop a testable question	6.b
	Plan and conduct a simple based on a student-developed question and write instructions others can follow to carry out the procedure	6.c
	Identify the dependent and controlled variables in an investigation	6.d
	Identify a single independent variable in a scientific investigation and explain how this variable can be used to collect information to answer a question about the results of the experiment	6.e
	Select appropriate tools and make quantitative observations	6.f
	Record data by using appropriate graphic representations and make inferences based on those data	6.g
	Draw conclusions from scientific evidence and indicate whether further information is needed to support a specific conclusion	6.h
	Write a report of an investigation that includes conducting tests, collecting data or examining evidence, and drawing conclusions	6.i

SOCIAL STUDIES

The goals of the California History/Social Science Framework fall into three broad categories:

1. Knowledge and Cultural Understanding;

2. Democratic Understanding and Civic Values; and

3. Skills Attainment and Social Participation.

Inherent in Ingenium Charter School's Baldrige design is a highly collaborative environment for staff, teachers, students and parents. This design will promote cross-grade level ar-

ticulation and planning which lends itself well to carrying out the interrelated focus of the above framework goals.

The communities in which our students live and that surround our schools are a rich re source and have vast and colorful histories that our students will become aware of. Students will begin to discover the connections to and the relationships between our community and the larger societies. Our students and parents come to us with rich background experiences that will be tapped into and recorded.

Students at Ingenium Charter School will acquire core knowledge in history and social science while they develop critical thinking skills, such as chronological and spatial thinking, research, evidence, point of view and historical interpretation, to study the past and its rela tionship to the present. Students will also learn to distinguish the important from the unim portant, to recognize vital connections between the present and the past, and to appreciate universal historical themes and dilemmas.

In addition to community participation and student-led community projects, students will use biographies, original documents, diaries, letters, legends, speeches, and other narra tive artifacts from our past (found in archives, museums, historical sites and libraries) to un derstand historical events by revealing the ideas, values, fears, and dreams of the people as sociated with them.

Ingenium Charter School will use History-Social Science for California by Scott For esman as its adopted text in kindergarten through fifth grades. Through the mastery of the standards, students will know the facts and understand common and complex themes throughout history, making connections among their own lives, the lives of the people who came before them, and the lives of those to come after.

Grade	Unit Themes/Titles	Skills Covered	State Standard
K	Getting Along Sym-bols Work	Why do we follow rules Who are good citi-zens? What can we learn from stories?	K.1.1 K.1.2 K.1.3
	Where We Are Calendars Time Past	What are symbols?	K.2
		What jobs do people do? How can you find things? Is it land or water?	K.3 K.4.1 K.4.2
		What symbols do you know? How can we show a neighborhood? What happens at school? How can we show time?	K.4.3 K.4.4 K.4.5 K.5
		What is a holiday? Who are people in history? How have things changed?	K.6.1 K.6.2 K6.3

First	Citizenship People and Places Our Country Celebrate Cultures Goods and Services	How do we make rules? How do we show respect?	1.1.1, 1.1.2
		Changes Over Time How can we use maps and globes? What does a model show?	1.2.1 1.2.2
		How can you make a map? Where do you live? How do we honor our country? How do we honor heroes?	1.2.3 1.2.4 1.3.1 1.3.2
		What are symbols of America? What was life like long ago? How has travel changed? How can we learn about the past? How are we alike?	1.3.3 1.4.1 1.4.2 1.4.3 1.5.1
		Who came before us?	1.5.2
		How do we learn about others?	1.5.3
		How do people use money? How do goods get to people?	1.6.1 1.6.2
Second	Long Ago and Yesterday Map skills Our Government Producers and Consumers People in History	How do we learn family history? How is life different today? How can we put events in order?	2.1.1 2.1.2 2.1.3
		How can we locate places? What does a map show? Where did my family come from? How do people use land? What do governments do? How do people solve problems? How do people grow and use food? Who are buyers and sellers? How do people use resources? How do heroes make a difference?	2.2.1 2.2.2 2.2.3 2.2.4 2.3.1 2.3.2 2.4.1 2.4.2 2.4.3 2.5
Third	Land and Water in Your Area California Indians Past And Present Our Community over Time Rules and Laws The Economy of Your Region	What are the land and water like	3.1.1
		in your area? How have people used the land in your region? How are California Indians in your region alike and different? How have California Indians lived in their environment?	3.1.2 3.2.1 3.2.2
		How do California Indian groups function?	3.2.3
		How did Europeans change life for California Indians?	3.2.4
		Who has come to your region?	3.3.1
		How did early settlers affect your region's economy?	3.3.2
		How have people helped places in your region grow?	3.3.3

		How do rules and laws help people live together?	3.4.1
		Why is being a good citizen important?	3.4.2
		What brings our communities and country together?	3.4.3
		How does government work?	3.4.4
		How do states, American Indians, and our country's government work together?	3.4.5
		How have people worked for freedom?	3.4.6
		What kinds of resources do we use?	3.5.1
		Where are goods made?	3.5.2
		How do we decide what we want?	3.5.3
		How does your work in school help you?	3.5.4
Fourth	The Land of California	How do you locate places on Earth?	4.1.1
		How is Earth divided?	4.1.2
		How are the areas of California different?	4.1.3
		How have California's landforms and water affected settlement?	4.1.4
		How are California's communities alike and different?	4.1.5
	Early People in California	How did early people live in California?	4.2.1
	Early History to Statehood	How did early Europeans come to California?	4.2.2
		How did the Spanish change how California Indians lived?	4.2.3
		What was Spain's influence in California?	4.2.4
		What was life like in Spanish and Mexican California?	4.2.5
		How did California's early economy change?	4.2.6
		How did the Mexican War for Independence affect California?	4.2.7
		How did Mexican rule affect California?	4.2.8
	Growth and Development	Where were California's Settlements?	4.3.1

		How and why did people travel to California?	4.3.2
		How did the discovery of gold affect California?	4.3.3
		How did women help California grow?	4.3.4
		How did California's government change?	4.3.5
	Since 1850	How did the movement of people and ideas change in California?	4.4.1
		How did the Gold Rush change California's economy?	4.4.2
		How did different people coming to California affect our state?	4.4.3
		How have immigration and settlement helped California grow?	4.4.4
		What was California's role in the twentieth century?	4.4.5
		What new industries came to California in the twentieth century?	4.4.6
		How did California's water system develop?	4.4.8
		How have Californians made our state unique?	4.4.9
	California Government	Why was the United States Constitution created?	4.5.1
		How does the California Constitution affect you?	4.5.2
		How are federal, state, and local governments alike and different?	4.5.3
		What does our state government do for us?	4.5.4
		How are California's communities governed?	4.5.5
Fifth	The First American	How did geography and climate affect how early people lived?	5.1.1
		What common ways of life developed among American Indian cultures?	5.1.2
		How did American Indian groups work together?	5.1.3
	Age of Exploration	Why did Europeans sail to new places?	5.2.1
		Who were the explorers and what did they find?	5.2.2
		What explorations were made by land?	5.2.3
	The Fight for a Continent	Where in the Americas did European countries claim land?	5.2.4

	Why did European nations and American Indians compete in North America?	5.3.1
	How did colonists and American Indians co-operate?	5.3.2
	What major conflicts did European colonists and American Indians have?	5.3.3
	How were American Indians forced off their lands?	5.3.4
	What conflicts occurred among American Indians?	5.3.5
	Who were the leaders in the struggle for American Indian Lands?	5.3.6
Life in the Colonies	What influenced where Europeans settled in North America?	5.4.1
	Who founded the colonies and why?	5.4.2
	How did religion affect the founding of the colonies?	5.4.3
	How did the First Great Awakening affect the colonies?	5.4.4
	What systems developed in the colonies?	5.4.5
	What was the role of slavery in the colonies?	5.4.6
Causes of the Revolution	What brought on democratic ideas in colonial America?	5.4.7
	What events led to the American Revolution?	5.5.1
	How did the colonists work together?	5.5.2
	Why did the colonists declare independence?	5.5.3
	Who caused change in the colonies?	5.5.4
The Revolutionary War	How did the American colonies defeat Britain?	5.6.1
	How did other nations help the Patriots?	5.6.2
	What role did women play in the Revolutionary War?	5.6.3
	What was life like in the colonies during the Revolution?	5.6.4
Forming a New Nation	How did the American Revolution affect the creation of state governments?	5.6.5
	How did the United States move into western lands?	5.6.6
	How did people's views on slavery change after independence?	5.6.7

	What problems did the new United States government face?	5.7.1
	How did the United States create a Constitution?	5.7.2
	What are the rights of U.S. citizens?	5.7.3
	What is the role of government?	5.7.4
	How do citizens help protect liberty?	5.7.5
	How does music express American ideals?	5.7.6
A Nation Moves West	How did people reach lands west of the Appalachians?	5.8.1
	What were the geographic features of western lands?	5.8.2
	What were the major explorations of western lands?	5.8.3
	What was life like on the overland trail?	5.8.4
	Why have Mexican settlers migrated into the West and Southwest?	5.8.5
	How did the United States expand in the 1800's?	5.8.6
States and Capitals	What are the fifty states and capitals?	5.5.9

Technology

Ingenium Charter School will incorporate technology in the following ways:

- Each teacher will be given training on effectively using technology in the classroom. Teacher training will take place in the beginning of the year with basics and then on an ongoing basis will address applications, effective use of internet as a resource, designing class web pages, etc.
- The school will have a computer lab equipped with 29 student computers. Teachers will have the option of scheduling the computer lab for use in any course. Teachers will be encouraged to incorporate use of the computers into their classes.
- Courses will include Web-based research projects and assignments.
- Technology classes will train students on computers and different software programs.
- Collecting, compiling and graphing data to use in analysis, for data boards, or parent meetings (see Chapter 10 of the Guide to Reinventing Schools).
- Creating newsletters, which include data, to send to stakeholders.

- Some students may keep their Student Assessment Binders on the computer.

Below are the Ingenium Charter School technology standards.

KINDERGARTEN THRU FIRST GRADE

- Explores keys to learn alphabet and types name.
- Turns the computer on and off properly.
- Follow classroom rules for responsible use of computers (headphones, CD's, mouse).
- Explores educational software.

SECOND GRADE

- Uses proper keyboard position to locate keys within 5 seconds and types simple sentences.
- Logs in as a student user on the computer (knows username and password).
- Identifies and uses desktop items (i.e. icons, trash, folders, drag and drop).
- Identifies and uses components (monitor, keyboard, mouse, power button, headphones and volume control).
- Prints documents and saves documents using appropriate file name.
- Demonstrates respect, responsibility, and honesty with files, software, login names, and passwords.
- Follows classroom rules for proper care of computers.
- Participates in teacher led digital communication project (i.e. email another class, Audio/video conference, web based collaboration).
- Participates in a teacher led internet research project (ie. national monument, virtual tour).

THIRD THRU FOURTH GRADE

- Keyboards 10 WPM with hands on home row with 90% accuracy and proper ergonomics.
- Student will understand that software needs to be installed on the computer.
- Logs onto school file server, saves files to personal space, and prints to designated printer.
- Accesses school email via a web browser and send and receive email.
- Student demonstrates knowledge of media ownership.
- Explain safe practice for email and internet use (ie. privacy, viruses, etiquette).
- Students participate in incorporating data into tables, spreadsheets, and charts.

- Student participates in a teacher led demonstration or project using video and photos in both a multimedia editing software and presentation software.
- Use technology tools (e.g., multimedia authoring, presentation, web tools, digital cameras, scanners) for individual and/or collaborative writing, communication, and publishing activities to create knowledge product for audiences.

FIFTH GRADE

- Keyboards 20 WPM w/90% accuracy with correct ergonomics.
- Can locate internal specs (Ghz, RAM, HD capacity, optical drive abilities) and label Ports (Firewire, USB, DVI/VGA, Ethernet, Power).
- Explain/demonstrate the use of aliases and their interaction with parent or original file, folder, or application.
- Explain/demonstrate the roles of file hierarchy by creating a file structure (hierarchy) on file server and saving in and deleting from appropriate locations to include files and applications.
- Identify Operating system and uses utilities and system preferences to troubleshoot common problems (e.g. printing problems, force quit, and finding files).
- Student can draw a basic LAN (Local Area Network) using 5 of the following devices: Laptop, desktop, airport, printer, servers, routers, switches, and WAN (Wide Area Network) using 5 of the following: servers, DNS (Domain Name Server), Satellite, Router, Land Line, Microwave, Fiber.
- Send and receive email with attachments, explain proper electronic communication etiquette, interacts with moodle, blogs, gallery, and other electronic communication tools.
- Uses internet browsers to search the web, create and organize bookmarks, locate valid information, and access school information systems.
- Understand, describe, and demonstrate knowledge of the school technology accectable use policy and know the consequences of violating the policy.
- Student explains the various digital media copyright policies and applies them appropriately in a variety of situations (Fair Use, LGPL, GNU, PDL).
- Create documents with structure, add pictures, copy, paste, undo.
- Uses technology tools to enter data organize and draw conclusion using spreadsheets, charts, and tables.
- Uses a technology tool to organize and plan (e.g. iCal, Inspiration).
- Can use 4 various forms of technology, with assistance (ie. digital camera, digital video cameras, printers, scanners, flash drive, video conferencing, external hard drives etc.)
- Explains various standard file formats (.pdf, .doc, .jpg, .xls, .ppt, .mov, .mp3, AIFF, .zip, .gif) and relative size (get info).

- Use technology tools (eg. multimedia authoring, presentation, web tools, digital cameras, scanners) for individual writing, communication, and desktop publishing to create knowledge product for audiences.

Visual and Performing Arts

Ingenium Charter School will offer a visual and performing arts program that is aligned with the national and state learning standards. These standards recommend that students should:

- Be able to communicate in four arts disciplines – music, visual arts, dance, and theatre.
- Be able to communicate proficiently in at least one art form.
- Be able to present basic analyses of works of art.
- Have an informed acquaintance with exemplary works of art from a variety of world cultures and historical periods.
- Be able to relate various types of arts knowledge and skills across the arts dis ciplines.

Ingenium Charter School visual/performing arts program will support and extend the learning experiences for students in basic literacy and advance skills in language arts, math, science, and history-social science. The arts program will engage students in meaningful ac tivities and lesson sessions involving analytical and creative thinking and help them practice discipline and team work to deliver student produced products. Ingenium Charter School recognizes the "arts" program as an essential learning dimension to excellent teaching and learning. The arts program will celebrate cultural diversity in dance, painting, music forms, and theory from a global perspective.

English Language Development

In addition to a newly developing formal ESL program, regular education teachers at In genium Charter School will play an integral part in the integration of EL students in the In genium Charter School program. Valuing the diverse resources that ELL students bring to the classroom and being sensitive to their unique needs can serve to build an instructional environment that can benefit all students. Current education research and reform focus on increasing student participation in instruction and on basing instruction on the real-life needs of students. An active learning instructional model for ELL students includes elements that address the special language-related needs and cultural differences of students who are learn ing English. There are five key instructional elements to active learning for ELL students at Ingenium Charter School.

- **The classroom is predictable and accepting of all students.** All students are able to focus on and enjoy learning more when the school and classroom make them feel safe-comfortable with themselves and with their surroundings. Teach-

ers increase comfort levels through structured classroom rules and activity patterns, explicit expectations, and genuine care and concern for each student.

- **Instructional activities maximize opportunities for language use.** Opportunities for substantive, sustained dialogue are critical to challenging students' abilities to communicate ideas, formulate questions, and use language for higher order thinking. Each student, at his or her own level of proficiency, has opportunities to communicate meaningfully in this way.

- **Instructional tasks involve students as active participants.** Students contribute and learn more effectively when they are able to play a role in structuring their own learning, when tasks are oriented toward discovery of concepts and answers to questions, and when the content is both meaningful and challenging.

- **Instructional interactions provide support for student understanding.** Ingenium Charter School teachers ensure that students understand the concepts and materials being presented. For ELL students this includes providing support for the students' understanding of instruction presented in English.

Instructional content utilizes student diversity. Incorporating diversity into the classroom provides ELL students with social support, offers all students opportunities to recognize and validate different cultural perspectives, and provides all students information on other cultures and exposure to other languages. Also, examples and information relevant to ELL students' backgrounds assist them in understanding content.

Ingenium Charter School will administer the home language survey upon a student's initial enrollment into the Charter School (on enrollment forms). All students who indicate that their home language is other than English will be CELDT tested within thirty days of initial enrollment and at least annually thereafter between July 1 and October 31st until redesignated as fluent English proficient.

Ingenium Charter School will notifies all parents of its responsibility for CELDT testing and of CELDT results within thirty days of receiving results from publisher. The CELDT shall be used to fulfill the requirements under the No Child Left Behind Act for annual English proficiency testing. The results of all testing will be reported and submitted to SBE on the R-30 survey annually.

Ingenium Charter School will hire CLAD and BCLAD credentialed teachers who have the skills and expertise to accelerate ELs' academic and linguistic development. To accomplish this mission, teachers will be helped to utilize specific instructional strategies to develop initial communicative competence in English and the development of disciplinary academic registers in their second language.

To accommodate English Language Learners, Ingenium Charter School will administer the CELDT exam to ELL students, along with the other placement exams given to all incoming students. All students in all grade levels who score in the Beginning or Early Intermediate Level on the CELDT will be placed in a level appropriate English Language Development Immersion Program. Teachers will be informed of their students' language levels

and will work collaboratively to develop lessons that support English language development standards along with other California Standards.

At the beginning of the academic year, students will be heterogeneously mixed in their classes and at the quarter mark teachers will meet to discuss student progress. The classes will be structured immersion.

Volunteer parents and aides will lend first language support. English learners more fluent in English will be paired with less fluent students and will assist them. Teachers will be trained in SDAIE and ELD techniques during professional development.

To support student achievement, other models may be considered, such as building an additional class into the schedule for support in English, after school intervention programs, and summer school.

Lessons will be front-loaded for low English Learner ("EL") students in small groups using English Learning Development ("ELD") strategies. The Open Court curriculum includes support for front-loading. The front-loading will be done by the teacher while other students are working on independent activities. Front-loading strategies may include:

- Previewing in the home language.
- Visual aids.
- Graphic organizers.
- Vocabulary previews. The teacher or an aide will explain new or difficult vocabulary.

The first block of the schedule – 7:50 to 9:30 – is the reading block. Into English will be taught 30-45 minutes during this block in ELD level classes; EL 5 students will be in an oral development class.

The school's Into English curriculum will offer English Language Learners a language-rich environment. Into English uses grade-level content as the vehicle for language development. The unique combination of grade-level content plus multi-level teaching strategies gives all students access to the core curriculum. Multi-level strategies engage students in roles for cooperative groups for authentic communication activities. The strategy of Language Acquisition indicates the progress of students in their language development towards native-like fluency in English. Each student's progress moves at his or her own pace through the pathways of pre-production, early production, speech emergence, and intermediate and advanced fluency. The instructional path follows a three-part Language Builder plan: prior knowledge and vocabulary; language through literature; and language through content. Student success will be measured by on-going authentic assessment utilizing performance rubrics.

All ELD students will set learning goals for mastering English, prepare action plans for achieving the goals, and track their learning progress in their Student Assessment Binders.

ELD students will use the Into English program to support their learning action plans. This program has a proven record of success with similar student populations (see Emerson Parkside Academy).

HOW THE CURRICULUM ADDRESSES CALIFORNIA CONTENT STANDARDS

"It's a good thing to have your education planned out. The standards on the report card let you know what you are doing all the time and taking things in your own hands gives you more motivation."

- Middle School Student, Chugach School District, Alaska

"Our report card shows that I am at graduation level in Reading and Math, and I can go beyond in those areas."

- Traditional 8th grade Student, Chugach School District, Alaska

"As far as I can tell, the Quality Schools Model [renamed the Reinventing Schools Model], as implemented by Chugach and other districts in Alaska involved with RISC, is the most comprehensive and well articulated approach to standards-based reform in the entire country."

-Dr. Robert J. Marzano

Ingenium Charter School will focus on a standards-based curriculum in all major subject areas. The California Essential Standards will form the basis of action plans created by students in their Student Assessment Binders and monitored by teachers. As the school year begins, students will be presented with the standards to be mastered over the course of the school year. These standards will inform the plan for the students and progress will be monitored on a regular basis in Student Assessment Binders guided by teachers in classrooms. Comparative data will also be posted and analyzed in each subject area to monitor progress at the individual, class, and school wide levels.

Overall data trends will be presented to each grade level and discussions will take place on a weekly basis regarding curricular adjustments and modalities to be utilized for students who continue to struggle to achieve progress and eventual mastery of a specific standard. Best practices will be discussed and distributed to all teachers in a collegial atmosphere to continue to assist students who may not be meeting their goals as well as provide recommendations for students who are exceeding their goals.

Prior to the start of the school year and during professional development time over the course of the summer, teachers create overall pacing charts and prepare bi-weekly formative assessments in math and language arts drawn from RISC-developed gatekeeper assessments. RISC will assist in this process (see Chapters 3: Write District Standards and 4: Write District Assessments in the *Guide to Reinventing Schools*). RISC will develop standards-based gatekeeper assessments in math, language arts, science, and social studies to follow the pacing chart that will focus on building capacity in each area and eventually demonstrating mastery of the standards required in specific courses. The Ingenium Schools Education Director, Richard De Lorenzo, will lead this process.

Report cards will reflect standards-based grading (see Chapter 8 of the *Guide to Reinventing Schools*). Assessments will be based upon the ability to progress towards mastering the standards covered in each individual subject area. All assignments, assessments, and projects will

be standards-based and students will continue to focus on their goals for mastering the standards as noted in their Student Assessment Binders throughout the school year.

Correlation studies will be performed using school-wide mastery of the standards and comparative data from the California Standards Tests in each subject area as appropriate. A full analysis of school performance as well as class and individual performance will be studied as data becomes available from the State. Trends will be noted and, prior the start of the next school year, recommendations and an action plan will be developed to address any shortcomings in the area of mastery of the standards and make any curricular changes seen to be necessary.

Focusing on continuous improvement for the students and the school as a whole measured by the ability of students to demonstrate mastery of the standards is an essential element of creating a school of excellence at Ingenium Charter School.

The pacing charts in section (D) 3. SCOPE AND SEQUENCE above fully outline the scope and sequence of each of the major subject areas and will be reviewed with teachers as they are hired for the new school year as well as revisited throughout the school year as data becomes available to inform decision making and re-examine the short term goals.

HOW THE TEACHING METHODOLOGIES AND INSTRUCTIONAL PROGRAM ADDRESS THE NEEDS OF THE TARGETED STUDENT POPULATION

How the Reinventing Schools Model improves the behavior of all students, including those at risk:

Many of Ingenium Charter School's targeted students are at risk and lack the academic skills to succeed in high school. All too frequently they've been 'separated' from their classmates in and received many overt or subliminal messages of 'you're dumb, stupid, and incapable of learning.' Consequently, these students have learned to either act-out as a means to cover up pain associated with not being on an academic par with their classmates or to cover up the fear that they really are 'not as good' as the others. The result is that they often find themselves being sent to the Principal's office and in in-school suspension or after school detention as consequences for inappropriate comments and actions; sometimes they even resort to violent behavior. These students are frequently taunted verbally and physically by their classmates. Too many adults in traditional schools do not appropriately intervene either out of fear of the bullies or viewing it as a 'right of passage.' This sends all students the message that bullying and other inappropriate behavior to-wards any student is going to be ignored, therefore giving it tacit approval.

The Reinventing Schools approach changes the culture of schools and classrooms and eliminates most, if not all, behavioral problems through the following means.

- Dr. Deming, the Father of Modern Quality and upon whose theory the Baldrige framework for excellence is modeled, said that 95% or more of all problems within any organization are due to faulty systems and processes, not faulty people. The Baldrige approach focuses on improving systems and processes and not on shaming and blaming people.
- In the RSM, teachers and students become co-partners to create a new classroom culture – one that focuses on success for all. The approach starts with class strategic planning and two foundational principles: I am responsible for my own learn-

ing, and I am response-able to the success of the class [response-able meaning 'able to respond']. These two principles apply equally to the teacher and to all students. Everyone understands the purpose of the class – learning. Purpose answers the "why" question. Next comes a collaboratively written and signed class vision, which answers the "what" question. With purpose and vision defined, the class collaboratively writes a mission statement, which outlines the social skills needed to stay on the path towards the vision. Mission answers the how question. Strategic planning continues with development of class goals that arise from the vision. All these documents are agreed upon and signed by all students and the teacher.

- To understand needs and expectations of students as customers and workers, teachers lead students in the development of quality factors for the teacher (what do I have to remember every day to ensure that I am the best facilitator of your learning?) Students also define the quality factors of a student (what do I have to remember every day to ensure that I am committed to learning and to the success of the class?).
- Student needs and expectations are also determined through learning styles inventories and various assessments throughout the school year to make mid-course adjustments.

The combination of classroom strategic planning and defining the key characteristics of teachers and students saves instructional time because everyone is 'on the same page.' It greatly reduces disruptions that result when a traditional top-down, boss management approach is used by teachers. In a Reinventing Schools classroom everyone is considered important to the success of the group and learning dramatically increases.

Mission and quality factors for students and teacher are regularly measured using quality tools and analyzed before determining strategies for improvement. Nothing about the strategic plan, except the vision, is 'set in stone.'

How the Reinventing Schools Model improves the resilience of all students, including those with significant behavior and academic challenges

Traditional schools frequently have a punitive approach to discipline. If these approaches worked, there would be no (or very, very few) need for in-school suspension, detention or out-of-school suspension or expulsion. These approaches put nearly the entire onus for school and classroom problems on the students. As Dr. Deming stated, at least 95% of all problems within an organization are due to faulty systems and not people.

The RSM improves student resilience by:

- A team approach at the school level in which students participate as part of teams empowered to solve system issues.
- Students working with adults to write surveys, analyze data, determine root causes, and establish improvement theories to resolve a wide variety of problems within the school.
- Students involved in the process represent all groups within the school.

- Regular opportunities for students to provide suggestions for improving the school.
- The establishment of a culture in which the 'way the school does business' is to live the two principles: I am responsible and I am response-able. Great pride in the school is established when such a culture change happens.
- Connecting everyone in the school to everyone else and making the culture of caring evident.

HOW THE SCHOOL WILL ESTABLISH A CULTURE OF SUCCESS

Ingenium Charter Schools will establish a culture of success in its classrooms from the first day of school by using the Reinventing Schools Model's First Days orientation program. The First Days is a social problem-solving curriculum that teaches children to think critically, solve problems non-violently, and work in teams effectively and cooperatively utilizing the structure and processes of the Reinventing School Model. First Days sets in place school-wide processes for preventing and resolving problems among students as well as between students and teachers. Teachers provide structures for coaching individual students to resolve specific conflicts and for conducting class-level meetings, setting positive expectations, rewarding positive peer interaction, and addressing class-selected issues as a group throughout the school year.

During the First Days program, students learn about the Reinventing Schools Model and how to utilize Individual Learning Plans to further their educational goals. Goal setting is explicitly taught and students will begin to set their first goals of the year. The students also create their own Student Assessment Binders.

The First Days curriculum consists of:

- Teaching the RISC Model and its components
- An individual problem-solving model that teaches students to reason and reflect.
- A Cooperative Learning model that gives students frequent practice using their skills to solve problems and set goals.

The First Days program includes two weeks of introductory units for grades K-6. Initial lessons in listening skills and conflict resolution, curriculum, and school norms are necessary in order to give students the background required to participate effectively individually and in small or large groups. Instructional strategies and culture norms are designed to be utilized on a consistent basis throughout the school year.

EVIDENCE THAT THE PROPOSED INSTRUCTIONAL PROGRAM HAS BEEN SUCCESSFUL WITH SIMILAR STUDENT POPULATIONS AND WILL BE SUCCESSFUL WITH THE CHARTER'S TARGETED POPULATION

The ACT Policy Report "The Promise of Baldrige for K-12 Education" (by MaryBeth Walpole and Richard J. Noeth, 2002) concluded that "Although not without controversy, efforts focused on improving quality processes based upon the Malcolm Baldrige Education Criteria for Performance Excellence may hold promise for fundamentally improving K–12

education. The Baldrige criteria address many issues other failed educational efforts have not—including leadership, systems thinking, changes in school culture, and data-driven decision making."

The academic results of the four school districts that have won the Baldrige award in the last six years testify to the Baldrige framework's effectiveness in raising student achievement. Below, the results of each of these winners – Chugach School District, Pearl River School District, Community Consolidated School District 15, and Jenks Public Schools -- are summarized. In addition, research on Brazosport Independent School District in Texas is presented because this latter district, which has not received a Baldrige Award but did receive a site visit for the award, has schools whose demographics mirror the expected Ingenium Charter School student population. Also presented is Emerson Parkside Academy in Long Beach, which will serve as a local model for Ingenium Charter School and has similar demographics to nearby Carson.

Chugach School District

Chugach School District (CSD) is located in South-central Alaska. Some village and school sites are 100% Aleut (Native Alaskan), while other sites include heterogeneous groups.

CSD was one of the lowest ranked districts in Alaska and in crisis in 1994 when a comprehensive restructuring effort was initiated that culminated in CSD's 2001 Baldrige Award, the nation's highest award for performance excellence. California Achievement Test (CAT) scores at increased from the bottom quartile to an average 72nd percentile from 1995 to 2000. In 2000, CSD students ranked second in the state on a statewide writing assessment. One hundred percent of Chugach's 2001 graduates made a successful transition to further educational opportunities.

In his recent book *Classroom Assessment & Grading That Work* (Robert J. Marzano, 2006, Alexandria, VA: Association for Supervision and Curriculum Development), Marzano noted that "the percentile ranks for Chugach students increased consistently over a five-year period in all four subject areas." The figure below details the annual improvements.

National Percentile Scores for Chugach Students

School Year	Total Reading	Total Language	Total Math	Total Spelling
1994-95	28	26	36	22
1995-96	43	44	54	32
1996-97	56	50	58	35
1997-98	63	60	66	46
1998-99	71	72	78	65

Source: *A Guide to Reinventing Schools* by R. Schreiber and W. Battino, 2002, Chugach, AK: Reinventing Schools Coalition.

In the conclusion of Classroom Assessment & Grading That Work, Dr. Marzano wrote that "Chugach School District and districts trying to emulate its efforts through involvement in the Reinventing Schools Coalition have shown that a standards-based system that allows students to progress freely through various levels of performance on classroom-based assessment not only is viable but has a demonstrated positive impact on students' academic achievement." Pearl River School District

Pearl River School District (PRSD) also won a Baldrige Award in 2001. PRSD is located in Rockland County 20 miles north of New York City on the west side of the Hudson River.

In 1997, PRSD's SAT 1 verbal score was 512 and math 525. In 2001, they were 564 and 591, respectively. The SAT 1 participation rate increased from 88% to 91% during the same period. Pearl Rivers' Regents Diploma rate increased from 56% in 1996 to 79% in 2001; the rate for all public schools in New York hovered around 45% during the same period.

The percentage of students graduating with a New York Regents diploma increased from 60% in 1996 to 86% in 2001. In comparison, the percentage of students earning Regents diplomas in schools with similar socio-economic profiles decreased from 61% in 1996 to 58% in 2000.

In 2001, 76% of students achieved scores of "3" or better in Advanced Placement courses, up from 23% five years earlier. PRSD's SAT I test scores also increased from 1996 to 2001, while the percentage of students taking the SAT I exam increased, approaching the highest reporting district in New York.

Overall PRSD student satisfaction, measured with a recognized national survey, increased from 70% in 1998 to 92% in 2001 and surpassed the highest score in the survey's databank (86% in 2001). Overall PRSD parent satisfaction, as measured with the same survey, has increased from 62% in 1996 to 96% in 2001 and exceeded the highest score in the survey's databank (89% in 2001).

PRSD's overall staff and faculty satisfaction rate increased from 89% in 1997 to 98% in 2001 for staff and from 86% to 96% for faculty. PRSD's combined faculty/staff satisfaction score serves as the benchmark for schools using the same survey.

Community Consolidated School District 15

2003 Baldrige Award winner Community Consolidated School District 15 (D15) is a K-8 district in Palatine, IL, a northwestern Chicago suburb. Its student population includes 37.5 percent minority students and 32.5 percent at the low-income level. Approximately 32% of D15's students come from non-English-speaking backgrounds.

In the 2002-03 school year, results from the Iowa Test of Basic Skills showed that 84% of D15's second-grade students were reading at or above grade level. This is an improvement of approximately 10 percentage points since 2000-01 and is nearly 35 percentage points above the national average.

Jenks Public Schools

In 2005, Jenks Public Schools (JPS) in Oklahoma won the Baldrige Award. The 2004 educational report by the State of Oklahoma showed that the average scores of JPS students were significantly higher than both the state's and the nation's in all subject areas in all grade levels tested.

JPS' Academic Performance Index (API) (based on test scores, attendance, dropout rate, and graduation rate) scores led the state for K-12 schools of comparable size; the district's Southeast Elementary School was one of only four elementary schools in the state to achieve an API perfect score of 1,500 points.

At the high school level, JPS's graduation rates for 2003 to 2005 were 93%, 94%, and 95%, respectively. JPS students consistently outperformed other students statewide and nationwide in their ACT and SAT (college entrance exams) scores. 37% of the JPS class of 2004 demonstrated mastery of at least one Advanced Placement course during their high school years compared to 13% nationally.

85% of the 2004 JPS graduating class enrolled in colleges and universities.

Drop-out rates, a measure of student satisfaction, decreased steadily from 6.3% in 1999 to 1.2% at the end of the 2004 school year.

Brazosport Independent School District

The article "Quality Management in Education: Building Excellence and Equity in Student Performance" (by Jacqueline S. Goldberg, North Broward County (Florida) Hospital District, and Bryan R. Cole, Texas A&M University; Quality Management Journal; October 2002; Volume 9; Number 4) reports the results of a study of Brazosport Independent School District. According to the article, "Faced with deteriorating state test scores in several schools, particularly those with a high population of economically disadvantaged students, [Brazosport Independent School District] elected to apply the philosophy, tools, and methods of quality management as a means to raise student achievement through system alignment and improvement of instructional processes.

"The findings of the study reveal a school district that successfully transformed its approach to education, redirecting its goals and processes to assure the success of every student. This article provides an analysis of the approach and deployment of changes, outcomes obtained, and implications for continuous improvement in other public school systems."

Another study, "Using Baldrige to Improve Education: A Rationale Based on Results" (by Peggy Siegel, Training & Development, Feb, 2000), concluded that "Brazosport Independent School District in Freeport, Texas, is the largest district in the state to have all schools rated as exemplary. The district serves 13,500 students, 41.8 percent either Hispanic or African American and 36.4 percent economically disadvantaged. From 1997 to 98, more than 92 percent of all students passed state reading, math, and writing tests, representing an 80 percent gain in some schools."

Emerson Parkside Academy

Ingenium's instructional model is very similar to that used by Emerson Parkside Academy in Long Beach ("Emerson"), a conversion charter school. Emerson's student population is similar to that expected at Ingenium. Its demographics are similar to those of Del Amo Elementary School, in whose service area Ingenium's proposed site lies.

2006-2007 School Year Demographics

	Filipino	Pacific Islander	African American	Hispanic	White	ELL	Free & Reduced
Del Amo Elementary	22%	11%	17%	45%	3%	11%	70%
Emerson Parkside Academy	1%		11%	37%	44%	15%	40%

Emerson Parkside Academy used the Baldrige system, in an implementation similar to the Reinventing Schools Model, to increase its API from 536 in 1999 to 807 in 2006. It won the California Award for Performance Excellence (California's version of the Baldrige Award) at the Silver level in 2005 and 2006.

Contracted and prospective Ingenium Charter School teachers will be required to observe classes at Emerson in the spring of 2010.

TEXTBOOKS AND OTHER INSTRUCTIONAL RESOURCES TO BE USED

The initial textbooks to be used are:

Text Name	Publisher
Mathematics	Scott Foresman-Addison Wesley
History-Social Science for California	Scott Foresman-Addison Wesley
Harcourt Science (California Edition)	Harcourt Education
Open Court	SRA

In addition, Ingenium will use Re-Inventing Schools Coalition templates for student assessment binders, report cards, and skills assessments (see the *Guide to Reinventing Schools*).

HOW THE SCHOOL WILL RECRUIT TEACHERS WHO ARE QUALIFIED TO DELIVER THE PROPOSED INSTRUCTIONAL PROGRAM

Ingenium will begin its faculty recruitment effort in January 2010. It will advertise its openings at local university training programs that specialize in producing NCLB-qualified teachers, including California State Universities at Dominguez Hills, Los Angeles, and Northridge; Pepperdine, Loyola Marymount, and Claremont Graduate Universities; USC; and Mount St. Mary's College. It will also advertise on EdJoin and CCSA's placement service.

The hiring process will include interviewing and collecting the following documents from applicants: résumés; CBEST results; certified and sealed college transcripts; references; records of experiences; credentials, licenses, etc.; and verification of previous employment.

In order to ensure that candidates are NCLB-qualified, Ingenium's teacher application package includes an "NCLB Teacher Requirements: Certificate of Compliance" form that applicants must complete. In addition, the Office Manager will complete an "NCLB Teacher Requirements Form" and verify the critical elements in it (credential, degrees, and examination results). In order to qualify for interviews, candidates must be verified as NCLB-qualified and document SADIE training and CLAD credentials in order to deal with the high proportion of targeted students learning English.

Applicants will be scored on a variety of measures, including demonstrated student achievement with Ingenium's target student population. Bilingual teachers will qualify for additional points on the scoring rubric. Qualifying candidates scoring above a set score will be invited for interviews with the Development Team, where further scoring will be completed. Candidates must express unconditional support and commitment to Ingenium's mission and RSM-based program in the interviews. Top scorers will be asked to teach demonstration classes for observation by Development Team members; these observations will also be scored. Top scoring candidates will be sent invitations to join the Ingenium faculty at the end of the process and, if they accept the invitations, will be sent employment agreements to complete.

HOW THE SCHOOL WILL PROVIDE ONGOING PROFESSIONAL DEVELOPMENT TO ENSURE THAT TEACHERS HAVE THE SKILLS TO DELIVER THE PROPOSED INSTRUCTIONAL PROGRAM

Teacher recruitment will begin in March and end in May. Offers will be made to teachers contingent on charter approval. Upon completion of employment agreements in spring 2010, teachers will be provided with a packet explaining Ingenium's RSM-based program for their review as well as a Professional Development Notebook. Just as Ingenium students will set learning goals, develop learning action plans, and track their learning progress in Student Assessment Binders, Ingenium teachers will develop their own professional development goals and action plans and track their training progress in their Professional Development Notebook, which will include templates and instructions for these processes.

Contracted teachers will be required to observe classes at a Baldrige-based elementary school for several days in the spring of 2010. They will be also required to attend a two-day workshop in early July at which study materials will be distributed and Professional Data Notebooks reviewed. At this time, teachers will present their professional development goals and action plans and record them in their Professional Development Notebook. They will be expected to self-study Ingenium's RSM systems and program in July.

Ingenium Charter School will encourage educators to be teacher-researchers, utilizing their knowledge base to collect and analyze student data, study and reflect upon student response to teaching, formulate questions regarding curricula and instruction, report to peers, and adapt new lessons to meet the needs of the students we serve.

At Ingenium Charter School, professional development opportunities will provide teachers time to inquire about practice, study individual and group student data, develop best practices, and ensure accountability for school-wide goals. A two-week program/staff development session in August will provide staff with the opportunity to plan a coherent and coordinated course of study together that reflects the rigorous California content standards and has high expectations for student learning. Session topics will include the Baldrige Award in Education, the Reinventing Schools Model, Ingenium Classroom Learning System, employing quality tools in the classroom, and utilizing technology in the classroom. This staff development will result in teachers becoming competent users of technology, experts in the use of quality tools and the Classroom Learning System, and becoming skilled in classroom management.

Every Wednesday school will have a shortened schedule; students will leave at lunch, leaving several hours for professional development in the afternoon. Teachers will bring up questions or concerns about the implementation of the model in these sessions. Teachers will never be more than seven days away from an opportunity for continuous improvement.

Teachers and other school staff will visit other charter schools and schools using Baldrige strategies as part of professional development.

Through the first school year, RISC will help set up the Baldrige elements of the school's program and make classroom observations and consult with all teachers at least once a month. In addition, every week teachers will spend one hour on data collaboration and another hour on professional development.

While Ingenium Charter School budget includes a significant line item for RISC and other consultants ($45,000 during start-up and the first year), most professional development sessions will be led by Ingenium Charter School and Ingenium Schools staff, which will include seasoned veterans with experience using quality systems in classrooms.

Teachers will post graphs indicating the learning progress of their classes on classroom bulletin boards. They will report on their class progress in monthly data reports to the Principal, who will work with staff on the basis of the data presented. The Principal will review Professional Development Notebooks with teachers on at least a quarterly basis.

Teachers will complete Learning Skills Capacity Matrixes provided by RISC and its partners (see Appendix N) annually in each spring to determine what skills they have and what skills they should further develop. The school will align these matrixes with its key strategic objectives and specific requirements mandated by SBE and the California DOE to develop an annual list of professional development requirements.

In addition to the Baldrige focus, the professional development program will place special emphasis on providing educational services to the targeted student population – such as SDAIE training. Professional development topics will also include:

- RSM in the Classroom training.
- RSM leadership training.
- Student Assessment Binders.

- Classroom Assessment Binders.
- California Content Standards-based effective lesson planning.
- Development and monitoring of authentic assessment tools.
- Monitoring student mastery of the California Content Standards and adjusting instruction to maximize student mastery.
- Classroom management.
- Special Education.
- Sensitivity to students' affective domains.
- Differentiated instruction.
- Grading and assessment.
- Mainstreaming special needs students.
- Writing across the curriculum.
- Utilizing technology.
- The Internet and supplementary resources.

ACADEMIC CALENDAR AND SAMPLE DAILY SCHEDULE

Ingenium Charter School will comply with Education Code Section 47612.5 in regard to the required number of minutes of instruction. Students must meet the state requirement for attendance. Alternative interventions will be considered for truancy, for example: having a parent conference; detention; or restriction from participating in school activities such as sports, field trips, etc.

Academic Calendar

Ingenium Charter School will have at least 175 student days and an additional 10 professional development days for its teachers. It will exceed the required number of minutes of instruction as set forth in Education Code § 46201.

A draft calendar for 2010-2010 is in Appendix C; the School intends to adopt the LAUSD single track calendar for 2010-2011 when it becomes available. The 2011 summer school session will begin July 14 and end August 8, 2011.

Bell Schedule

The Ingenium Charter School instructional day begins at 7:55 AM and ends at 2:35.

PM except for Wednesdays, when the school day ends at 1:10 in order to leave two hours for professional development. This sample schedule will be used as a general guideline:

	Monday	Tuesday	Wednesday	Thursday	Friday
7:55-9:30	Reading Block	Reading Block	Reading Block	Reading Block	Reading Block
9:30-9:50	Recess	Recess	Recess	Recess	Recess
9:50-10:50	Writing Block	Writing Block	Social Science Writing Block	Writing Block	Science Writing Block
10:50-11:45	Math Block	Math Block	Math Block	Math Block	Math Block
Lunch					
12:25-1:20	PE/Health	PE/Health	PE/Health	PE/Health	PE/Health
1:20-2:35	Technology	Social Science Block	Staff Co-Planning Time	Science Block	Technology
2:45-4:15	Helping Hands After School Program	Helping Hands After School Program	Staff Co-Planning Time	Helping Hands After School Program	

Instructional Time Calculations

There are 340 minutes of instruction on Mondays, Tuesdays, Thursdays, and Fridays and 265 minutes on Wednesdays. There are 145 Mondays, Tuesdays, Thursdays, and Fridays and 36 Wednesdays, yielding 58,840 minutes of instruction for the year.

Ingenium Charter School's attendance accounting system will meet the requirements of SBE and DOE.

HOW THE INSTRUCTIONAL PROGRAM WILL MEET THE NEEDS OF:

ENGLISH LANGUAGE LEARNERS

Ingenium Charter School will administer the home language survey upon a student's initial enrollment into the Charter School (on enrollment forms). All students who indicate that their home language is other than English will be CELDT tested within thirty days of initial enrollment and at least annually thereafter between July 1 and October 31st until re-designated as fluent English proficient.

Ingenium Charter School will notify all parents of its responsibility for CELDT testing and of CELDT results within thirty days of receiving results from the publisher. The CELDT shall be used to fulfill the requirements under the No Child Left Behind Act for annual English proficiency testing. The results of all testing will be reported and submitted to SBE on the R-30 survey annually.

From the results on these exams, teachers will be informed of their students' language levels and will work collaboratively to develop lessons that support English language development standards along with other California Standards.

Ingenium Charter School will hire CLAD and BCLAD credentialed teachers who have the skills and expertise to accelerate English Language Learners' academic and linguistic development. To accomplish this objective, teachers will be helped to utilize specific instructional strategies to develop initial communicative competence in English and the development of disciplinary academic registers in their second language.

At the beginning of the academic year, students will be heterogeneously mixed in their classes and at the quarter mark teachers will meet to discuss student progress. The classes will be structured immersion.

Volunteer parents and aides will lend first language support. English learners more fluent in English will be paired with less fluent students and will assist them.

Teachers will be trained in SDAIE and ELD techniques during professional development.

To support student achievement, other models may be considered, such as building an additional class into the schedule for support in English, after school intervention programs, and summer school.

Lessons will be front-loaded for low English Learner ("EL") students in small groups using English Learning Development ("ELD") strategies. The Open Court curriculum includes support for front-loading. The front-loading will be done by the teacher while other students are working on independent activities. Front-loading strategies may include:

- Previewing in the home language.
- Visual aids.
- Graphic organizers.
- Vocabulary previews.
- Flexible grouping.

The teacher or an aide will explain new or difficult vocabulary.

The first block of Ingenium schedule – 7:55 to 10:00 – is the language arts block. Into English will be taught the first 30-45 minutes after recess in ELD level classes; EL 5 students will be in an oral development class.

The school's Into English curriculum will offer English Language Learners a language-rich environment. Into English uses grade-level content as the vehicle for language development. The unique combination of grade-level content plus multi-level teaching strategies gives all students access to the core curriculum. Multi-level strategies engage students in roles for cooperative groups for authentic communication activities. The strategy of Language Acquisition indicates the progress of students in their language development towards native-like fluency in English. Each student's progress moves at his or her own pace through the pathways of pre-production, early production, speech emergence, and intermediate and advanced fluency. The instructional path follows a three-part Language Builder plan: prior knowledge and vocabulary; language through literature; and language through content. Student success will be measured by on-going authentic assessment utilizing performance rubrics.

MEETING THE NEEDS OF STUDENTS OF LOW SOCIO-ECONOMIC STATUS

Given that the majority of Ingenium's students will come from the low socio-economically disadvantaged population, many will not come into the school with the proper tools and academic vocabulary and a lack of belief in their own ability to achieve, which would put them at great risk for failure. Ingenium teachers will work on an individual level with each student, helping them to identify their own learning styles, set their own goals within the overall academic goals set forth in the course, give them the tools with which to achieve them and celebrate those achievements building their self-esteem and giving them encouragement at every level. As students see progress in their own achievements, they will begin to believe they can achieve and consequently will continue to improve and master the standards as teachers continue to adjust teaching strategies to assist and guide them in their journey.

It is expected that the majority of the students at Ingenium Charter School will have low socio-economic backgrounds; 70% of nearby Del Amo Elementary School students qualified for free or reduced price meals last year.

Several successful Baldrige-based school districts have similar proportions of low socio-economic status students. 36% of the students at Brazosport Independent School District in Texas qualify as "economically disadvantaged." 50% of the working age population in Chugach School District was unemployed and ¾ of the population was below the poverty line when the district won the Baldrige Award in 2001.

The Institute for Student Achievement studied the challenge of meeting the needs of low-achieving students and concluded that the following strategies "can turn low achievement into academic success" for these students. The recommended strategies are "academic rigor, support for students, personalization, continuous improvement and a professional learning community for teachers." ("Reclaiming Children Left Behind" by N. Gerry House, The School Administrator, January, 2005). Ingenium Charter School employs each of these strategies.

Academic Rigor

According to the Institute For Learning, academic rigor features a curriculum organized around major concepts that students are expected to know deeply. Teaching must engage students in active reasoning about major concepts. Instruction and learning must include commitment to a knowledge core, high thinking demand, and active use of knowledge.

Ingenium Charter School's learning-centered educational program (see the "Learning-Centered Education Cove Value above) supports academic rigor by:

- Encouraging all students to take ownership for classroom and personal learning.
- Writing class and individual goals and action plans based on high expectations and performance excellence.
- Setting high expectations for learning and performance excellence.

- Enabling students to monitor the progress of their classroom and personal goals facilitated by the use of quality tools, classroom data centers, and personal Student Assessment Binders.

Support for Students

Ingenium provides multiple support systems for students, including:

- The Helping Hand after school program.
- Peer tutoring.
- The ELL program for students requiring extra language help.
- The Individual Learning Plans and Student Assessment Binders through which students set learning goals, create action plans for meeting their goals, and track their learning progress.

Personalization

Personalization is achieved at Ingenium Charter School through the Individual Learning Plans and Student Assessment Binders, which are completed by students and monitored by their teachers on an individual basis. In addition, teachers differentiate instruction.

Continuous Improvement

The PDSA process is built into the core of the Reinventing Schools Model and is a classic continual improvement system.

Professional Learning Community for Teachers

See the section "HOW THE SCHOOL WILL PROVIDE ONGOING PROFESSIONAL DEVELOPMENT TO ENSURE THAT TEACHERS HAVE THE SKILLS TO DELIVER THE PROPOSED INSTRUCTIONAL PROGRAM" above. The Ingenium charter School professional development program is highly collaborative, including weekly professional development sessions featuring teachers working in groups to analyze performance data.

GIFTED STUDENTS

Gifted students will be identified through a referral process by teachers or parent request. The school will select a teacher as the gifted coordinator who will arrange for testing through the SELPA's psychological services. Students can also be identified gifted through high achievement. We will follow the same process used by LAUSD for identification.

Gifted students will be clustered by grade level in mixed-ability classrooms using differentiated instruction to not only challenge the gifted students but to challenge all students. Many gifted students have the capacity to learn more deeply, move at a brisker pace, or make more connections than instructional blueprints might suggest. Therefore, these students will

have the opportunity to create action plans for meeting these more aggressive goals and tracking their learning progress in their Student Assessment Binders.

The focus is to set high goals, devise plans for reaching those goals, tolerate frustrations and share joys along the way, and sight new horizons after each accomplishment.

Steps to be taken by teachers in coaching advanced learners for growth will include:

- Continually raise the ceilings of expectations so that the advanced learners are competing with their own possibilities rather than with a norm.
- Making clear what would constitute excellence for the advanced learner so he/she knows what to aim for in his/her work.
- Raising the support system available to advanced students as they work toward the high level of expectations so that they can achieve genuine success.
- Balancing rigor and joy in learning so that students become life–long learners.
- Designing a multiplicity of assessments through which these students can demonstrate mastery of the standards.

STUDENTS ACHIEVING BELOW GRADE LEVEL

All students who do not complete their class work or struggle with it will be required to attend "Helping Hand" after school, where peer tutors and older student tutors (from local community colleges) will help them complete their work. Helping Hand will be supervised by a teacher on a rotating schedule. Stu-dents who are highly at risk in Mathematics and English will be placed in support classes that will focus on skill building and content area understanding in addition to the regular Math and English classes.

The Helping Hands program provides targeted instruction to fill learning gaps. Student Helping Hands candidates will be identified by their classroom teachers, who will use assessments and classroom work to determine whether a student has learning gaps that could be closed with Helping Hands assistance. Teachers will also identify their students' learning styles using commercially available learning style surveys (i.e., www.engr.ncsu.edu/learningstyles/ilsweb.html). Students will then update their ILPs with their teacher's assistance to set learning goals and action plans for the Helping Hands program. The Helping Hands program will use the student ILPs to identify students' needs and learning styles. Students will track their learning progress in Helping Hands using their SAB. Helping Hands will deliver instructions responsive the student's learning style. The instruction will be delivered by a peer tutor or community college tutor under the supervision of a certificated teacher.

In addition, Student Assessment Binders will contain formative assessment data to help assist students and teachers with identifying gaps in the students' learning. By identifying this missing information, teachers, parents, and tutors will be able to give specifically targeted instruction to not only to help students catch up, but to accelerate their learning.

THE IMPLEMENTATION PLAN FOR THE SCHOOL'S INSTRUCTIONAL PROGRAM, INCLUDING A TIMELINE FOR IMPLEMENTATION OF VARIOUS COMPONENTS OF THE PLAN

December 2009 – March 2010: Creation of schedule, course selection, RSM training for administrators and board members, school visitations of successful RISC programs.

March 2010 – May 2010: Begin recruitment process and hiring of teachers, first parent/community meetings and recruitment of students.

April, 2010 – June, 2010: Hiring of teachers, curriculum development (pacing charts, assessment development, lesson planning), RSM training, Classroom Learning System (CLS) refinement, final selection of curriculum and other instructional materials, hired teachers observe classes in RSM/Baldrige elementary schools.

June 2010 – August 2010: Continued work on course development and professional development on CLS. Review of CST data of incoming students, testing of incoming students for placement and CELDT, student/parent RSM "boot camp," final scheduling, begin work on submission of Initial Visit materials for WASC, formation of WASC team and creation of documents for WASC Initial Accreditation, and attendance of teachers at RSM training and classroom preparation.

September 2010 – March 2011: Classes begin, continuous work throughout the school year reviewing results and amending action plans for each course/teacher, continued professional development on RSM/CLS methodologies with support from the Principal and RISC, recruitment of new students for 2011-2012 school year.

March 2011 – June 2011: Planning for next school year, recruitment and hiring of new teachers and other staff as needed, revision of year-end assessments as necessary and continuous review of overall results, initial WASC visit and status notification, selection and ordering of curriculum and other instructional materials for next school year, lottery and final acceptance letters for new students.

June 2011 – August 2012: Professional development, focus on RSM training for new hires, development of any new courses and creation of a buddy support plan for new teachers, review of end-of-year data as results come in from the state and data analysis and evaluation/comparative studies CST vs. internal assessments vs. class grades (correlation), continuous work on improvements needed based on new data and final goal-setting for school year 2011-2012, student/parent bootcamp and testing of students.

September 2012 – March 2013: Classes begin, continuous work throughout the school year on reviewing results and amending action plans for each course/teacher, continued professional development on RSM/CLS methodologies with support from the Principal and RISC, recruitment of new students.

March 2013 – June 2013: Planning for next school year, recruitment and hiring of new teachers and other staff as needed, revision of year-end assessments as necessary and continuous review of overall results, ordering of curriculum and other instructional materials for next school year, lottery and letters of acceptance for new students.

June 2013 – August 2013: Professional development, focus on RSM training for new hires, focus on development of any new courses and continuation of a buddy support plan for new teachers, review of end-of year data as results come in from the state and data analy-

sis and evaluation/comparative studies CST/CAHSEE vs. internal assessments vs. class grades (correlation), continuous work on improvements needed based on new data and final goal setting for school year 2012-2013, student/parent bootcamp and testing of students for placement/CELDT.

September 2013 – March 2014: Classes begin, continuous work throughout the school year on reviewing results and amending action plans for each course/teacher, continued professional development on RSM/CLS methodologies with support from the Principal and RISC, recruitment of new students.

(B) 2. DESCRIPTION OF WHAT IT MEANS TO BE AN EDUCATED PERSON IN THE 21ST CENTURY

The Secretary's Commission on Achieving Necessary Skills report (SCANS), developed by the U.S. Department of Labor in 1991, outlines the skills necessary for today's youth to acquire in order to participate in the modern workplace. The report breaks down the skills into "foundation skills" and "competencies." The former include communication skills, thinking and reasoning skills, and personal qualities such as responsibility, self-esteem, competencies, information gathering and processing skills, and the ability to find, organize and deploy resources. Ingenium Charter School agrees in large part with this report's conclusions and believes that educated people in the 21st century must possess many of these skills in order to reach their potential and be productive members of society.

Underlying the report is the realization that, even more than at the end of the 20th century, information and communication will be the hallmarks of the ever changing and ever shrinking 21st century world. To function effectively in the environment and in the 21st century workplace, an educated person will need to know how to:

- Acquire, manage, critically analyze, and use information in many mediums;
- Communicate effectively using spoken words, written text, and symbols (mathematical and graphical);
- Think creatively and logically to make decisions;
- Use continuous improvement systems and practices in problem solving, strategic planning, and process management;
- Continuously adapt to change and work within a multi-cultural society.

An educated person in the 21st century will also need a solid foundation of knowledge in math, science, history, and language arts to provide a context to understand and interpret new information and problems and to communicate with others. To build on this foundation and adapt to a changing world, an educated person will need to:

- Have a passion for learning how to learn and for asking questions and getting information.
- Be self-motivated and driven to learn throughout his or her life.

- Have extensive computer skills. As information and communication migrate to digital media, the computer and its access to data and information on the World Wide Web in its many forms will continue to grow in importance.

(B) 3. HOW LEARNING BEST OCCURS: EDUCATIONAL PHILOSOPHY AND PRACTICES

Ingenium Charter School's educational philosophy focuses on creating a supportive learning environment enabling students to become responsible and "response-able" learners utilizing the tools of the Reinventing Schools Model to attain their goals. Expectations for student achievement and mastery of the California Content standards will be clearly defined and students will come to understand the importance of doing their "job" as they move forward to accomplish their goals.

Ingenium Charter School will use a "backwards" design approach to curriculum to help students pinpoint their specific goals and achieve success. As recommended in *Understanding by Design* (by P. Wiggins and Jay McTighe, ASCD, 2nd edition 2005), curriculum will be designed to not "simply cover content, but rather help students to uncover and develop a deeper understanding of the content." At Ingenium Charter School, once students learn how to clearly define their goals and individualize their plans, as well as track their progress based on teacher assessments and comments, working along with the teacher, they will be able to set realistic and achievable goals and attain them. Students will come to fully understand the role of continuous improvement and evaluation of their own progress guided by the classroom teacher and will achieve success beyond even what they could have imagined at the beginning of the year. Incremental success will lead to greater success as students become more confident in their own abilities and with encouragement and recognition for all achievements, their self-confidence will soar and they will shine.

In the classroom, teachers will use differentiated instruction to address individual student needs. The Student Assessment Binders each student will keep for each class to track their own progress will support this differentiated instruction, as will Classroom and School Assessment Binders kept by teachers and administrators.

In addition, teachers will use research-verified instructional strategies in their classrooms. Researchers at Mid-continent Research for Education and Learning (McREL) analyzed selected research studies on instructional strategies that could be used by teachers in K-12 classrooms using meta-analysis (see *Classroom Instruction That Works: Research-Based Strategies for Increasing Student Achievement* by Robert J. Marzano, Debra J. Pickering and Jane E. Pollock, ASCD, 2001). The McREL study identified instructional strategies that have a high probability of enhancing student achievement for all students in all subject areas at all grade levels. The figure below lists nine categories of strategies that have a strong effect on student achievement. Ingenium Charter School will use all nine of these strategies in its classrooms.

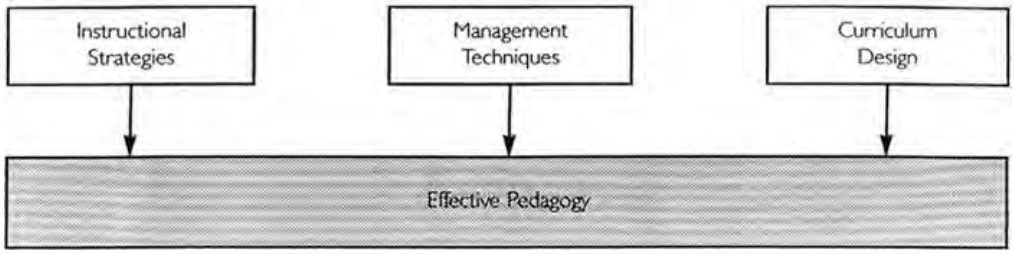
Instructional Strategy	Average Effect Size
Identifying similarities and differences	1.61
Summarizing and note taking	1.00
Reinforcing effort and providing recognition	.80
Homework and practice	.77
Nonlinguistic representations	.75
Cooperative learning	.73

Setting objectives and providing feedback	.61
Generating and testing hypotheses	.61
Questions, cues, and advance organizers	.59

Ingenium Charter School students will truly become responsible for their own learning as teachers consciously shift responsibility to them and guide them, while at the same time demonstrate their own ability to shift gears to address and recognize multiple intelligences. Teachers will help students develop a greater understanding of how they learn best as individuals as well as learn how to utilize their developing brains by giving them the academic vocabulary they are often missing and offering up a variety of techniques to reach them.

In their book *Classroom Instruction That Works: Research-Based Strategies for Increasing Student Achievement*, Marzano, et al reference the three elements of effective pedagogy diagramed below:

Three Elements of Effective Pedagogy



Robert Marzano is a partner with the Reinventing Schools Coalition, which authored the Reinventing Schools Model, and specifically acknowledged the Model's successful implementation of successful classroom instructional and assessment strategies in his most recent book, *Classroom Assessment That Works*. Ingenium Charter School is a member of the Reinventing Schools Coalition.

The research-verified instructional strategies Ingenium Charter School will use are outlined above and will be demonstrated at the highest level by all teachers. The Reinventing School Model is the management program being employed at all levels throughout the school. The curriculum design detailed below (see SCOPE AND SEQUENCE) completes the design.

Ingenium Charter School's philosophy is that students become more successful when they accept personal responsibility. As students experience success, they develop increased confidence and pride in their accomplishments.

Ingenium Charter School perceives students as workers within the classroom. Students understand that their "job" is to master the standards and be prepared for the next grade level, then secondary school.

Ingenium Charter School will consciously shift the responsibility for learning from teachers to students. Teachers will facilitate learning and create learning experiences, then use data and feedback from students to improve instruction. Students, on the other hand, will truly be responsible for taking ownership of their own learning. This approach will help students become proactive by setting goals, creating action plans, and making decisions based on their own data, learning cause and effect relationships between effort and engagement. In this

way, Ingenium Charter School students will develop self-confidence and a positive self image which they will carry with them wherever they may go in life.

(B) 4. HOW THE OBJECTIVE OF ENABLING STUDENTS TO BECOME SELF-MOTIVATED, COMPETENT, LIFE-LONG LEARNERS WILL BE MET BY THE SCHOOL

Ingenium Charter School has been designed around the proven Reinventing Schools Model (RSM) (see http://www.reinventingschools.org/model and the attached *Guide to Reinventing Schools,* the RSM "Bible"). This program was first developed by Chugach School District in Alaska.

In 2001, Chugach became one of the first two school districts to win the Malcolm Baldrige National Quality Award. Since 2001, two more school districts have won the award. Chugach's key leaders subsequently formed the Re-Inventing Schools Coalition (RISC) (see http://www.reinventingschools.org/) to further refine and disseminate the RSM. Ingenium is a RISC member.

BALDRIGE CORE VALUES AND CONCEPTS

The foundation of Ingenium's business practices, educational philosophy, and RSM deployment are the Baldrige Core Values and Concepts. These Values and Concepts form the basis for the Baldrige Award. *Ingenium Charter School will meet the objective of enabling students to become self-motivated, competent, life-long learners through commitment to these Core Values and Concepts.*

Baldrige Core Values and Concepts

Focus on results and creating value	Learning-centered education	Systems perspective
Valuing faculty, staff, and partners	Management by fact	Agility
Organizational and personal learning	Managing for innovation	Visionary leadership
Public responsibility and citizenship	Focus on the future	

All eleven Core Values and Concepts are detailed in the "Education Criteria for Performance Excellence" available online at http://www.quality.nist.gov/Education_Criteria.htm. Ingenium Charter School's approaches to the Core Values and Concepts are outlined below. They are generally encompassed within RISC's RSM, and relevant chapters from the *Guide to Reinventing Schools* are referenced below as appropriate.

FOCUS ON THE FUTURE

Focus on the Future occurs when there is an understanding of the expectations of next level teachers, of the community, and of employers so that students can prepare for a future point in time. See chapters 1 and 10 of the *Guide to Reinventing Schools* for more details on how Ingenium Charter School will Focus on the Future.

Focus on the Future in the School

At Ingenium Charter School, Focus on the Future will be manifested by the ways we will:

- Anticipate changes in educational requirements, instructional approaches, professional development needs, demographics, etc., adjusting school goals accordingly (e.g., survey middle schools for shifts in requirements).
- Meet and plan with vertical teams or next level schools and share the information with students (e.g., What do middle school teachers expect from us? What skills can we begin working on that will prepare students for middle and high school?).
- Plan and align instructional programs with the end in mind.
- Demonstrate agility and create opportunities for innovation.

Focus on the Future in the Classroom

Teachers will demonstrate Focus on the Future in their classrooms by:

- Responding flexibly to changes in educational requirements, instructional approaches, professional development needs, demographics, etc., adjusting classroom goals accordingly.
- Communicating to students the expectations of the next level grade and middle schools.
- Explaining to students how the instructional program will prepare them for long-range goals or assessments.
- Inviting employers of the community to talk about expectations and professionals to discuss skills required of their jobs.

Focus on the Future for Students

Students will be encouraged to Focus on the Future by reflecting on the following questions:

- What does my next grade level teacher expect of me?
- What do middle schools expect of me?
- What will I need to know and be able to do when I graduate?
- What will my future employer expect me to be able to do?
- What skills do I need to become a doctor?
- What should I learn if I want to become an engineer?

VISIONARY LEADERSHIP

Visionary Leadership occurs when there is a shared vision and visible commitment of all stakeholders to the principles and practices of continuous improvement and performance excellence. See Chapter 1 of the *Guide to Reinventing Schools* for a more detailed explanation of how Ingenium Charter School will develop and nurture a shared vision using the RSM.

Visionary Leadership in the School

We will demonstrate Visionary Leadership at Ingenium Charter School by:

- Setting and communicating the direction for a student-focused, learning-oriented environment to guide the activities and decisions of the school.
- Involving all stakeholders in revising the vision, mission, and expectations for the school.
- Participating and supporting actively in the development and alignment of processes, systems, and strategies for continuous improvement and performance excellence.
- Stimulating innovation and building capacity throughout the school.
- Taking responsibility for the vision, mission, values, expectations, and performance of the school.
- Taking responsibility for individual work systems (including, for example, business and food services) using Baldrige quality principles and participating on school improvement teams.
- Serving as role models to reinforce the school's vision, mission, values, and expectations.
- Creating a sense of urgency to achieve the School's goals.

Visionary Leadership in the Classroom

Teachers will demonstrate Visionary Leadership in their classrooms by:

- Communicating current and future expectations for students and for a learning-oriented classroom.
- Involving students in developing classroom mission statements that support the vision and mission of the school.
- Involving students in developing classroom processes and strategies to support student learning.
- Providing a climate for creative problem-solving and improved learning.
- Allowing students to take responsibility for the mission, values, expectations, and learning.
- Acting as role models in a manner that will communicate the mission, values, and expectations of the classroom.
- Expecting students to set realistic yet challenging classroom and personal goals.

Visionary Leadership for Students

Students will be encouraged to demonstrate Visionary Leadership by reflecting on the following questions.

- Do I know the mission of my classroom/school? How did I help in writing the mission?
- Do I know what my current and next teacher expects of me?
- Do I know what is expected of me to prepare for the next level? (grade, middle school, etc.)
- What is my vision for the future for myself?
- Do my personal goals support the goals of the classroom?
- Am I/are we taking responsibility for our learning? How do I/we do that?
- Do my/our goals challenge me/us?
- Do I/we know when I/we must achieve our goals?
- Do I know what to do so that I am always improving?
- Do my parents know what our class mission and goals are? Do they know what my personal goals are? How do I communicate all of this to them?

FOCUS ON RESULTS AND CREATING VALUE

Results will be front and center at Ingenium Charter School. At the start of the school year, teachers will discuss with their students what they need to learn during the year. The students will discover that in the Ingenium Charter School system, they are workers with customers – and their customers are their next grade level teachers. Their primary goal for the year will be getting ready for the next grade level.

The students will interview their "customers" (their next grade level teachers) to find out what the customers expect them to achieve during the year. These interviews will result in classroom goals reflecting "customer expectations" that will include state standards, school-wide goals, grade-level team goals, and classroom goals.

Classroom results on measurements of how well the classes are "meeting customer expectations" will be celebrated and posted on large graphs on classroom walls so that classes will be able to see and track their learning progress as a group. In addition, students will track their own progress towards meeting customer expectations in Student Assessment Binders (see Systems Perspective below). Teachers will collaborate and show combined data on hallway data boards.

Results and accountability will be demanded from all staff at Ingenium Charter School, as required both by NCLB and by Ingenium Charter School management. Compiled assessment data will be heavily relied on for decision-making (see Element 3: Measuring Pupil Progress).With regards to Creating Value, Ingenium Charter School defines a good school as one that adds value to each and every student, i.e. the growth in each student, both academically and personally, from admission to graduation. At Ingenium, there will be a great awareness of the value of time, and efficiency is defined as accomplishment per unit of time. We believe that being efficient means that more can be done in a shorter period of time, i.e. 'smart work' as opposed to 'busy work.' Students are guided in the proper use of their time and they are taught how to organize themselves and how to develop disciplined study habits.

By being efficient, students have more time to participate in other pursuits that help to satisfy their social and physical needs.

See Chapter 5 of the *Guide to Reinventing Schools* for more details on how the RSM supports Focus on Results.

At Ingenium Charter School, we will Focus on Results and Creating Value by:

- Responding to changing needs or requirements of students and stakeholders through our continual improvement systems.
- Planning instruction with the end in mind, ensuring that curriculum indicators are aligned across the school.
- Using a variety of performance measures to assess short- and long-range goals, monitor performance, and provide a valid basis for continuous improvement.
- Placing emphasis on creating value for students and stakeholders.
- Tracking student performance and school processes and reporting results (posting results in the hallways, reporting to the community, etc.).

Focus on Results and Creating Value in the Classroom

Teachers will support Focusing on Results and Creating Value in their classrooms by:

- Aligning instruction with system milestones, data points, targets, and curriculum indicators.
- Communicating clearly to students the expectations for mastering objectives.
- Using formative assessments to:
    - Check student understanding (exit cards, weekly tests).
    - Make rapid adjustments in instruction, as needed.
    - Differentiate instruction based on the needs of students.
    - Determine value created as a result of instructional strategies.
- Incorporating the PDSA model (see 10 BASIC QUALITY TOOLS FOR THE CLASSROOM above) to guide continuous improvement in the classroom.
- Tracking classroom performance on key measures using data centers and Student Assessment Binders for personal performance and communicating results routinely to parents.
- Projecting for differing and possibly conflicting stakeholder needs and plan accordingly.
- Planning for instruction that addresses the diverse learning needs of students.

Focus on Results and Creating Value for Students

Students will be encouraged to Focus on Results and Creating Value by reflecting on the following questions:

- How will I/we reach my/our goals? How can I demonstrate mastery of a goal?
- What can I/we do if I/we are not reaching our goals?
- Is what I am learning in class helping me meet my short- and long-range goals?
- What indicators are available to me to monitor my progress in a timely fashion so that I can make changes?
- How can I change my goals if they are no longer relevant or a priority?
- How will I/we determine if what I am/we are doing is going to make a difference in our learning?
- Is what I am learning important for now and in the future? How can I/we incorporate the PDSA model to ensure that I/we make continuous progress?

LEARNING-CENTERED EDUCATION

Learning-Centered Education occurs when the school's goals/objectives and actions support student learning and the current and future needs of students.

Key characteristics of Ingenium Charter School's learning-centered education will include the following:

- High developmental expectations and standards will be set for all students with the emphasis on student accountability.
- A primary emphasis on active learning will be maintained (see the Balanced Instructional Model above and chapter 2 of the *Guide to Reinventing Schools*). This will be achieved through the use of a wide range of techniques, materials, and experiences to engage student interest.
- Formative assessments will be used to measure learning early in the learning process and to tailor learning experiences to class needs and learning styles (see Element 3: Measuring Pupil Progress).
- Summative assessments will be used to measure progress against the California standards and school norms regarding what students should know and should be able to do.
- Students and families will use formative and self assessments to chart progress and to clarify goals and gaps. All students will maintain a Student Assessment Binder.

Teachers will check for understanding by asking questions, reviewing homework and Student Assessment Binders, providing feedback, and reviewing test results. Often, teachers will have students review each others' work. These checks will support timely identification and correction of problems and learning gaps.

Some students grasp concepts faster than others and will be encouraged to help their peers in cooperative groups. Students with different abilities will learn together, albeit at different levels of mastery and depth of understanding.

By transferring responsibility for learning from teachers to students, Ingenium Charter School will increase students' confidence, buy-in, and sense of responsibility. They will maintain their own Student Assessment Binders, in which they will set learning goals, create action plans for meeting their goals, and track their learning progress. They will periodically review their Student Assessment Binders with peers, teachers, and parents.

The Student Assessment Binders tie in multiple Baldrige categories: leadership – students take on responsibility; planning – students set personal goals; stakeholder focus – sharing information with parents and community; measurement – data collection by students; and process management – the Plan-Do-Study-Act cycle and reflection process students go through. Student Assessment Binders focus on the ultimate goal of improving results.

Teacher efficiency will be improved by:

- Giving students input regarding assignments and classroom and school procedures; more buy-in yields higher intrinsic motivation for students.

- Students learning problem-solving techniques and processes for communicating with peers, resulting in less teacher time spent solving problems students can deal with on their own.

Student Assessment Binders will track students' academic as well as social, emotional, and physical strengths and challenges. They will detail strategies to improve a student's ability to succeed in school. Students and teachers will refer to the Student Assessment Binders on a regular basis throughout the school year to assess a student's progress toward his or her goals. The Student Assessment Binder will also be used as a tool to discuss progress with parents, especially at Student-Led Conferences.

All Ingenium Charter School classes will host at least semiannual Student-Led Conferences. At these Conferences, students will lead their parents through multiple stations where they will show and explain to their parents their Student Assessment Binders and class projects. They will also demonstrate what they have mastered in the class so far – a third grader, for example, might solve division problem in which a multidigit number is evenly divided by a one-digit number (one of the third grade mathematics standards).

More detail on how the RSM supports learning-centered education, including details on Individual Learning Plans, may be found in Chapter 2 of the *Guide to Reinventing Schools*.

Learning-Centered Education in the School

At Ingenium Charter School, we will practice Learning-Centered Education by:

- Involving all staff members in taking ownership for supporting student learning.

- Translating the requirements and expectations of students into appropriate curricular offerings and developmental experiences.

- Developing school goals/objectives and action plans based on high expectations and performance excellence.
- Measuring learning periodically through formative assessments, adjusting instruction accordingly.
- Assessing progress against key external standards through summative assessments.
- Focusing on effective teaching and learning.
- Affording multiple avenues to success.
- Setting high expectations.
- Supporting performance excellence for students and staff.
- Enabling students to take responsibility for managing their education as co-producers of their learning.
- Providing opportunities for active learning and problem solving.
- Evaluating the impact each activity in the school in terms of creating value for student achievement.
- Focusing on transitions from school-to-school aligning expectations and requirements.

Learning-Centered Education in the Classroom

Ingenium Charter School classrooms will practice Learning-Centered Education by:

- Encouraging all students to take ownership for classroom and personal learning through their authorship of Individual Learning Plans.
- Planning instruction to meet the current and future requirements of students.
- Writing class and individual goals and action plans based on high expectations and performance excellence.
- Differentiating instruction for students to facilitate their mastery of goals and objectives.
- Setting high expectations for learning and performance excellence.
- Enabling students to monitor the progress of their classroom and personal goals facilitated by the use of quality tools, classroom data centers, and personal Student Assessment Binders.

- Evaluating each activity in the class according to its value in supporting the goals of the classroom.
- Communicating to students the expectations and requirements of the next level of school, colleges, and the world of work.

Learning-Centered Education for Students

Students will reflect on the following Learning-Centered Education questions:

- Do we have goals for our classroom that are based on our needs and that challenge us to do our best?
- How do I know what my personal goals should be?
- How will I/we measure my/our progress?
- What will I do if I am/we are not making progress?
- Is everything I am/we are doing in school and in our classroom helping me with learning?
- Do the principal, building services manager, secretary, lunch hour assistants, instructional assistants and the cafeteria workers know what our school goals are? How do I know that?

Systems Perspective

Systems Perspective occurs when processes are planned, aligned, and implemented systematically and systemically to increase the likelihood of reaching targeted goals. Chapters 1 through 10 of the *Guide to Reinventing Schools* are all about systems.

Systems Perspective in the School

Ingenium Charter School will employ a Systems Perspective by:

- Looking at the needs of the school as a whole and synthesize key strategic goals and action plans.
- Working collaboratively to build upon the linkages among the Baldrige Criteria to ensure alignment and integration of instruction, assessment, and processes.
- Using results to monitor performance.
- Developing well-defined, well-designed, and well-deployed processes with the involvement of staff, students, and stakeholders.
- Aligning resources to support strategic goals and measures.

- Using the RSM self-assessment process to improve alignment and integration of processes to develop systems that will facilitate the school's efforts in meeting performance requirements (every chapter of the *Guide to Reinventing Schools* includes a self-assessment component).

Systems Perspective in the Classroom

Teachers will use a Systems Perspective in their classrooms by:

- Examining the needs of the class and individual students and working with students to prioritize classroom and personal goals and action plans.
- Demonstrating for students how the Baldrige Criteria and Core Values/Best Practices can be used to create a classroom learning system.
- Involving students in using results to monitor classroom and personal performance.
- Creating well-defined, well-designed, and well-defined processes with students for monitoring and self-monitoring of student achievement and classroom procedures.
- Aligning the resources of the classroom to support classroom and personal goals.

Systems Perspective for Students

Students will self-reflect about their use of a Systems Perspective by asking themselves:

- What are our/my priority goals? How will I/we reach them?
- Can I describe how the Baldrige Criteria and Core Values/Best Practices can be used to support our Classroom Learning System?
- Are we working together to reach our goals?
- Do I/we know what my/our responsibility is in supporting our Classroom Learning System?
- Do I /we have a process for monitoring our achievement?
- What processes are in place for managing our classroom?
- What do we do if we are not making progress?
- What processes do we have in our classroom that make learning efficient and effective? Do other classrooms have the same expectations and processes for learning in place?

MANAGEMENT BY FACT

Management by Fact occurs when data is used to drive decisions, inform instruction, or to evaluate key processes and results.

Ingenium Charter School will demonstrate Management by Fact by:

- Analyzing multiple sources of data in evaluating student achievement; staff, student and stakeholder satisfaction/dissatisfaction; staff education and training; the leadership system; and key processes in the school.
- Analyzing data routinely to make decisions and to determine needs, areas for improvement, trends, cause and effect, etc., disaggregating data, as required, to examine specific student groups
- Ensuring that assessment is comprehensive and aligned with key indicators of student and organizational performance.

More details on the RSM and Management by Fact may be found in Chapter 10 of the *Guide to Reinventing Schools*.

Management by Fact in the Classroom

Ingenium Charter School teachers will demonstrate Management by Fact in their classrooms by:

- Analyzing multiple sources of data (see above) routinely with students to make decisions, determine needs, and identify areas for improvement.
- Teaching students to monitor and chart their own performance data to develop appropriate goals and strategies for improvement.
- Developing processes with students to monitor classroom progress (data centers).
- Providing students with Student Assessment Binders to monitor personal progress.
- Teaching students to use quality tools (plus/delta, force field analysis) and the PDSA model to analyze their progress.

Management by Fact for Students

Students will reflect on their use of Management by Fact by asking themselves:

- How do we know we are doing well?
- How do I/we know that I am/we are good students?
- How do we know that we have a good class/school?

- What do the facts tell us?
- If there is a problem, what am I/are we going to do about it?
- What tools do I/we have for monitoring and assessing our progress?
- What is the best tool to use to get the kind of information we need?

MANAGING FOR INNOVATION

Managing for Innovation occurs when stakeholders are supported in creating meaningful change in programs or processes that create new value for student achievement. The RSM accomplishes innovation through its continuous improvement systems; see Chapter 10 of the *Guide to Reinventing Schools*.

Managing for Innovation in the School

Ingenium Charter School will demonstrate Managing for Innovation at the school level by:

- Building capacity and accumulate knowledge among staff as a basis for innovation.
- Encouraging innovative strategies and processes, using quality tools to organize, prioritize, and plan for innovations and the PDSA cycle to determine value.
- Benchmarking learning and support processes with high-performing schools to facilitate or encourage innovative practices.
- Celebrating meaningful or successful experimentation and innovative practices.

Managing for Innovation in the Classroom

Ingenium Charter School teachers will demonstrate Managing for Innovation in their classrooms by:

- Developing students' background knowledge to raise their level of confidence in contributing innovative or creative problem-solving or suggestions for change.
- Teaching quality tools to students to facilitate innovative thinking or suggestions for change.
- Celebrating meaningful or successful experimentation, creative thinking, suggestions for change, etc.

Managing for Innovation for Students

Ingenium Charter School students will reflect on how they are Managing for Innovation by asking themselves:

- Do I/we have any new ideas for solving this problem?
- If there is a risk factor, what can we do plan for success?
- Do I/we have any suggestions for different ways of doing things?

Valuing faculty, staff, and partners

Valuing Faculty, Staff and Partners occurs when staff and stakeholders' input, shared decision making, on-going development, and collaboration are valued and enhanced.

Ingenium Charter School teachers will be empowered in decisions related to curriculum and school culture. They will enjoy substantial autonomy in their methods and delivery of lessons.

Ingenium Charter School's administrative structure will feature a school-wide collaborative team model where teachers, staff members, and administrators all play roles in leading the school. In addition to leading the school, the collaborative team also will develop the learning goals and objectives for each academic year. This system of teacher empowerment and accountability assures a culture of trust and professionalism.

Teachers, staff members, and administrators will focus on student learning and promote data-driven decision making in closing achievement gaps. Teachers will be held accountable to one another, students, and parents in implementing the standards-based curriculum and promoting success for all students. This system of teacher empowerment, collaboration, and accountability will promote a culture of trust, professionalism, and continuous instructional improvement.

Ingenium Charter School is committed to attracting educators who are gifted, zealous, and dedicated to the proposition that all students have the potential to learn. All new employees will go through an extensive interview process to ensure that they are the best fit for the organization. Ingenium Charter School's vision will be presented clearly to new employees and repeated to present employees to ensure that all staff members are aligned with the school's culture and have the dedication necessary to excel.

Valuing Faculty, Staff, and Partners in the School

Ingenium Charter School will demonstrate Valuing Faculty, Staff, and Partners in the school by:

- Addressing staff and stakeholder satisfaction, development, and well-being.
- Building knowledge or capacity in addressing the diverse needs of students, developing leadership capacity, and monitoring student progress using the PDSA cycle, etc.
- Providing for staff and stakeholder participation in developing processes and programs.

- Creating an environment for collaboration, creativity, and innovation.
- Providing recognition for staff.
- Recognizing the contributions of the diverse cultures of the school community.
- Encouraging partnerships:
    - Within the school (professional learning communities, staff development, etc.)
    - Outside the school (other schools, social service organizations, businesses, etc.)

Valuing Faculty, Staff, and Partners in the Classroom

Ingenium Charter School teachers will demonstrate Valuing Faculty, Staff, and Partners in their classrooms by:

- Valuing creative and innovative contributions.
- Recognizing and celebrating classroom and student successes.
- Encouraging student team approaches to problem-solving, project planning, peer or buddy support.
- Encouraging class-to-class and school-to-school partnerships, benchmarking, mentoring by outside organizations, etc.
- Allowing students to take responsibility for the classroom mission, values, expectations, and learning.
- Acting as role models in a manner that will communicate the mission, values, and expectations of the classroom.
- Expecting students to set realistic yet challenging classroom and personal goals.

Valuing Faculty, Staff, and Partners for Students

Ingenium Charter School students will reflect on Valuing Faculty, Staff and Partners by asking themselves:

- How do we learn to appreciate and value what others have to say?
- What is my responsibility to the Classroom Learning System? Do I think about new ways to solve a problem? How can I share these?

- What group experiences have I had in solving problems, planning a project, or helping another student?

AGILITY

Agility occurs when there is the desire and the ability for faster and more flexible response to student and stakeholder needs.

Agility in the School

Ingenium Charter School will demonstrate Agility by:

- Measuring response times to gauge the school's effectiveness (requests for services, return phone calls, data analysis, parent communication, etc.)
- Empowering and expecting staff to respond rapidly to changes in students' needs.
- Analyzing classroom and/or individual student data early in the learning process to facilitate adjustments in a timely fashion.
- Using the PDSA model and quality tools to continuously examine organizational practices and determine changes that could result in better performance/results.

Agility in the Classroom

Teachers in Ingenium Charter School classrooms will demonstrate Agility by:

- Tracking the amount of time taken to solve a problem, to make a change in classroom procedures or processes, or to respond to students' needs.
- Encouraging students to make suggestions in response to a need for quicker, more flexible solutions.
- Involving students in analyzing classroom and/or individual student data early in the learning process to facilitate adjustments in a timely fashion.
- Incorporating the PDSA model continuously to improve student performance.
- Employing quality tools regularly to address student needs as they arise.
- Responding in a timely fashion to parent requests for information, conferences, etc.

Agility for Students

Students at Ingenium Charter School will reflect on Agility by asking themselves:

- How much time does it take to make a change when we have a problem or when the needs in the classroom have changed?
- How do we handle changes in the classroom?
- How do I/we know if I am/we are headed in the right direction?
- How do I/we make changes when I am/we are not making progress?
- How do I/we know if these changes make a difference?
- How do quality tools help with identifying and solving our problems?

ORGANIZATIONAL AND PERSONAL LEARNING

Organizational and Personal Learning occurs when there is a well-executed approach enabling staff and students to participate in personal learning and continuous improvement processes.

Professional development is a critical component of transforming theory into sound instructional practices that meet the needs of all students. Reflective practice occurs in an environment where there is collaboration, use of meaningful data, and thoughtful discussion regarding instruction. See the "Professional Development" section below for a fuller account of organizational and personal learning at Ingenium Charter School.

Organizational and Personal Learning in the School

Ingenium Charter School will demonstrate Organizational and Personal Learning by:

- Continuously improving and adapting goals, approaches, and processes systemically and systematically.
- Embedding learning in all activities and at all levels of the school, e.g., solving problems at their root cause, sharing knowledge to effect meaningful change.
- Designing effective educational programs and formative assessment strategies.
- Providing opportunities for continuous personal learning.
- Aligning our vision, mission, goals, expectations, and instructional approaches school-wide.
- Integrating the PDSA cycle at all levels of the school as a tool for continuous improvement.
- Incorporating quality tools to facilitate the involvement of all stakeholders in improvement processes.

Organizational and Personal Learning in the Classroom

Teachers will demonstrate Organizational and Personal Learning in their classrooms by:

- Implementing the Ingenium Classroom Learning system (see above).
- Including students in evaluating and improving classroom processes and goals.
- Providing a climate for continuous learning, problem-solving, and collaboration.
- Implementing and assessing programs and strategies for their effectiveness improving student achievement.
- Modeling continuous learning for students.
- Ensuring that the classroom mission, goals, and instructional approaches are aligned among and across grade levels or courses.
- Empowering students through the use of the PDSA cycle and quality tools to assess classroom and personal learning and evaluate classroom processes

Organizational and Personal Learning for Students

Students will reflect on Organizational and Personal Learning by asking themselves:

- What practices in the classroom help me with my learning?
- How did I contribute to organizing my classroom for learning?
- How does my teacher know whether or not a new program is helping me learn?
- Do I know what the ground rules are for my classroom?
- Is the approach or the vocabulary that my teacher is using to help us with learning to write similar to what my teacher was doing or saying last year?
- How is my class using the PDSA cycle and quality tools to help us evaluate our progress or solve problems?

PUBLIC/SOCIAL RESPONSIBILITY AND CITIZENSHIP

Public/Social Responsibility and Citizenship is the belief in group norms and values and the practice of good citizenship, understanding that it is the school's role to model these values as members of the community.

Public/Social Responsibility and Citizenship in the School

Ingenium Charter School will demonstrate Public/Social Responsibility and Citizenship by:

- Modeling ethical behavior and planning for the protection of health, safety, and the environment of the school.
- Going beyond mere compliance in meeting local, state, and federal laws and regulations.
- Participating as a contributing member of the community through projects (e.g., resource conservation and community service).

Public/Social Responsibility and Citizenship in the Classroom

Teachers will demonstrate Public/Social Responsibility and Citizenship in their classrooms by:

- Modeling ethical behaviors for each other and plan for a classroom environment that is healthy and safe.
- Emphasizing the spirit of the law in the classroom (least restrictive environments for students with disabilities, students' rights, Leave No Child Behind: high expectations for all students, Privacy Act, etc.).
- Participating in activities that will support the community.
- Meeting with students to discuss, celebrate, and improve behaviors that demonstrate group norms and values.

Public/Social Responsibility and Citizenship for Students

Students will reflect on how they addressing Public/Social Responsibility and Citizenship by asking themselves:

- How can I help in the community?
- What are the benefits of being a contributing member of the community?
- Can I/we practice what I/we preach? Can I/we walk the talk?
- How can I help a member of our class or school who might need support, academically and/or socially? (buddy support, mentoring, etc.).

Students as Leaders and Active Participants

Ingenium Charter School will include students in major decisions about their school, including:

- Creation of extracurricular activities.
- Counseling and mentorship of younger peers.
- Creation of new, or modification of existing, school sports teams.

Students at Ingenium Charter School will be expected to take responsibility for their school and be positive contributors to the school community. They will be given responsibil-

ity in the management of their school and in the process develop a strong sense of personal responsibility for their educations.

Students will be held responsible for their school performance and will be heavily involved in many aspects of its operations (i.e. yearbook/newspaper involvement, extracurricular activities, positions of leadership, etc.).

Input will be gathered from students using formal and informal survey techniques to evaluate safety, enthusiasm for learning, school-wide procedures, effectiveness of instruction, and levels of satisfaction.

ACADEMIC SUPPORT

All students who do not complete their class work or struggle with it will be required to attend "Helping Hand" after school, where peer tutors and older student tutors (from local high schools and community colleges) will help them complete their work. Helping Hand will be supervised by a teacher on a rotating schedule. Students who are highly at risk in Mathematics and English will be placed in support classes which will focus on skill building and content area understanding in addition to the regular Math and English blocks.

In addition, Student Assessment Binders will be tools for intervention and challenging students. Students will routinely develop action plans to meet their learning goals.

SPECIFIC GOALS FOR PROVIDING AND ENSURING EQUAL ACCESS TO ACADEMICALLY LOW ACHIEVING STUDENTS

HOW THE REINVENTING SCHOOLS MODEL IMPROVES THE LEARNING RESULTS OF ALL STUDENTS, INCLUDING THOSE WITH SIGNIFICANT ACADEMIC CHALLENGES

Students who have been left behind academically have learned that school 'hurts,' causing them to act-out or opt-out. Both are indicators that a student is on the path to drop out. Those who opt-out have essentially built up protective walls around themselves and often take an 'I don't care' attitude. The students in this group are isolated from classmates who are more in the mainstream culture of a traditional school. Further, students living below the poverty line, those of minority sub-groups, and those with learning disabilities encounter more difficulties than their classmates. This is due to the fact that most teachers come from middle-class upbringing and have been successful in traditional school/class settings. They believe their purpose is to teach and if students don't learn it is the students' fault. Research shows learning disabilities are frequently a mismatch of teaching and learning styles. Seventy percent of SPED students are labeled learning-disabled.

Variation is expected within Ingenium Charter School's student community. Fundamental to Ingenium Charter School's approach to academically low achieving students is the Reinventing Schools Model used in the classrooms. Low achieving students, as with all other students, will set learning goals, create action plans for meeting the goals, and track their learning progress in their Student Assessment Binders. At other RSM-based schools, this process has proven especially effective in Special Education classes and with low achieving students. Individual students do not want to be the ones holding back their class' progress and will work hard to catch up.

Understanding that the RSM changes the culture of schools and classrooms and greatly enhances learning results among all students, effectively closing the achievement gap among

sub-groups, Ingenium Charter School will ensure the provision of equal access for academically low achieving, English language learners and special education students as follows:

- The focus is on the improvement of instructional, assessment, and communication processes and not on fixing students. In a RISC school, administrators and teachers learn that they are getting exactly the results for which they planned. Therefore, the new approach requires alignment and integration of all sub-systems and processes, which requires everyone to analyze data and determine root causes before making decisions about what to change. It is a holistic approach to improvement requiring frequent assessment and analysis of what's working and what isn't.
- Teachers view themselves as facilitators of learning, meaning they realize the two principles (I am responsible and I am response-able) apply to them equally as they do to students. It is inherent in a RISC classroom that teachers systematically seek feed-back from students after analyzing results about what worked/what didn't and how they'd like to learn the material. Students never determine what to learn because that is determined by national and state standards and the curriculum. But they can have input into how they would like to learn. The teacher's goal is to make certain that the student learn and gain the necessary skills to be successful.
- After enrollment, all students will be assessed. Students academically at risk of falling retention will be provided with targeted, structured, and systemic intervention to address areas of weaknesses.
- Regular and frequent in-process (formative) assessments are given, which are determined to be the best predictors of future success for any content area and aligned with the class goals. Students record their own results in Student Assessment Binders, set goals for improvement, and prepare action plans for meeting the goals; classes as a whole track their learning progress on charts posted on the bulletin boards, set class goals, and create class action plans.
- Students' action plans will include various resources available to help students who have fallen behind, such as extra study, seeking out peer tutors), seeking help from parents and other family members, attending the after school program and Saturday Study, and requesting extra help from the teacher.
- Teachers and students regularly use a Plan-Do-Study-Act process and analyze root causes of errors, make mid-course corrections to the instructional process, and study to see if more students can be successful.
- Informal feedback is collected systematically, regularly, and frequently through the use of quality tools such as Learning and Enthusiasm charts and Plus/Deltas that give teachers information about how much has been learned and how enthusiastic students are about learning. Students give more feedback to their teacher by identifying what worked and what can be changed so we can all learn more on the Plus/Delta chart. Teachers use this feedback, turn it into information, and share with students what changes will be made to improve the instructional process. It empowers students to become co-partners in their educational experience. This process increases students' interest and enthusiasm for coming to class. It also leads to greater learning results. Everyone's opinion is valued.

- Students often participate in team projects to solve real-world problems and the content standards are embedded inside the projects. Student teams must self-organize, write a project mission statement, and use quality tools to determine how the work will get done, what responsibilities each team member has, and a time frame for completion. Built within the project is a quality control person responsible for reviewing whether content standards (e.g. grammar, calculations, etc.) are being met. Each day the team assesses the team member's ability to follow the mission and learn to give constructive coaching tips to each other.
- When projects are completed, they must meet all the agreed upon Quality Factors. All student teams assess the other teams' work using a rubric with the Quality Factors. The teacher also engages in this process.
- The content standards are assessed in a more formal way using an assessment tool that requires each student to demonstrate the learning.

The result of this type of learning experience empowers students to work together in a self-managed way and gives them great pride as they improve the community within which they live. Further, learning is anchored into long-term memory using such an approach.

Celebrations are 'built-in' to an RSM classroom as all students achieve the interim goals and targets. When the whole class meets a goal, there is great celebration and recognition from every adult in the school. Enthusiasm for learning is maintained by the realization that it takes a lot of energy for this approach to learning, and therefore small celebrations (not external rewards such as food or pencils) are encouraged when all students achieve the target. This brings the two principles (I am responsible and I am response-able) alive and part of the culture of the classroom. Everyone is vested in the success of all.

In addition, Ingenium Charter School will have Special Education and English Language Learner programs to help assist students; both programs are described below, as well as how proficient and advanced students are kept engaged.

SPECIAL EDUCATION

Overview

Ingenium Charter School recognizes its responsibility to enroll and assist students with disabilities who can benefit from its programs and who otherwise qualify for enrollment as well as its legal responsibility to ensure that no qualified person with a disability shall, on the basis of disability, be excluded from participation, be denied the benefits of, or otherwise be subjected to discrimination under any program of the School. Any student who has an objectively identified disability which substantially limits a major life activity including but not limited to learning is eligible for accommodation by the School. Ingenium Charter is committed to providing the fullest inclusion and least restrictive environment that enables students with disabilities to participate in both the academic and community aspects of Ingenium Charter.

Ingenium Charter shall comply with all applicable State and Federal Laws in serving students with disabilities, including, but not limited to, Section 504 of the Rehabilitation Act

("Section 504"), the Americans with Disabilities Act ("ADA") and the Individuals with Disabilities in Education Improvement Act ("IDEIA").

Ingenium Charter intends to provide special education instruction and related services in accordance with the IDEIA, Education Code requirements, and applicable policies and practices of a Special Education Local Plan Area ("SELPA"). Ingenium Charter shall become an independent LEA and join a SELPA pursuant to Education Code Section 47641(b) either on its own or with a grouping of charter school LEAs as a consortium.

Ingenium Charter shall comply with all state and federal laws related to the provision of special education instruction and related services and all SELPA policies and procedures and shall utilize appropriate SELPA forms. Ingenium Charter shall be solely responsible for its compliance with Section 504 and the ADA.

Ingenium Charter shall be categorized as a "public school" within the SELPA in conformity with Education Code Section 47641(b). Ingenium Charter shall comply with a Memorandum of Understanding ("MOU") between SELPA and Ingenium Charter School related to the delineation of duties between SELPA and Ingenium Charter.

All students will be given equal access to the school regardless of disabilities and Ingenium Charter will not discriminate against any student based on his/her disabilities. All students with disabilities will be accorded a Free, Appropriate Public Education. Ingenium Charter will provide appropriate services for exceptional needs students according to the plan developed pursuant to Education Code Section 56710 and in compliance with the California Master plan for Special Education (Education Code Section 56000 et.seq.). Ingenium Charter intends to contract with a Special Education provider and will monitor the compliance with all applicable federal and state laws.

Ingenium Charter personnel, school administrators, and other mandated IEP team members will attend staff development and/or training meetings sponsored by SELPA and other trainings as necessary to obtain information to support compliance with IDEA regulations.

Charter schools do not operate 0-5 preschool programs and Ingenium Charter understands that additional training may be necessary to understand the Child Find procedures and requirements.

Services For Students Under The "IDEIA"

Ingenium Charter will follow SELPA policies and procedures and shall utilize SELPA forms in seeking out and identifying and serving students who may qualify for special education programs and services and for responding to record requests and maintaining the confidentiality of pupil records. Ingenium Charter will comply with SELPA protocol as to the delineation of duties between SELPA and the local school site in providing special education instruction and related services to identified pupils. An annual meeting between Ingenium Charter and SELPA to review special education policies, procedures, protocols, and forms of SELPA will ensure that Ingenium Charter and SELPA have an ongoing mutual understanding of SELPA protocol and will facilitate ongoing compliance.

We anticipate that a Memorandum of Understanding ("MOU") will be developed between SELPA and Ingenium Charter which spells out in detail the responsibilities for provision of special education services and the manner in which special education funding will flow to support the students of Ingenium Charter.

Assessment and IEP Process

Ingenium Charter will comply with all federal, state and district mandates when designing its Assessment and IEP Process. This includes the following:

(A) Search and Serve/Child Find.

(B) Referral for Assessment.

(C) Assessment.

(D) Development and Implementation of an Individualized Education Program (IEP).

(E) IEP Review.

(F) Due Process Procedures.

Step 1: Search and Serve

The parents of all new students at Ingenium Charter will be informed that special education and related services are available at no cost to them. In addition, students who show signs of need for Special Education will be referred for consideration.

The SST approach is a total school commitment to providing assistance in the general education classroom to students with unique or special needs. The team may recommend program modifications, use of alternative materials or equipment, and/or strategies or techniques that will enable the student to participate more effectively in the regular classroom.

The SST is not a special education function. It is not subject to special education timelines or legal requirements. Ingenium Charter will refer a student for a special education assessment when the team identifies that the modifications or assistance provided in the general education classroom is not sufficient in meeting the student's needs.

Step 2: Referral for Assessment

At Ingenium Charter the referral process will be a formal ongoing review of information related to students who are suspected of having disabilities and who show potential signs of needing special education and related services. Parents or guardians may refer their child for assessment for special education services. Teachers, other school personnel, and community members may also refer a child for an assessment.

If it is determined that an assessment is appropriate, the parent will receive an assessment plan (AP). The AP describes the type and purposes of the assessment that may be used to determine eligibility for services.

The parent must consent to the AP by signing the AP before the assessment can take place. Ingenium Charter, in consultation with its Special Needs Services Provider, has fifty (50) days, not counting school vacations greater than five (5) days, from the receipt of the parent's signed AP to complete the assessment and hold an Individualized Education Program (IEP) meeting.

If the parent does not consent to the AP, Ingenium Charter may take steps to protect the student if it is believed that the student is being denied necessary services. Ingenium Charter may request that the parent meet to resolve this difference of opinion or, failing that, initiate a due process hearing to override the parent's refusal to consent.

Step 3: Assessment

The assessment will gather information about the student to determine whether the student has a disability and, if eligible, the nature and extent of special education services that the student may need. Assessments may include individual testing, observations of the students at school, interviews with the student and school personnel who work with the student, and a review of school records, reports, and work samples.

Ingenium Charter guidelines for assessment:

- A student will be assessed only after parental consent of the assessment plan.
- A student will be assessed in all areas related to his or her supposed disability.
- Assessment will be administered in the student's primary language or a qualified interpreter will be provided.
- Assessment will include a variety of appropriate tests to measure a student's strengths and needs. The person administering the tests will be qualified to do so.
- Assessment will be adapted for students with impaired sensory, physical, or speaking skills.
- Testing and assessment materials and procedures must not be racially, culturally, or sexually discriminatory.

If the parent disagrees with the assessment of their child made by Ingenium Charter and its Special Needs Services Provider, the parent may obtain an independent educational assessment. Upon the parent's request, Ingenium Charter will provide information about how to obtain this independent assessment by a qualified examiner.

Step 4: Development and Implementation of an Individualized Education Program (IEP)

After a student has been assessed an IEP meeting will be held. The IEP meeting will be held at a time and place convenient for the parent, the charter school, and an invited SELPA representative. The IEP team will discuss the assessment results at the meeting and determine whether the student is eligible for special education services based upon state and federal criteria. If the student is eligible an IEP will be developed at the meeting.

The following people are members of the IEP team:

- The parent or guardian and/or their representative. The parent is an important member of the IEP team. If the parent cannot attend the IEP meeting parents will understand all proceedings. The parent may participate using other methods such as conferencing by telephone. If necessary the charter school will provide an interpreter if the parent has a hearing disability or their primary language is not English.

- An Ingenium Charter administrator or qualified representative who is knowledgeable about the program options appropriate for the student.

- The student's teacher.

- A representative from SELPA and the district of residence (if applicable).

- A representative from the Special Needs Services Provider if not the County or SELPA.

- Other persons such as the student whom the parent or the school wishes to invite.

- When appropriate the persons who assessed the child or someone familiar with those assessment procedures.

The team must consider the least restrictive setting. Regular education programs will be the first consideration and necessary supports and services will be discussed. The IEP will be tied to the standard curriculum and measured by the same means. After the written IEP has been finished it will be implemented by Ingenium Charter through its selected Special Needs Services Provider. The parent can review and request revisions of the plan. The IEP will contain:

- Services that the student will receive.

- How the services will be delivered.

- The instructional program(s) where the services will be delivered.

- The rationale for placement decisions.

- Annual goals and short-term objectives focusing on the student's current level of performance.

- How the student's progress will be measured.

- Transition goals for work-related skills.

- ESL goals as necessary.
- Times for IEP meetings:
- After a student has received a formal assessment or reassessment.
- When a parent or teacher feels that the student has demonstrated significant educational growth or a lack of anticipated progress.
- When a parent or a teacher requests a meeting to develop, review, or revise an IEP.
- When a student in an IEP is faced with a suspension for more than ten (10) days or an expulsion the IEP will meet to determine whether the student's misconduct was a manifestation of his or her disability.

Step 5: IEP Review

If a student is receiving special education services his or her IEP will be reviewed in an IEP meeting at least once a year to determine how well it is meeting the student's needs. The IEP will be revised as needed to meet the needs of the student.

If a parent or teacher has concerns that the educational needs of students already enrolled in special education are not being met either the parent or the teacher may request a reassessment or an IEP meeting to review the IEP anytime during the school year. The parent or teacher may request a reassessment by sending a written request to the school or completing a Request for Special Education Assessment that can be obtained at the school. Ingenium Charter will have written permission from the parent or guardian before it reassesses the student. Ingenium Charter will convene an IEP meeting within 30 days in response to a parent's written request.

Ingenium Charter will make available to all parents and teachers SELPA, state, and federal literature regarding special education programs, regulations, and laws.

The promotion and retention of special education students will be determined according to their IEP.

Step 6: Description of Due Process and Procedural Safeguards

If there is a disagreement with the proposed special education program a due process hearing shall be initiated pursuant to Chapter 5 (commencing with Section 56500) unless a pre-hearing mediation conference is held. Ingenium Charter shall, prior to the placement of the individual with exceptional needs, ensure that the regular teacher or teachers, the special education teacher or teachers, and other persons who provide special education, related services, or both to the individual with exceptional needs shall be knowledgeable of the content of the IEP. A copy of each IEP shall be maintained at the school site. Service providers from other agencies who provide instruction or a related service to the individual off the school site shall be provided a copy of the IEP. All IEPs shall be maintained in accordance with state and federal student record confidentiality laws.

Section 504 of the Rehabilitation Act

A 504 designation means that student's disability limits one or more major life activities. These activities include Self-Care, Vision, Breathing, Hearing, Walking, Speaking, Organizational Skills, Manual Dexterity, and/or Learning. If a student's disability relates to one of these activities the student can be given specific accommodation relating to Environmental/Accessibility, Instructional/Classroom, Behavioral/Social, Placement Locations, and Discipline. The referral can come from a parent, teacher, administrator, counselor, or anyone else who works with the student.

When a referral is made a 504 team will be assembled by the Principal and shall include the parent/guardian, the student (where appropriate), and other qualified persons knowledgeable about the student, the meaning of the evaluation data, placement options, and accommodations. The 504 team will review the student's existing records including academic, social, and behavioral records and is responsible for making a determination as to whether an evaluation for 504 services is appropriate. If the student has already been evaluated under the IDEIA but found ineligible for special education instruction or related services under the IDEIA those evaluations may be used to help determine eligibility under Section 504. The student evaluation shall be carried out by the 504 team who will evaluate the nature of the student's disability and the impact upon the student's education. This evaluation will include consideration of any behaviors that interfere with regular participation in the educational program and/or activities. The 504 team may also consider the following information in its evaluation:

- Tests and other evaluation materials that have been validated for the specific purpose for which they are used and are administered by trained personnel.
- Tests and other evaluation materials include those tailored to assess specific areas of educational need and not merely those which are designed to provide a single general intelligent quotient.
- Tests are selected and administered to ensure that when a test is administered to a student with impaired sensory, manual, or speaking skills the test results accurately reflect the student's aptitude or achievement level or whatever factor the test purports to measure rather than reflecting the student's impaired sensory, manual, or speaking skills.

The final determination of whether the student will or will not be identified as a person with a disability is made by the 504 team in writing and notice is given in writing to the parent or guardian of the student in their primary language along with the procedural safeguards available to them. If the 504 team obtains information indicating possible eligibility of the student for special education per the IDEIA during the evaluation, a referral for assessment under the IDEIA will be made by the 504 team.

If the student is found by the 504 team to have a disability under Section 504, the 504 team shall be responsible for determining what, if any, accommodations or services are needed to ensure that the student receives the free and appropriate public education ("FAPE"). In developing the 504 Plan the 504 team shall consider all relevant information

utilized during the evaluation of the student drawing upon a variety of sources including, but not limited to, assessments conducted by the School's professional staff.

The 504 Plan shall describe the Section 504 disability and any program accommodations, modifications, or services that may be necessary.

All 504 team participants, parents, guardians, teachers, and any other participants in the student's education including substitutes and tutors must have a copy of each student's 504 Plan. The site administrator will ensure that teachers include 504 Plans with lesson plans for short-term substitutes and that he/she reviews the 504 Plan with a long-term substitute. A copy of the 504 Plan shall be maintained in the student's file. Each student's 504 Plan will be reviewed at least once per year to determine the appropriateness of the Plan, needed modifications to the plan, and continued eligibility.

REFERENCE TO NCLB

Ingenium Charter School agrees to comply with the provisions of No Child Left Behind as they apply to certificated and paraprofessional employees of charter schools. All classified support staff and teacher's assistants will be in full compliance with all NCLB provisions. It also agrees to adhere to the provisions regarding "School Choice" and "Choice Students."

ATTENDANCE REQUIREMENTS INCLUDING LENGTH OF SCHOOL DAY AND YEAR

Ingenium Charter School will comply with Education Code §47612.5 in regard to the required number of minutes of instruction. Students must meet the state requirement for attendance. Alternative interventions will be considered for truancy, for example: having a parent conference; detention; or restriction from participating in school activities such as sports, field trips, etc.

PROCESS BY WHICH CURRICULUM, MATERIALS AND INSTRUCTIONAL ACTIVITIES ARE TO BE SELECTED

The books utilized for each course, course material, and instructional activities at Ingenium Charter School will be chosen through a collaborative effort between the school Principal, the curriculum development team, and the teachers. Ingenium Charter School's curriculum development team will provide a list of recommended textbooks and teaching strategies for different courses at Ingenium Charter School. The Principal and teachers will determine which textbooks and strategies from that recommended list are most relevant for their students. To encourage innovation teachers will have the flexibility to use books or strategies that are not on Ingenium Charter School recommended list as long as they achieve the required results.

See "INGENIUM CHARTER SCHOOL TEXT LIST" above for the initial list of Ingenium textbooks.

INGENIUM CHARTER SCHOOL

ELEMENT 2: STUDENT OUTCOMES

EXTENT TO WHICH ALL STUDENTS DEMONSTRATE THAT THEY HAVE ATTAINED SKILLS, KNOWLEDGE AND ATTITUDES SPECIFIED AS GOALS

COMPARISON SCHOOLS

Ingenium Charter School will benchmark itself to the schools of residence for some of its students and demographically similar schools. The schools will be selected using the following criteria:

1. The 5-7 schools most representatives of the schools that Ingenium Charter School's students could otherwise have been required to attend as determined by the students' addresses or zip codes.

2. The 5-7 schools having the closest demographic similarity to Ingenium Charter School based on a comparison of the following criteria:

    a. The total traditional school enrollment is within 10% of Ingenium Charter School enrollment;

    b. Students eligible for free/reduced lunch are within 10% of Ingenium Charter School enrollment;

    c. The English Language Learner population is within 10% of Ingenium Charter School enrollment; and

    d. The student ethnic populations are within 10% of Ingenium Charter School enrollment.

A school may be demographically similar to Ingenium Charter School without satisfying all of the criteria set forth above. The five to seven schools selected will be those that satisfy the greatest number of criteria.

The demographic characteristics of Ingenium Charter School shall be established for the purpose of this section by using the demographic information that Ingenium Charter School reports to the state of California along with its STAR test submission.

PRIMARY GROWTH TARGETS

Growth in student achievement is the primary target that will be used by Ingenium Charter School. The growth of Ingenium Charter School will be measured annually against the growth of the comparison schools. The target is to meet all of the following benchmarks in the year prior to charter renewal:

Academic Performance Index and Annual Yearly Progress

- Ingenium Charter School's API score at the time of renewal is greater than the median API score for the comparison schools.

- Ingenium Charter School's API growth is 1.25 times the median growth of the comparison schools.
- Ingenium Charter School's API growth for all subgroups is 1.25 times the median growth of the comparison schools.
- Ingenium Charter School will meet its AYP goals and will not be in Program Improvement.
- Ingenium Charter School will rank at least 8 on the similar school Academic Performance Index ranking system in the year prior to charter renewal or two of the last three years prior to charter renewal.
- Ingenium Charter School will strive to rank at least 8 on the statewide Academic Performance Index ranking system in the year prior to charter renewal or two of the last three years prior to charter renewal.
- Ingenium Charter School will meet its API growth target in the year prior to charter renewal or two of the last three years prior to charter renewal. It will strive to achieve an API of at least 800 prior to charter renewal.
- Ingenium Charter School's academic performance on the CST will be equal to or better than the academic performance of the LAUSD schools that Charter School students would otherwise attend in the year prior to charter renewal or in two of the last three years prior to renewal.
- Ingenium Charter School's academic performance on the CELDT and CAT/6 will be equal to or better than the academic performance of the LAUSD schools that Charter School students would otherwise attend in the year prior to charter renewal or in two of the last three years prior to renewal.
- Ingenium Charter School will meet or exceed the percent of Annual Measurable Objectives on the AYP met by LAUSD schools in the neighborhood, in the year prior to charter renewal or in two of the last three years prior to renewal.
- Ingenium Charter School will meet or exceed the percent of Annual Measurable Objectives on the AYP required by NCLB.

Curricular Exit Outcomes

Student outcomes measure the skills and processes mastered and the concepts learned from the content of the school curriculum that is aligned to the California State Content Standards in Physical Education and the core academic areas of language arts, math, social studies, science and visual and performing arts. Exit outcomes address the goals for all students: Regular, English Language Learners, special education, and gifted.

INGENIUM CHARTER SCHOOL

The curricular exit outcomes and performance goals and outcomes below are expected to be achieved by the year prior to Ingenium Charter School's renewal.

Curricular Focus	**Measurable Outcomes**	**Goals**
English Language Arts	Demonstrate literacy in reading, writing, speaking and listening by: • constructing meaning from a variety of texts using comprehension strategies, prior knowledge and personal experience; • initiate reading opportunities and read independently for 30 minutes or longer; • write with fluency in a variety of genres for a variety of audiences, i.e. Reflective journal, persuasive essay, report, science observation, personal letter, business letter, creative story, poem; • apply the writing process and conventions of writing; • use speaking skills to present information, narrative, and response to literature; • apply presentation strategies effectively.	• The percentage of students achieving at the proficient and advanced level on the CST will increase by 5% each year. • The school will meet or exceed NCLB requirements for AYP. • Value added for English Language Arts will be greater than the median value added for the comparison schools by the 2nd year of operations. • The percentage of students scoring Advanced & Proficient in ELA on the CST will be greater than the median percentage for comparison schools by the 2nd year of operations. • The percentage of students scoring Below Basic & Far Below Basic in ELA on the CST will be below the median percentage for comparison schools by the 2nd year of operations. • The decrease in percentage points of students scoring Below Basic & Far Below Basic on the CST for ELA will be 1.25 times the median decrease for the comparison schools. • The increase in percentage points of students scoring Advanced & Proficient on the CST for ELA will be 1.25 times the median increase for the comparison schools. • At least 80% of all students will clear the Language Arts strands on the each quarter's pacing charts as measured by the gatekeeper assessments.
English	• Demonstrate verbal and written	• The percentage of students re-

Language Development	proficiency in English within 3 consecutive years of enrollment at Ingenium Charter School. • Redesignate from ELL status to English proficient status within 3 consecutive years of enrollment at Ingenium Charter School.	designated will increase by 5% each year. • The increase in percentage points of students scoring Early Advanced & Advanced on the CELDT will be 1.25 times the median increase for the comparison schools. • The percentage of charter school ELL students redesignated to English proficiency will be greater than the median for comparison schools. • At least 80% of all students will clear the English Language Arts strands on each quarter's pacing charts as measured by the gatekeeper assessments.
Mathematics	Demonstrate fluency in mathematics concepts, mathematical reasoning, and basic computational skills as well as communicate and apply these skills in various settings.	• The percentage of students achieving at the proficient and advanced level on the CST will increase by 5% each year. • The school will meet or exceed NCLB requirements for AYP. • Value added for Math will be greater than the median value added for the comparison schools. • The percentage of students scoring Advanced & Proficient in Math on the CST will be greater than the median percentage for comparison schools by the second year of operations. • The percentage of charter school students scoring Below Basic & Far Below Basic in Math on the CST will be below the median percentage for comparison schools by the second year of operations. • The decrease in percentage points of students scoring Below Basic & Far Below Basic on the CST for Math will be

		1.25 times the median decrease for the comparison schools. • The increase in percentage points of students scoring Advanced & Proficient on the CST for Math will be 1.25 times the median increase for the comparison schools. • At least 80% of all ELL students will clear the English Language Development strands on each quarter's pacing charts as measured by the gatekeeper assessments.
Science	Demonstrate proficiency of the content standards in physical, life, and earth sciences, investigation and experimentation.	The percentage of students achieving at the proficient and advanced level on the CST will increase by 5% each year. At least 80% of all students will clear the Mathematics strands on each quarter's pacing charts as measured by the gatekeeper assessments.
History/Social Science	Demonstrate proficiency of the content standards in history, geography, economics, government and society as well as intellectual, reasoning, reflection and research skills.	The percentage of students achieving at the proficient and advanced level on the CST will increase by 5% each year. At least 80% of all students will clear the History/Social Science strands on each quarter's pacing charts as measured by the gatekeeper assessments.
Visual and Performing Arts	Connect the arts with all other content areas. Talk about, evaluate, and describe the arts, using specific criteria. Demonstrate an understanding of how culture and the arts interact. Demonstrate ability to read, write, and perform in each of the arts disciplines. Demonstrate expression through movement and spatial awareness. Demonstrate a sense of self-confidence and knowledge of their place in history and society.	All continuously enrolled students will participate fully in the Visual and Performing Arts programs.
Physical	Become physically educated, physi-	90% of students continuously en-

Education	cally fit, and be able to enjoy a variety of physical activities. Demonstrate a commitment to lifelong health and physical well-being. Develop self-improvement, participation, and cooperation skills.	rolled will participate successfully in the Fitnessgram test.

Other Goals and Outcomes

Ingenium Charter School will track and analyze the following factors that influence academic achievement and growth.

Factor	Measurable Expected Outcome
Student Conduct	• Average daily attendance rate of at least 94%. • Tardiness continually decreases each year by 5%. • Suspensions/expulsions decrease each year by 5%. • Mediation referrals decrease each year by 5%.
Parental Involvement	• 70% of parents attend ongoing parent-teacher conferences. • Parent attendance at special programs, festivals and forums will increase annually.
Professional Development	80% participation in annual two week program held prior to opening of school each year and at ongoing professional development programs during the year.
Teacher Performance	• Knowledge of curriculum. • Competence in pedagogy. • Professional attitude. • Effective teaching strategies.
Financial Solvency	No deficit in the operation budget after the first two years.

PROCESS BY WHICH CURRICULUM, MATERIALS AND INSTRUCTIONAL ACTIVITIES ARE TO BE SELECTED

The books utilized for each course, course material, and instructional activities at Ingenium Charter School will be chosen through a collaborative effort between the school Principal, curriculum development team, and the teachers. Ingenium Charter School's curriculum development team will provide a list of recommended textbooks and teaching strategies for different courses at Ingenium Charter School.

The Principal and teachers will determine which textbooks and strategies from that recommended list are most relevant for their students. To encourage innovation, and emphasis on technology, teachers will have the flexibility to use books or strategies that are not on the Ingenium Charter School recommended list as long as they achieve the required results.

DELINIATION OF WHEN AND HOW STUDENT OUTCOMES WILL BE ASSESSED

Students are first assessed (using Scott Foresman Mathematics, CELDT, and McLeod Assessment of Reading Comprehension assessments and a writing prompt) upon matriculation. They then periodically take the Scott Foresman Mathematics and CELDT assessments to monitor student progress. At the end of the school year, they will take CST and CELDT assessments (they will also take the CELDT at the beginning of each year).

The Ingenium program is data-rich and assessment-driven. Bi-weekly tests will be administered and students will record the results in their own Student Assessment Binders. In a typical Student Assessment Binder template for math chapters, the students record their score on their last chapter test, their goal for their score on the current chapter test, and an action plan for achieving the goal. They then record their actual chapter test result and begin a new math chapter template page. The Student Assessment Binders are a central feature of the semi-annual Student Led Conferences.

In addition, classroom results on assessments are posted on the classroom bulletin boards and celebrated. Successful Baldrige based schools will be assisting Ingenium in the production, administration, and reporting of the tests.

IDENTIFICATION OF WHO WILL BE ACCOUNTABLE FOR STUDENT PROGRESS

Ultimately, students are responsible for their own progress; their acceptance of responsibility is Ingenium Charter School's core value (see Element 1).

In addition, teachers are responsible for student progress, and their annual evaluation will include an examination of the student outcomes in their classes as measured by formative assessments as well as standardized tests.

The Executive Director and Principal are also held accountable for student progress and their evaluations will include a significant student outcomes component based on assessment results.

The school intends to rely heavily on value-added measurements of teacher and administrator performance; the task of the teachers and administrators is build on whatever academic background the student enters with. Value-added measurements target the improvement the student demonstrates during the period the student is in contact with the teacher and school.

Teachers and grade level teams will set goals with action plans and evidence. Teachers will prepare and maintain their own Classroom Assessment Binders and Success Plans, and grade level teams will be responsible for Grade Level Assessment Binders and Success Plans. Discussion and goal setting will occur at the beginning of the year with review at the end of the year; goals will be set and progress towards the goals monitored in the Classroom and Grade Level Assessment Binders. Reflection and monitoring will be a part of staff members' evaluations. This will tie into value-added measures and standardized tests results. While students are responsible for their own learning, they need a strong model from teachers of how to set goals and collect and analyze data. Teachers will be familiar with this process and live by it,

through their maintenance of the Classroom and Grade Level Student Assessment Binders and Success Plans, in order to model it for students.

REFERENCE TO NCLB

Ingenium Charter School accepts the NCLB premise that all children will succeed and will review its Annual Yearly Progress annually, with special attention given to the progress of sub-groups. The Principal will recommend and the Board will approve annual action plans to meet Annual Yearly Progress goals.

ELEMENT 3: MEASURING PUPIL PROGRESS

MANAGEMENT BY FACT

Ingenium Charter School will rely on the measurement and analysis of performance to manage its operations. These measurements will derive from the school's needs and strategy and will provide critical data and information about key processes and results.

Several types of data and information will be used for Ingenium's performance management. Performance measurement will focus on student learning and will feature a comprehensive and integrated fact-based system—one that includes input data, environmental data, performance data, comparative/competitive data, data on faculty and staff, cost data, and operational performance measurement.

Measurement areas will include students' backgrounds, learning styles, aspirations, academic strengths and weaknesses, educational progress, enthusiasm for learning, classroom and program learning, satisfaction with instruction and services, extracurricular activities, and success in later grades. Examples of data segmentation that will be employed include segmentation by student learning results, student demographics, and faculty and staff groups.

Analysis refers to extracting larger meaning from data and information to support evaluation, decision making, and improvement. At Ingenium Charter School, analysis will entail using data to determine trends, projections, and cause and effect that might not otherwise be evident. Analysis will support a variety of purposes, such as planning, reviewing the school's overall performance, improving operations, change management, and comparing Ingenium Charter School's performance with comparable organizations or with "best practices" benchmarks.

A major consideration in Ingenium Charter School performance improvement and change management will involve the selection and use of performance measures and indicators. The measures and indicators Ingenium Charter School will select will represent factors that lead to improved student, operational, financial, and ethical performance. This comprehensive set of measures and indicators tied to student, stakeholder, and organizational performance requirements will represent a clear basis for aligning all processes with Ingenium Charter School's goals. Through the analysis of data from its tracking processes, Ingenium Charter School's measures and indicators themselves will be evaluated and changed to better support Ingenium Charter School's goals.

Proficiency levels will be established to maximize teacher efficiency and student learning. Learning assessments will determine whether proficiency has been achieved and identify opportunities for intervention. Diverse assessments will be used at the various grade levels.

Comprehensive Mastery Tests will be administered in Language Arts and math quarterly and at the end of the year in grades K-5. These mastery tests will be modeled on LAUSD's quarterly assessments.

Assessment reports will provide measurements of knowledge acquired as well as identification of learning gaps. Staff will review test results on Wednesday afternoons in a group setting. Teachers at each grade level will review lesson plans and monitor expected learning outcomes with their colleagues at these meetings.

ASSESSMENT METHOD AND FREQUENCY

Ingenium Charter School will use the California Content Standards to align the curriculum, assess and monitor student progress; design systematic support and intervention programs; and encourage parent investment and community involvement.

Methods for assessing student progress at Ingenium will include California standardized tests (i.e., STAR testing protocol, CST, CAT-6); text based pre- and post-assessments (i.e., Open Court); the California English Language Development Test (CELDT) each year for all students who qualify as ELD/ELL; standards-based gatekeeper assessments developed by RISC; formal and informal classroom assessments (tests, projects, worksheets, presentations, personal communication, surveys, anecdotal records); and portfolio evaluations.

Ingenium Charter School teachers will administer bi-weekly grade-level formative assessments in math and language arts adapted from the formative assessments included in the Math and Open Court curricula and/or the RISC gatekeeper assessments. Ingenium teachers will prepare these assessments with the assistance of RISC before the beginning of the school year and all teachers at each grade level will use the same assessments. Students will track their own learning progress by recording the results of the formative and gatekeeper assessments in their own Student Assessment Binders (using templates being provided to Ingenium by RISC). Classes will track classroom progress by posting graphs summarizing class-wide assessment results.

Bi-weekly, each grade level team will meet for one-half hour to analyze classroom data. Grade level teams will assemble monthly Grade Level Assessment Binders showing their classes' progress on a variety of measurements, including formative and gatekeeper assessments, class enthusiasm for learning, attendance, and other items. The Principal will review these Grade Level Assessment Binders with the grade level teams.

RISC, which is currently supporting similar systems, will assist Ingenium's set-up and implementation of these student and classroom assessment systems.

Ingenium Charter School will use the Baldrige's Plan-Do-Study-Act (PDSA) process (Shewhart Cycle) to review classroom academic results on a biweekly basis and school-wide on a monthly basis and continuously improve its education program. This process includes the following cycle: develop a Plan for improving quality at a process; execute the plan (Do); evaluate feedback to confirm or to adjust the plan (Study); and make the plan permanent or study the adjustments (Act).

Meeting API growth targets will be one of the primary goals in the school-wide Plan portion of this PDSA process. The formative assessments will be linked to the State standards and CST testing items so that performance on year-end CSTs can be predicted. The biweekly classroom and monthly school-wide reviews and analysis of the data (the "study" portion of the PDSA cycle) will lead to "Act": adjustments to learning made on the basis of the data to ensure that API targets are met.

Parents will be involved in student progress through monthly learning progress reports sent home with students, incorporation of parent help in student's action plans, and participation in biannual Student Led Conferences.

Ingenium Charter School will participate in California's standardized testing program.

INGENIUM CHARTER SCHOOL

GRADING RUBRICS

Grading rubrics are "Scoring Guides" in the RSM lexicon and form an important part of its integrated system. RSM Scoring Guides are scoring tools that list the content and criteria for a piece of work and gradation of quality from excellent to poor. RSM Scoring Guides improve student performance by making teacher expectations clear and by showing students how to meet these expectations. Students use them to begin to self-assess their work and view their teachers more as guides

In the RSM system, Scoring Guides are designed to be:

- **Feasible:** Developmentally accurate and accomplished in a reasonable time
- **Authentic:** Practical application, simulation and real life situation
- **Content Standards:** Direct correlation to community, district, state and national standards
- **Enhances and Equitable:** Leads to the improvement of our system and "all" students can participate

RSM Scoring Guides are created using the following process.

- Choose the standards to be measured.
- Choose a scale to score students work; even number scales force the scorer to make a judgment of quality.
- Describe the end results of a student that is successful at achieving the standard. Begin with Proficient.
- Describe an exceptional and less than satisfactory product (always, occasionally, never etc.)

An important goal of the RSM Scoring Guide system is to use the process of create scoring guides with students and stakeholders to enable them to create their own scoring guides.

Below is a sample RSM Scoring Guide for writing standards. More examples and details about RSM Scoring Guides are available in Chapter 2 of the *Guide to Reinventing Schools*.

Writing Standards Scoring Guide

Traits	(√) Developing	(+) Proficient	(*) Advanced
Language	• Language is unclear	• Clear language for intended audience	• District version and student version
Developmentally Appropriate	• Difficulty of standard is inappropriate for the developmental level in which it is designed	• Difficulty of standard is appropriate for the developmental level in which it is designed	• Same as Proficient
Equity	• Biased, reflects personal opinions that lack consensus	• Unbiased, describes a skill, knowledge, and/or process	• Describes a skill, knowledge and/or process relevant to real-life situations
Accountability	• Difficult to measure	• Measurable	• Easily measured in real-life situations

Examples:

(√) **Reads Hamlet [Biased]**
(√) **Memorizes Martin Luther King--" I Have A Dream" speech [Biased]**
(+) **Analyzes a variety of literary genres (short stories, dramas, novels, and poems) and the use of specific literary techniques [Unbiased]**
(*) **Revises and edits own writing [Clear Language]**
(*) **Tells time to a quarter of an hour [Clear Language, describes knowledge relevant to real-life situations, measurable in real-life situations]**

Keep in mind that the purpose of this scoring guide is to take some subjectivity out of the process of writing standards. There is always the argument of what is *not* real-life. The idea is to be reminded of the importance of making instruction as relevant to the students as possible.

USE OF STANDARDIZED TEST SCORES IN MEASURING STUDENT PROGRESS; USE OF LONGITUDINAL, SURVEY AND OTHER DATA IN MEASURING STUDENT PROGRESS

Ingenium students will be tested at least biweekly using assessments developed and scored by teachers. Frequent assessing allows the teachers and students to monitor students' per-

formance and pinpoints gaps that need to be filled to secure a solid foundation on which to build further knowledge. Students will enter assessment results in their Student Assessment Binders and create action plans in the Binders to meet their learning goals.

Assessment results will be presented to teachers in a graphic format. The assessments measure student outcomes to monitor progress and highlight student learning deficiencies for teachers and students.

Assessments will be tied to ongoing teacher, classroom and grade level goals and action plans. The collaboration and monitoring of this information will allow for the sharing of resources and innovative solutions (Core Value "Managing for Innovation").

Teaches will share data with students and classrooms will work together to establish action plans. Data and action plans can also be shared with parents through class and school newsletters to involve them in the collaborative effort of continuous improvement.

INITIAL ASSESSMENTS

Analysis of assessment data at Ingenium Charter School will be ongoing, beginning with an initial assessment and, if indicated, an examination of a student's cumulative record. New students are given several assessments in order to determine their proficiency levels in core subjects. These assessments are administered after students are enrolled and are not used during the enrollment process. These assessments include:

- A writing sample administered to determine incoming student's level of writing mastery. This may include a non-threatening written assessment consisting of a one page writing prompt asking the student his or her reasons for enrolling in Ingenium Charter School for upper elementary students.
- McLeod Assessment of Reading Comprehension.
- CELDT test (for Beg/EI ELD students).
- Math placement test.

An important goal of the initial assessments is to establish a baseline from which value-added student achievement may be measured.

ONGOING ASSESSMENTS

At Ingenium Charter School, students will be assessed on their mastery of California State Standards in a variety of formats. These include the following:

- **Traditional Classroom Assessments:** Bi-weekly tests prepared by teachers and drawn from the Gateway Assessments or textbook assessment toolkits that students will use to track their learning progress in their Student Assessment Binders, quizzes, essays, projects, exams on a regular basis.

- **Gateway Assessments.** These will be prepared by the Reinventing Schools Coalition and will indicate mastery of standards.

- **Portfolios:** A selection of student work designed to demonstrate progress toward predetermined goals will demonstrate students' efforts, understanding, and mastery. These portfolios will be presented to parents at the biannual Student-Led Conferences.

- **Independent & Group Research Projects (Cross-curricular and single subject):** These authentic assessments will reflect understanding of units of study based on critical concepts and performance tasks.

- **Placement Exams:** Incoming and new students will be administered the tests listed above to determine their skill level in core subjects.

- **State Required Tests.** All state required tests will be administered and closely analyzed (CST, CELDT).

- **Other Standardized Tests** (Scott Foresman Math, CELDT, writing assessments, etc.) will be administered as required by authorities outside the school or as determined by school policy.

- **Oral & Written Presentations:** Speeches, position papers, essays, and other forms of both formal and informal presentations.

The results of the traditional classroom and gateway assessments and standardized tests will be entered into the AERIES student information system, where the results will be tracked by the teachers and administration to gauge progress towards meeting classroom learning goals. Placement exam results will be used by teachers to determine what leaning gaps the students may have that need to be addressed in order for the students to master their grade level standards.

Teachers will closely monitor student progress and students will be expected to demonstrate their mastery of locally developed competencies based on state standards as they progress through their courses of instruction. As one method of measuring student progress, assessments will be conducted pursuant to 47605(c)(1), which requires Ingenium Charter School to conduct state testing pursuant to Education Code §60605 and any other statewide assessments applicable to students in charter schools.

To ensure our educational programs serve the school's guiding principles and vision, "process" data, both objective and subjective, will be utilized to help continually improve the learning environment. Analysis of student outcomes will be used to determine how and what we teach and to develop improved teacher support and training. Additional data from locally developed assessments and surveys will be used to determine how well Ingenium Charter School is achieving its goals and meeting the needs of its stakeholders. The data collected from these assessments and surveys will be utilized to refine our educational environment, design programs to inform stakeholders of the school's goals and pedagogic approach.

Assessments will be conducted pursuant to EC60602.5. The types of assessment to be used to evaluate student progress will follow state guidelines and may include:

- Norm-referenced achievement tests, including but not limited to STAR;
- Performance-based assessments;
- Teacher evaluation based upon clearly specified criteria for scoring student work, including state standards-aligned tests and quizzes, critical thinking and problem solving assignments, and in-class participation;
- Certification, to be maintained in student portfolios, of mastery of locally developed, state standards-aligned competencies; and
- The use of longitudinal/survey, and other data collected by Ingenium Charter School to track student progress.

ACADEMIC PERFORMANCE INDEX (API)

The API will be used to compare the position of Ingenium Charter School with that of other schools in the state. The API will also be used to identify underperforming sub-groups and develop remediation strategies and programs, as appropriate.

OTHER ASSESSMENTS

Students will also be measured in non-academic areas such as class attendance and discipline to ensure that they are following through with their enrollment agreement to be positive influences at Ingenium Charter School. For example, the School will actively track each student's attendance numbers as well as any behavior marks or actions they incur (detentions, suspensions, etc.). Non-curriculum areas are often overlooked at schools when it comes to assessment, but the School believes that students develop more quickly when they are held accountable for both performance and conduct.

AVERAGE DAILY ATTENDANCE (ADA)

A crucial factor in determining the engagement and commitment of students to their programs of instruction is their attendance. As ADA is a factor in the measurement of the success of the school, and as students cannot participate in classroom activities when they are not present, goals will be set for the attendance of students. Attendance will be closely monitored and tracked and action plans developed to meet attendance goals.

SPECIFIC STANDARDS WHICH STUDENTS MUST DEMONSTRATE PROFICIENCY IN AND/OR PROGRESS TOWARD AND TIME FRAMES

Specific proficiency standards and processes used to determine student achievement are addressed in Element 2 of this charter (see the table) and will be achieved in accordance with grade level time-frame state and national standards.

METHODS TO ENSURE THAT ALL STATEWIDE STANDARDS ARE MET AND STUDENT ASSESSMENTS CONDUCTED

To ensure that all statewide performance standards are met and to ensure continual evidence of student learning, Ingenium Charter School shall conduct testing pursuant to Education Code §47605(c) as well as its own assessment and evaluation processes. Multiple forms of assessment will be used to measure student achievement and progress, tailor programs of instruction, validate and continuously improve teaching methods, gauge the school's performance in comparison to similar schools throughout the state, and provide the metrics for programmatic audits reported to SBE and the California Department of Education (CDE).

Ingenium Charter School will either test with SBE or hire an independent proctor acceptable to SBE.

PROCESS SCHOOL WILL USE TO ENSURE THAT STUDENTS MEET THE STATEWIDE PERFORMANCE STANDARDS AND EVIDENCE OF IMPROVED STUDENT LEARNING

Staff has identified what students should know (California state content standards) and what they should be able to do (performance standards) in all learning areas at critical points in their education (see Element 2). Steps in this process include: reviewing the school's mission, purpose, and expectations, reviewing state and district standards, developing exit outcomes and graduation standards, and listing specific academic outcomes that students will demonstrate in each subject area, grade, or skill level.

Linking standards to curriculum and assessment: Standards, curriculum, and assessment are aligned with each other, with state guidelines, and with the school's educational goals. Professional development includes training in the use of data-driven decision making, and educators review the alignment of assessment and curriculum with the state content standards at least twice a year.

Determining assessments that will actually measure if curriculum has been learned and monitoring progress toward goals: Classroom teachers will measure student progress with bi-weekly assessments designed to measure mastery of the standards taught. Students will track their learning progress as measured by these assessments in their Student Assessment Binders and will adjust their learning action plans based on the assessment results. Teachers will track class wide results on these assessments and post them on classroom bulletin boards; teachers and classes will modify class learning action plans based on the class results. Classes will also measure their mastery of the standards through a combination of digital portfolios, projects, exhibitions, performances, and criterion-referenced assessments. Instruments used appropriately measure important student objectives, reflect the vision of the school, but do not adversely affect the learner. Progress is objectively measured by the annual statewide assessments for each grade (CST, etc.) and by other adopted statewide assessments (CELDT, etc.). Progress is discussed on a regular basis with parents and students no less than twice a year. Additionally, report cards are issued four times a year. Teachers use technology in assessment to monitor student computer skills and help them achieve academic goals. Staff development emphasizes advanced training in use of classroom management applications (e.g., AERIES, e-mail, and classroom spreadsheets) including the ability to use electronic work saved and networked by students to assess student progress toward project benchmarks. To evaluate multi-media presentations and ensure technology-based student

work is leading to student academic achievement goals, the School's staff will design standardized rubrics.

The staff will:

- Set baseline expectations for incoming students (e.g., information from previous assessments);
- Recommend additional support if needed;
- Administer all assessments, including school, district, and state-required testing (e.g., STAR, proficiency tests, CST);
- Develop evaluative comparisons with similar populations using disaggregated data;
- Set priorities for professional development;
- Assist with the allocation of resources.

BENCHMARKS TO BE MET

The achievement of the charter school will be measured in both growth and absolute measures and will be compared to the achievement of two sets of comparison LAUSD schools.

I. Comparison Schools

The analysis of the charter school's academic performance will include a comparison of the academic achievement of the charter school to the academic achievement of two sets of comparison LAUSD schools:

1. The residence schools the charter school students would have otherwise attended ("Resident Schools"); and
2. LAUSD schools of similar demographic characteristics ("Demographically Similar Schools").

(A) Comparison Resident Schools

"Resident Schools" will be selected by using the charter school students' home addresses to identify LAUSD schools they otherwise would have attended. LAUSD schools most represented at the charter school will be chosen as comparison "resident schools."

(B) Comparison Demographically Similar Schools

"Demographically Similar Schools" will be selected by:

1. Identifying LAUSD schools that are included on the charter school's API "Similar Schools" list;
2. Identifying demographic characteristics at these LAUSD schools that are within 10% of the charter school's demographic characteristics. Demographic characteristics include:

a. Ethnicity
b. Percentage of ELL students
c. Percentage of Special Education Students
d. Percentage of students qualifying for free/reduced lunch

3. Schools with the greatest number of demographic matches (within 10%) will be chosen as comparison "demographically similar schools."

II. Primary Growth Measures

Growth in student achievement is the primary measure that will be used to determine whether the school has been an academic success. The growth of the charter school will be measured annually against the growth of the comparison schools. At the time of renewal, if the charter school has met all of the following benchmarks either in the previous year or in two of the previous three years, the charter school will be considered an academic success:

1. The charter school's value added for English Language Arts is greater than the median value added for the comparison schools.
2. The charter school's value added for Math is greater than the median value added for the comparison schools.
3. The charter school's API growth is 1.25 times the median growth of the comparison schools.
4. The charter school's API growth for all subgroups is 1.25 times the median growth of the comparison schools.
5. The decrease in percentage points of students scoring Below Basic & Far Below Basic on the CST for ELA is 1.25 times the median decrease for the comparison schools.
6. The decrease in percentage points of students scoring Below Basic & Far Below Basic on the CST for Math is 1.25 times the median decrease for the comparison schools.
7. The increase in percentage points of students scoring Advanced & Proficient on the CST for ELA is 1.25 times the median increase for the comparison schools.
8. The increase in percentage points of students scoring Advanced & Proficient on the CST for Math is 1.25 times the median increase for the comparison schools.
9. The increase in percentage points of students scoring Early Advanced & Advanced on the CELDT is 1.25 times the median increase for the comparison schools.

III. Other Measures

If the charter school fails to meet the primary growth measures, the following measures will be considered to determine whether the school should, nevertheless, be considered an academic success:

1. The charter school's API score at the time of renewal is greater than the median API score for the comparison schools.

2. The percentage of charter school students scoring Advanced & Proficient in ELA on the CST is greater than the median percentage for comparison schools.
3. The percentage of charter school students scoring Advanced & Proficient in Math on the CST is greater than the median percentage for comparison schools.
4. The percentage of charter school students scoring Below Basic & Far Below Basic in ELA on the CST is below the median percentage for comparison schools.
5. The percentage of charter school students scoring Below Basic & Far Below Basic in Math on the CST is below the median percentage for comparison schools.
6. The percentage of charter school ELL students redesignated to English proficiency is greater than the median for comparison schools.
7. The school has met its AYP goals and is not in Program Improvement

IV. Annual Self-Study

Applying the measures in II and III above, the charter school will submit to the CDE Charter Schools Division an annual progress report. The CDE Charter Schools Division will review the progress report and provide comments to the charter school within 60 days.

V. Board Discretion

At the time of renewal, the CDE Charter Schools Division will present an analysis of its findings with respect to II and III above, with a recommendation for action. The determination of whether a charter will be renewed will be based upon the requirements of the Education Code and is within the purview of the Board determination.

HOW THE STATE BOARD OF EDUCATION AND THE CHARTER SCHOOL CAN MONITOR PROGRESS IN MEETING STUDENT OUTCOMES

Results on the standardized tests cited in this Element (STAR, CST, CELDT) will be reported in an annual progress report to the CDE Charter Schools Division. The SBE can monitor student progress in meeting student outcomes by reviewing this report.

If Ingenium Charter School is permitted to tap into LAUSD's quarterly assessment program, interim progress reports based on these assessments will be made available to the State Board of Education as well.

PROCESS FOR CONDUCTING STUDENT ASSESSMENTS PURSUANT TO EC60602.5

Ingenium Charter School will administer the CELDT, CST, and other state-mandated assessments as required. It will adhere to the administration protocols specified in the relevant State Department of Education bulletins.

IDENTIFICATION OF THE GRADING POLICY

Progress reports will be sent to the parents of all students four times a year: at the midpoint and end of each semester.

Grading will be by individual teachers in accordance with criteria determined by the school's teaching staff, using the following guidelines:

Subject Marks **Work Habits and Cooperation**

4—Advanced	E—Excellent
3—Proficient	S—Satisfactory
2—Minimally Proficient	U—Unsatisfactory
1—Not Proficient/Fail	

Marks are subject to review under special circumstances. In all matters relating to marks, Ingenium Charter School will be assiduous in upholding the rights of individuals under all relevant state and federal laws, and will guarantee due process. Pupils will receive letter marks at least twice per semester.

ELEMENT 4: GOVERNANCE STRUCTURE

PUBLIC OPERATING PRINCIPLES

Ingenium Charter School will be an independent charter. It will be operated by Ingenium Schools, a nonprofit public benefit corporation. Ingenium Schools' by-laws and articles of incorporation are in Appendixes K and L, respectively.

Ingenium Charter School will comply with the Brown Act and Government Code 1090.

Ingenium Charter School and/or its non-profit corporation will be solely responsible for the debts and obligations of the charter school.

Any amendments to the charter school's bylaws or the bylaws of a "parent" nonprofit corporation that affect or impact the charter or school operations must be approved through SBE's petition amendment process.

The Ingenium Schools Board of Trustees meets at least once every two months and more frequently as needed. Meeting agendas are posted at least 72 hours before regular meetings of the Board containing a brief general description of each item of business to be transacted or discussed at the meeting, including items to be discussed in closed session. Agendas specify the time and location of the meetings and are posted in locations that are freely accessible to members of the public (including the Ingenium Charter School site). Agendas are also distributed to any members of the public who request them as well as the CDE Charter Division. Notes and minutes of meetings, including Board actions taken at the meetings, are recorded by a member of the Ingenium Schools staff and reviewed by the Board Secretary prior to distribution to and adoption by the full Board.

PROCESS WHICH ENSURES STAFF, STUDENTS AND OTHER STAKEHOLDER INVOLVEMENT

At Ingenium Charter School, students are workers – and parents are their business partners. Ingenium Charter School staff believes that increased "business partner" involvement translates into increased student achievement. Business partners/parents will sign partnership contracts with students and Ingenium Charter School pledging to:

- Set up conditions at home for students to study.
- Monitor the child's Student Assessment Binder.
- Check homework every night.
- Volunteer a minimum of three hours of service per month, or equivalent, to the school. Service opportunities will include, but not be limited to, assistance in classrooms, tutoring, translating, supervision, communications, facilitation, and clerical support.

Ingenium Charter School will ensure additional staff, parent, and other stakeholder involvement through a Site Council. The Site Council will provide input to the Charter Board through the site Principal on the operations of the school, staff, teachers, and students. It will review and provide input on policies and procedures for expulsions, curriculum, fund-

raising, and governance ideas for increasing performance. The Site Council will include the elected president of the Parent Association, a representative of the faculty elected by the faculty, an appointed student representative, and the Principal. The Site Council will be empowered to expand its membership should circumstances require additional representation.

There will be numerous additional opportunities for students and parents to participate in the implementation and growth of the school and learn about leadership. Students will be encouraged to help design and assist in the administration of many school programs including the disciplinary process, student recruiting, and all-school meetings.

Teacher involvement will be ensured through the election of a teacher representative to the Site Council.

The Principal, staff, and Board of Trustees will seek community partnerships that will enhance the instructional program and support the vision and goals of Ingenium Charter School.

METHODS BY WHICH THE SCHOOL CONSULTS WITH PARENTS AND TEACHERS REGARDING THE SCHOOL'S EDUCATIONAL PROGRAMS

As part of the process of creating a small learning community where everyone has a sense of ownership and purpose, parent and teacher involvement will be ensured in the following manner.

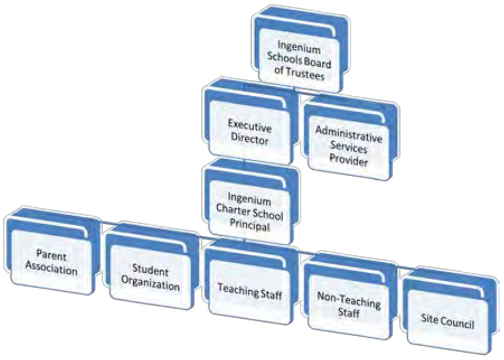
- The Shared Vision development process outlined in chapter 1 of the *Guide to Reinventing Schools* will be used to establish an initial shared vision and then to periodically update it. This process will include:
  - All school staff together including administration, teachers, secretaries, janitors, and all other staff members.
  - All students.
  - The community, embodying parents and the Ingenium Schools Board as well as other community members not directly related to schools.
- The Site Council (see above) will meet monthly at the school to discuss school issues and policies.
- Student-led conferences will be held at least biannually in order to facilitate communication among their business partners (parents), teachers, administration, and students; track the progress of the students; and develop any necessary interventions.
- Parent/guardians will be encouraged to form committees that will plan events and fundraisers, review curriculum and policies, or get involved in other areas of interest consistent with the vision, mission, and policies of the school.

Ingenium Charter School staff will maintain open lines of communication at all times with parents. Beyond meeting with staff at student-led conferences, parents will be advised that teachers will be available for additional conferences as needed.

INGENIUM CHARTER SCHOOL

DECISION-MAKING PROCESS AND ORGANIZATIONAL CHART

ORGANIZATIONAL CHART



DECISION-MAKING PROCESS

Ingenium Charter School will be an independent charter school operated by Ingenium Schools, a 501(c)(3) nonprofit benefit California Corporation. Ingenium Schools is governed by its independent Board of Trustees. Ultimate responsibility for the governance of the Charter School rests with the Board of Trustees, which hires the Executive Director to implement its vision. The Board is the ultimate governing body and is responsible for major strategic and policy decisions related to the school. It also monitors the school's financial stability. Its responsibilities are detailed in the Governance section below.

The Ingenium Charter School Principal and management team are responsible for the daily administrative operation of the school and are accountable to the Executive Director. The management team:

- Sets general school policies.
- Ensures operation of the school in accordance with the charter and the law.

INGENIUM CHARTER SCHOOL DEVELOPMENT TEAM (FOUNDERS)

Ingenium Charter School's Development Team includes:

INGENIUM CHARTER SCHOOL

GLENN NOREEN, EXECUTIVE DIRECTOR

Glenn Noreen developed two international charter schools now in operation for SABIS® Educational Systems and was the Vice President - Finance and Operations for Fairmont Private Schools for seven years. He has been a California Award for Performance Excellence (CAPE) Examiner and is a certificated math teacher. He earned his MBA at the Harvard Business School, his Masters in Education at Claremont Graduate University, and his BA in Economics at the University of Washington. He holds a Certificate in School Business Management from California State University – Fullerton.

RICHARD DELORENZO, EDUCATION DIRECTOR

Under Richard DeLorenzo's leadership as Superintendent for 1994 to 2004, Chugach School District made dramatic changes in its approach to education yielding phenomenal results in both academic achievement and transitional skills. Community standards linked with state and national standards, effective instruction, meaningful assessment, and a strong accountability system were at the forefront of this reform effort, which culminated in Chugach becoming the only K-12 district to receive the New American High School Award and one of the first two school districts to receive the highly coveted Malcolm Baldrige National Quality Award.

Mr. DeLorenzo has more than twenty-four years of experience working with high risk youth and students with disabilities of all ages in a wide variety of settings, from urban classrooms of 30 multi-age elementary students to rural school settings of "at-risk" secondary pupils.

Mr. DeLorenzo co-founded the Re-Inventing Schools Coalition (RISC), whose mission is to help other educational systems reinvent themselves so that every child has the opportunity to achieve his or her dreams.

JOSHUA JOHNSON, PRINCIPAL

As a teacher, curriculum & instruction representative, and activities director at Tukurngailnguq School in Bering Strait School District, Alaska, Joshua Johnson became intimately familiar with the Reinventing Schools Model. He then became an RSM trainer for the district before serving as assistant principal at Unalakleet School. He was an Action Planning Team Leader for the district's Strategic Planning Team. Mr. Johnson prepared and delivered RSM professional development programs on assessing, leveling, and instructing students based on data to state and district staffs. He is particularly accomplished at deploying the RSM in classrooms and schools.

Mr. Johnson earned his Master of Education in Administration at Concordia University. He holds Washington and Alaska administrative credentials as well as Alaska and Washington State 4-12 Earth Science teaching credentials.

WENDY BATTINO, DEVELOPMENT DIRECTOR

Wendy Battino authored the first Malcolm Baldrige Award-winning application in education for the Chugach School District. Other accomplishments include co-authoring the Guide to Re-Inventing Schools and international presentations on continuous improvement.

She continues her work with organizations around the globe focusing on reinventing schools based on the RISC Model.

Ms. Battino has been integral in the initial development of the Re-Inventing Schools Model through her grassroots efforts in teambuilding and continuous improvement. She has accomplished numerous milestones as a result of her commitment to do the right thing for students, staff, and communities.

Ms. Battino began her formal educational career working with students who did not fit in the traditional system. She soon realized that a focus on innovations was imperative to meeting the needs of all students. Through this recognition she began a journey to improve schools systems across all boundaries. Experience at the classroom, school and district levels provided Ms. Battino with an extensive background in standards-based instruction and assessment, school improvement planning, and curriculum design.

Ms. Battino is currently the Executive Director of the Re-Inventing Schools Coalition (RISC), whose mission is to help other educational systems reinvent themselves so that every child has the opportunity to achieve his or her dreams.

RICK SCHREIBER, EDUCATION SPECIALIST

Rick Schreiber studies outstanding performance systems in education. Believing passionately in the need to create schools that meet the needs of all children, Mr. Schreiber knows firsthand that helping students to develop an enthusiasm for learning and to reach their full potential is possible for all. Indeed, he has been integral in creating a successful performance system using input from schools, communities, and businesses and allowing all students to meet with success and take ownership of their educational careers in the development of the Re-Inventing Schools Model.

Mr. Schreiber has accomplished exceptional results with his extensive background in standards-based instruction and assessment, school improvement planning, and curriculum design at the classroom, school, and organizational levels. He incorporates best practices from research to develop systems of excellence, which meet the individual needs of students. Providing numerous organizations training in effective research-based systemic approaches that can be sustained over time and focusing on continuous improvement lies at the heart of his work.

Mr. Schreiber is the author of the Guide to Re-Inventing Schools as well as the co-author of the first Malcolm Baldrige Award-winning application in education for the Chugach School District. He conducts international presentations and trainings on continuous improvement in education with organizations around the globe focusing on reinventing schools based on the RISC Model.

Mr. Schreiber is currently the Director of Operations for the Re-Inventing Schools Coalition (RISC), whose charge is to help educational systems reinvent themselves in order to provide educational excellence to all students.

RICK HOLT, EDUCATION SPECIALIST

From 1995 to 2006, Rick Holt worked for the Bering Strait School District as both a teacher and teacher trainer helping the district adopt and successfully implement the Re-Inventing Schools Model. Mr. Holt was instrumental in providing implementation support

through the creation and deployment of professional development, engaging staff members in processes and strategies increasing the quality of instruction, increasing the use of continuous improvement tools, fostering online collaborative environments, and creating innovative data analysis techniques.

Mr. Holt continues to pursue systemic change through the Re-Inventing Schools Coalition as an Education Specialist where he provides support to a variety of districts interested in pursuing systemic change.

GOVERNANCE

Ingenium Charter School will be governed by the Ingenium Schools Board of Trustees. The Board will engage an Executive Director, who will engage a Principal to run the day-to-day operations of the school.

The Ingenium Schools Board has five members. Board members are appointed to renewable staggered three-year terms. The Board of Trustees is composed of individuals of high moral character who are leaders in the school's community and who have evidenced sincere concern for the welfare of children and for the improvement of education. The members of the Board of Trustees reflect the diversity of cultural, academic, and professional expertise that is essential for fulfilling the school's unique mission. The Board has received Brown Act training.

BOARD MEETINGS

Meeting Frequency

The Ingenium Schools Board of Trustees meets at least once every two months and more frequently as needed, for example during the school start-up period. Ingenium will provide facsimile notice to the CDE Charter Schools Division of all meetings that must be noticed pursuant to the Brown Act.

Notices and Agendas

Any person may request that a copy of the agenda, or a copy of all the documents constituting the agenda packet, of any meeting of the Ingenium Schools Board of Trustees be mailed to that person. If requested, the agenda and documents in the agenda packet shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. Upon receipt of the written request, the legislative body or its designee shall cause the requested materials to be mailed at the time the agenda is posted pursuant to Section 54954.2 and 54956 or upon distribution to all, or a majority of all, of the members of a legislative body, whichever occurs first.

Any request for mailed copies of agendas or agenda packets shall be valid for the calendar year in which it is filed, and must be renewed following January 1 of each year. The Ingenium Schools Board of Trustees may establish a fee for mailing the agenda or agenda packet, which fee shall not exceed the cost of providing the service. Failure of the requesting person to receive the agenda or agenda packet pursuant to this section shall not constitute grounds for invalidation of the actions of the Ingenium Schools Board of Trustees taken at the meeting for which the agenda or agenda packet was not received.

At least 72 hours before a regular meeting, the Ingenium Schools Board of Trustees, or its designee, shall post an agenda containing a brief general description of each item of business to be transacted or discussed at the meeting, including items to be discussed in closed session. The agenda shall specify the time and location of the regular meeting and shall be posted at the Carson Community Center at 801 East Carson Street, Carson, CA 90745. The agendas will also be posted in three additional public locations such as churches and the local public library. Minutes and agendas will be made available on campus and on the school's web page as minutes are approved. Meeting notices and agendas will be posted at the entrance of the school when the school building is occupied. If requested, the agenda shall be made available inappropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. The agenda shall include information regarding how, to whom, and when a request for disability-related modification or accommodation, including auxiliary aids or services may be made by a person with a disability who requires a modification or accommodation in order to participate in the public meeting.

No action or discussion shall be undertaken on any item not appearing on the posted agenda, except that members of the Ingenium Schools Board of Trustees or its staff may briefly respond to statements made or questions posed by persons exercising their public testimony rights under Section 54954.3. In addition, on their own initiative or in response to questions posed by the public, a member of the Ingenium Schools Board of Trustees or its staff may ask a question for clarification, make a brief announcement, or make a brief report on his or her own activities. Furthermore, a member of the Ingenium Schools Board of Trustees, or the body itself, subject to rules or procedures of the Ingenium Schools Board of Trustees, may provide a reference to staff or other resources for factual information, request staff to report back to the body at a subsequent meeting concerning any matter, or take action to direct staff to place a matter of business on a future agenda.

Recording Board Actions

The Board Secretary will take minutes of each meeting, to include actions taken by the Ingenium Schools Board of Trustees. The draft minutes will be distributed in the agenda packet mailed out prior to each meeting and the draft minutes will be voted on in the next meeting.

BOARD MEMBERSHIP

New members of the Board are selected by current Board members. The selection process for new Board members includes review of candidates' curricula vitæ, contact with their references, and a personal interview. All members must commit the necessary time and energy to ensure smooth operation of the Board.

Current board members and board candidates include the following individuals:

- **Skip Zeiler** is the Executive Director of Viaspace Inc. and a past Chairman of the California Council for Excellence. He is also a career Naval officer. He won California's "Best in State" CAPE award (the California equivalent to the Baldrige Award) while Group Vice President of Porex Corporation/KippGroup.

- **Tom Harkenrider** is Soka University of America's Chief of Operations. He previously served in a consulting capacity as Soka's Campus Design and Operations Advisor for its $300 million construction project.
- **David Bhattacharyya** is an equity research associate at the Capital Group. He assists two portfolio managers and one Equity Analyst in managing over $3 billion in investments for institutional clients. He previously worked as a financial analyst for Analysis Group, a litigation consulting firm, on securities litigation cases. David is a participant in the Riordan Leadership Development Program (RVLDP), whose mission is to "to educate and train young professionals for life-long service in the governance of non-profit organizations.
- **Joan Sabree Faqir** has been a fifth grade teacher at Shirley Avenue Elementary School in LAUSD for sixteen years. She specializes in literacy, English Language Development, Multicultural Education and the Social Sciences. Ms. Faqir also instructs in the LAUSD Intern Program and BTSA. Previously, Ms. Faqir served as Principal of MuMin Academy in Oklahoma City, Oklahoma for six years and served as the Center for Advanced Learning's Executive Director during its inaugural year.
- **Annie Winston is** the author of the acclaimed Admiral Wright's Heroical Storicals series of books: Daniel Boone and The Battle of Boonesborough; Harriet Tubman and The Underground Railroad (publish date, fall 2008); and The TrollMates: An Unforgettable Adventure (publish date, spring 2009). She has directed the sales and marketing of the Heroical Storicals series, selling over 25,000 books (book one) via elementary school author talks, bookstore signings, and special events. She is a featured speaker with the Wonder of Reading program. Ms. Winston was an ESL teacher at Tewinkle Elementary School in the Newport Mesa School District for 14 years.

Tom Harkenrider is currently the board Chairman, Skip Zeiler is the Secretary, and David Bhattacharyya has agreed to serve as Treasurer.

All Board members will have received Brown Act training by January 31, 2009 and Brown Act instructions are contained in each Board member's Board Notebook.

The Board provides leadership for the project in the community; participates in school development activities; and promotes awareness of the School's education programs among local families, civic and political leaders, and the media. The Board of Trustees has controlling legal power and responsibility for the School. Specifically the Board will:

- Oversee the academic and social effectiveness of the School.
- Engage parents and the broader community in support of the School.
- Ensure compliance with applicable legal requirements.
- Approve the Schools' mission and objectives.
- Review and maintain bylaws, and establish policies and plans consistent with the mission.

- Be accountable for the financial well-being of the school, including capital assets, fund-raising, and endowment.
- Maintain full and accurate records of Board meetings, committees, and policies.
- Work to ensure that all Board members are actively involved in the work of the board and its committees.
- Develop itself through new trustee orientation, ongoing education, and leadership succession planning.
- Assure compliance with applicable laws and regulations and minimizes exposure to legal action.

The responsibilities of the Board officers are as follows:

CHAIR

- Preside at all meetings of Board.
- Sign acts necessary to carry out state requirements and the will of the Board.
- Establish Board committees.
- Call emergency meetings of the Board, as necessary.
- Enforce parliamentary procedures.
- Communicate Board policy to the management organization.

VICE-CHAIR

- Attend all meetings, acting as support for the Chair.
- Serve in the capacity of the Chair in the latter's absence.

SECRETARY

- Ensure Board meeting minutes are recorded and distributed.
- Publicly advertise meetings, in accordance with state regulations.
- Oversee, announce, and record all motions and voting results.

TREASURER

- Oversee financial policy issues.

- Consult with management organization on all financial matters.

FINANCE COMMITTEE

A Finance Committee will be formed to:

- Monitor and report on the business operations of the school including reviewing financial reports and statements, providing primary contact with the auditing firm, reporting on the status of the school's financials to the full Board and the broader school community.

- Ensure compliance with key measures of accountability plan.

ASSURANCES THAT SCHOOL WILL COMPLY WITH ALL LAWS RELATING TO PUBLIC AGENCIES IN GENERAL, ALL FEDERAL LAWS AND REGULATIONS AND STATE CODES

Ingenium Charter School will comply with the Brown Act and Government Code 1090.

Ingenium Charter School and/or its non-profit corporation will be solely responsible for the debts and obligations of the charter school.

Any amendments to the charter school's bylaws, or the bylaws of a "parent" nonprofit corporation, that affect or impact the charter or school operations must be approved through SBE's petition amendment process.

Ingenium Schools shall be solely responsible for the legal obligations of Ingenium Charter School. The Ingenium Schools Board of Trustees agrees to adhere to all state and federal laws or regulations governing non-profit corporations.

Ingenium Schools will comply with all laws relating to public agencies in general, and all federal laws and regulations and state codes as it pertains to charter schools.

Members of the Charter School's executive board, any administrators, managers or employees, and any other committees of the School shall comply with federal and state laws, nonprofit integrity standards and SBE's Charter School policies and regulations regarding ethics and conflicts of interest.

ASSURANCES

Ingenium Schools declares the following assurances. Ingenium Charter School will:

1) Be nonsectarian in its programs, admissions policies, employment practices, and all other operations. [Ref. California Education Code §47605(d)(1)]

2) Not charge tuition. [Ref. California Education Code §47605(d)(1)]

3) Not discriminate against any student on the basis of the characteristics listed in Education Code Section 220 (actual or perceived disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code or association with an

individual who has any of the aforementioned characteristics). [Ref. California Education Code §47605(d)(1)]

4) Not enroll students over 19 years of age unless continuously enrolled in public school and making satisfactory progress toward high school diploma requirements. Pupils should not be more than 22 years of age.

5) Not require any child to attend a charter school or any employee to work at a charter school.

SBE CHARTER POLICY

Ingenium Charter School will comply with SBE policy for charter schools, as it may change from time to time.

COMPLIANCE WITH ETHICS AND CONFLICTS OF INTEREST POLICIES AND REGULATIONS

Members of the Charter School's executive board, any administrators, managers or employees, and any other committees of the School shall comply with federal and state laws, nonprofit integrity standards and SBE's Charter School policies and regulations regarding ethics and conflicts of interest.

GRIEVANCE PROCEDURE FOR PARENTS AND STUDENTS

Ingenium Charter School will designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under Title IX of the Education Amendments of 1972 (Title IX) and Section 504 of the Rehabilitation Act of 1973 (Section 504) including any investigation of any complaint filed with Ingenium Charter School alleging its noncompliance with these laws or alleging any actions which would be prohibited by these laws. Ingenium Charter School will notify all its students and employees of the name, office address, and telephone number of the designated employee or employees.

Ingenium Charter School will adopt and publish grievance procedures providing for prompt and equitable resolution of student and employee complaints alleging any action, which would be prohibited by Title IX, or Section 504.

Ingenium Charter School will implement specific and continuing steps to notify applicants for admission and employment, students and parents of elementary and secondary school students, employees, sources of referral of applicants for admission and employment, and all unions or professional organizations holding collective bargaining or professional agreements with the recipient, that it does not discriminate on the basis of sex or mental or physical disability in the educational program or activity which it operates, and that it is required by Title IX and Section 504 not to discriminate in such a manner.

RESPONDING TO INQUIRIES

Ingenium Charter School shall promptly respond to all inquiries, including but not limited to, inquiries regarding financial records, from SBE and shall consult with SBE regarding any inquiries. Ingenium Charter School acknowledges that it is subject to audit by SBE including, without limitation, audit by the CDE Office of the Inspector General.

INGENIUM CHARTER SCHOOL

PUBLIC LAWS

Ingenium Charter School agrees to comply with all laws that apply to public agencies.

NOTIFICATIONS

Notification is to be made to the CDE Charter Schools Division of any notices of workplace hazards, investigations by outside regulatory agencies, lawsuits, or other formal complaints, within one week of receipt of such notices by Ingenium Charter School.

AUDIT AND INSPECTION OF RECORDS

Ingenium Charter School agrees to observe and abide by the following terms and conditions as a requirement for receiving and maintaining their charter authorization:

Ingenium Charter School is subject to SBE oversight.

SBE's statutory oversight responsibility continues throughout the life of the Charter and requires that it, among other things, monitor the fiscal condition of the Charter School.

SBE is authorized to revoke this charter for, among other reasons, the failure of the Charter School to meet generally accepted accounting principles or if it engages in fiscal mismanagement.

Accordingly, SBE hereby reserves the right, pursuant to its oversight responsibility, to audit Charter School books, records, data, processes and procedures through the CDE Office of the Inspector General or other means. The audit may include, but is not limited to, the following areas:

- Compliance with terms and conditions prescribed in the Charter agreement,
- Internal controls, both financial and operational in nature,
- The accuracy, recording and/or reporting of school financial information,
- The school's debt structure,
- Governance policies, procedures and history,
- The recording and reporting of attendance data,
- The school's enrollment process,
- Compliance with safety plans and procedures, and
- Compliance with applicable grant requirements.

The Charter School shall cooperate fully with such audits and make available any and all records necessary for the performance of the audit upon 30 days notice to Charter School. When 30 days notice may defeat the purpose of the audit, SBE may conduct the audit upon 24 hours notice.

In addition, if an allegation of waste, fraud or abuse related to the Charter School operations is received by SBE, the Charter School shall be expected to cooperate with any investigation undertaken by the Office of the Inspector General, Investigations Unit.

ELEMENT 5: EMPLOYEE QUALIFICATIONS

All requirements for employment set forth in applicable provisions of law will be met, including compliance with NCLB.

Ingenium Charter School will conform to the legal requirement that all charter school teachers shall hold a current Commission on Teacher Credentialing (CTC) certificate, permit, or other document equivalent to that which a teacher in other public schools would be required to hold. Updated CDE and CTE interpretations of requirements will be monitored and followed.

The school will maintain current documentation of teacher credentials and this documentation will be readily available for inspection.

The school will minimize the use of teachers holding emergency permits by beginning its recruitment activities early (in January 2010) and by maintaining a list of qualified credentialed teacher candidates available should vacancies occur.

Should a qualified candidate not hold a California teaching credential, that employee must have, at a minimum, 18 semester units or 27 quarter units in a subject they wish to teach. If hired, the candidate will apply for an intern credential and must enroll in a credentialing program.

As noted in the section regarding Education Code §47605(b)(5)(E), all teachers shall hold the training and credentials appropriate to their placement and will be hired based on their capacity to deliver Ingenium Charter School's instructional and curricular program.

PROCESS FOR STAFF SELECTION

The Board will select the Executive Director who will select the Principal, who in turn will engage all other staff. Deadlines for submitting applications will be established and publicly advertised. The hiring authority will be responsible for ensuring that effected members of the community have the opportunity to comment on candidates and, where appropriate, interview them. The hiring authorities will make the final staff selections, contingent on Board approval.

JOB DESCRIPTIONS FOR POSITIONS

All personnel will have objectives, knowledge, skills, motivation and share a common belief system that supports the mission and goals of the school.

All staff will be subject to background checks, conducted in a manner consistent with the law, prior to hiring.

All staff must meet and maintain the behavior established in the Charter School's Code of Ethics.

Qualifications shall be sufficient to ensure the health and safety of the School's faculty, staff, and pupils.

INGENIUM CHARTER SCHOOL

BELIEFS AND ATTITUDES (ALL PERSONNEL)

- Commitment to use RSM systems and tools and to the RSM program of the school.
- Create and maintain personal Professional Assessment Binders in order to continually improve their performance and well as to model use of the RSM to students.
- Unshakable belief that children from under-resourced communities can reach the highest academic levels.
- Persistence and resourcefulness in overcoming obstacles to solve problems.
- Acceptance of personal responsibility for the educational results of the school.
- Flexibility and willingness to embrace change.
- High personal ethical standards.
- Comfort with smart, highly skilled, assertive staff members.
- Sense of humor, can make work playful.
- Lifetime interest in how people learn and on one's own personal development.

POSITIONS CONSIDERED KEY IN EACH CATEGORY

The key administrative positions are the Executive Director and the Principal. The key instructional positions are the teachers. The key non-instructional support position is the Office Manager. Additional qualifications expected of these individuals are detailed below.

EXECUTIVE DIRECTOR

Position Summary

The Executive Director reports to the Board of Trustees. The Executive Director is responsible for the development and implementation of policies, procedures, and practices that will ensure the ongoing financial and legal viability of the school. His or her duties include: (1) Baldrige and RSM systems and tools development; (2) managing the Principal hiring process; (3) Principal support and supervision; (4) fundraising; (5) facilities development; (6) back office operations; (7) budget development; and (8) Board development and support.

Reports to: Board of Directors.

Objectives: Win progressively higher quality awards each year. California Award for Performance Excellence; California Challenge Award; California Prospector™ Award; Eureka

Award for Performance Excellence™. Win the Malcolm Baldrige National Quality Award the sixth year of operations.

Responsibilities:

- Lead district-level Baldrige/RSM program development and the organization's program for winning quality awards.
- Develop school support systems and processes, including Student Information System and assessment systems shared across multiple charter schools.
- Fundraising, facilities development, and financial management of the corporation, including the development and implementation of the annual budget.
- Provide information, advice, and counsel to the Chairman of the Board, Board Committees, and the Board of Directors in the creation of policies, programs, and strategic direction of the corporation. Support Board of Directors activities, including staffing for all Board and Committee meetings, meeting schedules, locations, development of agenda, and meeting materials.
- With the assistance of the Principal, administration of overall operation of the school, including: reviewing and evaluating the results of program activities; ensuring that continuing contractual obligations are being fulfilled; allocating resources for greater program effectiveness and efficiency; and developing organizational and administrative policies and program objectives for Board consideration.
- Manage the hiring process of the Ingenium Principal and subsequent support and supervision of the Principal.
- Liaison with other organizations, such as the LAUSD, SBE, and CDE.

PRINCIPAL

Position Summary

The Principal reports to the Executive Director. The Principal is responsible for the school environment and student performance. The Principal is responsible for providing the operational, administrative, and instructional leadership necessary to ensure the success of the school, including the academic success of the School's students. He or she organizes, administers, supervises, and evaluates all aspects of the School. The principal is also the Baldrige program leader and will be held accountable for the continuous improvement of the school and its staff.

Objectives

- Ensure at least 70% of students in the school make at least one grade level improvement in academic performance in all subjects each year.
- Successfully implement the educational program.

Responsibilities

The principal is responsible for planning improvements that directly address instruction, financial management, and customer satisfaction. The principal's responsibilities are listed below.

The principal as the Baldrige program leader will:

- Develop a plan for achieving the school's vision within the context of the Baldrige Criteria and the RSM.
- Train staff in elements of the RSM.
- Lead the school's application process for progressively higher California Awards for Performance Excellence and, ultimately, the Baldrige Award.
- Maintain a School Assessment Binder that will set, with the assistance of teachers, school-wide learning goals and action plans and track school-wide learning progress. Modify school-wide action plans to reflect learning progress.
- Lead the school's WASC application process during the first year of operation.
- Continually monitor progress on all measures of school and staff performance.
- Complete and publicly present an annual school progress report to Ingenium Schools Board of Trustees, California State Board of Education, and the school community.

The Principal as academic leader will:

- Administer the academic policies determined by the Ingenium Board of Trustees and Executive Director and the applicable local, state, and federal regulations.
- Provide leadership, direction, and support in the formulation, implementation, and annual adjustment of the school's instructional program plans.
- Set standards for student achievement.
- Ensure the implementation of the high standards, research-based curricula, and RSM systems and tools in all classrooms of the school. Ensure all students and teachers are using Assessment Binders.
- Provide instructional leadership in advancing proven teaching and learning practices.

- Select instructional staff with the knowledge, skills, and beliefs to ensure each child reaches high levels of academic achievement, in accordance with the standards and processes.
- Supervise and evaluate instructional staff to ensure quality instruction and student achievement.
- Observe, and ensure that teachers observe, instruction regularly.
- Recommend, support, and monitor the instructional staff professional development program to improve student achievement and continuously improve instruction.
- Monitor (and ensure that teachers monitor) student growth and achievement.
- Lead a school-wide process of staff analysis of student assessment data to plan improvements in the educational program.
- Support the development of a network of student support systems.
- Ensure that continuous improvement addresses the achievement of all students and is guided by student academic standards, school performance standards, and concrete data from school, state, and local assessments.
- Oversee compliance in testing, admissions, special education, and other instructional areas.
- Deal with discipline issues, including entering discipline information into AERIES.

The principal as the site-based manager will:

- Develop (with the Executive Director) and manage the school budget.
- Supervise all operations involving the management of the school, including school funds, district funds, payroll, purchases, inventories, and office operations.
- Maintain complete and accurate records of the entire school program.
- Manage the student recruitment and enrollment process.
- Recruit, select, and hire school staff, including school-based support staff and (in collaboration with the academic director) instructional staff.

- Issue reports to the Board of Trustees and to any affiliated private entity on the progress of students in the school and on matters of school operations as requested.

- Administer the school policies determined by Ingenium Schools Board of Trustees and Executive Director as well as the applicable local, state, and federal regulations.

- Ensure compliance with federal, state and local regulations and policies.

- Establish and maintain a close working relationship with the California Department of Education Charter Division, as appropriate, along with the Executive Director.

The principal as the builder of the school culture will:

- Build an effort-based school culture of high expectations for all students throughout the school community.

- Communicate the vision that supports the school's goals and articulate and model the school's values.

- Engage the active support of parents and community members in support of the education of the students in the school.

- Provide leadership to the school leadership team.

- Seek feedback on the progress of the school.

- Serve as a spokesperson for the school in the community and elsewhere.

- Create an effective team of people jointly responsible for attainment of school goals and committed to achieving excellence.

- Engage parents and community in planning and implementing programs, including community use of the school site.

- Manage and facilitate group planning and program-solving sessions.

- Build on the strengths of staff and recognize improvement.

- Support and monitor the development of non-instructional staff and implementation of non-instructional program improvements.

- Ensure a safe and orderly environment.

- Direct the enforcement of school policies and rules of student conduct, including decisions regarding the suspension or expulsion of students from the school.

Special Skills/Experience Required:

- A Master's degree in education, state certification, and at least two years of educational administrative experience in addition to strong communication, managerial, and computer skills.
- Knowledge of quality systems and experience in applying them in an educational setting.
- Experience implementing high academic standards and curricula in an educational setting, preferably in an urban setting.
- Capacity to build a school culture which mobilizes the efforts of students, staff, and parents to achieve the mission of all students achieving at high levels.
- Knowledge of effective practices motivating students to adhere to high standards of conduct.
- Knowledge of urban children and their families, especially of those from the dominant cultural groups represented in the school's student population.
- Capacity to facilitate groups to plan and make decisions.
- Capacity to build relationships which foster the development of staff.
- Capacity to analyze data on student learning to identify needs for improvement in instruction.
- Capacity to observe, evaluate and select effective teaching and teachers.
- Skill in oral and written communications.
- Ability to manage multiple tasks simultaneously while prioritizing projects and assignments.
- Experience working under time pressure and maintaining a positive work environment

TEACHER

Reports to: Principal

Qualifications: A Commission on Teacher Credentialing certificate, permit, or other document equivalent to that which a teacher in other public schools would be required to hold. NCLB qualified for the position held.

Objective: Significant student progress towards meeting the school's academic standards.

Responsibilities

- Design, implement, and monitor the learning experiences of each student and class.
- Ensure all students maintain Student Assessment Binders.
- Work collaboratively with each other, students, parents, and community partners and communicate regularly with parents.
- Establish challenging goals or targets for improvement of individual and overall student academic performance. These goals will be a combination of absolute measures and measures of progress.
- Maintain Classroom Assessment Binders to set class learning goals and action plans and track class learning progress.
- Review class performance with students and modify class learning plans based on class performance and student input.
- Analyze data from assessments of student work in their teams to determine which teaching strategies need to be expanded and which need to be replaced by more effective ones.
- Other duties as assigned.

Knowledge and Skills

- Experience implementing high academic standards and curricula in an educational setting.
- Capacity to teach in a school that mobilizes students to achieve at high levels.
- Knowledge of effective practices motivating students to adhere to high standards of conduct.
- Knowledge of urban children and their families, especially of those from the dominant cultural groups represented in the school's student population.

- Capacity to analyze data on student learning to identify needs for improvement in instruction.
- Skill in oral and written communications.
- Capacity to work as an effective team member.

OFFICE MANAGER

Reports to: Principal

Qualifications: Bachelor's degree (B. A.) from four-year college or university; or one to two years' related experience and/or training; or equivalent combination of education and experience.

Summary of responsibilities: Schedules appointments, gives information to callers, takes dictation, and otherwise relieves officials of clerical work and minor administrative and business detail by performing the following duties.

- Prepares and communicates reports.
- Tracks the NCLB qualifications of teachers using the EdTec NCLB qualification form and maintains personnel records.
- Reads and routes incoming mail. Locates and attaches appropriate file to correspondence to be answered by employer.
- Composes and types routine correspondence.
- Organizes and maintains file system, and files correspondence and other records.
- Answers and screens manager's telephone calls, and arranges conference calls.
- Coordinates manager's schedule and makes appointments.
- Greets scheduled visitors and conducts to appropriate area or person.
- Arranges and coordinates travel schedules and reservations.
- Conducts research, and compiles and types statistical reports.
- Coordinates and arranges meetings, prepares agendas, reserves and prepares facilities, and records and transcribes minutes of meetings.
- Makes copies of correspondence or other printed materials.

- Prepares outgoing mail and correspondence, including e-mail and faxes.
- Orders and maintains supplies, and arranges for equipment maintenance.

Knowledge and Skills:

- Ability to read, analyze and interpret general business periodicals, professional journals, technical procedures, or governmental regulations.
- Additionally the ability to write reports, business correspondence, and procedure manuals.
- The verbal skills to effectively present information and respond to questions from groups of managers, clients, customers, and the general public.
- Calculate figures and amounts such as discounts, interest, and percentages.
- Ability to independently solve practical problems and deal with a variety of concrete variables in situations where only limited standardization exists.
- Ability to interpret a variety of instructions furnished in written, oral, diagram, or schedule form.
- Word processing, Spreadsheets, Internet software, E-mail.

CREDENTIALS, REQUIREMENTS AND QUALIFICATIONS OF STAFF

All professional staff (administrators and teachers) will be required to have state certification appropriate to their positions, or meet the minimum requirements for licensure as defined by the state board of education. All staff will be asked to submit evidence during the application process. All school staff will be required to undergo a criminal background check and fingerprinting through the local police department prior to hiring.

SALARIES AND BENEFITS FOR ALL EMPLOYEES

The starting salary schedule for employees is shown on the table below. All employees will be offered health benefits, to which Ingenium Charter School will contribute $400/employee/month.

Executive Director	$108,000
Principal	$96,000
Assistant Principal	$70,000
Counselor	$55,000
Resource Teacher	$50,000
Classroom Teachers	$45,000 (average)
Office Manager	$35,000

IDENTIFICATION OF THE ROLES AND FUNCTIONS OF STAFF MEMBERS

The roles and functions of staff are detailed in the job descriptions above. Staff expectations are further delineated in Appendix D, Personnel Handbook, and Appendix E, Employment Agreement.

EMPLOYEE HIRING AND EVALUATION

RESPONSIBILITY FOR EVALUATING EMPLOYEES

The Principal will set goals with and enforce Ingenium Charter School teacher expectations. The Principal will complete evaluations.

CRITERIA AND PROCEDURES USED IN EVALUATIONS

Teachers

All teachers will prepare Classroom Assessment Binders and Classroom Success Plans for each class as well as Teacher Assessment Binders and Teacher Success Plans. The Principal will review Classroom and Teacher Assessment Binders and Success Plans at least quarterly. Teacher evaluations will include scores on the maintenance of these documents and classroom results, including value added student achievement.

In addition, the Principal will observe teachers at least three times a year and evaluate them on these five categories and their underlying Teacher Performance Expectations (TPE):

Making Subject Matter Comprehensible to Students
TPE 1 – Specific Pedagogical Skills for Subject Matter Instruction

Assessing Student Learning
TPE 2 – Monitoring Students Learning During Instruction

TPE 3 – Interpretation and Use of Assessment

Engagement and Supporting Students in Learning
TPE 4 – Making Content Accessible

TPE 5 – Student Engagement

TPE 6 – Developmentally-appropriate Teaching Practices

TPE 7 – Teaching English Learners

Planning Instruction and Designing Learning Experiences for Students
TPE 8 – Learning About Students

TPE 9 – Instructional Planning

Creating and Maintaining Effective Environments for Student Learning

TPE 10 – Instructional Time

TPE 11 – Social Environment

Developing as a Professional Educator

TPE 12 – Professional, Legal and Ethical Obligations

TPE 13 – Professional Growth

Other Staff

The Executive Director is evaluated by the Board of Trustees.

The Principal is evaluated by the Executive Director. The Principal will develop and maintain a School Assessment Binder that will form the basis for Principal evaluations.

All staff other than teachers and Principal report to and are evaluated by the Principal, who will set goals with them and evaluate them on their performance and on the extent to which they achieved their goals.

HOW HIRING DECISIONS ARE MADE

The Board will select the Executive Director, who will select the Principal. The Principal will select other staff members. Deadlines for submitting applications will be established and publicly advertised. The hiring authority will be responsible for ensuring that effected members of the community have the opportunity to comment on candidates and, where appropriate, interview them. The hiring authorities will make the final staff selections, but all hiring decisions must be ratified by the Board of Trustees.

MEASURES OF ASSESSMENT OF PERFORMANCE

Ingenium Schools Board of Trustees will annually set performance goals with the Executive Director and review the performance at the end of the school year. The Executive Director and Principal, in turn, will set performance goals and evaluate other staff members.

The measures of the Executive Director will include:

- CAPE and Baldrige Award scores.
- Financial performance of the school.
- Relationship of the school with the charter authorizer and other elements of the community.

The measures of the Principal will include:

- CAPE and Baldrige Award scores.
- Student turnover.
- Parent satisfaction.

- Student performance.
- Student enthusiasm for learning.
- API and AYP results.
- Teacher renewals.

PROCEDURE TO BE USED FOR ADEQUATE BACKGROUND CHECKS

All faculty and staff will undergo a criminal background check and fingerprinting, to be conducted by the local police department or an outside vendor, as well as a child abuse registry check. The applicants will be required to provide a full disclosure statement regarding prior criminal records. All staff will be required to produce documents for U.S. employment authorization, and to follow all mandated child abuse reporting laws.

Employees and contractors of the school will be required to submit to a criminal background check and furnish a criminal record summary as required by Education Code §44237 and 45125.1. New employees not possessing a valid California Teaching Credential must submit two sets of fingerprints to the California Department of Justice for the purpose of obtaining a criminal record summary. The Executive Director will monitor compliance with this policy and report to Ingenium Schools Board of Trustees on a quarterly basis. The Board President will monitor the fingerprinting and background clearance of the Executive Director. Volunteers who will volunteer outside of the direct supervision of a credentialed employee shall be fingerprinted and receive background clearance prior to volunteering without the direct supervision of a credentialed employee.

ELEMENT 6: ENSURING HEALTH AND SAFETY

SCHOOL WILL MEET THE REQUIREMENTS THAT EACH EMPLOYEE OF THE SCHOOL FURNISH CRIMINAL RECORD SUMMARY AS REQUIRED IN EC44237

Ingenium Charter School shall comply with the provisions and procedures of Education Code §44237, including the requirement that as a condition of employment each new employee must submit two sets of fingerprints to the California Department of Justice for the purpose of obtaining a criminal record summary. No employee shall be permitted to commence work at Ingenium Charter School until clearance has been obtained from the Department of Justice. Policies and procedures for issues such as fires, earthquakes, compliance with health and safety laws and other emergency responses are included in the Safety Plan (Appendix F).

Ingenium Charter School shall adopt and implement a comprehensive set of health, safety and risk management policies that will address, at a minimum, the following:

- Policies and procedures for responses to disasters and emergencies including fires and earthquakes;
- Policies relating to blood-borne pathogens;
- A policy requiring that instructional and administrative staff to receive training in emergency response, including first aid, first responder training or its equivalent;
- Compliance with all health and safety laws and regulations that apply to non-charter public schools, including those regarding auxiliary services (food services, transportation, custodial services, hazardous materials, etc.) and those required by Ingenium Charter School, OSHA, the California Health and Safety Code, and the EPA;
- Policies relating to the administration of prescription drugs and other medicines; and
- A policy establishing Ingenium Charter School as a drug, alcohol, and tobacco free workplace.

In addition, all faculty members will be required to attend an annual blood borne pathogen presentation.

All classified candidates will be required to read, read, sign and comply with a document similar to LAUSD Legal Requirements, Policies, and Rules for Classified Employees.

All employees will be required to read, read, sign and comply with a document similar to the LAUSD Employee Code of Ethics and an acceptable internet use policy.

Among the many health and safety laws that will be followed is the Healthy Schools Act – California Education Code §17608, which details pest management requirements for schools.

HOW THE SCHOOL WILL ENSURE THAT ITS FACILITIES ARE SAFE

The preferred site for the school is 1717 E. Carson Street, Carson, CA 90745.

The Schools' facilities will comply with state building codes, federal American with Disabilities Act (ADA) access requirements, and other applicable fire, health, and structural safety requirements. Ingenium Charter School will maintain on file readily accessible records documenting such compliance.

Ingenium Charter School will obtain property insurance coverage for the site. The site will comply with Uniform Building Codes, federal American with Disabilities Act (ADA) access requirements, and any other applicable fire, health, and structural safety requirements, and will maintain on file readily accessible records documenting such compliance. Ingenium Charter School will provide SBE with a Certificate of Occupancy issued by the City of Carson Department of Building and Safety no later than 45 days prior to the opening of the school. Ingenium Charter School will not occupy a site before the site has been identified by the local government agency as complying with California building code standards for the operation of a school.

An appropriate safety plan has already been developed (see Appendix F). Ingenium Charter School will have active safety plans on file as required by California Ed Code. The safety plan will be kept on file for review and the school staff will be trained annually on the safety procedures outlined in the plan.

Ingenium Charter School will hire its own contractors and the appropriate resources necessary in order to perform the maintenance and operations functions required at its facility.

Any site will be maintained in a manner that will minimize the risk of physical injury to students.

The school will not allow any employee or contractor to provide service to or engage with students in anyway unless the employee or contractor has first passed a background check and tb test.

HOW THE SCHOOL WILL ENSURE THAT ITS AUXILIARY SERVICES ARE SAFE (FOOD SERVICES, TRANSPORTATION, CUSTODIAL SERVICES, HAZARDOUS MATERIALS)

Ingenium Charter School will contract with a bonded third party to provide food service.

The school will maintain a list of locally stored hazardous materials and has prepared a safety plan (see Appendix F: Safety Plan). The school will also request periodic safety inspections from its insurer. See also Appendix J: Maintenance and Operations Plan. The school will comply with AHERA regulations.

ROLE OF STAFF AS MANDATED OR NON-MANDATED CHILD ABUSE REPORTERS

Ingenium Charter School administrators and employees are responsible for complying with the Child Abuse and Neglect Reporting Act, California Penal Code Sections 11165.7, 11165.8, and 11166.

TB AND IMMUNIZATION REQUIREMENTS

Records of student immunizations shall be required for attendance and maintained, and staff shall follow requirements for periodic TB tests using the Mantoux tuberculosis test as described in EC §49406.

All pupils will be required to be immunized as a condition of school attendance to the same extent as would apply if the pupils attended a non-charter public school.

MEDICAL SCREENINGS AND ADMINISTRATION OF MEDICATIONS

The following screenings will be administered to all students in the specified grades:

- Vision: kindergarten, first, second, and fifth grades.
- Audiogram: kindergarten, second, and fifth grades.
- CHDP: first grade.

Administration of medications and related protocols will be included in the school's office procedures manual.

INSURANCE REQUIREMENTS

No coverage shall be provided to the charter school by SBE under any of SBE's self-insured programs or commercial insurance policies. Ingenium Charter School shall secure and maintain, as a minimum, insurance as set forth below with insurance companies acceptable to SBE [A.M. Best A-, VII or better] to protect Ingenium Charter School from claims which may arise from its operations. Each charter school location shall meet the below insurance requirements individually.

It shall be Ingenium Charter School's responsibility, not SBE's, to monitor its vendors, contractors, partners or sponsors for compliance with the insurance requirements.

The following insurance policies are required:

1. Commercial General Liability coverage of not less than $5,000,000 for each occurrence. The policy shall be endorsed to name the State Board of Education as named additional insured and shall provide specifically that any insurance carried by SBE which may be applicable to any claims or loss shall be deemed excess and Ingenium Charter School's insurance primary despite any conflicting provisions in the charter school's policy. Coverage shall be maintained with no self-insured retention above $25,000 without approval of SBE.

2. Workers' Compensation Insurance in accordance with provisions of the California Labor Code, adequate to protect Ingenium Charter School from claims that may arise pursuant to the Workers' Compensation Act (Statutory Coverage). The Worker's Compensation Insurance coverage must also include Employers Liability limits of $1,000,000/$1,000/000/$1,000,000.

3. Commercial Auto Liability coverage with limits of $1,000,000 combined single limit unless the Charter School operates student bus services; if providing student bus services coverage limits not less than $5,000,000 combined single limit shall be required. The policy shall be endorsed to name the State Board of Education as named additional insured and shall

provide specifically that any insurance carried by SBE which may be applicable to any claims or loss shall be deemed excess and the charter school's insurance primary despite any conflicting provisions in the charter school's policy.

4. Fidelity Bond coverage shall be maintained by Ingenium Charter School to cover all charter school employees who handle, process, or otherwise have responsibility for charter school funds, supplies, equipment or other assets. Minimum amount of coverage shall be $50,000 per occurrence, with no self-insured retention.

5. Professional Educators Errors and Omissions liability coverage including Sexual Molestation and Abuse coverage, unless that coverage is afforded elsewhere in the Commercial General Liability policy by endorsement or by separate policy, with minimum limits of $3,000,000 per occurrence.

5. Excess/umbrella insurance with limits of not less than $10,000,000 required of all high schools and any school which participates in competitive interscholastic or intramural sports programs.

*Coverages and limits of insurance may be accomplished through individual primary policies or through a combination of primary and excess policies. The policy shall be endorsed to name the State Board of Education as named additional insured and shall provide specifically that any insurance carried by SBE which may be applicable to any claims or loss shall be deemed excess and the charter school's insurance primary despite any conflicting provisions in the charter school's policy.

EVIDENCE OF INSURANCE

Ingenium Charter School shall furnish to the CDE Office of Risk Management within 30 days of all new policies inceptions, renewals or changes, certificates or such insurance signed by authorized representatives of the insurance carrier. Certificates shall be endorsed as follows:

"The insurance afforded by this policy shall not be suspended, cancelled, reduced in coverage or limits or non-renewed except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to SBE."

Facsimile or reproduced signatures may be acceptable upon review by the Office of Risk Management. However, SBE reserves the right to require certified copies of any required insurance policies.

Should Ingenium Charter School deem it prudent and/or desirable to have insurance coverage for damage or theft to school, employee or student property, for student accident, or any other type of insurance coverage not listed above, such insurance shall not be provided by SBE and its purchase shall be the responsibility of Ingenium Charter School.

Additionally, the charter will at all times maintain a funds balance (reserve) of its expenditures as required by section 15543, Title 5 of the California Code of Regulations. Currently, the required reserve is 5% of total operational expenditures or $50,000, whichever is greater.

HOLD HARMLESS/INDEMNIFICATION PROVISION

To the fullest extent permitted by law, Ingenium Charter School does hereby agree, at its own expense, to indemnify, defend and hold harmless SBE and their members, officers, di-

rectors, agents, representatives, employees and volunteers from and against any and all claims, damages, losses and expenses including but not limited to attorney's fees, brought by any person or entity whatsoever, arising out of, or relating to this charter agreement. Ingenium Charter School further agrees to the fullest extent permitted by law, at its own expense, to indemnify, defend, and hold harmless SBE and their members, officers, directors, agents, representatives, employees and volunteers from and against any and all claims, damages, losses and expenses including but not limited to attorney's fees, brought by any person or entity whatsoever for claims, damages, losses and expenses arising from or relating to acts or omission of acts committed by Ingenium Charter School, and its officers, directors, employees or volunteers. Moreover, Ingenium Charter School agrees to indemnify and hold harmless SBE for any contractual liability resulting from third party contracts with its vendors, contractors, partners or sponsors.

ASBESTOS MANAGEMENT

Ingenium Charter School shall occupy facilities that comply with the Asbestos requirement as cited in the Asbestos Hazard Emergency Response Act (AHERA), 40CFR part 763. AHERA requires that any building leased or acquired that is to be used as a school or administrative building shall maintain an asbestos management plan.

ELEMENT 7: ACHIEVING RACIAL AND ETHNIC BALANCE

PUBLIC SCHOOL CHOICE TRAVELING STUDENTS

SBE and Ingenium Charter School are committed to providing all students with quality educational alternatives in compliance with all federal and state laws, including students who are enrolled in schools of SBE identified by the California Department of Education as in need of Program Improvement. Public School Choice ("PSC") placement with charter schools is an alternative strongly encouraged by the No Child Left Behind Act of 2001("NCLB"). Ingenium Charter School agrees to discuss with SBE the possibility of accepting for enrollment SBE students participating in LACOE's PSC program. The parties agree to separately memorialize any agreed-to number of PSC placements of SBE students at the school.

As required under NCLB, all PSC students attending Ingenium Charter School shall have the right to continue attending Ingenium Charter School until the highest grade level of the charter. However, the obligation of SBE to provide transportation for a PSC student to Ingenium Charter School shall end in the event the PSC student's resident SBE school exits Program Improvement status.

Ingenium Charter School will ensure that all of its PSC students are treated in the same manner as other students attending the school. PSC students are and will be eligible for all applicable instructional and extra-curricular activities at the school. Ingenium Charter School will make reasonable efforts to invite and encourage the participation of the parents of PSC students in the activities and meetings at the school.

Determination of student eligibility for this PSC option, including the grade level of eligibility, will be made solely by SBE, based on SBE's PSC process, guidelines, policies and the requirements of NCLB. In the event demand for places at Ingenium Charter School under the PSC program increases in subsequent years, Ingenium Charter School agrees to discuss with SBE the possibility of increasing the number of PSC places available at the school.

FEDERAL COMPLIANCE

To the extent that Ingenium Charter School is a recipient of federal funds, including federal Title I, Part A funds, Ingenium Charter School has agreed to meet all of the programmatic, fiscal and other regulatory requirements of the No Child Left Behind Act and other applicable federal grant programs. Ingenium Charter School agrees that it will keep and make available to SBE any documentation necessary to demonstrate compliance with the requirements of the No Child Left Behind Act and other applicable federal programs, including, but not limited to, documentation related to required parental notifications, appropriate credentialing of teaching and paraprofessional staff, the implementation of Public School Choice and Supplemental Educational Services, where applicable, or any other mandated federal program requirement.

- Notify parents at the beginning of each school year of their "right to know" the professional qualifications of their child's classroom teacher including a timely notice to each individual parent that the parent's child has been assigned, or taught for four or more consecutive weeks by, a teacher who is not highly qualified.

- Develop jointly with, and distribute to, parents of participating children, a school-parent compact.
- Hold an annual Title I meeting for parents of participating Title I parents.
- Develop jointly with, agree on with, and distribute to, parents of participating children a written parent involvement policy.

Ingenium Charter School also understands that as part of its oversight of the school, the Charter School Office may conduct program review of federal and state compliance issues.

Los Angeles Unified School District Ethnicities for the year 2005-06

African American not Hispanic	American Indian or Alaska Native	Asian	Filipino	Hispanic or Latino	White not Hispanic
82,884 (11.4%)	2,254 (0.3%)	27,370 (3.8%)	16,059 (2.2%)	532,152 (73.2%)	64,272 (8.8%)

INTEGRATION COURT ORDER

Ingenium Charter School is subject to the requirements of the Crawford Court Order. The school will provide a written plan to achieve and maintain LAUSD's ethnic balance goal which is within a 70:30 or 30:70 ratio.

1. Below is the School's written plan to achieve and maintain LAUSD's ethnic balance goal, which is within a 70:30 or 30:70 ratio.

- Fliers (in English and Spanish) will be distributed in Banning, Carson, and Gardena Senior High Schools' attendance areas indicating the enrollment opportunity at Ingenium beginning in February. These fliers will include information on our instructional program and grades we will be serving. The fliers will be distributed as follows.
    - Banning, Carson, and Gardena Senior High and Carnegie, Curtiss, and White Middle Schools. Ingenium will seek permission from the schools to distribute its flyers on the campuses as well as to mail the flyers to the families of eligible students.
    - Local elementary schools: Bonita Street, Leapwood, Carson Street, and Broadacres.
    - Local markets: the Carson Mall, BJ Products, Gueye Health and Beauty, Dominguez Florist, Global Market 2000, Vanessor Cosmetics, Burleson Gallery, RoboFit Table Tennis Center, and Carson Gift Shop.
    - Local restaurants: Subway, Starbucks, House of Sandwiches, Bistro 88, Quizno's, Sizzler, Tony Roma's, California Grill, La Mexicana, and Avanti Pizza..
- Ingenium's Principal will ask to give presentations to and leave fliers at each of the following churches: Filipino American Community Church, Lamplighter Christian

Fellowship, Bread of Life Christian Center, Harbor Community Church, New Jerusalem Community Church, and the First Lutheran Church.

- Ingenium will seek articles in and will advertise in the following local newspapers: Los Angeles Sentinel; Daily Breeze; Carson News; Herald Dispatch; and La Opinion.
- At least three informational meetings will be held during the winter and spring of 2010 where we will share information about Ingenium Charter School and our alternative setting for families and their children.
- Ingenium staff and volunteer recruiters will attempt to canvass all homes within a one mile radius of the school.
- Each family showing interest will be sent an application packet. Parents are responsible for completing an application, a copy of which can be found in Appendix G. Once the student list has been set, a waiting list will be developed for those students still wishing to enroll should space become available.
- Any student within the boundaries of the LAUSD will receive equal opportunity and access to enroll at Ingenium Charter School.

The efforts above are designed to ensure that Ingenium Charter School attains a racial and ethnic balance reflective of the sponsoring school district by promoting the school to all the different racial and ethnic categories. In addition, the School will track admissions inquiries and applications. If any particular ethnic group appears to be dominating the applications process, the School will reduce its recruitment efforts targeted on that group and increase its efforts targeted on other groups.

The School shall maintain an accurate accounting of the ethnic and racial balance of students enrolled in the School along with documentation of the efforts the School has made to achieve racial and ethnic balance in accordance with the charter petition and standards of charter legislation

2. The School will provide to SBE all requested information using SBE forms, including the ethnic survey. The School must provide SBE with a system that can interface with the SBE Student Information System (SIS) for all enrolled students to assist with compliance monitoring; we expect to employ the ARIES Student Information System. After the School submits the ethnic survey information during the first year of operation, Budget Services, Financial Planning Division and the Office of Student Integration Services will use the information listed below for compliance purposes:

Number of Students Living Outside LAUSD Attendance Area	List of all highly qualified Certificated Personnel in core subjects as defined in No Child Left Behind and State policy and recommendations
Total School Enrollment	Number of Students by Ethnicity & Grade Level
Number of Students by Grade Level	Unfilled Classroom Teacher Positions
List of Register-Carrying Teachers	Fiscal Year-End Financial Report
Norm Day Classification	

INGENIUM CHARTER SCHOOL

ELEMENT 8: ADMISSION REQUIREMENTS

Ingenium Charter School will admit all students who wish to attend the school as outlined in Education Code §47605(d)(2)(A). There are no other admission requirements.

If the number of students who wish to attend the School exceeds capacity, enrollment shall be determined by a random public drawing. Preference shall be given to those students with siblings already in Ingenium Charter School and to students and pupils who reside in LAUSD.

Prospective students in the service areas of Banning, Carson, and Gardena Senior High Schools where recruitment efforts are focused are overwhelmingly low-achieving and economically disadvantaged. Efforts to recruit from this pool are prima facie efforts to recruit low-achieving and economically disadvantaged students.

The school will maintain accurate student records on SBE's Integrated Student Information System.

Students and their parent(s)/guardian(s) must complete an application available from Ingenium's school office and submit it directly to Ingenium Charter School. Parents and students are required to sign an agreement that they will abide by School policies on academics, attendance, and conduct.

The school will designate an application deadline (tentatively COB May 10) and only applications received prior to the deadline will be included in the public random drawing. Public notice will be posted at the school site regarding a date, time, and location of the public drawing and rules to be followed during the lottery process once the deadline date has passed; tentatively, the drawing will be at 7:00 P.M. May 17 at the school site. Enrollment applications will also include the date, time, and location of the drawing, as will the School's Web site, and both will include the rules to be followed during the lottery process.

To ensure fairness, names will be drawn publicly at random by a neutral third party. A designee of the Ingenium Schools Board of Trustees will be present at the drawing and will verify whether the lottery procedures were fairly executed. The school will ensure that all interested parties may observe the lottery by holding the lottery in the largest room available at the site and, if there are more observers than spaces available, moving the lottery outside. Once enrollment is reached at the random drawing, the remaining names will continue to be drawn and will be placed on a waiting list in the order drawn. If a child gains admission any siblings who are also applying will automatically be given the next enrollment slot, if available for their grade, or will move to the top of the waiting list for their grade. If vacancies occur during the school year, the vacancies will be filled according to the waiting list.

School staff will call parents or guardians of students on the wait list when positions become available in the order established during the lottery and give the parents or guardians 24 hours to respond before moving to the next student on the wait list.

The school will maintain on file the verification of the fairness of the lottery process, the ordered list of lottery winners, and the ordered wait list. It will also maintain records of efforts to reach parents or guardians of students on the wait list who are notified when positions are available and documentation of parent and guardian responses, including time stamps.

No more than five percent of the School's enrollment capacity will be given preference in the public random drawing as follows: relatives of staff; siblings of students attending Ingenium. Preferential admissions will be subject to review and approval by the Ingenium Schools Board of Trustees.

Ingenium will open an office in the school building from 2:00 to 7:00 every week day during the enrollment period for accepting registration forms and personally answering questions about the school.

If there are more applicants than placements available a lottery will be conducted to fill available places in accordance with Education Code §47605(d)(2). Only applications received prior to the designated deadline (May 31) will be included in the public drawing.

Ingenium will comply with all laws related to non-discrimination, tuition, and admissions criteria.

It is the policy of Ingenium Charter School to be unbiased in its programs, curriculum, admission policies, employment practices, and all other operations. It shall not charge tuition, and shall not discriminate against any student on the basis of the characteristics listed in Education Code Section 220 (actual or perceived disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code or association with an individual who has any of the aforementioned characteristics).

ELEMENT 9: FINANCIAL AUDITS

SBE OVERSIGHT COSTS

SBE may charge for the actual costs of supervisorial oversight of the Charter School not to exceed 1% of the charter school's revenue, or SBE may charge for the actual costs of supervisorial oversight of the Charter School not to exceed 3% if the Charter School is able to obtain substantially rent free facilities from SBE. Notwithstanding the foregoing, SBE may charge the maximum supervisorial oversight fee allow under the law as it may change from time to time.

FISCAL MANAGEMENT

The Ingenium Schools Board will assure sound fiscal management by adopting comprehensive board-level fiscal policies, engaging a professional business services firm, and implementing a comprehensive internal control program.

The Ingenium Schools Board has adapted the following fiscal policies from model policies and forms available from CCSA and EdTec: budget development; staff roles related to fiscal issues; conflict of interest; check-signing; petty cash management; attendance recording; payroll processing; control; risk management; accounts payable; expense reports; banking procedures; and other financial management procedures. These fiscal policies are designed to ensure the accuracy of information that will provided to the auditor and prevent waste, fraud, and abuse, and include, for example, a requirement that checks over $5,000 have two signatures.

ANNUAL AUDIT REPORTS

The Ingenium Schools Board Finance Committee will oversee selection of an independent auditor from the Certified Public Accountants Directory published by the State Controller's Office. The auditor will have experience with public school audits. The financial audits will employ generally accepted accounting principles. Ingenium Schools will work with its business services provider to set up financial controls, systems, and processes to ensure compliance and the maintenance of proper documentation for the audit. The business services provider will provide Ingenium Schools with an audit preparation calendar and checklist, which the Office Manager will use as a guide for ensuring that the appropriate information and documents are available for the audit.

The audit will verify the accuracy of the school's financial statements, attendance, enrollment, and accounting practices and review the school's internal controls. The audit will be conducted in accordance with generally accepted accounting principles applicable to the school, requirements set forth in the Charter Schools Act, Education Code sections 41020 and 47605(m) and the Standards and Procedures for Audits of California K-12 Local Educational Agencies as published in the California Code of Regulations. To the extent required under applicable federal law, the audit scope will be expanded to include items and processes specified in any Office of Management and Budget Circulars.

It is anticipated that the annual audit will be completed within four months of the close of the fiscal year. Copies of the auditor's findings will be forwarded to the Ingenium Schools Finance Committee, the CDE Charter Schools Division, the Los Angeles County Superintendent of Schools, and the State Controller by December 15th of each year. The Finance

Committee will review any audit recommendations or deficiencies and report to the corporation's governing board and SBE their plan for resolving deficiencies within six months of the close of the fiscal year. The board will report to SBE regarding how the exceptions and deficiencies have been or will be resolved. Exceptions/deficiencies will be resolved to the satisfaction of SBE. Any disputes regarding the resolution of audit exceptions and deficiencies will be referred to the dispute resolution process referenced in Element 14 of this Charter, or if applicable, referred to the Education Audit Appeals Panel (EAAP) appeal process (Education Code Section 41344).

In addition, Ingenium Charter School will compile and provide to SBE an annual performance report. This report will, at a minimum, include the following data:

- Summary data showing student progress toward the goals and outcomes outlined in Element 2 using the assessment instruments and techniques listed in Element 3.
- A summary of major decisions and policies established by the organization's governing board during the year.
- An overview of the school's admissions practices during the year and data regarding the number of students enrolled, the number on waiting lists, and the numbers of students expelled and/or suspended.

Ingenium Charter School shall promptly respond to all inquiries and requests for documents from SBE and shall consult with SBE regarding any inquiries. Furthermore, Ingenium Charter School will provide any financial information requested by SBE and make its books available to SBE during any business day upon request or within 24 hours. In addition all legally required financial reports will be submitted to SBE in the format required by SBE within timeframes specified by SBE each year.

INGENIUM CHARTER SCHOOL

ELEMENT 10: SUSPENSION AND EXPULSION

PROCEDURE FOR INVOLVING PARENTS, STUDENTS, AND STAFF IN DESIGNING AND IMPLEMENTING THE DISCIPLINE POLICY

The Site Council, which includes parents, students, and staff, will review the discipline policy annually and recommend changes, as needed. The Board of Trustees will have the final approval authority on any changes to the discipline policy.

All students have a right to learn while attending a safe school. As such, discipline is a necessary part of school life and good discipline is based on an agreement between the school and parents about what is expected of our children.

Ingenium Charter School will develop, implement and regularly review a discipline policy that attempts to:

- Promote self-discipline and proper regard for authority among students,
- Encourage good behavior and respect for others,
- Ensure students' standards of behavior are acceptable,
- Regulate student conduct.

Students and parents can expect consistent enforcement of the discipline policy and fair administration of consequences for failure to follow the acceptable expected behaviors.

The discipline policy will be reviewed with parents and students upon the students' admission to Ingenium Charter School. Parents and students will acknowledge their understanding of, agreement with, and responsibility to standards set forth in the discipline policy. The discipline policy will determine student responsibilities, unacceptable behavior, and the consequences for noncompliance.

ACCEPTABLE BEHAVIOR EXPECTATIONS

STUDENTS

A. How I Treat Others

I will:

- Treat all students and adults with respect and kindness.
- Use words that are helpful, courteous and kind.
- Treat all things that belong to other people with care.
- Get help from an adult if someone tries to start a fight with me or a disagreement won't end (for example, if I am in a situation that could lead to violence or name-calling.)

I will not:

- Tease, call other people names, bully, or use swear words.
- Threaten to hurt anyone, even when joking around.
- Start fights. I understand that fighting is never acceptable.

B. How I Do My School Work

I will:

- Make sure my homework and projects are neat, complete and turned in on time.
- Respect school property by taking care of my books and classroom supplies, and by helping to keep the rooms and yards clean.
- Come to school on time (parents: this one depends on you, also.)

I will not leave school before it is over, except for a field trip or when I have written permission.

Parent clarifications:

- Homework is assigned Monday through Thursday.
- You must arrange prior approval from the office to remove your child from the classroom during school hours.
- Arriving at school "on time" means between 7:35 and 7:50 A.M.

C. How I Behave and What I Bring to School

I will:

- Greet visitors in a friendly way.
- Offer to help those who need it or request it.
- Take pride in my appearance. I will only wear clean school uniforms to school.
- Eat only in designated eating areas.

I will not:

- Wear sandals, open back, open toe, or platform shoes.

- Bring gum, candy, or soda in cans or glass bottles.
- Bring: beepers, cell phones, large amounts of money, jewelry, radios, electronic games, or trading cards.
- Bring any type of weapon to school – neither a real weapon nor a toy one.

Parents:

Expectations: Respect, responsibility, safety, and quality will characterize all behavior, relationships, and work habits. Parents and teachers will inform, teach, and reinforce the expectations to our children at home and in the classroom respectively.

Consequences: The teacher has primary responsibility for determining and implementing appropriate rewards and consequences for acceptable and unacceptable behavior. Students who violate the acceptable behavior expectations are subject to:

- Verbal warning
- Loss of privileges
- A notice to parents
- Conference with student and/or parent

The consequences listed above are not necessarily all-inclusive.

No Violence: Under no circumstances will violence on campus be tolerated. Acts of intimidation, extortion, or harassment or physical attacks on students, school personnel, or other authorized persons on campus will not be condoned or excused. A child possessing any weapon, whether real or a toy, may be suspended and/or recommended for expulsion.

SUSPENSION AND EXPULSION

This Pupil Suspension and Expulsion Policy has been established in order to promote learning and protect the safety and wellbeing of all students at Ingenium Charter School. When the Policy is violated, it may be necessary to suspend or expel a student from regular classroom instruction. This policy shall serve as Ingenium Charter School's policy and procedures for student suspension and expulsion and it may be amended from time to time without the need to amend the charter so long as the amendments comport with legal requirements. Ingenium Charter School staff shall enforce disciplinary rules and procedures fairly and consistently among all students. This Policy and its Procedures will be printed and distributed as part of the Student Handbook and will clearly describe discipline expectations. Corporal punishment shall not be used as a disciplinary measure against any student. Corporal punishment includes the willful infliction of or willfully causing the infliction of physical pain on a student. For purposes of the Policy, corporal punishment does not include an employee's use of force that is reasonable and necessary to protect the employee, students, staff or other persons or to prevent damage to school property.

INGENIUM CHARTER SCHOOL

The Ingenium Charter School administration shall ensure that students and their parents/guardians are notified in writing upon enrollment of all discipline policies and procedures. The notice shall state that this Policy and Procedures are available on request at the Principal's office.

Suspended or expelled students shall be excluded from all school and school-related activities unless otherwise agreed during the period of suspension or expulsion.

A student identified as an individual with disabilities or for whom Ingenium Charter School has a basis of knowledge of a suspected disability pursuant to the Individuals with Disabilities Education Improvement Act of 2004 ("IDEIA") or who is qualified for services under Section 504 of the Rehabilitation Act of 1973 ("Section 504") is subject to the same grounds for suspension and expulsion and is accorded the same due process procedures applicable to general education students except when federal and state law mandates additional or different procedures. Ingenium Charter School will follow all applicable federal and state laws including but not limited to the California Education Code, when imposing any form of discipline on a student identified as an individual with disabilities or for whom Ingenium Charter School has a basis of knowledge of a suspected disability or who is otherwise qualified for such services or protections in according due process to such students.

A. Grounds for Suspension and Expulsion of Students

A student may be suspended or expelled for prohibited misconduct if the act is related to school activity or school attendance occurring at any time including but not limited to: a) while on school grounds; b) while going to or coming from school; c) during the lunch period, whether on or off the school campus; d) during, going to, or coming from a school-sponsored activity.

B. Enumerated Offenses

1. Discretionary Suspension Offenses. Students may be suspended for any of the following acts when it is determined the pupil:

a) Caused, attempted to cause, or threatened to cause physical injury to another person.

b) Willfully used force of violence upon the person of another, except self-defense.

c) Unlawfully possessed, used, sold or otherwise furnished, or was under the influence of any controlled substance, as defined in Health and Safety Code 11053-11058, alcoholic beverage, or intoxicant of any kind.

d) Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code Sections 11053-11058, alcoholic beverage or intoxicant of any kind, and then sold, delivered or otherwise furnished to any person another liquid substance or material and represented same as controlled substance, alcoholic beverage or intoxicant.

e) Committed or attempted to commit robbery or extortion.

f) Caused or attempted to cause damage to school property or private property.

g) Stole or attempted to steal school property or private property.

h) Possessed or used tobacco or products containing tobacco or nicotine products, including but not limited to cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets and betel. This section does not prohibit the use of his or her own prescription products by a pupil.

i) Committed an obscene act or engaged in habitual profanity or vulgarity.

j) Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code Section 11014.5.

k) Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel engaged in the performance of their duties.

l) Knowingly received stolen school property or private property.

m) Possessed an imitation firearm, i.e.: a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.

n) Committed or attempted to commit a sexual assault as defined in Penal Code Sections 261, 266c, 286, 288, 288a or 289, or committed a sexual battery as defined in Penal Code Section 243.4.

o) Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness.

p) Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.

q) Engaged in, or attempted to engage in hazing. For the purposes of this subdivision, "hazing" means a method of initiation or preinitiation into a pupil organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective pupil. For purposes of this section, "hazing" does not include athletic events or school-sanctioned events.

r) Made terrorist threats against school officials and/or school property. For purposes of this section, "terroristic threat" shall include any statement, whether written or oral, by a person who willfully threatens to commit a crime which will result in death, great bodily injury to another person, or property damage in excess of one thousand dollars ($1,000), with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for his or her own safety or for his or her immediate family's safety, or for the protection of school property, or the personal property of the person threatened or his or her immediate family.

s) Committed sexual harassment, as defined in Education Code Section 212.5. For the purposes of this section, the conduct described in Section 212.5 must be considered by a reasonable person of the same gender as the victim to be sufficiently severe or pervasive to have a negative impact upon the individual's academic performance or to create an intimidating, hostile, or offensive educational environment. This section shall apply to pupils in any of grades 4 to 12, inclusive.

t) Caused, attempted to cause, threaten to cause or participated in an act of hate violence, as defined in subdivision (e) of Section 233 of the Education Code. This section shall apply to pupils in any of grades 4 to 12, inclusive.

u) Intentionally harassed, threatened or intimidated a student or group of students to the extent of having the actual and reasonably expected effect of materially disrupting class work, creating substantial disorder and invading student rights by creating an intimidating or hostile educational environment. This section shall apply to pupils in any of grades 4 to 12, inclusive.

v) Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act.

1. "Bullying" means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including acts one or more acts committed by a student or group of students which would be deemed hate violence or harassment, threats, or intimidation, which are directed toward one or more students that has or can be reasonably predicted to have the effect of one or more of the following:
    i. Placing a reasonable student (defined as a student, including, but is not limited to, a student with exceptional needs, who exercises average care, skill, and judgment in conduct for a person of his or her age, or for a person of his or her age with exceptional needs)

or students in fear of harm to that student's or those students' person or property.

ii. Causing a reasonable student to experience a substantially detrimental effect on his or her physical or mental health.

iii. Causing a reasonable student to experience substantial interference with his or her academic performance.

iv. Causing a reasonable student to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by the Charter School.

2. "Electronic Act" means the transmission by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager, of a communication, including, but not limited to, any of the following:

i. A message, text, sound, or image.

ii. A post on a social network Internet Web site including, but not limited to:

(a) Posting to or creating a burn page. A "burn page" means an Internet Web site created for the purpose of having one or more of the effects as listed in subparagraph (1) above.

(b) Creating a credible impersonation of another actual pupil for the purpose of having one or more of the effects listed in subparagraph (1) above. "Credible impersonation" means to knowingly and without consent impersonate a pupil for the purpose of bullying the pupil and such that another pupil would reasonably believe, or has reasonably believed, that the pupil was or is the pupil who was impersonated.

(c) Creating a false profile for the purpose of having one or more of the effects listed in subparagraph (1) above. "False profile" means a profile of a fictitious pupil or a profile using the likeness or attributes of an actual pupil other than the pupil who created the false profile.

iii. Notwithstanding subparagraphs (1) and (2) above, an electronic act shall not constitute pervasive conduct solely on the basis that it has been transmitted on the Internet or is currently posted on the Internet.

w) A pupil who aids or abets, as defined in Section 31 of the Penal Code, the infliction or attempted infliction of physical injury to another person may be subject to suspension, but not expulsion, except that a pupil who has been adjudged by a juvenile court to have committed, as an aider and abettor, a crime of physical violence in which the victim suffered great bodily injury or serious bodily injury shall be subject to discipline pursuant to subdivision (1).

x) Possessed, sold, or otherwise furnished any knife unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee with the Principal or designee's concurrence.

2. Non- Discretionary Suspension Offenses: Students must be suspended and recommended for expulsion for any of the following acts when it is determined the pupil:

   a) Possessed, sold, or otherwise furnished any firearm, explosive, or other dangerous object unless, in the case of possession of any object of this type, the students had obtained written permission to possess the item from a certificated school employee, with the Principal or designee's concurrence.

3. Discretionary Expellable Offenses: Students may be expelled for any of the following acts when it is determined the pupil:

   a) Caused, attempted to cause, or threatened to cause physical injury to another person.

   b) Willfully used force of violence upon the person of another, except self-defense.

   c) Unlawfully possessed, used, sold or otherwise furnished, or was under the influence of any controlled substance, as defined in Health and Safety Code Sections 11053-11058, alcoholic beverage, or intoxicant of any kind.

   d) Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code Sections 11053-11058, alcoholic beverage or intoxicant of any kind, and then sold, delivered or otherwise furnished to any person another liquid substance or material and represented same as controlled substance, alcoholic beverage or intoxicant.

   e) Committed or attempted to commit robbery or extortion.

   f) Caused or attempted to cause damage to school property or private property.

   g) Stole or attempted to steal school property or private property.

   h) Possessed or used tobacco or products containing tobacco or nicotine products, including but not limited to cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets and betel. This section does not prohibit the use of his or her own prescription products by a pupil.

   i) Committed an obscene act or engaged in habitual profanity or vulgarity.

   j) Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code Section 11014.5.

k) Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel engaged in the performance of their duties.

l) Knowingly received stolen school property or private property.

m) Possessed an imitation firearm, i.e.: a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.

n) Committed or attempted to commit a sexual assault as defined in Penal Code Sections 261, 266c, 286, 288, 288a or 289, or committed a sexual battery as defined in Penal Code Section 243.4.

o) Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness.

p) Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.

q) Engaged in, or attempted to engage in hazing. For the purposes of this subdivision, "hazing" means a method of initiation or preinitiation into a pupil organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective pupil. For purposes of this section, "hazing" does not include athletic events or school-sanctioned events.

r) Made terrorist threats against school officials and/or school property. For purposes of this section, "terroristic threat" shall include any statement, whether written or oral, by a person who willfully threatens to commit a crime which will result in death, great bodily injury to another person, or property damage in excess of one thousand dollars ($1,000), with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for his or her own safety or for his or her immediate family's safety, or for the protection of school property, or the personal property of the person threatened or his or her immediate family.

s) Committed sexual harassment, as defined in Education Code Section 212.5. For the purposes of this section, the conduct described in Section 212.5 must be considered by a reasonable person of the same gender as the victim to be

sufficiently severe or pervasive to have a negative impact upon the individual's academic performance or to create an intimidating, hostile, or offensive educational environment. This section shall apply to pupils in any of grades 4 to 12, inclusive.

t) Caused, attempted to cause, threaten to cause or participated in an act of hate violence, as defined in subdivision (e) of Section 233 of the Education Code. This section shall apply to pupils in any of grades 4 to 12, inclusive.

u) Intentionally harassed, threatened or intimidated a student or group of students to the extent of having the actual and reasonably expected effect of materially disrupting class work, creating substantial disorder and invading student rights by creating an intimidating or hostile educational environment. This section shall apply to pupils in any of grades 4 to 12, inclusive.

v) Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act, as defined in subdivisions (f) and (g) of Section 32261 of the Education Code, directed specifically toward a pupil or school personnel.

w) A pupil who aids or abets, as defined in Section 31 of the Penal Code, the infliction or attempted infliction of physical injury to another person may be subject to suspension, but not expulsion, except that a pupil who has been adjudged by a juvenile court to have committed, as an aider and abettor, a crime of physical violence in which the victim suffered great bodily injury or serious bodily injury shall be subject to discipline pursuant to subdivision (1).

x) Possessed, sold, or otherwise furnished any knife unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, with the Principal or designee's concurrence.

4. Non -Discretionary Expellable Offenses: Students must be expelled for any of the following acts when it is determined pursuant to the procedures below that the pupil:

a) Possessed, sold, or otherwise furnished any firearm, explosive, or other dangerous object unless, in the case of possession of any object of this type, the students had obtained written permission to possess the item from a certificated school employee, with the Principal or designee's concurrence.

If it is determined by the administration that a student has brought a fire arm or destructive device, as defined in Section 921 of Title 18 of the United States Code, on to campus or to have possessed a firearm or dangerous device on campus, the student shall be expelled for one year, pursuant to the Federal Gun Free Schools Act of 1994.

The term "firearm" means (A) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (B) the frame or receiver of any such weapon; (C) any firearm muffler or firearm silencer; or (D) any destructive device. Such term does not include an antique firearm.

The term "destructive device" means (A) any explosive, incendiary, or poison gas, including but not limited to: (i) bomb, (ii) grenade, (iii) rocket having a propellant charge of more than four ounces, (iv) missile having an explosive or incendiary charge of more than one-quarter ounce, (v) mine, or (vi) device similar to any of the devices described in the preceding clauses.

C. Suspension Procedure

Suspensions shall be initiated according to the following procedures:

1. Conference

Suspension shall be preceded, if possible, by a conference conducted by the Principal or the Principal's designee with the student and his or her parent and, whenever practical, the teacher, supervisor or Ingenium Charter School employee who referred the student to the Principal or designee.

The conference may be omitted if the Principal or designee determines that an emergency situation exists. An "emergency situation" involves a clear and present danger to the lives, safety or health of students or Ingenium Charter School personnel. If a student is suspended without this conference, both the parent/guardian and student shall be notified of the student's right to return to school for the purpose of a conference.

At the conference, the pupil shall be informed of the reason for the disciplinary action and the evidence against him or her and shall be given the opportunity to present his or her version and evidence in his or her defense. This conference shall be held within two school days, unless the pupil waives this right or is physically unable to attend for any reason including, but not limited to, incarceration or hospitalization. No penalties may be imposed on a pupil for failure of the pupil's parent or guardian to attend a conference with Ingenium Charter School officials. Reinstatement of the suspended pupil shall not be contingent upon attendance by the pupil's parent or guardian at the conference.

2. Notice to Parents/Guardians

At the time of the suspension, an administrator or designee shall make a reasonable effort to contact the parent/guardian by telephone or in person. Whenever a student is suspended, the parent/guardian shall be notified in writing of the suspension and the date of return following suspension. This notice shall state the specific offense committed by the student. In addition, the notice may also state the date and time when the student may return to school. If Ingenium Charter School officials wish to ask the parent/guardian to confer regarding matters pertinent to the suspension, the notice may request that the parent/guardian respond to such requests without delay.

3. Suspension Time Limits/Recommendation for Expulsion

Suspensions, when not including a recommendation for expulsion, shall not exceed five (5) consecutive school days per suspension. Upon a recommendation of Expulsion by the Principal or Principal's designee, the pupil and the pupil's guardian or representative will be invited to a conference to determine if the suspension for the pupil should be extended pending an expulsion hearing. This determination will be made by the Principal or designee upon either of the following: 1) the pupil's presence will be disruptive to the education process; or 2) the pupil poses a threat or danger to others. Upon either determination, the pupil's suspension will be extended pending the results of an expulsion hearing.

D. Authority to Expel

A student may be expelled by an Administrative Panel appointed by the Ingenium Schools Board of Trustees. The Administrative Panel should consist of at least three members who are certificated and neither a teacher of the pupil or a Board member of Ingenium Charter School's governing board. The Administrative Panel may expel any student found to have committed an expellable offense.

E. Expulsion Procedures

Students recommended for expulsion are entitled to a hearing to determine whether the student should be expelled. Unless postponed for good cause, the hearing shall be held within thirty (30) school days after the Principal or designee determines that the Pupil has committed an expellable offense.

The hearing will be before the Administrative Panel and shall be held in closed session (complying with all pupil confidentiality rules under FERPA) unless the Pupil makes a written request for a public hearing three (3) days prior to the hearing.

Written notice of the hearing shall be forwarded to the student and the student's parent/guardian at least ten (10) calendar days before the date of the hearing. Upon mailing the notice, it shall be deemed served upon the pupil. The notice shall include:

1) The date and place of the expulsion hearing;

2) A statement of the specific facts, charges and offenses upon which the proposed expulsion is based;

3) A copy of Ingenium Charter School's disciplinary rules which relate to the alleged violation;

4) Notification of the student's or parent/guardian's obligation to provide information about the student's status at Ingenium Charter School to any other school district or school to which the student seeks enrollment;

5) The opportunity for the student or the student's parent/guardian to appear in person or to employ and be represented by counsel or a non-attorney advisor;

6) The right to inspect and obtain copies of all documents to be used at the hearing;

7) The opportunity to confront and question all witnesses who testify at the hearing;

8) The opportunity to question all evidence presented and to present oral and documentary evidence on the student's behalf including witnesses.

F. Special Procedures for Expulsion Hearings Involving Sexual Assault or Battery Offenses

Ingenium Charter School may, upon a finding of good cause, determine that the disclosure of either the identity of the witness or the testimony of that witness at the hearing, or both, would subject the witness to an unreasonable risk of psychological or physical harm. Upon this determination, the testimony of the witness may be presented at the hearing in the form of sworn declarations that shall be examined only by Ingenium Charter School or the hearing officer. Copies of these sworn declarations, edited to delete the name and identity of the witness, shall be made available to the pupil.

1. The complaining witness in any sexual assault or battery case must be provided with a copy of the applicable disciplinary rules and advised of his/her right to (a) receive five days notice of his/her scheduled testimony, (b) have up to two (2) adult support persons of his/her choosing present in the hearing at the time he/she testifies, which may include a parent, guardian, or legal counsel, and (c) elect to have the hearing closed while testifying.

2. Ingenium Charter School must also provide the victim a room separate from the hearing room for the complaining witness' use prior to and during breaks in testimony.

3. At the discretion of the person or panel conducting the hearing, the complaining witness shall be allowed periods of relief from examination and cross-examination during which he or she may leave the hearing room.

4. The person conducting the expulsion hearing may also arrange the seating within the hearing room to facilitate a less intimidating environment for the complaining witness.

5. The person conducting the expulsion hearing may also limit time for taking the testimony of the complaining witness to the hours he/she is normally in school, if there is no good cause to take the testimony during other hours.

6. Prior to a complaining witness testifying, the support persons must be admonished that the hearing is confidential. Nothing in the law precludes the person

presiding over the hearing from removing a support person whom the presiding person finds is disrupting the hearing. The person conducting the hearing may permit any one of the support persons for the complaining witness to accompany him or her to the witness stand.

7. If one or both of the support persons is also a witness, Ingenium Charter School must present evidence that the witness' presence is both desired by the witness and will be helpful to Ingenium Charter School. The person presiding over the hearing shall permit the witness to stay unless it is established that there is a substantial risk that the testimony of the complaining witness would be influenced by the support person, in which case the presiding official shall admonish the support person or persons not to prompt, sway, or influence the witness in any way. Nothing shall preclude the presiding officer from exercising his or her discretion to remove a person from the hearing whom he or she believes is prompting, swaying, or influencing the witness.

8. The testimony of the support person shall be presented before the testimony of the complaining witness and the complaining witness shall be excluded from the courtroom during that testimony.

9. Especially for charges involving sexual assault or battery, if the hearing is to be conducted in the public at the request of the pupil being expelled, the complaining witness shall have the right to have his/her testimony heard in a closed session when testifying at a public meeting would threaten serious psychological harm to the complaining witness and there are no alternative procedures to avoid the threatened harm. The alternative procedures may include videotaped depositions or contemporaneous examination in another place communicated to the hearing room by means of closed-circuit television.

10. Evidence of specific instances of a complaining witness' prior sexual conduct is presumed inadmissible and shall not be heard absent a determination by the person conducting the hearing that extraordinary circumstances exist requiring the evidence be heard. Before such a determination regarding extraordinary circumstance can be made, the witness shall be provided notice and an opportunity to present opposition to the introduction of the evidence. In the hearing on the admissibility of the evidence, the complaining witness shall be entitled to be represented by a parent, legal counsel, or other support person. Reputation or opinion evidence regarding the sexual behavior of the complaining witness is not admissible for any purpose.

G. Record of Hearing

A record of the hearing shall be made and may be maintained by any means, including electronic recording, as long as a reasonably accurate and complete written transcription of the proceedings can be made.

H. Presentation of Evidence

While technical rules of evidence do not apply to expulsion hearings, evidence may be admitted and used as proof only if it is the kind of evidence on which reasonable persons can rely in the conduct of serious affairs. An expulsion by the Administrative Panel must be supported by substantial evidence that the student committed an expellable offense. Findings of fact shall be based solely on the evidence at the hearing. While hearsay evidence is admissible, no decision to expel shall be based solely on hearsay. Sworn declarations may be admitted as testimony from witnesses of whom the Panel or designee determines that disclosure of their identity or testimony at the hearing may subject them to an unreasonable risk of physical or psychological harm.

If, due to a written request by the expelled pupil, the hearing is held at a public meeting, and the charge is committing or attempting to commit a sexual assault or committing a sexual battery as defined in Education Code Section 48900, a complaining witness shall have the right to have his or her testimony heard in a session closed to the public.

The decision of the Administrative Panel shall be in the form of written findings of fact and a final determination regarding the expulsion. The final decision by the Administrative Panel shall be made within ten (10) school days following the conclusion of the hearing. The Decision of the Administrative Panel is final.

If the Administrative Panel decides not to expel, the pupil shall immediately be returned to his/her educational program.

I. Written Notice to Expel

The Principal or designee following a decision of the Administrative Panel to expel shall send written notice of the decision to expel, including the Administrative Panel's adopted findings of fact, to the student or parent/guardian. This notice shall also include the following: Notice of the specific offense committed by the student; and Notice of the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of the student's status with Ingenium Charter School.

The Principal or designee shall send a copy of the written notice of the decision to expel to the authorizer. This notice shall include the following: a) The student's name b) The specific expellable offense committed by the student.

J. Disciplinary Records

Ingenium Charter School shall maintain records of all student suspensions and expulsions at Ingenium Charter School. Such records shall be made available to the authorizer upon request.

K. No Right to Appeal

The pupil shall have no right of appeal from expulsion from Ingenium Charter School as the Administrative Panel's decision to expel shall be final.

L. Expelled Pupils/Alternative Education

Pupils who are expelled shall be responsible for seeking alternative education programs including, but not limited to, programs within the County or their school district of residence. Ingenium Charter School shall work cooperatively with parents/guardians as requested by parents/guardians or by the school district of residence to assist with locating alternative placements during expulsion.

M. Rehabilitation Plans

Students who are expelled from Ingenium Charter School shall be given a rehabilitation plan upon expulsion as developed by the Board at the time of the expulsion order, which may include, but is not limited to, periodic review as well as assessment at the time of review for readmission. The rehabilitation plan should include a date not later than one year from the date of expulsion when the pupil may reapply to Ingenium Charter School for readmission.

N. Readmission

The decision to readmit a pupil or to admit a previously expelled pupil from another school district or charter school shall be in the sole discretion of the Administrative Panel following a meeting with the Principal or designee and the pupil and guardian or representative to determine whether the pupil has successfully completed the rehabilitation plan and to determine whether the pupil poses a threat to others or will be disruptive to the school environment. The Principal or designee shall make a recommendation to the Administrative Panel following the meeting regarding his or her determination. The pupil's readmission is also contingent upon Ingenium Charter School's capacity at the time the student seeks readmission.

O. Special Procedures for the Consideration of Suspension and Expulsion of Students with Disabilities

1. Notification of SELPA

Ingenium Charter School shall immediately notify the SELPA and coordinate the procedures in this policy with the SELPA of the discipline of any student with a disability or student who Ingenium Charter School or SELPA would be deemed to have knowledge that the student had a disability

2. Services During Suspension

Students suspended for more than ten (10) school days in a school year shall continue to receive services so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP/504 Plan; and receive, as appropriate, a functional behavioral assessment or functional analysis, and behavioral intervention services and modifications, that are designed to address the behavior viola-

tion so that it does not recur. These services may be provided in an interim alterative educational setting.

3. Procedural Safeguards/Manifestation Determination

Within ten (10) school days of a recommendation for expulsion or any decision to change the placement of a child with a disability because of a violation of a code of student conduct, Ingenium Charter School, the parent, and relevant members of the IEP/504 Team shall review all relevant information in the student's file, including the child's IEP/504 Plan, any teacher observations, and any relevant information provided by the parents to determine:

a) If the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or

b) If the conduct in question was the direct result of the local educational agency's failure to implement the IEP/504 Plan.

If Ingenium Charter School, the parent, and relevant members of the IEP/504 Team determine that either of the above is applicable for the child, the conduct shall be determined to be a manifestation of the child's disability.

If Ingenium Charter School, the parent, and relevant members of the IEP/504 Team make the determination that the conduct was a manifestation of the child's disability, the IEP/504 Team shall:

a) Conduct a functional behavioral assessment or a functional analysis assessment, and implement a behavioral intervention plan for such child, provided that Ingenium Charter School had not conducted such assessment prior to such determination before the behavior that resulted in a change in placement;

b) If a behavioral intervention plan has been developed, review the behavioral intervention plan if the child already has such a behavioral intervention plan, and modify it, as necessary, to address the behavior; and

c) Return the child to the placement from which the child was removed, unless the parent and Ingenium Charter School agree to a change of placement as part of the modification of the behavioral intervention plan.

If Ingenium Charter School, the parent, and relevant members of the IEP/504 team determine that the behavior was not a manifestation of the student's disability and that the conduct in question was not a result of the failure to implement the IEP/504 Plan, then Ingenium Charter School may apply the relevant disciplinary procedures to children with disabilities in the same manner and for the same duration as the procedures would be applied to students without disabilities.

4. Due Process Appeals

The parent of a child with a disability who disagrees with any decision regarding placement, or the manifestation determination, or Ingenium Charter School believes that maintaining the current placement of the child is substantially likely to result in injury to the child or to others, may request an expedited administrative hearing through the Special Education Unit of the Office of Administrative Hearings or by utilizing the dispute provisions of the 504 Policy and Procedures.

When an appeal relating to the placement of the student or the manifestation determination has been requested by either the parent or Ingenium Charter School, the student shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the forty-five (45) day time period provided for in an interim alternative educational setting, whichever occurs first, unless the parent and Ingenium Charter School agree otherwise.

5. Special Circumstances

Ingenium Charter School personnel may consider any unique circumstances on a case-by-case basis when determining whether to order a change in placement for a child with a disability who violates a code of student conduct.

The Principal or designee may remove a student to an interim alternative educational setting for not more than forty-five (45) days without regard to whether the behavior is determined to be a manifestation of the student's disability in cases where a student:

a) Carries or possesses a weapon, as defined in 18 USC 930, to or at school, on school premises, or to or at a school function;

b) Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function; or

c) Has inflicted serious bodily injury, as defined by 20 USC 1415(k)(7)(D), upon a person while at school, on school premises, or at a school function.

6. Interim Alternative Educational Setting

The student's interim alternative educational setting shall be determined by the student's IEP/504 team.

7. Procedures for Students Not Yet Eligible for Special Education Services

A student who has not been identified as an individual with disabilities pursuant to IDEIA and who has violated Ingenium Charter School's disciplinary procedures may assert the procedural safeguards granted under this administrative regulation on-

ly if Ingenium Charter School had knowledge that the student was disabled before the behavior occurred.

Ingenium Charter School shall be deemed to have knowledge that the student had a disability if one of the following conditions exists:

a) The parent/guardian has expressed concern in writing, or orally if the parent/guardian does not know how to write or has a disability that prevents a written statement, to Ingenium Charter School supervisory or administrative personnel, or to one of the child's teachers, that the student is in need of special education or related services.

b) The parent has requested an evaluation of the child.

c) The child's teacher, or other Ingenium Charter School personnel, has expressed specific concerns about a pattern of behavior demonstrated by the child, directly to the director of special education or to other Ingenium Charter School supervisory personnel.

If Ingenium Charter School knew or should have known the student had a disability under any of the three (3) circumstances described above, the student may assert any of the protections available to IDEIA-eligible children with disabilities, including the right to stay-put.

If Ingenium Charter School had no basis for knowledge of the student's disability, it shall proceed with the proposed discipline. Ingenium Charter School shall conduct an expedited evaluation if requested by the parents; however the student shall remain in the education placement determined by Ingenium Charter School pending the results of the evaluation.

Ingenium Charter School shall not be deemed to have knowledge of that the student had a disability if the parent has not allowed an evaluation, refused services, or if the student has been evaluated and determined to not be eligible.

DATA COLLECTION AND REPORTING

Ingenium Charter School will collect and produce data regarding the suspension and expulsion of special education students as required by the Modified Consent Decree. Ingenium Charter School will adhere to all provisions of the Individuals with Disabilities Education Act (IDEA) and its amendments, Section 504 of the Rehabilitation Act, AB 602, ADA, and the modified consent decree.

INGENIUM CHARTER SCHOOL

INGENIUM CHARTER SCHOOL

STAFF ISSUES

RELATIONSHIP BETWEEN THE TEACHERS AND THE DISTRICT/COUNTY BARGAINING UNIT

In accordance with the Educational Employee Relations Act (EERA) Ingenium Charter School employees may join and be represented by an organization of their choice for collective bargaining purposes. However, unless the employees elect to be represented by an organization for bargaining purposes, all employees will be employed on an individual basis.

PROCESS BY WHICH SALARIES, BENEFITS, WORKING CONDITIONS AND OTHER ITEMS WILL BE DETERMINED

Ingenium Charter School administrative staff will recommend the policies for salaries, benefits and annual work calendars for all employees to the Ingenium Schools Board for approval. Work calendars will be submitted to staff in March for their input. Staff will be given opportunities to discuss any changes affecting benefits.

CALENDARS, HOLIDAYS, VACATIONS, WORK DAY AND YEAR, AND OTHER ITEMS

The annual calendar, vacations, work day and year, and other items will be recommended by the Executive Director and set by the Board of Trustees.

LABOR PROCEDURES WHICH WILL BE APPLIED TO EMPLOYEES

All employees of the school will be hired on an at-will basis.

PROCESS FOR RESOLVING COMPLAINTS/GRIEVANCES

Employees will be encouraged to resolve complaints and grievances informally and with their immediate supervisor. However, they will have the right to appeal informally or formally (in writing) to the Principal. If unsatisfied with the resolution, they may appeal to the Board as well.

All employees will be asked to agree to binding arbitration in their employment agreement.

PROCESS FOR ENSURING DUE PROCESS

The Board of Trustees will request an annual report of complaints and grievances brought to the Principal, Executive Director, and the Board from the Executive Director. It will review the report and correct the process for resolving complaints and grievances if warranted.

In addition, employees will have the right to enter into binding arbitration if grievances are unresolved.

STRS, PERS, SOCIAL SECURITY AND MEDICARE

Ingenium Charter School teachers and certificated administrators shall be a part of the State Teachers' Retirement System. Other employees shall be covered by Social Security. Ingenium Schools' Human Resources Manager will be responsible for administrating STRS/PERS enrollments and ensuring that each employee is enrolled in the correct program. Ingenium Charter School will work with LACOE to forward in a timely fashion any

required payroll deductions and related work. LACOE is the only agency who could report the contributions to both STRS and PERS. Ingenium Charter School will either use LACOE's reporting system or a system compatible with LACOE.

PROCESS FOR STAFF RECRUITMENT, SELECTION, EVALUATION AND TERMINATION

The Ingenium Schools Board will select the Executive Director and the Executive Director will select all other staff. Deadlines for submitting applications will be established and publicly advertised. The hiring authority will be responsible for ensuring that effected members of the community have the opportunity to comment on candidates and, where appropriate, interview them. The hiring authorities will make the final staff selections.

The hiring authorities will also be responsible for evaluation and for termination decisions.

All hiring and termination decisions must be ratified by the Board.

PROCEDURE FOR PROCESSING AND MONITORING CREDENTIALS IF REQUIRED

Ingenium Charter School's Office Manager will examine the credentials of applying candidates using a form provided for this purpose by EdTec and determine whether the credentials are adequate for the position being applied for. The Office Manager will monitor credentialing requirements on an ongoing basis and will alert an employee when the employee is in danger of not meeting certification requirements.

ATTENDANCE ALTERNATIVES

Pupils who choose not to attend Ingenium Charter School may attend existing elementary schools in LAUSD that serve their attendance zone or pursue an inter-district transfer in accordance with existing enrollment and transfer policies of Los Angeles Unified School District.

As an option for public school choice for eligible students from identified Program Improvement schools, priority may be given to the lowest achieving children from low-income families, as determined by LAUSD.

Annually, the Charter School will inform parents in writing about the transferability and eligibility of courses to other public high schools. In addition, this information will be part of the parent orientation meeting for all new students.

- The address of Ingenium Charter School is 1717 E. Carson Street, Carson.
- The phone number of Ingenium Charter School is (909) 827-8595.
- The contact person for Ingenium Charter School is Glenn Noreen.
- The number of rooms at Ingenium Charter School is 17.
- The grade configuration is kindergarten through fifth grade.
- The number of students in the first year will be 307.
- The grade level(s) of the students the first year will be kindergarten through fifth grades.
- The opening date of Ingenium Charter School is August 31, 2010.

The admission requirements include:

- Ingenium Charter School will admit all students who wish to attend the school as outlined in Education Code §47605(d)(2)(A).
- Students and their parent(s)/guardian(s) must complete an application available from Ingenium's school office and submit it directly to Ingenium Charter School. Parents and students are required to sign an agreement that they will abide by School policies on academics, attendance, and conduct.

The operational capacity will be 414.

The first year instructional calendar will be: August 31, 2010 to June 19, 2011. See Appendix C for the detailed annual calendar..

The bell schedule for Ingenium Charter School will be:

	Monday	Tuesday	Wednesday	Thursday	Friday
7:55-9:30	Reading Block	Math Block	Reading Block	ILP Block	Reading Block
9:30-9:50	Recess	Recess	Recess	Recess	Recess
9:50-10:50	Writing	Social Sci-	Writing	Science	Writing

	Block	ence Block	Block	Block	Block
10:50-11:45	Math Block	Technology	Math Block	Technology	Math Block
Lunch					
12:25-1:20	PE/Health	PE/Health	PE/Health	PE/Health	PE/Health
1:20-2:35	Integrated Thematic Units	Integrated Thematic Units	Staff Co-Planning Time	Integrated Thematic Units	Integrated Thematic Units

If space is available, traveling students will have the option to attend.

Pupils who choose not to attend Ingenium Charter School may choose to attend other public schools in their district of residence or pursue an interdistrict-transfer in accordance with existing enrollment and transfer policies of the district.

INGENIUM CHARTER SCHOOL

EMPLOYEE RIGHTS

Former LAUSD employees must consult with LAUSD to determine their eligibility for leave. Certificated leave from LAUSD may be up to one year. Classified leave from LAUSD may be for one year, which may be extended for up to the term of the original petition.

All provisions pertaining to leave and return rights for district union employees will be granted to certificated and classified employees in accordance with current collective bargaining agreements.

Job applicants at Ingenium Charter School will be considered through an open process, and if hired, will enter into a contractual agreement with the school.

The following is the description of the rights of any employees of the school district upon leaving the employment of the school district to work at Ingenium Charter School, and of the rights of return to the school district after employment at Ingenium Charter School as required by Education Code §47605(b)(5)(M):

A) Any rights upon leaving the employment of a local education agency to work at Ingenium Charter School that the local education agency may specify.

B) Any rights of return to employment in a local education agency after employment in the Charter School as the local education agency may specify.

C) Any other rights upon leaving employment to work at Ingenium Charter School and any rights to return to a previous employer after working in the Charter School that the Los Angeles Board of Directors determines to be reasonable and not in conflict with any provisions of law that apply to Ingenium Charter School or to the employer from which the employee comes to the Charter School or to which the employee returns from Ingenium Charter School.

D) A permanent employee may opt to transfer to another position within LAUSD in accordance with LAUSD policies and procedures and collective bargaining agreements. Ingenium Charter School employees on personal leave from LAUSD have the right to return to other positions in LAUSD after employment in the Charter School subject to the conditions of the granted leave of absence.

E) Current LAUSD classified employees who choose to work at a charter school take a mandatory unpaid charter school leave for the length of the initial charter period. However, leave documents must be renewed each year. At the end of the initial charter period, the classified employee must either return to LAUSD service or resign. The charter may officially hire the former employee at that time (detail in each classified collective bargaining agreement.)

INGENIUM CHARTER SCHOOL

RESOLVING DISPUTES

DISPUTES BETWEEN INGENIUM CHARTER SCHOOL AND SBE

Ingenium Charter School recognizes that:

- If the substance of a dispute is a matter that could result in the taking of appropriate action, including, but not limited to, revocation of the charter in accordance with EC Section 47604.5, the matter will be addressed at the CDE Charter School Division's discretion in accordance with the provision of law and any regulations pertaining thereto.
- Because it is not a LEA, the State Board of Education may choose resolve a dispute directly instead of pursuing the dispute resolution process specified in the charter, provided that if the State Board of Education intends to resolve a dispute directly instead of pursuing the dispute resolution process specified in the charter, it must first hold a public hearing to consider arguments for and against the direct resolution of the dispute instead of pursuing the dispute resolution process specified in the charter.
- If the substance of a dispute is a matter that could result in the taking of appropriate action, including, but not limited to, revocation of the charter in accordance with EC Section 47604.5, the matter will be addressed at the State Board of Education's discretion in accordance with that provision of law and any regulations pertaining thereto

The staff and governing board members of Ingenium Charter School agree to attempt to resolve all disputes regarding this charter pursuant to the terms of this section. Both will refrain from public commentary regarding any disputes until the matter has progressed through the dispute resolution process.

Any controversy or claim arising out of or relating to the charter agreement between SBE and Ingenium Charter School, except any controversy or claim that in any way is related to revocation of this charter, shall be handled first through an informal process in accordance with the procedures set forth below.

(1) Any controversy or claim arising out of or relating to the charter agreement must be put in writing ("Written Notification"). The Written Notification must identify the nature of the dispute and any supporting facts. The Written Notification may be tendered by personal delivery, by facsimile, or by certified mail. The Written Notification shall be deemed received (a) if personally delivered, upon date of delivery to the address of the person to receive such notice if delivered by 5:00 PM or otherwise on the business day following personal delivery; (b) if by facsimile, upon electronic confirmation of receipt; or (c) if by mail, two (2) business days after deposit in the U.S. Mail. All written notices shall be addressed as follows:

To Charter School: Ingenium Charter School
c/o School Director
1502 Webster Avenue

INGENIUM CHARTER SCHOOL

Claremont, CA 91711

To Director of Charter Schools:

Director of Charter Schools
California Department of Education
1430 N Street, Suite 5401
Sacramento, CA 95814

(2) A written response shall be tendered to the other party within twenty (20) business days from the date of receipt of the Written Notification. The parties agree to schedule a conference to discuss the claim or controversy within fifteen (15) business days from the date the written response is received by the other party to resolve the controversy or claim at issue ("Issue Conference"). The Issue Conference shall take place within fifteen (15) business days from the date the Written Response is received by the other party. The Written Response may be tendered by personal delivery, by facsimile, or by certified mail. The Written Response shall be deemed received (a) if personally delivered, upon date of delivery to the address of the person to receive such notice if delivered by 5:00p.m., or otherwise on the business day following personal delivery; (b) if by facsimile, upon electronic confirmation of receipt; or (c) if by mail, two (2) business days after deposit in the U.S. Mail.

(3) If the controversy or claim cannot be resolved by mutual agreement at the Issue Conference, then either party may request that the matter be resolved by mediation. Each party shall bear its own costs and expenses associated with the mediation. The mediator's fees and the administrative fees of the mediation shall be shared equally among the parties. Mediation proceedings shall commence within 120 days from the date of the Issue Conference. The parties shall mutually agree upon the selection of a mediator to resolve the controversy or claim at dispute. The mediator may be selected from the approved list of mediators prepared by the American Arbitration Association. Mediation proceedings must be administered in accordance with the mediation rules or guidelines of the American Arbitration.

(4) If the mediation is not successful, then the parties agree to settle the controversy, claim or dispute by arbitration conducted by a single arbitrator in accordance with the guidelines of the American Arbitration Association. The arbitrator must be an active member of the California State Bar or a retired judge of the state or federal judiciary of California. Each party shall bear its own costs and expenses associated with the arbitration. The arbitrator's fees and the administrative fees of the arbitration shall be shared equally among the parties. Each party shall bear their own costs and expenses.

(5) However, any party who fails or refuses to submit to arbitration shall bear all costs and expenses incurred by such other party in compelling arbitration of any controversy, claim, or dispute.

(6) This dispute resolution procedure does not apply to any controversy or claim concerning the grounds for revocation.

Ingenium Charter School recognizes that the State Board of Education may choose to resolve a dispute directly instead of pursuing the dispute resolution process specified in this charter, provided that it first hold a public hearing to consider arguments for and against the direct resolution of the dispute instead of pursuing the dispute resolution process specified in the charter. If the substance of a dispute is a matter that could result in the taking of appropriate action, including, but not limited to, revocation of the charter in accordance with

Education Code Section 47604.5, the matter will be addressed at the State Board of Education's discretion in accordance with that provision of law and any regulations pertaining thereto

DISPUTES ARISING WITHIN INGENIUM CHARTER SCHOOL

Disputes arising from within Ingenium Charter School including all disputes among and between students, staff, parents, volunteers, advisors, partner organizations, and governing board members of the school will be resolved by Ingenium Schools Board of Trustees and/or Principal. SBE will, as an initial step, refer any complaints or reports regarding such internal disputes to the Board or administrative staff of Ingenium Charter School for resolution. If the matter is not resolved to the satisfaction of the person or persons complaining, SBE may, among other things, refer the complaining person or persons to the appropriate state or federal agency.

Depending on the situation complaints can be addressed following the following levels:

1. Classroom teacher
2. Principal
3. Executive Director
4. Ingenium Schools Board of Trustees

GRIEVANCE PROCEDURES FOR PARENTS AND STUDENTS

Ingenium Charter School will designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under Title IX of the Education Amendments of 1972 (Title IX) and Section 504 of the Rehabilitation Act of 1973 (Section 504) including any investigation of any complaint filed with Ingenium Charter School alleging its noncompliance with these laws or alleging any actions which would be prohibited by these laws. Ingenium Charter School will notify all its students and employees of the name, office address, and telephone number of the designated employee or employees.

Ingenium Charter School will adopt and publish grievance procedures providing for prompt and equitable resolution of student and employee complaints alleging any action, which would be prohibited by Title IX, or Section 504.

Ingenium Charter School will implement specific and continuing steps to notify applicants for admission and employment, students and parents of elementary and secondary school students, employees, sources of referral of applicants for admission and employment, and all unions or professional organizations holding collective bargaining or professional agreements with the recipient, that it does not discriminate on the basis of sex or mental or physical disability in the educational program or activity which it operates, and that it is required by Title IX and Section 504 not to discriminate in such a manner.

TERM OF CHARTER, REVOCATION, RENEWAL, AMENDMENTS, AND SEVERABILITY

The term of this charter shall be for the period of five years, beginning July 1, 2010.

SBE may revoke the charter of Ingenium Charter School if Ingenium Charter School commits a breach of any terms of its charter. Further, SBE may revoke the charter if Ingenium Charter School commits a breach of any provision set forth in a policy related to charter schools adopted by SBE Board of Education and/or any provisions set forth in the Charter School Act of 1992. Furthermore, SBE may revoke the charter of Ingenium Charter School on any of the following grounds:

- Ingenium Charter School committed a material violation of any of the conditions, standards, or procedures set forth in the charter.
- Ingenium Charter School failed to meet or pursue any of the pupil outcomes identified in the charter.
- Ingenium Charter School failed to meet generally accepted accounting principles, or engaged in fiscal mismanagement.
- Ingenium Charter School violated any provisions of law.

Prior to revocation, and in accordance with Cal. Educ. Code section 47607(d), SBE will notify Ingenium Charter School in writing of the specific violation, and give Ingenium Charter School a reasonable opportunity to cure the violation, unless SBE determines, in writing, that the violation constitutes a severe and imminent threat to the health or safety of the pupils. Notwithstanding the immediately preceding language, revocation proceedings are not subject to the dispute resolution clause set forth in this charter.

Depending on the nature of the violation, SBE will determine the amount of time needed to cure the violation. In the case of disputes, the parties agree to adhere to the dispute resolution procedures identified in the charter.

SBE shall retain the right to revoke the charter immediately if Ingenium Charter School is engaging or has engaged in activities that constitute a severe and imminent threat to the health and safety of the students. Under these circumstances, the dispute resolution procedures will be inapplicable.

The State Board of Education and authorized SBE staff have the right to inspect Ingenium Charter School as necessary to fulfill its oversight responsibilities.

Any amendments to this charter will be made by the mutual agreement of the governing boards of Ingenium Charter School and SBE. Material revisions and amendments will be made pursuant to the standards, criteria, and timelines in California Education Code §47605.

The terms of this charter contract are severable. In the event that any of the provisions are determined to be unenforceable or invalid for any reason, the remainder of the charter will remain in effect, unless mutually agreed otherwise by SBE and Ingenium Charter School. SBE and Ingenium Charter School agree to meet to discuss and resolve any issues or differences relating to invalidated provisions in a timely, good faith fashion.

Ingenium Charter School renewal petition is due at LAUSD by September 30 of the year prior to the charter's scheduled expiration. This charter petition may be amended only by agreement in writing executed by the Board of Trustees of Ingenium Charter School and by the authorized agents of the California State Board of Education. Material revisions and amendments will be made pursuant to the standards set forth in Education Code §47605.

Charter School Responsibility:

INGENIUM CHARTER SCHOOL

Ingenium Charter School commits to its responsibility, commencing on January 1, 2005 or after the school has been in operation for four years, whichever is later, to meet at least one of the four criteria prior to receiving a charter renewal pursuant to (Ed. Code 47607).

1. Attained its Academic Performance Index (API) growth target in the prior year or in two of the last three years, or in the aggregate of the prior three years.

OR

2. Ranked in deciles 4 to 10, inclusive, on the State API in the prior year or in two of the last three years.

OR

3. Ranked in deciles 4 to 10 inclusive, on the API for demographically comparable schools in the prior year or in two of the last three years.

OR

4. The entity that granted the charter determines that the academic performance of the Charter School is at least equal to the academic performance of the public schools that the Charter School students would otherwise have been required to attend as well as the academic performance of the schools in the school district which the Charter School is located, taking into account the composition of the population that is served at the Charter School.

Renaming of Ingenium Charter School can be accomplished through a vote by Ingenium Schools Board of Trustees. Notification will be provided to SBE and the California Department of Education.

INGENIUM CHARTER SCHOOL

EXCLUSIVE EMPLOYER

Ingenium Schools (representing Ingenium Charter School) shall be deemed the exclusive public school employer of the employees of the Charter School for the purposes of the Education Employment Relations Act as specified in Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the California State Education Code [47611.5(b)]. In accordance with this code, Ingenium Charter School employees have the right to join organizations of their choice, to be represented by such organizations in their professional and employment relationships with public school employers, to select one employee organization as the exclusive representative of the employees in an appropriate unit, and to afford certificated employees a voice in the formulation of educational policy.

SCHOOL CLOSURE

REVOCATION

SBE may revoke the charter of Ingenium Charter School if Ingenium Charter School commits a breach of any terms of its charter. Further, SBE may revoke the charter if Ingenium Charter School commits a breach of any provision set forth in a policy related to charter schools adopted by the State Board of Education and/or any provisions set forth in the Charter School Act of 1992. Furthermore, SBE may revoke the charter of Ingenium Charter School on any of the following grounds:

- Ingenium Charter School committed a material violation of any of the conditions, standards, or procedures set forth in the charter;
- Ingenium Charter School failed to meet or pursue any of the pupil outcomes identified in the charter.
- Ingenium Charter School failed to meet generally accepted accounting principles, or engaged in fiscal mismanagement.
- Ingenium Charter School violated any provisions of the law.

Prior to revocation, and in accordance with Cal. Educ. Code section 47607(d), SBE will notify Ingenium Charter School in writing of the specific violation and give Ingenium Charter School a reasonable opportunity to cure the violation unless SBE determines, in writing, that the violation constitutes a severe and imminent threat to the health or safety of the pupils. Notwithstanding the immediately preceding language, revocation proceedings are not subject to the dispute clause set forth in this charter.

CLOSING PROCEDURES

Ingenium Schools is the entity responsible to conduct closure-related activities.

The following are closing procedures that abide by Cal. Educ. Code §47605(b)(5)(P), should the school close for any reason.

Should it become necessary for Ingenium Charter School to close, the following procedures will take place:

- Official action by SBE and the Ingenium Schools governing boards. The action will identify the reason for closure including whether the charter was revoked, not renewed, or closed voluntarily.
- All closing documents will be sent to the California Department of Education.
- Ingenium Schools will be responsible for the transferring of pupil records to the students' district of enrollment or other school to which the students will transfer. In the event Ingenium Schools is unable to meet this responsibility, Ingenium Schools will work with LACOE to ensure the maintenance and transfer of student records to the students' school of enrollment.

- Within 6 months of closure of the school, an independent audit will take place to determine the net assets or liabilities of the school. Any outstanding liabilities or disbursement of remaining assets will be settled between Ingenium Charter School and SBE through a mutually developed plan.
- All remaining assets will be liquidated and all creditors will be paid first. Any capital assets owned by the charter school, such as facility or property, purchased in whole or in part with public funds will be distributed to a public agency organized for educational purposes at the discretion of the Board of Directors. Any remaining asset will convert to a nonprofit public entity at the discretion of the Board of Directors.

The decision to close Ingenium Charter School, either by the Ingenium Schools governing Board or by the SBE Board, will be documented in a Closure Action. The Closure Action shall be deemed to have been automatically made when any of the following occur: the charter is revoked or non renewed by the State Board of Education; the charter school board votes to close the school; or the charter lapses. In the event of such a Closure Action, the following steps are to be implemented:

1. Notification of the closure of the charter school to parents (guardians) of pupils, the State Board of Education, LACOE, the special education local plan area in which Ingenium Charter School participates, the retirement systems in which the school's employees participate (e.g., Public Employees' Retirement System, State Teachers' Retirement System, and federal social security), and the California Department of Education, providing at least the following:

a. The effective date of the closure;

b. The name(s) of and contact information for the person(s) to whom reasonable inquiries may be made regarding the closure;

c. The pupils' school districts of residence; and

d. The manner in which parents (guardians) may obtain copies of pupil records, including specific information on completed courses and credits that meet graduation requirements.

2. Written notification to parents/guardians/caregivers of the enrolled students of Ingenium Charter School will be issued by Ingenium Charter School within 72 hours after the determination of a Closure Action. A sample copy of the language used in the written notification is also to be made to SBE within the same time frame.

a. The written notification will also include information on assistance in transferring each student to another appropriate school, and a process for the transfer of all student records.

b. The process for transferring student records to the receiving schools shall be in accordance with SBE procedures for students moving from one school to another.

c. Parents will also be provided with student information that includes closure notice, grade reports, discipline records, immunization records, completed coursework and credits that meet graduation requirements.

2. Written notification to SBE of the list of returning students and their home schools, to be made within 72 hours of the determination of the Closure Action.

3. Transfer of student records to the receiving schools, within seven calendar days from the determination of an Action to Close.

4. Written notification to the California Department of Education of the Closure Action shall be made by Ingenium Charter School by registered mail within 72 hours of the decision to Closure Action.

5. Ingenium Charter School shall provide a list of pupils in each grade level and the classes they have completed, together with information on the pupils' districts of residence, to Ingenium Schools.

6. All pupil records, all state assessment results, and any special education records will be transferred to the custody of and maintained by Ingenium Schools, except for records and/or assessment results that the charter may require to be transferred to a different entity.

7. Transference and maintenance of personnel records will be in accordance with applicable law.

8. Ingenium Charter School shall allow SBE access, inspection and copying of all school records, including financial and attendance records, upon written request by SBE.

9. A financial closeout audit of the school will be paid for by Ingenium Charter School to determine the disposition of all assets and liabilities of the charter school, including plans for disposing of any net assets. The final independent audit shall be completed within six months after the closure of the school. This audit will be conducted by a neutral, independent licensed CPA who will employ generally accepted accounting principles. The audit will include the following:

a. An accounting of all financial assets, including cash and accounts receivable and an inventory of property, equipment, and other items of material value.

b. An accounting of the liabilities, including accounts payable and any reduction in apportionments as a result of audit findings or other investigations, loans, and unpaid staff compensation.

c. An assessment of the disposition of any restricted funds received by or due to the charter school.

10. Any liability or debt incurred by Ingenium Charter School will be the responsibility of Ingenium Charter School and not SBE. Ingenium Charter School understands and acknowledges that Ingenium Charter School will cover the outstanding debts or liabilities of Ingenium Charter School. Any grant funds and restricted categorical funds will be returned to their source in accordance with the terms of the grant or state and federal law, as appropriate, which may include submission of final expenditure reports for entitlement grants and the filing of any required Final Expenditure Reports and Final Performance Reports. Any donated materials and property will be returned in accordance with any conditions established when the donation of such materials or property was accepted. Any remaining unused monies at the time of the audit will be returned to the appropriate funding source. Ingenium Charter School understands and acknowledges that only unrestricted funds will be used to pay creditors. Any unused AB 602 funds will be returned to the School's SELPA, and other categorical funds will be returned to the source of funds.

11. For six calendar months from the Closure Action or until budget allows, whichever comes first, sufficient staff as deemed appropriate by Ingenium Charter School Board, will

maintain employment to take care of all necessary tasks and procedures required for a smooth closing of the school and student transfers.

12. Ingenium Charter School shall fund all the activities identified in subdivisions 1-11 above.

13. The Ingenium Charter School Board shall adopt a plan for wind-up of the school and, if necessary, the corporation, in accordance with the requirements of the Corporations Code.

14. In addition to a final audit, Ingenium Charter School will also submit any required year-end financial reports to the California Department of Education and SBE, in the form and time frame required. It will complete and file any annual reports required pursuant to Education Code section 47604.33.

15. If the charter school is a nonprofit corporation, the corporation does not have any other functions than operation of the charter school, the corporation will be dissolved according to its bylaws.

a. The corporation's bylaws will address how assets are to be distributed at the closure of the corporation.

b. A copy of the corporations bylaws containing the information on how assets are to be distributed at the closure of the corporation, are to be provided to SBE prior to approval of this Petition.

This Element 16 shall survive the revocation, expiration, termination, cancellation of this charter or any other act or event that would end [charter school's] right to operate as a charter school or cause Ingenium Charter School to cease operation. Ingenium Charter School and SBE agree that, due to the nature of the property and activities that are the subject of this petition, SBE and public shall suffer irreparable harm should charter school breach any obligation under this Element 16. SBE, therefore, shall have the right to seek equitable relief to enforce any right arising under this Element 16 or any provision of this Element 16 or to prevent or cure any breach of any obligation undertaken, without in any way prejudicing any other legal remedy available to SBE. Such legal relief shall include, without limitation, the seeking of a temporary or permanent injunction, retraining order, or order for specific performance, and may be sought in any appropriate court.

FACILITIES

If Ingenium Charter School fails to submit a certificate of occupancy to SBE not less than 45 days before the school is scheduled to open, it may not open unless an exception is made by the CDE Charter Schools Division. If Ingenium Charter School moves or expands to another facility during the term of this charter, Ingenium Charter School shall provide a certificate of occupancy to SBE for each facility at least 45 days before school is scheduled to open in the facility or facilities. Ingenium Charter School shall not open in any location for which it has failed to timely provide a certificate of occupancy to SBE, unless an exception is made by the CDE Charter Schools Division. Notwithstanding any language to the contrary in this charter, the interpretation, application, and enforcement of this provision are not subject to the Dispute Resolution Process (Element 14).

OTHER ITEMS

EMPLOYMENT STATUS OF EMPLOYEES

Persons employed by Ingenium Charter School are not considered employees of SBE for any purpose whatsoever. Charter school employees will be employees of the Charter School, not the district or county. Employees of SBE who resign from employment to work at Ingenium Charter School and who later wish to return to SBE shall be treated the same as any other former SBE employee seeking reemployment except for the exceptions noted in Element 13: Employee Rights.

ADMINISTRATIVE SERVICES

Ingenium Charter School shall seek out mutually agreed upon memoranda of understanding (MOUs) with SBE which shall delineate the legal obligations of each respective party for each service rendered by SBE. In addition, Ingenium Charter School shall enter into mutually agreed upon MOUs regarding, but not limited to, funding and services for special education students, a description of liability insurance, operational funding levels, responses to inquiries under Education Code §47604.3, and a delineation of duties regarding responsibility for operations. Requested services from SBE will be on a fee-for-service basis and subject to availability. The MOUs shall set forth the responsibilities and legal obligations of each respective party for each service rendered by SBE, and the manner by which administrative services of the school are to be provided.

Ingenium Charter School Board of Trustees will engage the services of a provider of business services to charter schools to provide the administrative services the school will require. These services will include:

- Accounting. The accounting system will meet the requirements of SBE and DOE.
- Purchasing and accounts payable.
- Accounts receivable.
- Payroll processing.
- Business and budget-related consulting.
- Compliance.
- Attendance and Student Information Systems.
- Board meeting support.

BUDGET

Budget development will begin each year immediately following the January announcement of the governor's K-12 State Budget Proposals and continually refined through the

May Revision to the Final State Budget Act. Budgeted resources will always be consistent with charter school goals as identified by the governing council.

The key factors that will enable Ingenium Charter School to be self-sustaining on public funds (and occasional private donations) are:

- High student attendance rates.
- Relatively large class sizes, especially for charter schools.
- Comparatively low number of classified employees.
- Intensive utilization of all employees.
- Low non-classroom based operating expenses.
- Access to a Line of Credit.

Ingenium Charter School will continue to follow the same financial model in order to ensure that Ingenium Charter School is financially sound and can provide a great education to the students it serves.

PROPOSED FIRST YEAR OPERATIONAL BUDGET (INCLUDING START-UP COSTS)

Ingenium Charter School's proposed operational budget is Appendix H.

Key Revenue Sources

Principal apportionment from the State of California makes up the vast majority of Ingenium Charter School's revenue.

- Ingenium Charter School expects to enroll 307 students its first year and build to 414 students over three years.
- Average daily attendance (ADA) is projected at 95%.

Capital Sources

Ingenium Charter School has been awarded a start-up grant in the amount of $240,000 from the Walton Family Foundation contingent on this charter application being approved. It has also won a $405,000 Public Charter School Start-Up grant, but this initial grant has expired. The School will reapply for the Public Charter School Grant and expects to be awarded in the new amount of $450,000. With these grants, Ingenium Charter School has adequate start-funds to open in 2010.

Ingenium Schools will apply for a revolving loan as a back-up to support first year cash flow. Revolving loans are provided by the State in the amount of $250,000 for the first year of operation. Equal repayments are deducted annually from a school's principle apportionment each year thereafter.

Major Expenses

- **Personnel and Benefits:** Employees and employee benefits will make up over 55% of costs at Ingenium Charter School. Average certificated teacher salaries will be $45,000 in the school's first year of operations. All full time employees will be entitled to participate in a cafeteria benefit plan funded at $450/employee/month.

- **Facilities:** Lease expense is based on the terms proposed by the Lessor.

- **Business Services:** A fee equivalent to 3.5% of government revenues has been budgeted for business services.

- **Other Expenses:** Assumptions for other key expenses such as books, supplies, and other operating expenses are in line with the historical performance of other charter schools.

- **Reserve for Economic Uncertainty:** Ingenium Charter School will maintain a reserve for economic uncertainty equivalent to 5% of expenditures.

Model Sensitivities

Ingenium Charter School's budget is most sensitive to:

1) The amount of the principal apportionment.

2) Average Daily Attendance.

3) Certificated teacher salaries.

4) Facility costs.

5-YEAR BUDGET PROJECTIONS FOR INGENIUM CHARTER SCHOOL AND 3-YEAR PROJECTED CASH FLOW

See Appendix H.

PROCESS FOR INVESTMENT PROCEDURES AND DEPOSIT OF FUNDS

Ingenium Schools Board will set investment policies and the Executive Director will be responsible for executing those policies. Liquid cash will be invested in a checking account that will require two signatures for withdrawals greater than $5,000: one by the Executive Director and another by the Board Treasurer or another designated Board member.

PROCEDURE FOR ENSURING ADEQUATE CASH FLOW

The business services provider will prepare monthly cash flow statements comparing actual cash flow to budget. The business services provider will make quarterly presentations to

Ingenium Schools Board and will highlight cash flow concerns at these presentations or earlier if merited.

CASH AND REVENUE FLOW

Ingenium Charter School is a directly funded charter school. Funds still flowing through SBE will be transferred via journal voucher entry in a timely manner. Warrants are to be payable to Ingenium Charter School.

FINANCIAL REPORTS

Ingenium Charter School will provide any financial information requested by SBE and make its books available to SBE during any business day upon request or within 24 hours. In addition, all legally required financial reports will be submitted to SBE, in the format required by SBE, within time lines specified and clearly communicated by SBE each year. The legally required financial statements include, but are not limited to, the following:

- Provisional Budget – Spring prior to operating fiscal year
- Final Budget – July of the budget fiscal year
- First Interim Projections – November of operating fiscal year
- Second Interim Projections – February of operating fiscal year
- Unaudited Actuals – July following the end of the fiscal year
- Audited Actuals – November following the end of the fiscal year
- Classification Report – monthly the Monday after close of the last day of the school month
- Statistical Report – monthly the Friday after the last day of the school month. In addition:
    - P1, first week of January
    - P2, first week of April
- Other reports requested by SBE

Ingenium Charter School shall promptly respond to all inquiries, including but not limited to, inquiries regarding financial records, from SBE and shall consult with SBE regarding any inquiries.

APPROPRIATION OF FUNDS

Ingenium Charter School shall invest in accordance with Government Code §53600. et seq. The School can lease or acquire any needed facilities with site inspection approval from SBE and Board of Education approval. Any monies accrued from deposits or investments

must be used to support the instructional program. All funds raised or generated by Ingenium Charter School will remain with the School.

In accordance with current Federal legislation, Ingenium Charter School will apply directly to receive Title I funding based on eligibility of students. Funds will be used to support service personnel, e.g. paraprofessionals, nurse, psychologist, etc., and programs in accordance with federal guidelines. Expenditures of Title I funds will conform to all guidelines, rules, and regulations pertaining to the expenditures of such funds.

After the School submits its ethnic survey information, the type of class-size reduction will be determined during the first year of operation. If court-ordered integration funding is appropriate, pre-dominantly Hispanic, Black, Asian and Other Non-Anglo (PHBAO) teacher to student norming ratio will be approved for the first year of operation. If the School wishes to reduce class size to a lower ratio, court-ordered integration funds cannot be used and funding sources must be identified. Additionally, as documentation for initial and yearly funding, both the Budget Services and Financial Planning Division and the Office of Student Integration Services will use the information listed below:

- Norm Day Classification
- Total School Enrollment
- Number of Students by Grade Levels
- Number of Students by Ethnicities and Grade Levels
- List of Register-Carrying Teachers in Classrooms
- List of All Certificated Personnel
- List of Emergency Credentialed Teachers
- Unfilled Classroom Teacher Positions
- Fiscal Year-End Financial Report
- Number of Students Living Outside LAUSD Attendance Area

Court-ordered integration compliance will also include appropriate recordkeeping within Ingenium Charter School's budget line items to ensure that court-ordered integration funds are used specifically as designated, e.g., number and cost for class-size reduction position(s). Ingenium Charter School will provide to SBE all requested information using SBE forms, including ethnic survey and Parent Conferences Program documentation.

Any modification to Court-ordered Integration Program must first be approved by the Office of Student Integration Services of SBE.

DESCRIPTION OF THE FACILITY TO BE USED BY THE SCHOOL

No district or county facilities will be used by the Charter School.

Ingenium Charter School will lease the site at 1717 E. Carson Street, Carson, CA 90745. The buildings there are single story structures of modern construction. They are a church and Sunday school; the buildings require modest tenant improvement to be used as a charter school.

The school's facility may be inspected by California State Board of Education for compliance with Uniform Building Codes, Federal Americans With Disabilities Act (ADA) access requirements, and any other applicable fire, health, and structural safety requirements. Certificate of Occupancy and all other records will be kept on file by the School. The Certificate of Occupancy will be provided to SBE 45 days prior to the opening of Ingenium Charter School.

The School's safety plan appears Appendix F and is in continued development. Ingenium Charter School will maintain active safety plans on file as required by California Education Code.

Ingenium Charter School will hire its own contractors and other appropriate resources as necessary in order to perform maintenance and operations functions required at its facility.

If Ingenium Charter School fails to submit a certificate of occupancy to SBE not less than 45 days before the school is scheduled to open, it may not open unless an exception is made by the CDE Charter Schools Division. If Ingenium moves or expands to another facility during the term of this charter, Ingenium shall provide a certificate of occupancy to SBE for each facility at least 45 days before school is scheduled to open in the facility or facilities. Ingenium shall not open in any location for which it has failed to timely provide a certificate of occupancy to SBE, unless an exception is made by the CDE Charter Schools Division. Notwithstanding any language to the contrary in this charter, the interpretation, application, and enforcement of this provision are not subject to the Dispute Resolution Process (Element 16).

If SBE facilities are used during the term of this charter, the school shall abide by all SBE policies relating to Maintenance & Operations Services.

INSURANCE REQUIREMENTS

No coverage shall be provided to the Charter School by SBE under any of SBE's self-insured programs or commercial insurance policies. The Charter School shall secure and maintain, as a minimum, insurance as set forth below with insurance companies acceptable to SBE [A.M. Best A-, VII or better] to protect the Charter School from claims which may arise from its operations. The following insurance policies are required:

1. Workers' Compensation Insurance in accordance with provisions of the California Labor Code, adequate to protect the Charter School from claims under Workers' Compensation Acts which may arise from its operations, including Employers Liability limits of $1,000,000/$1,000/000/$1,000,000.

2. Commercial General Liability coverage of not less than $5,000,000 for each occurrence. The policy shall be endorsed to name the California State Board of Education as named additional insured and shall provide specifically that any insurance carried by SBE which may be applicable to any claims or loss shall be deemed excess and the Charter Schools insurance primary despite any conflicting

provisions in the Charter Schools policy. Coverage shall be maintained with no self-insured retention above $25,000 without approval of SBE.

3. Commercial Auto Liability coverage with limits of $1,000,000 combined single limit unless the Charter School operates student bus services; if providing student bus services coverage limits not less than $5,000,000 combined single limit shall be required.

4. Fidelity Bond coverage shall be maintained by the Charter School to cover all Charter School employees who handle, process, or otherwise have responsibility for Charter School funds, supplies, equipment or other assets. Minimum amount of coverage shall be $50,000 per occurrence, with no self-insured retention.

5. Professional Educators Errors and Omissions liability coverage including sexual molestation and abuse coverage [if that coverage is not afforded elsewhere in the Commercial General Liability policy by endorsement or by separate policy] with minimum limits of $3,000,000 per occurrence.

6. Excess/umbrella insurance with limits of not less than $10,000,000 required of all high schools and any school which participates in competitive interscholastic or intramural sports programs.

*Coverages and limits of insurance may be accomplished through individual primary policies or through a combination of primary and excess policies.

EVIDENCE OF INSURANCE

The Charter School shall furnish to SBE's Office of Risk Management within 30 days all new policies inceptions, renewals or changes, certificates or such insurance signed by authorized representatives of the insurance carrier. Certificates shall be endorsed as follows:

"The insurance afforded by this policy shall not be suspended, cancelled, reduced in coverage or limits or non-renewed except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to the SBE."

Facsimile or reproduced signatures may be acceptable; however, SBE reserves the right to require complete certified copies of the required insurance policies.

Should the Charter School deem it prudent and/or desirable to have insurance coverage for damage or theft to school, employee or student property, for student accident, or any other type of insurance coverage not listed above, such insurance shall not be provided by SBE and its purchase shall be the responsibility of the Charter School.

HOLD HARMLESS/INDEMNIFICATION PROVISION

To the fullest extent permitted by law, the Charter School does hereby agree, at its own expense, to indemnify, defend and hold harmless the State Board of Education and their members, officers, directors, agents, representatives, employees and volunteers from and against any and all claims, damages, losses and expenses including but not limited to attorney's fees, brought by any person or entity whatsoever, arising out of, or relating to this charter agreement, except for any such claims, damages, losses and expenses including but

not limited to attorney's fees, brought by any person or entity whatsoever, arising out of, or relating to this charter agreement. The Charter School further agrees to the fullest SBE and the Board of Education and their members, officers, directors, agents, representatives, employees and volunteers from and against any and all claims, damages, losses and expenses including but not limited to attorney's fees, brought by any person or entity whatsoever for claims, damages, losses and expenses arising from or relating to acts or omission of acts committed by the Charter School and their officers, directors, employees or volunteers.

SBE LIABILITIES

Ingenium Charter School agrees, at its own expense, to indemnify, defend, and hold SBE, its officers, employees, and agents harmless from and against any and all claims, liabilities, or legal proceedings brought by any person or entity whatsoever, arising from, or relating to the charter agreement. Ingenium Charter School further agrees to indemnify, defend, and hold SBE, its officers, employees, and agents harmless from and against claims, liabilities, or legal proceedings brought by any person or entity if such claims, liabilities or proceedings arising from or relating to acts or omission of acts committed by Ingenium Charter School, its officers, employees, or students.

Ingenium Charter School shall be responsible at its own expense for defending any claims, liabilities, or legal proceedings brought against the Charter School by any person or entity.

Ingenium Charter School shall be solely responsible for all cost and expenses related to this charter and operation of Ingenium Charter School, including, but not limited to, cost of insurance, reserves, staff, and operations.

Ingenium Charter School shall have no authority to enter contracts for or on behalf of the California State Board of Education.

Ingenium Charter School administrators and employees are responsible for complying with the Child Abuse and Neglect Reporting Act, California Penal code Sections 11165.7, 11165.8, and 11166.

AB 1994

Consistent with AB 1994, Ingenium Charter School will provide an annual financial report to SBE in a format developed by the Superintendent of Public Instruction. SBE will send this financial report to the Superintendent of Public Instruction. Ingenium Charter School will submit its annual audit to the State Controller, CDE and SBE.

OBLIGATIONS TO COMPLY

Ingenium Charter School accepts and understands its obligation to comply with sections 47611 (STRS) and 41365 (Revolving Loan Fund) of the Education Code and all laws establishing minimum age for school attendance.

DESCRIPTION OF TYPE/SCOPE OF LEGAL SERVICES TO BE USED

Ingenium Charter School does not expect to use a significant amount of legal services. It anticipates a limited review of the agreements entered into with SBE and a review of the Personnel Handbook. Otherwise, a legal services firm will be engaged on an as-needed basis.

DIRECT FUNDING

In consideration of the services rendered by Ingenium Charter School pursuant to this charter, Ingenium Charter School will receive full and equitable funding pursuant to the Charter School Funding Model for all funds included in the funding model. This includes but is not limited to, revenue limit apportionment, categorical block grant, economic impact aid, and state lottery funds. Ingenium Charter School will receive revenue payments based on student attendance (ADA) records and eligibility requirements. Ingenium Charter School will receive direct funding from the State Fund.

In accordance with applicable law, California's Superintendent of Public Instruction is authorized to make payments and/or apportionment directly to Ingenium Charter School, or to an account held in the name of Ingenium Charter School. Ingenium Charter School will notify the superintendent of schools of the county in the affected year.

As a direct funded charter school Ingenium Charter School will apply directly for categorical funding outside the block grant and complete its own consolidated applications for which charter schools can apply directly. This includes, but is not limited to, programs such as Title 1, deferred maintenance, and the After-School Learning and Safe Neighborhood Partnership programs. Ingenium Charter School will report to federal and state taxing authorities as required by law. Ingenium Charter School is responsible for payment of Social Security and all other applicable taxes.

OPERATIONAL AGREEMENTS

Ingenium Charter School Board of Trustees will enter into an agreement with a provider of charter school business services to support its accounting, budgeting, insurance purchasing, and other administrative services.

According to Education Code §47630.5(b) Charter Schools assigned a number by the State Board of Education after June 1, 1999 are funded based on the Charter School Block Grant. Ingenium Charter School will receive its funds directly. Ingenium Charter School must apply directly for categorical funding outside the block grant and complete its own Consolidated Application.

Ingenium Charter School must engage an independent public accountant, certified by the State of California, to audit the school's financial statements in accordance with generally accepted auditing standards and the audit guide issued by the Controller of the State of California. The independent public accountant and Ingenium Charter School will prepare the necessary financial reports to be submitted to SBE.

Two interim reports and a year-end report, in a format to be provided by SBE, which will include actual and revised budget figures and projected revenues, expenditures and fund balances, will be submitted to the sponsoring district unless a different system is agreed to by all the parties. In addition, financial statements certified by a certified public accountant will be submitted to the sponsoring district within four months following the close of the fiscal year. Audit exceptions must be resolved to the satisfaction of the district.

The following reports will be prepared by the business services provider and submitted to SBE in the required format and within timelines to be specified by SBE each year:

- Provisional Budget – Spring prior to operating fiscal year

- Final Budget – July of the budget fiscal year
- First Interim Projections – November of operating fiscal year
- Second Interim Projections – February of operating fiscal year
- Unaudited Actuals – July following the end of the fiscal year
- Audited Actuals – November following the end of the fiscal year
- Classification Report – monthly the Monday after close of the last day of the school month
- Statistical Report – monthly the Friday after the last day of the school month.

In addition:

- For P1, first week of January
- For P2, first week of April
- Bell Schedule – annually by November
- Other reports as requested by SBE.

Ingenium Charter School will be responsible for its own financial services (accounting, budgeting, and payroll) and personnel services. SBE may charge for the actual costs of supervisory oversight of the Charter School not to exceed one (1) percent of the revenue of the Charter School.

SBE may charge for the actual costs of supervisory oversight of Ingenium Charter School not to exceed 3 percent of its revenue if Ingenium Charter School is able to obtain substantially rent free facilities from SBE.

The California State Board of Education Food Services Branch will not act as the meal program sponsor nor provide any fiscal agent services. Ingenium Charter School must apply to the state to become its own meal program sponsor for the National School Lunch Program. It is understood that SBE's Food Services Branch will not apply to the state on the school's behalf.

Ingenium Charter School shall conduct all of its financial operations in a timely manner and for all programs (regular, categorical, and special education) through procedures established by the State of California and the Federal Government, as appropriate. For Federal programs, including Title I, the criteria for eligibility and fiscal guidelines will be as established by the Federal Government. Charter schools that elect to receive funding directly are responsible for meeting eligibility and fiscal requirements established by the Federal Government and for completing the Consolidated Application. Ingenium Charter School shall provide SBE with all financial and related reports, including enrollment attendance to enable

SBE to meet its requirements by law. Notwithstanding the expectation of Ingenium Charter School to receive Title I funding under Federal guidelines, said funding may not be forthcoming until the school meets established criteria for a determined school year.

If requested by Ingenium Charter School, SBE may at its discretion provide services to Ingenium Charter School on a fee-for-service basis (subject to availability). Cost is determined by SBE for services provided to Ingenium Charter School.

MCKINNEY-VENTO ACT

Ingenium Charter School will comply with the McKinney-Vento Homeless Assistance Act for homeless children.

FERPA/CONFIDENTIALITY OF PUPIL RECORDS

Ingenium Charter School's registration materials will include a parent waiver and consent form to disclose certain types of student information in order to enable students to grade each others' papers and teachers to post graded papers in compliance with *Falvo v. Owasso Ind. School District, 2000 WL 1472451 (10th Cir. 2000).*

The waiver and consent to disclose student information will give parents an opportunity to grant permission to Ingenium Charter School to release information about their child in connection with inclusion in publications of student's names as part of school achievement; public display of student artwork and other school-related material which may bear any award, grade earned and the student's name; group-grading exercises in which students may grade each other's assignments; cooperative or group projects in which a single grade is given to a group, etc.

In addition, the following procedures will be followed in regard to access to student records to ensure compliance with FERPA regulations.

A) Parents, Student, Former Student or Parent of Former Student Under Age 18.

   a. A student's parent or legal guardian shall have access to educational records by scheduled appointments.

   b. A counselor or other school official competent in interpreting student records must be present to explain the records that are examined.

   c. The following exception shall be made to the principle of parent consent with respect to a student's age and his/her legal rights: A parent of a student or former student shall have access to his/her child's records as long as the child is a dependent and is under 18 years of age.

   d. Parents or legal guardians shall be granted the opportunity to copy student records at a reasonable cost.

B) Family Members Other Than Parents

Requests for information contained in the student's record shall not be honored when made by a student's relative or immediate family members other than parents or legal guardi-

ans whether the request is made in writing or in person. The release of information to those persons can be made only with the consent of parents or legal guardians. For the cases of "person acting as a parent" or surrogate parents of "wards of state" documentation should be verified. A surrogate parent will be assigned by Ingenium Charter School for students that are "wards of the state."

C) Licensed School Staff

Only licensed school personnel who have a proper educational purpose shall have access to student records. Staff members shall respect and observe the importance of the student record. The utmost personal and professional responsibility is required in the uses to which they put their special knowledge about a student.

D) Support Staff

Support staff will have access to student records only in the routine performance of duty under supervision of a certified person. They will not evaluate or interpret records.

E) Court, Agency, or Institution

All information released to a court, agency, or institution should be directed to a specifically named representative there from. Requests for information originating from any federal, state, county, or local agency having any legitimate interest in the student's record and exercising the power of judicial order to subpoena may be processed according to these regulations so long as the use is consistent with their statutory powers or responsibility.

Notice of the receipt of the order or subpoena shall be given to the student's parents.

F) Other

No person may have access to any data in a student's records except under one of the following circumstances:

a. When proper written consent to the access of such records has been obtained, the consent must be given by the student's parent or legal guardian. However, when a student reaches the age of 18 years, his or her consent, and not that of the parents or legal guardians, must be obtained for access of the information. The written consent must specify the records to be accessible and to whom they are to be accessible. Each request for consent must be handled separately; blanket permission for the access of the information shall not be honored.

b. When data for outside research purposes are obtained, it should be done in such a manner that no individual student is identifiable.

c. Licensed school personnel shall have access to pertinent educational records for legitimate reasons.

G) The Right to Withhold Information

In the course of processing a request for information, a reasonable doubt on any aspect of the request or concern about the authorization to process the request shall be deemed suffi-

cient reason for the staff member to act in a prudent manner and to withhold all or part of the information until such time as the question is resolved.

AMENDMENTS TO BYLAWS

Any amendments to Ingenium Charter School bylaws that affect the operation of the school must be approved through SBE's petition amendment process.

INGENIUM CHARTER SCHOOL

APPENDIX A:
PARENT SIGNATURES

INGENIUM CHARTER SCHOOL

APPENDIX B: DEMOGRAPHIC INFORMATION

INGENIUM CHARTER SCHOOL

DEMOGRAPHIC INFORMATION FOR PROSPECTIVE SITE
(Surrounding schools data)

	Distance (miles)	# of Students	Multi-Track?	Program Improvement	Met Schoolwide Target	Met Subgroup Targets	API Score	State Ranking	Similar Schools	Free/Reduced Lunch	Hispanic	African American	Filipino	Pacific Islander	ELL
LAUSD SCHOOLS															
Del Amo Elementary School	0.6	481	No	No	Yes	Yes	800	7	9	70%	45%	17%	21%	11%	11%
Carnegie Middle School	1.1	1,726	No	Yes	No	No	648	2	3	74%	54%	19%	15%	6%	15%
Bonita Elementary School	1.2	621	No	No	No	No	769	6	7	73%	45%	14%	26%	8%	16%
Carson Elementary School	1.9	720	No	No	No	No	770	6	9	75%	58%	5%	24%	4%	26%
Dolores Elementary School	2.4	708	No	No	No	No	758	6	3	63%	55%	5%	23%	13%	15%
Caroldale Learning Community	3	1,051	No	No	No	No	779	6	5	55%	45%	10%	31%	4%	17%
Catskill Elementary School	3.1	803	No	No	Yes	Yes	739	5	6	82%	74%	8%	12%	3%	36%
Broad Avenue Elementary School	3.2	976	Yes	Yes	No	No	701	3	4	83%	88%	2%	3%	3%	31%
Banning High School	3.4	3,501	No	No	Yes	No	589	1	3	63%	87%	6%	2%	2%	23%
Charter Schools															
Lifeline Education Charter School	5.9	339	No	No	No	No	611	2	3	N/A	57%	42%	0%	0%	13%
Media Art Academy at Centinela	9.4	141	No	No	Yes	Yes	537	N/A	N/A	40%	62%	36%	0%	1%	55%
Crescendo Charter Academy	12.5	158	No	No	N/A	N/A	724	N/A	N/A	92%	5%	95%	0%	0%	4%
Heritage College-Ready Academy High School	10.7	276	No	No	Yes	Yes	674	2	8	96%	57%	38%	0%	0%	21%

INGENIUM CHARTER SCHOOL

APPENDIX C:
SCHOOL CALENDAR

INGENIUM CHARTER SCHOOL

Ingenium Charter School
School Calendar
2009-2010

	1st week M T W T F	2nd week M T W T F	3rd week M T W T F	4th week M T W T F	Days Taught	Teacher Work Days	Legal Holiday	Local Holiday
August	Aug. 10 11 12 13 14	17 18 19 20 21	24 25 26 27 28	Sept. 31 1 2 3 4				
1st school month Aug. 31 – Oct. 2	7 8 9 10 11	14 15 16 17 18	21 22 23 24 25	Oct. 28 29 30 1 2	24	1	1	
2nd school month Oct. 5 – Oct. 30	Oct. 5 6 7 8 9	12 13 14 15 16	19 20 21 22 23	26 27 28 29 30	19			
3rd school month Nov. 2 – Nov. 27	Nov. 2 3 4 5 6	9 10 11 12 13	16 17 18 19 20	[redacted] 26 [redacted]	14		2	4
4th school month Nov. 30 – Jan. 1	Nov. Dec. 30 1 2 3 4	7 8 9 10 11	14 15 16 17 18	[redacted] 25 [redacted] 1	15		2	8
5th school month Jan. 4 – Jan. 29	Jan. 4 5 6 7 8	11 12 13 14 15	18 19 20 21 22	25 26 27 28 29	18	1	1	
6th school month Feb. 1 – Feb. 26	Feb. 1 2 3 4 5	8 9 10 11 12	15 16 17 18 19	22 23 24 25 26	18		2	
7th school month Mar. 1 – Mar. 26	Mar. 1 2 3 4 5	8 9 10 11 12	15 16 17 18 19	22 23 24 25 26	20			
8th school month Mar. 29 – Apr. 23	Mar. Apr. 29 30 31 1 2	[redacted]	12 13 14 15 16	19 22 21 22 23	15			5
9th school month Apr. 26 – May 21	Apr. 26 27 28 29 30	May 3 4 5 6 7	10 11 12 13 14	17 18 19 20 21	20			
10th school month May 24 – June 18	May 24 25 26 27 28	May June 31 1 2 3 4	7 8 9 10 11	14 15 16 17 18	17	1	1	
Total Days					180	3	9	17

1st quarter: Aug. 31 – Oct. 30 (43 days)
2nd quarter: Nov. 2 – Jan. 28 (47 days)
3rd quarter: Feb. 1 – April 2 (43 days)
4th quarter: April 12 – June 16 (47 days)
First day of school for students: August 31
Last day of school for students: June 16

Legal Holiday: Sept. 7, Nov. 11, Nov. 26, Dec. 25, Jan. 1, Jan. 18, Feb. 12, Feb. 15, May 31
Teacher Work Day: Aug. 28, Jan. 29, June 17
[redacted]

INGENIUM CHARTER SCHOOL

APPENDIX D:
PERSONNEL HANDBOOK

WELCOME TO INGENIUM CHARTER SCHOOL!

On behalf of Ingenium Charter School's Board of Trustees, faculty, families, and students, welcome to our community of learners in pursuit of an excellent education for all students. At Ingenium Charter School we believe that each one of us has strengths to offer in addition to areas for growth. As such we deeply value our collaborative process of learning and are excited to learn and grow with you.

Ingenium Charter School is committed to the shared responsibility of preparing all learners for productive, responsible citizenship in an ever-changing world.

This handbook is a guide for all Ingenium Charter School employees as we seek to carry out our important work and achieve our mission. It is designed to ensure safety, accountability and a cohesive learning environment for Ingenium Charter School.

HANDBOOK USE AND PURPOSE

This Handbook is designed to help employees get acquainted with Ingenium Charter School. It explains some of our philosophies and beliefs and describes, in general terms, our employment guidelines. We hope that this Handbook will serve as a useful reference document for employees throughout their employment at Ingenium Charter School. Employees should understand, however, that this Handbook is not intended to be a contract (express or implied); nor is it intended to otherwise create any legally enforceable obligations on the part of Ingenium Charter School or its employees. In no way does the Handbook replace the official plan documents (i.e., health insurance, retirement plan, etc.) or insurance contracts, which will govern in all cases.

Because Ingenium Charter School is a growing and changing organization, it reserves full discretion to add to, modify, or delete provisions of this Handbook, or the policies and procedures on which they may be based, at any time without advance notice. Ingenium Charter School also reserves the right to interpret any of the provisions set forth in this Handbook in any manner it deems appropriate.

No individual other than the Executive Director has the authority to enter into any employment or other agreement that modifies Ingenium Charter School's policies. Any such modification *must* be in writing.

Employees should sign the acknowledgment form at the back of this Handbook, tear it out, and return it to the Office Manager. This will provide Ingenium Charter School with a record that each employee has received this Handbook.

INGENIUM CHARTER SCHOOL

INGENIUM CHARTER SCHOOL PERSONNEL HANDBOOK ACKNOWLEDGEMENT

By my signature below, I acknowledge that I have received a copy of Ingenium Charter School's Personnel Handbook on the date indicated below and agree to my at-will employment as described below. I acknowledge that it is my responsibility to read and review the Personnel Handbook carefully. I also acknowledge that it is my responsibility to ask for clarification if I do not understand any of the policies included in the Personnel Handbook.

I understand that the Personnel Handbook contains important information regarding Ingenium Charter School's expectations, policies, and guidelines and that I am expected to comply with these expectations, policies, and guidelines at all times. I understand that the Personnel Handbook does not provide a binding contract but provides guidelines for personnel concerning some of Ingenium Charter School's policies.

Just as I am free to terminate the employment relationship with Ingenium Charter School at any time, Ingenium Charter School, in its sole discretion, also reserves the right to modify or terminate the employment relationship with me at any time for any or no reason. Further, there is no agreement, express or implied, written or verbal, between the employee and Ingenium Charter School for any specific period of employment, for continuing or long-term employment, or for guaranteed terms and conditions of employment

Other than Ingenium Schools Board of Trustees, no other entity or person has the authority to modify this personnel handbook.

_____ _____

Employee Name (printed) Employee Signature

_____

Date

(PLEASE RETURN TO INGENIUM CHARTER OFFICE MANAGER)

Equal Opportunity Employer

Ingenium Charter School is an equal opportunity employer. It is the policy of Ingenium Charter School to afford equal employment and advancement opportunity to all qualified individuals without regard to race, creed, color, religion, national origin, ancestry, sex, sexual orientation, age, physical or mental disability, marital status, citizenship status, medical condition, or any other legally protected status. This policy extends to all employees and to all aspects of the employment relationship, including the hiring of new employees and the training, transfer, promotion, compensation and benefits of existing employees.

To comply with applicable laws ensuring equal employment opportunities to qualified individuals with a disability, Ingenium Charter School will make reasonable accommodations for the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or an employee unless undue hardship would result.

Any applicant or employee who requires an accommodation in order to perform the essential functions of the job should contact an Ingenium Charter School representative with day-to-day personnel responsibilities and request such an accommodation. The individual with the disability should specify what accommodation he or she needs to perform the job. Ingenium Charter School then will conduct an investigation to identify the barriers that interfere with the equal opportunity of the applicant or employee to perform his or her job. Ingenium Charter School will identify possible accommodations, if any, that will help eliminate the limitation. If the accommodation is reasonable, allows the employee to fulfill their assigned duties, and will not impose an undue hardship, Ingenium Charter School will make the accommodation.

AT-WILL STATUS EMPLOYMENT

It is the policy of Ingenium Charter School that all employees are employed at the will of Ingenium Charter School for an indefinite period. Accordingly, either Ingenium Charter School or the employee can terminate this relationship at any time, for any reason, without cause, and with or without notice.

Nothing contained in this Handbook, employment applications, Ingenium Charter School memoranda, or other materials provided to employees in connection with their employment shall require Ingenium Charter School to have "cause" to terminate an employee or otherwise restrict Ingenium Charter School's right to terminate an employee at any time for any reason. Statements of specific grounds for termination set forth in this Handbook or elsewhere are not all-inclusive and are not intended to restrict Ingenium Charter School's right to terminate at will. Other than the Executive Director with ratification by the Ingenium Schools Board of Trustees, no Ingenium Charter School representative is authorized to modify this policy for any employee.

No Ingenium Charter School representative is authorized to modify this policy for any employee or to make any representations to employees or applicants concerning the terms or conditions of employment with Ingenium Charter School that are not consistent with Ingenium Charter School's policy on "at will" employment.

This policy shall not be modified by any statements contained in this Handbook or employee applications, Ingenium Charter School memoranda, Ingenium Charter School commission agreements, or other materials provided to employees in connection with their employment. Further, none of those documents, whether singly or combined, or any employment practices shall create an express or implied contract of employment for a definite period nor an express or implied contract concerning any terms or conditions of employment.

PERSONNEL FILES AND RECORD KEEPING PROTOCOLS

At the time of your employment, a personnel file is established for you. Please keep your supervisor advised of changes that should be reflected in your personnel file. Such changes include: change in address, telephone number, marital status, number of dependents and person(s) to notify in case of emergency. Prompt notification of these changes is essential and will enable Ingenium Charter School to contact you should the change affect your other records.

You have the right to inspect certain documents in your personnel file, as provided by law, in the presence of an Ingenium Charter School representative at a mutually convenient time. No copies of documents in your file may be made with the exception of documents you have previously signed. You may add your comments to any disputed item in the file. Ingenium Charter School will restrict disclosure of your personnel file to authorized individuals within Ingenium Charter School. A request for information contained in the personnel file must be directed to your supervisor. Only the Principal is authorized to release information about current or former employees. Disclosure of information to outside sources will be limited. However, Ingenium Charter School will cooperate with requests from authorized law enforcement or local, state or federal agencies conducting official investigations or as otherwise legally required.

THE PROFESSIONAL ENVIRONMENT OF INGENIUM CHARTER SCHOOL

CHARTER SCHOOL BACKGROUND

Charter schools are nonsectarian public schools of choice that operate with freedom from many of the regulations that apply to traditional public schools. The "charter" establishing each such school is a performance contract detailing the school's mission, program, goals, students served, methods of assessment, and ways to measure success. Following the initial five-year charter approval in SBE, the length of time for which charters are granted in California is five years. At the end of the term, the entity granting the charter may renew the school's contract. Charter schools are accountable to their sponsor—in our case, the California State Board of Education—to produce positive academic results and adhere to the charter contract. The basic concept of charter schools is that they exercise increased autonomy in return for this accountability. They are accountable for both academic results and fiscal practices to several groups: the sponsor that grants them, the parents and students who choose them, and the public that funds them.

GENERAL PROFESSIONAL EXPECTATIONS

At Ingenium Charter School, we regard the work we do to be of the utmost importance. Therefore, we have very high expectations for professionalism and performance of each one

of our employees. All employees should treat all individuals, students, teachers, directors, volunteers, and family members with respect and approach all situations as opportunities to learn.

INGENIUM CHARTER SCHOOL GUIDING PRINCIPLES

At Ingenium Charter School, we are guided by several principles that shape how we interact and work together. The principles are woven throughout our curriculum and are the standards by which we measure our individual behavior and community culture. Employees are expected to conduct themselves at all times in a manner consistent with Ingenium Charter School Guiding Principles for personal character and professionalism, with students, parents, prospective parents, co-workers, and the community.

These guiding principles are:

Responsibility

We take responsibility for our own actions and expect that others will as well. Each Ingenium Charter School community member is also responsible to the larger school community as a steward of the school.

Communication

We effectively communicate with a variety of audiences using the written and spoken word and visual and technical tools. It is our goal that students become confident communicators that speak with conviction and resolve. Effective communication is an essential aspect of our school community and is expected of and modeled by adults.

Courage

We believe that learning often requires one to step out of their comfort zone to stretch personal limits. Community members maintain and operate in an environment that enables, supports, and recognizes others as they take risks and push their personal growth.

Persistence

We value the persistence necessary to develop creative solutions and the discipline to see a task to completion. All members of our community set goals, which they work towards either individually and/or collaboratively.

Integrity

We expect all community members to operate with honesty and sincerity at all times. Integrity is the foundation upon which trust and respect are built and the foundation that we all need to set. We also recognize that we will make mistakes and integrity includes fixing our mistakes when they occur.

Compassion

INGENIUM CHARTER SCHOOL

Ingenium Charter School is a caring community where individuals feel heard and understood. Our compassionate community creates a safe learning environment for all members at all times.

EMPLOYMENT AT INGENIUM CHARTER SCHOOL

LICENSURE AND CERTIFICATION

Core Teaching Staff

All teaching staff, further defined by the terms of the charter as "core" teachers, including substitutes, shall be certified by the Commission On Teacher Credentialing with a valid credential and shall be required to pass the CBEST. However, teachers-in-training who are working toward a credential and others with specialized and appropriate experience may also be retained if their skills and abilities will further the educational mission of the Charter School and if they are in the process of securing a credential.

Non-Core Teaching Staff

Non-core teachers are not required to hold credentials but must demonstrate subject knowledge and the ability to work well with students, as well as the ability to carry out the roles and responsibilities as stated in their specific job description.

Other Staff, and Consultants

All other staff must demonstrate the abilities necessary to effectively carry out their responsibilities and do not require a California Teaching Credential.

PERFORMANCE STANDARDS AND EVALUATION OF TEACHERS AND STAFF

The Principal, using both formal and informal observations, will observe all teachers on an ongoing basis. Informal observations can occur during any instructional time and will include a post-observation conference. Formal observations will include a pre-observation conference as well as a post-observation conference. Pre-observation may be in person. Post-observation conferences will be in person and will be occur within three (3) school days. During the school year, each teacher will be observed at least once per month including at least two (2) formal observations per year. Results of formal and informal observations, consisting of the employee's and the Principal's observations and recommendations, will be put in writing and included within the employee's own Professional Development Notebook and the school's personnel file. Nothing in this section limits the Principal from conducting other observations of an informal or unannounced nature.

PROFESSIONAL DEVELOPMENT NOTEBOOK

Each Ingenium Charter School employee shall create, maintain, and attain a Professional Development Notebook (PDN), a method for employees to set professional goals, delineate benchmarks, and measure professional growth. Formal PDN creation will occur during the summer Professional Development Institute where the employee will delineate their professional goals for continuous improvement. There shall be a formal PDN review three months after the start of the school year. The purpose of the three-month PDN review shall be to review the employee's self-assessment, the job

description, areas of responsibility, and progress toward goals and outcomes, noting particularly good work, areas for improvement and skill development, and deficient work, and developing a clear plan for improvement. In addition, at the three-month PDN review, the teacher will provide feedback to the Principal specific to the Principal's job performance and the Principal will share with the employee his/her own self-assessment and PDN. Any written feedback or self-assessment materials may be placed into the Principal's personnel file. After six months from the start of the school year, a second PDN review will be held to determine progress made specific to three-month PDN review goals. At that time, the Principal will inform the employee and report to the Principal recommendations regarding the employee's continued employment for the subsequent school year. Results of these reviews will be put in writing and placed within the employee's own PDP and the school's personnel file. At the end of the school year, a PDN conference will be held to reflect upon the employee's professional development goals for continuous improvement.

Professional Development Plan Schedule – At a Glance

Task	**When?**	**Who?**
Develop Professional Development Notebook for Upcoming School Year	Professional Development Institute – August of each year	Teachers, Administrative Staff
1st Formal PDN Review	End of November	All Employees Who Maintain a PDN
2nd Formal PDN Review	End of January	All Employees Who Maintain a PDN

RESPONSE TO OBSERVATION AND REVIEW FINDINGS

All employees shall have the right to make written objections to the observations or review findings within one week of receipt by stating areas of disagreement. These objections will be attached to the observation and/or evaluation and kept in the employee's personnel file.

PERFORMANCE STANDARDS AND EVALUATION OF PRINCIPAL

The Principal shall be evaluated by the Executive Director prior to the end of each year's contract based on criteria set forth by job responsibilities. The Principal will be responsible for collecting staff, parent and student feedback on job performance using measurement instruments developed and approved by the Executive Director. The Principal will also be asked to share and reflect upon the contents of their Professional Development Plan during their evaluation. Results shall be in writing and included in the employee's Professional Development Plan and personnel file.

WORK SCHEDULE

Teachers are on an eleven-month work year and begin official duties on the first day of the Professional Development Institute. Administrators are on a twelve-month work year.

SCHOOL DAY
CORE ACADEMIC PROGRAM: 7:45 A.M. – 3:20 P.M.

Ingenium Charter School's school year calendar (including holidays) mimics LAUSD's single track schedule.

COMPENSATION AND BENEFITS

FACULTY AND STAFF COMPENSATION

The Principal shall propose a salary schedule in accordance with the terms of the Charter and will present them for approval to the Personnel Committee of the Board of Trustees. Individual faculty and staff salaries will be determined each year according to Ingenium Charter School's staffing needs and budget availability.

FACULTY AND STAFF BENEFITS

Ingenium Charter School will provide health insurance coverage for current staff provided such coverage is commercially or otherwise available at reasonable cost. Ingenium Charter School will pay the cost of such coverage for full time employees. Part time employees working ½ time may also request such coverage and the cost of such coverage will be prorated between Ingenium Charter School and the Employee. Ingenium Charter School contribution shall represent the proportion the hours worked by the employee to a full-time equivalent position. No staff member will receive paid health benefits beyond their term of employment.

Medical Plans

Eligibility

An Employee is eligible for medical coverage if she/he is a full-time regular employee working for Ingenium Charter School or a part-time regular employee working for Ingenium Charter School. "Full-time" employee means that you are hired to work at least 40 regular hours per week. "Part-time" employee means that you are hired to work at least 20 regular hours per week. Temporary and internship employees are not eligible to participate in the plans. Ingenium Charter School plan does not cover the cost of medical coverage for dependents.

When Coverage Starts

Your coverage will begin on your first day of official employment, where possible. Your enrollment form must be submitted to the Principal as soon as possible. This form serves as a request for coverage, and authorizes any payroll deductions necessary to pay for your coverage.

Cost of Coverage

The current cost for coverage under the plan is available from the Principal. This cost may change from time to time.

Payroll Information

Payroll Withholdings

Ingenium Charter School is required by law to withhold Federal Income Tax, State Income Tax, Social Security (FICA) and State Disability Insurance from each employee's pay as follows:

1. Federal Income Tax Withholding: The amount varies with the number of exemptions the employee claims and, of course, the gross pay amount.

2. State Income Tax Withholding: The same factors that apply to federal withholdings apply to state withholdings.

3. Social Security (FICA): The Federal Insurance Contribution Act requires that a certain percentage of employee earnings be deducted and forwarded to the federal government, together with an equal amount contributed by Ingenium Charter School. This does not apply when eligible employees utilize STRS.

4. State Disability Insurance (SDI): This state fund is used to provide benefits to those out of work because of illness or disability.

Every deduction from your paycheck is explained on your check voucher. If you do not understand the deductions, ask the Office Manager to explain them to you. You may change the number of withholding allowances you wish to claim for Federal Income Tax purposes at any time by filling out a new W-4 form and submitting it to your supervisor. Your office maintains a supply of these forms.

All Federal, State, and Social Security taxes will be automatically deducted from paychecks. Federal Withholding Tax deduction is determined by the employee's W-4 form. The W-4 form should be completed upon hire and it is the employee's responsibility to report any changes in filing status to the Office Manager and to fill out a new W-4 form.

At the end of the calendar year, a "withholding statement" (W-2) will be prepared and forwarded to each employee for use in connection with preparation of income tax returns. The W-2 shows Social Security information, taxes withheld and total wages.

Overtime Pay

Whether an employee is exempt from or subject to overtime pay will be determined on a case-by-case basis and will be indicated in the employee's job description. Employees may be required to work beyond the regularly scheduled workday or workweek as necessary. Only actual hours worked in a given workday or workweek can apply in calculating overtime. Ingenium Charter School will attempt to distribute overtime evenly and accommodate individual schedules. Your supervisor must previously authorize all overtime work. Ingenium Charter School provides compensation for all overtime hours worked by non-exempt employees in accordance with state and federal law as follows:

For employees subject to overtime, all hours worked in excess of eight (8) hours in one workday or forty (40) hours in one workweek shall be treated as overtime. The workday begins at 12:01 a.m. and ends at midnight twenty-four (24) hours later. Workweeks begin each

Sunday at 12:01 a.m. Compensation for hours in excess of forty (40) for the workweek or in excess of eight (8) and not more than twelve (12) for the workday, and for the first eight (8) hours on the seventh consecutive day in one workweek, shall be paid at a rate of one and one-half times the employee's regular rate of pay. Compensation for hours in excess of twelve (12) in one workday and an excess of eight (8) on the seventh consecutive workday of the workweek shall be paid at double the regular rate of pay.

Exempt employees may have to work hours beyond their normal schedules, as work demands require. No overtime compensation will be paid to these exempt employees.

Paydays

Paydays are scheduled on the last day of each month. If you observe any error in your check, please report it immediately to your supervisor.

Wage Attachments and Garnishments

Under normal circumstances, Ingenium Charter School will not assist creditors in the collection of personal debts from its employees. However, creditors may resort to certain legal procedures such as garnishments, levies or judgments that require Ingenium Charter School, by law, to withhold part of your earnings in their favor.

You are strongly encouraged to avoid such wage attachments and garnishments. If Ingenium Charter School is presented a second garnishment request concerning you, your managers will discuss the situation with you.

LEAVES AND ABSENCES

Holidays

See School Calendar above for paid holidays.

Leaves of Absence

Ingenium Charter School's policy is to grant leaves of absence to eligible employees on a non-discriminatory basis within the parameters of our policies and applicable law. Leave may be used, as necessary, for personal emergency, medical disability, bereavement, jury/witness duty or military duty. Eligibility for State Disability benefits commences on the 7th day of illness or immediately upon hospitalization.

All requests for leaves of absence must be submitted in writing to the Principal. Moreover, an employee must provide Ingenium Charter School with reasonable notice of his/her desire or need to take a leave of absence wherever possible. Leaves of absence will be issued on a discretionary basis by the Principal as necessary.

Unless specifically provided otherwise, all leaves of absence are available only on an unpaid basis. Moreover, employees will not accrue benefits such as the accrual of sick/personal days during an unpaid leave of absence. Furthermore, employees taking a leave of absence must pay for the entire cost of health insurance under the following circumstances:

- In the case of medical leave, for any period of a medical leave of absence which exceeds thirty (30) days; or
- In the case of all other leaves, for the entire period of the leave.

Employees must arrange to ensure that all insurance premiums are paid before their leave commences. Unless additional time is guaranteed to an individual by law, failure to arrange for payment of the insurance premiums will result in a lapse of insurance coverage on the 31st day following the commencement of a medical leave and on the first day of a non-medical leave.

Because Ingenium Charter School is a small organization and every employee is a vital link in the operation of the School, serious illness may necessitate replacement, at least on a temporary basis.

Personal Leave of Absence

A regular, full-time employee who has been continuously employed by Ingenium Charter School for at least one (1) full year, may request a personal leave of absence is given a subsequent Fixed Term employment contract. The leave of absence may be granted for a reasonable period of time, not to exceed four (4) weeks. However, the leave may be extended for a reasonable period of time due to special circumstances, as determined on a case-by-case basis by the Principal. Requests for personal leave must be submitted in writing to the Principal before the leave begins. Likewise, requests for extensions of personal leaves must be submitted, in writing, to The Principal. The request for an extension must be approved, in writing, by the Principal before the extended period of leave begins. It is the employee's responsibility to report for work on the workday after the leave expires. An employee who fails to report for work on the workday after the leave expires will be considered to have voluntarily terminated his/her employment. Requests for personal leaves of absence and extensions of those leaves of absence will be considered based on the anticipated impact on Ingenium Charter School community.

Medical Leave

Employees may request a medical leave of absence for reasons of established illness or injury. During an approved medical leave, you are permitted to use your accrued sick/personal days for a continuation of income during the leave.

Non-Occupational Disabilities

An employee who is temporarily unable to perform his/her usual work duties due to an injury or illness may be granted a medical leave of absence. A request for such a leave of absence may be submitted by an employee who is temporarily disabled or unable to work due to a personal injury or illness. Medical leaves of absence will be granted for the period of the illness or disability up to six (6) weeks. Medical leaves only may be extended beyond this period with the prior written approval of the Principal. An employee seeking a medical leave of absence must provide the Principal with the following information in writing as soon as s/he becomes aware of the need for a leave of absence under this policy:

- The reason the leave of absence is being requested;
- The anticipated dates on which the leave is expected to begin and end; and
- A healthcare provider's certification that the employee has the disability in question.

Occupational Disabilities

An employee who sustains a work-related injury shall be granted a leave of absence upon written request to the Principal. Subject to any legally permissible limitations, a leave of absence for a work-related disability shall be extended to the employee for the duration of his/her work related disability until one of the following situations takes place:

- The employee is released for full or partial duty;
- Ingenium Charter School receives medical evidence satisfactory to it that the employee will be unable to return to work; or
- The employee resigns or actually or constructively informs Ingenium Charter School that s/he does not intend to return to Ingenium Charter School employ.

Before returning to work following any medical leave of absence, an employee must submit a health care provider's verification stating the employee's ability to return to work and the date s/he is able to return.

Family Medical Leave

Ingenium Charter School will comply with the provisions of State and Federal Law relating to family care leave.

At present, Ingenium Charter School does not have fifty (50) or more employees, so the Family Medical Leave Act and the California Family Rights Act do not require additional obligations of our organization at this time

Pregnancy Disability Leave

Female employees who must take a leave of absence due to a pregnancy-related disability shall be granted a pregnancy disability leave of absence without pay for the period of time the employee is unable to work for Ingenium Charter School through the date the employee is no longer disabled, up to a maximum of four (4) months. As an alternative, if the employee requests, Ingenium Charter School may transfer the employee to a less strenuous or hazardous position if the transfer can be reasonably accommodated.

An employee requesting to take a pregnancy disability leave must provide Ingenium Charter School with reasonable advance notice. As with other medical leaves of absence, Ingenium Charter School also will require the employee returning to work to submit a certif-

icate from a health care provider that the employee is able to return to work and the date she is able to do so.

An employee who returns to work from a pregnancy-related disability leave will be returned to her former position, if possible, or a substantially similar job, except under circumstances permitted by law. The employee shall give Ingenium Charter School reasonable notice of the date she intends to return to work.

Bereavement Leave

Employees who regularly work 20 or more hours per week may be granted up to three (3) days of paid bereavement leave if they suffer the loss of an immediate family member. This time may also be used for handling death-related personal affairs. The employee may also be granted up to one full day of paid leave to attend the funeral of a relative who is not in the employee's immediate family.

Employees who work less than 20 hours per week are entitled to unpaid leave to attend the funeral of an immediate family member or other relative.

Any employee who requires more than three (3) days of bereavement leave must submit a written request to the Principal and must receive written approval from the supervisor prior to the taking of any leave.

Jury Duty/Witness Duty

Regular full-time and part-time non-exempt employees will be excused from work for required duty as a juror or witness, but this time shall be unpaid.

All employees should notify the Principal immediately when they receive notice to report for jury or witness duty. Employees must show proof of jury or witness service. On any day of jury service in which an employee is excused entirely or in sufficient time to permit him/her to return to work for a minimum of one-half (1/2) of his/her regularly scheduled work day, s/he will be required to report to work.

Military Leaves of Absence

Military leaves of absence will be granted without pay in accordance with State and Federal Law. However, in order to be eligible, employees must submit verifications from the appropriate military authority.

Standards of Conduct

Punctuality and Attendance

Any employee who is unable to report for work on any particular day must call their supervisor at least one hour before the start of the scheduled workday. If an employee fails to report to work without notification to their supervisor, the school may consider that employee has abandoned his/her employment and has voluntarily terminated the employment.

Any teacher who is unable to report for work must arrange for a substitute teacher for the duration of the absence. The substitute selected must be from Ingenium Charter School substitute pool. The employee must inform the Principal with the name and contact information of the designated substitute prior to their scheduled absence.

Upon returning to work after an absence for any reason, the employee must complete an absence form and turn it in to their supervisor by the end of the workday on which the employee returns. If an employee is absent for medical reasons for more than ten (10) working days, the employee must, immediately upon his or her intended day of return to work, provide the supervisor with a physician's statement certifying that the employee is able to return.

Arrangement for Substitutes

Once teachers know of their anticipated absence, they are required to call the Principal and then make arrangements for substitutes using designated individuals from Ingenium Charter School Substitute Pool.

Personal Appearance and Conduct

Employees are expected to wear clothing appropriate for the nature of our business and the type of work performed. Because each employee is a representative of Ingenium Charter School in the eyes of the public, each employee must report to work properly groomed, wearing appropriate clothing and maintaining a professional appearance that sets a good example for Ingenium Charter School students.

POLICY AGAINST SEXUAL HARASSMENT

All employees should be able to work in an atmosphere free of sexual harassment. Ingenium Charter School will not condone or tolerate sexual harassment of any type by any employee. This policy applies to all employee actions and relationships, regardless of position or gender. Ingenium Charter School will promptly and thoroughly investigate any complaint of sexual harassment and take appropriate corrective action, if warranted.

Sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexually suggestive nature constitute sexual harassment when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of employment.

2. Submission to or rejection of such conduct is used as the basis for personnel decisions, including but not limited to appraisals, promotion, salary increases, and termination.

3. Such behavior has the purpose or effect of interfering with an individual's performance on the job or creating an intimidating, hostile or offensive working environment.

Each supervisor has the responsibility to maintain a work place free from any form of sexual harassment. Consequently, should supervisors become aware of any conduct that may constitute sexual harassment or other prohibited behavior, immediate action should be taken to address such conduct.

Employees are expected to behave in a positive and professional manner and to contribute to a productive work environment that is free from harassing or disruptive activity.

Prohibited conduct by anyone includes but is not limited to:

- Sexual flirtations, touching, advances or propositions;
- Verbal abuse of a sexual nature;
- Graphic or suggestive comments about dress or body;
- Sexually degrading words;
- The display in the workplace of sexually suggestive or offensive objects or pictures.

Any employee who has experienced or is aware of a situation, which is believed to be sexually harassing, has a responsibility to report the situation immediately to the individual's supervisor and/or to the appropriate human resource representative. A Sexual Harassment Complaint Form may be obtained from your manager or the human resources representative. The Principal and the individual's supervisor will conduct an immediate investigation into the allegation(s) and determine whether the allegations have merit. A written report, including findings related to the allegations, will be completed. In all cases, when the allegation(s) is determined to be valid, appropriate remedial action will be taken immediately and may include disciplinary action up to and including termination.

If the alleged sexual harassment involves the employee's supervisor or Principal, or if the employee is not satisfied with the outcome of the investigation, the employee should bring the matter to the attention of the President of Ingenium Schools Board of Trustees.

All complaints of sexual harassment will be investigated promptly, objectively and as confidentially as possible. Employees are required to cooperate in any investigation. Retaliation against any employee for filing a complaint or participating in an investigation is strictly prohibited and shall be cause for termination.

SMOKING

All Ingenium Charter School buildings and facilities are no-smoking facilities.

FACULTY AND STAFF COMPLAINTS AND GRIEVANCES

In the event of a dispute involving employment or the implementation of the personnel policies, and after a good faith effort with the supervisor to thoroughly resolve the dispute, all employees may submit their complaint following the procedures outlined in the charter. The good faith effort will include problem identification, possible solutions, selection of resolution, timeline for implementation, and follow-up.

If a conflict arises between an employee and a parent, or a parent expresses a concern about Ingenium Charter School or any of its employees, inform the Principal immediately. It

is important that the Principal be aware of the concern and be prepared to intervene for the employee's protection and Ingenium Charter School's protection, if necessary.

Unresolved problems may be brought to the Board of Trustees for resolution through the Board of Trustees President.

HEALTH AND SAFETY AT INGENIUM CHARTER SCHOOL

Health and Safety Requirements for Employment

TUBERCULOSIS TEST

Before the first day of employment, all employees must have a tuberculosis test as described in Education Code 49406. The current physician's statement must be on file in the office before the first day of employment. Failure to provide documentation on time may result in immediate termination.

CRIMINAL BACKGROUND CHECK

All first year employees without credentials must submit fingerprints to the Department of Justice and Federal Bureau of Investigation for the purpose of obtaining a criminal record summary as required by Education Code §44237. Such fingerprints must be submitted prior to employment and are a condition of employment. Criminal record summaries will be maintained by the administration in a secured file separate from personnel files, as required by Section 44237.

FIRST-AID AND CPR TRAINING

All individuals working unsupervised with children or in a classroom setting (i.e. core teachers, advisors, non-core teachers, directors) must receive, renew, and maintain basic first-aid and CPR certification by the first day of school for students.

COMPLIANCE WITH CHILD ABUSE REPORTING LAW

All employees of Ingenium Charter School will comply with California Welfare and Institutions Code requirements regarding reporting of, or reasonable suspicion of, child abuse to a child protective agency immediately or as soon as practically possible by telephone and to prepare and send a written report thereof within 36 hours of receiving the information concerning the incident. (Sections 15630 and 9381)

When an employee notifies the Principal of an actual or potential case of child abuse, the Principal shall provide assistance to that teacher in his/her fulfillment of legal responsibilities. Ingenium Charter School shall respect and maintain the confidentiality of all information on child abuse, which an employee reports to the appropriate authorities.

SECURITY PROTOCOLS

Ingenium Charter School has developed guidelines to maintain a secure school site. Be aware of unknown persons loitering in walkways, entrances, and exits of the school. Report any suspicious persons or activities to office staff. Secure your classroom or office at the end of each day. When called away from your classroom for an extended length of time, do not leave students, valuable or personal articles unattended. The security of our facility is directly

related to the health and safety of our students and our colleagues. Employees must immediately notify a school administrator when school facilities keys are missing or if security access or codes have been breached.

EMERGENCY PLANS

Appropriate fire exit and earthquake preparedness drills will be administered at least two times per year. In the case of an actual emergency, teachers are responsible for staying at the school site (or evacuation staging area) until they are released by a school administrator. During an emergency, teachers must always have a roster of students under their direct supervision.

ACCIDENT/INCIDENT REPORTING

It is the duty of every employee to immediately or as soon as is practical report any accident or injury occurring during school activities or on Ingenium Charter School premises so that arrangements can be made for medical or first aid treatment, as well as for investigation and follow-up purposes.

REPORTING FIRES AND EMERGENCIES

It is the duty of every employee to know how to report fires and other emergencies quickly and accurately. Employees should report any such emergency to office staff or school administrators. In addition, all employees should know the local emergency numbers.

GUESTS AND VISITORS

All guests and visitors must report to the main office to sign in and receive a guest pass to enter Ingenium Charter School.

INFORMATION AND COMMUNICATION

CONFIDENTIALITY OF INTERNET AND ELECTRONIC MAIL

Ingenium Charter School recognizes that its employees have reasonable expectations of privacy with regard to the use of voice mail and e-mail, even when this use is restricted to Ingenium Charter School business and information is stored in Ingenium Charter School computers.

Ingenium Charter School reserves the right to access and disclose the contents of employee voice mail and e-mail messages, but will only do so when it has a legitimate business need and the urgency of the need is sufficiently strong to offset the school's commitment to employee privacy.

Ingenium Charter School does not and will not monitor voice mail and e-mail as a routine matter. Ingenium Charter School may inspect the contents of voice mail and e-mail or information stored on computers in the course of an investigation into improper or unlawful behavior or as necessary to locate substantive information that is not readily available by some other means. Ingenium Charter School may disclose a voice mail or e-mail message or information stored on a computer to law enforcement officials if the school has reason to believe that it may have been the victim of a crime or is legally obligated to do so.

ACCESS TO PERSONNEL RECORDS

The school shall maintain a confidential personnel file for each employee. The personnel file will contain the evaluation documents discussed in this section, as well as any other employment-related documents or correspondence. All concerned parties will have signed all documents placed in the personnel file. Only the concerned Employee, Ingenium Charter School Administrators, and the Personnel Committee may access confidential personnel files.

MEDIA RELATIONS

It is our goal to give the press a clear, consistent, and up-to-date message about our school and its programs and services. Since information about our activities change often, it is easy to provide the press with information that may be inaccurate or misleading.

All calls from newspapers, magazines, or radio and television reporters should be immediately referred to the Principal of Development and Community Assets.

ENDING EMPLOYMENT

DISMISSAL, DISCIPLINE, AND TERMINATION OF EMPLOYMENT

Ingenium Charter School reserves the right to terminate any employee at any time, with or without cause or notice. Generally, when the employee is believed, in the opinion of his or her supervisor, to have a job performance problem or to be engaging in behavior that is unacceptable or counterproductive, the employee will be given an opportunity to improve his/her performance or behavior to an acceptable level by means of a formal disciplinary action process. However the following list, while not complete, gives examples of behavior that can result in the immediate termination of employment:

- Breaching confidentiality.
- Theft.
- Fighting, roughhousing, or using abusive language or conduct that is hostile or disrespectful to a student, co-worker, supervisor, board member, volunteer, or any other persons associated or served by the school, including parents.
- Disregarding established safety procedures.
- Advertently placing students and/or in a dangerous situation.
- Falsifying or altering school records.
- Possessing weapons or firearms on school property or during school activity.
- Violating the school's equal opportunity or harassment policies.
- Unauthorized use of school property.

IN THE EVENT AN EMPLOYEE FINDS IT NECESSARY TO RESIGN DURING THE SCHOOL YEAR, THE EMPLOYEE SHALL GIVE WRITTEN NOTICE TO THE PRINCIPAL AS SOON AS POSSIBLE AND AT LEAST 10 CALENDAR DAYS BEFORE THE EFFECTIVE DATE OF RESIGNATION.

Any employee may submit a grievance regarding dismissal, discipline, and termination pursuant to the grievance process outlined in the Grievance section of these policies.

EXIT INTERVIEWS

All employees who leave employment at Ingenium Charter School will take part in an exit interview with their supervisor to reflect upon their challenges and growth while employed at Ingenium Charter School. Information shared during an exit interview will be treated as confidential and acted upon in a timely and appropriate manner.

INGENIUM CHARTER SCHOOL

APPENDIX E:
EMPLOYMENT AGREEMENT

INGENIUM CHARTER SCHOOL

EMPLOYMENT AGREEMENT FOR:

_____

Teacher
Between
Ingenium Charter School
1717 E. Carson Street
Carson, CA 90745

And
[Employee]

THIS EMPLOYMENT AGREEMENT ("Agreement") is entered into by and between the above named employee ("Employee") and the Board of Trustees ("Board") of Ingenium Schools, the governing board for Ingenium Charter School, a California public charter school approved by the California State Board of Education. The Ingenium Schools Board desires to hire employees who will assist Ingenium Charter School's Principal in achieving the goals and meeting the requirements of Ingenium Charter School's charter. The parties recognize that Ingenium Charter School is not governed by the provisions of the California Education Code except as expressly set forth in the Charter Schools Act of 1992. The Board desires to engage the services of the Employee for purposes of assisting the Principal in implementing the purposes, policies, and procedures of Ingenium Charter School.

WHEREAS, Ingenium Charter School and Employee wish to enter into an employment relationship under the conditions set forth herein, the parties hereby agree as follows:

A. Statutory Provisions Relating to Charter School Employment

1. Ingenium Charter School has been established and operates pursuant to the Charter Schools Act of 1992, Education Code §47600, et seq. Ingenium Charter School has been duly approved by the California State Board of Education. A copy of Ingenium Charter School's charter is attached hereto and fully incorporated by reference herein.

2. Pursuant to Education Code §47604, Ingenium Charter School has elected to be formed and to operate as a non-profit public benefit corporation pursuant to the Non-profit Public Benefit Corporation Law of California (Part 2, commencing with section 5110 et seq. of the Corporations Code). As such, Ingenium Charter School is considered a separate legal entity from the California State Board of Education, which granted the charter. The California State Board of Education shall not be liable for any debts and obligations of Ingenium Charter School, and the employee signing below expressly recognizes that he/she is being employed by Ingenium Charter School and not the California State Board of Education.

3. Pursuant to Education Code §47610, Ingenium Charter School must comply with all of the provisions set forth in its charter, but is otherwise exempt from the laws governing school districts except as specified in Education Code §47610.

4. Ingenium Charter School shall be deemed the exclusive public school employer of the employees at Ingenium Charter School for purposes of Government Code §3540.1.

B. Employment Terms And Conditions

1. DUTIES

Employee will perform such duties as Ingenium Charter School may reasonably assign and Employee will abide by all Ingenium Charter School's policies and procedures as adopted and amended from time to time. Employee further agrees to abide by the provisions of Ingenium Charter School's charter.

The employee will as a **Teacher** with the following general duties: **Mathematics Teacher.** These duties may be amended from time to time in the sole discretion of Ingenium Charter School.

2. WORK SCHEDULE

The work schedule for this position shall be:

Weekly work hours: 7:45-4:00
Start/End Dates: 8/3/09 - 6/27/10

Full or Part-Time: **Full Time**

Work days for the Employee shall be consistent with the applicable calendar of work days for this position for an indefinite term until terminated in accordance with the provisions of this Agreement. Employment is at-will as specified in Section [C] below.

Employee will not render services in person or by electronic means, paid or otherwise, for any other person or entity during contracted work hours with Ingenium Charter School.

3. COMPENSATION

The total compensation for the term of the contract will be **$45,000** on an annualized basis**,** paid in either 10 or 12 monthly installments.

4. EMPLOYEE BENEFITS

Employee will be entitled to participate in designated employee benefit programs and plans established by Ingenium Charter School (subject to program and eligibility requirements) for the benefit of its employees, which from time to time may be amended and modified by Ingenium Charter School.

5. EMPLOYEE RIGHTS

Employment rights and benefits for employment at Ingenium Charter School shall only be as specified in this Employment Agreement, Ingenium Charter School's charter, the Charter Schools Act and Ingenium Charter School's personnel policies, which from time to time may be amended and modified by Ingenium Charter School. Employment rights and benefits may be af-

fected by other applicable agreements, directives or advisories from the California Department of Education or State Board of Education. During the term of this Agreement, Employee shall not acquire or accrue tenure, or any employment rights with Ingenium Charter School.

6. LICENSURE

Employee understands that employment is contingent upon verification and maintenance of any applicable licensure credentials.

7. CHILD ABUSE REPORTING

California Penal Code §11166 requires any child care custodian who has knowledge of, or observes, a child in his or her professional capacity or within the scope of his or her employment whom he or she knows or reasonably suspects has been the victim of child abuse to report the known or suspected instance of child abuse to a child protective agency immediately, or as soon as practically possible, by telephone and to prepare and send a written report thereof within thirty-six (36) hours of receiving the information concerning the incident.

By executing this Agreement, the Employee acknowledges he or she is a childcare custodian and is certifying that he or she has knowledge of California Penal Code §11166 and will comply with its provisions.

C. *Employment At-Will*

Ingenium Charter School may terminate this Agreement and Employee's employment at any time with or without cause, with or without notice, at Ingenium Charter School's sole and unreviewable discretion. Either party may immediately terminate this Agreement and Ingenium Charter School's employment upon written notice to the other party.

Employee also may be demoted or disciplined and the terms of his or her employment may be altered at any time, with or without cause, at the discretion of Ingenium Charter School. No one other than the Board of Ingenium Schools has the authority to alter this arrangement, to enter into an agreement for employment for a specified period of time, or to make any agreement contrary to the term of this Agreement, and any such agreement must be in writing and must be signed by the Board of Ingenium Schools and by the affected employee and must specifically state the intention to alter this "at-will" relationship.

Without impacting the at-will nature of the employment relationship, Ingenium Charter School may attempt to remedy and address issues of unsatisfactory performance with the Employee in accordance with Ingenium Charter School's policy on Evaluation/Reviews.

D. *General Provisions*

1. WAIVER OF BREACH

The waiver by either party, or the failure of either party to claim a breach of any provision of this Agreement, will not operate or be construed as a waiver of any subsequent breach.

2. ASSIGNMENT

The rights and obligations of the respective parties under the Agreement will inure to the benefit of and will be binding upon the heirs, legal representatives, successors and assigns of the parties hereto; provided, however, that this Agreement will not be assignable by either party without prior written consent of the other party.

INGENIUM CHARTER SCHOOL

3. GOVERNING LAW

This Agreement will be governed by, construed, and enforced in accordance with the laws of the State of California.

4. PARTIAL INVALIDITY

If any provision of this Agreement is found to be invalid or unenforceable by any court, the remaining provisions hereof will remain in effect unless such partial invalidity or unenforceability would defeat an essential business purpose of the Agreement.

INGENIUM CHARTER SCHOOL

E. Acceptance of Employment

By signing below, the Employee declares as follows:

1. I have read this Agreement and accept employment with Ingenium Charter School on the terms specified herein.
2. All information I have provided to Ingenium Charter School related to my employment is true and accurate.
3. A copy of the charter is attached hereto.
4. This is the entire agreement between Ingenium Charter School and me regarding the terms and conditions of my employment. This is a final and complete agreement and there are no other agreements, oral or written, express or implied, concerning the subject matter of this Agreement.

*Employee Signature:*_____

Date: _____

*Address:*_____

Telephone:_____ Social Security Number:_____

Ingenium Charter School Approval:

Dated:_____

_____

Authorized Ingenium Charter School Representative

This Employment Agreement is subject to ratification and approval by the Governing Board of Ingenium Schools.

INGENIUM CHARTER SCHOOL

APPENDIX F:
SAFETY PLAN

INGENIUM CHARTER SCHOOL

Ingenium Charter School

SAFETY PLAN

INGENIUM CHARTER SCHOOL

STATEMENT OF PURPOSE

Ingenium Charter School is committed to the shared responsibility of preparing all learners for productive, responsible citizenship in an ever-changing world. A comprehensive Safety Plan helps to ensure a safe school environment, thereby enhancing the learning experience and improving student academic achievement. This plan is implemented to protect the safety of students and staff and to provide emergency preparedness and guidelines. This plan addresses the following objectives:

- Protect the safety and welfare of students and staff.
- Provide for a safe and coordinated response to emergency situations.
- Protect the school's facilities and property.
- In the case of an emergency, allow the school to restore normal conditions with minimal confusion in the shortest time possible.
- Provide for coordination between the school and local emergency services when necessary.

This Safety Plan consists of the following Sections:

- Staffing
- General Policies and Procedures for Handling Safety and Specific Emergency Situations
- Drugs, Alcohol and Tobacco
- Child Abuse Reporting
- Campus "Coming and Going"
- Harassment Policy-Appendix A
- Disciplinary, Suspension & Expulsion Policy-Appendix B
- Incident Report-Appendix C

This plan encompasses a broad range of potential safety issues and major emergencies. Such incidents may include earthquake, hazardous materials, widespread power outage, and similar events affecting normal operations at the school.

STAFFING

A. EMPLOYEE PREPAREDNESS

A number of measures are taken on an ongoing basis to ensure that school staff is prepared to respond immediately and appropriately to disasters. These include:

- Review of this Plan and any other emergency policies and procedures;
- Review of an employee's role during an emergency;
- Knowledge of how to conduct and evaluate required drills;
- Familiarity with the layout of buildings, grounds and all emergency procedures;
- Review of the location of all emergency exits, fire extinguishers, fire alarms and emergency equipment and supplies;

- Attend update training in first aid, CPR, use of fire extinguishers and search and rescue as necessary.

B. EMPLOYEE RESPONSIBILITIES

At the beginning of each school year, all instructional and non-instructional staff will be asked by Ingenium Charter School ("School") Principal, or his/her designee, to identify those with special skills or experience that may be helpful during an emergency. These employees may be asked to fulfill certain emergency management roles (i.e., first aid, CPR, search & rescue and/or fire extinguisher training & certification).

Instructional staff is responsible for the following:

- Present instruction to students about emergency preparedness plans for the site and student responsibilities in case of a major emergency;
- Keep attendance sheets readily accessible at all times in order to check attendance in the event of evacuation;
- Update the contents of classroom emergency kit and keep it in a safe, accessible location;
- Participate fully in fire, earthquake and evacuation drills;
- Have planned activities for students for use during periods of confinement during an emergency situation.

The Principal, or his/her designee, is responsible for the following:

- Assign employees to roles and responsibilities for an emergency, taking into consideration the skills, abilities and normal functions of employees;
- Ensure that all employees are familiar with the site maps and evacuation plans and are trained in emergency response and preparedness roles and responsibilities;
- Update the list of employees who are trained in first aid, CPR, the use of fire extinguishers, and search and rescue. Arrange for update training as necessary;
- Update as necessary the site floor plan showing evacuation routes and the location of assembly areas, emergency supplies and equipment, fire extinguishers, fire alarm pulls, master electrical panels, and main water and gas shut off valves;
- Ensure that emergency procedures are posted in classrooms, hallways, school office, cafeterias and employee lounges;
- Update the list of any disabled students or employees or those who may need evacuation assistance or other special assistance;
- Test the site warning system and ensure that the system's signal(s) is recognized and understood by employees and students;
- Conduct an inventory of all emergency supplies and equipment and replace used or outdated supplies and equipment;
- Maintain a list of emergency phone numbers in a readily accessible location.

C. EMPLOYEE/STUDENT SPECIAL NEEDS

Staff with temporary or permanent impairments of sight, hearing or mobility may self-identify indicating what assistance may be required in the event of an emergency. Students with special needs are identified at the beginning of each school year. Parents are asked to provide written information/instructions concerning specific needs.

Those areas of the school that have employees and/or students with permanent mobility impairments should maintain any necessary evacuation device on each floor where such employees and/or students are located.

D. EMERGENCY ON-SITE PERSONNEL

Staff emergency phone contacts will be kept on file at the school office. Staff with specific training in emergency response, safety, CPR, etc. will also be noted on a list kept at the school.

E. NOTIFICATION LIST

In the event of an emergency or safety risk, the following personnel will be notified as appropriate:

Personnel Emergency Telephone Number List

	Ext. #	Home #	Mobile #
Principal			
Office Manager			
Emergency or Safety Designee			
Teachers with CPR or First Aid (list by name):			

Outside Emergency Telephone Number List

	Ext. #	Telephone #
Police Dept.	911	
Ambulance	911	
Sheriff's Dept.	911	
Fire Dept.	911	
Hazardous Materials	911	
Others:		

GENERAL POLICIES AND PROCEDURES FOR HANDLING SAFETY AND SPECIFIC EMERGENCY SITUATIONS

The purpose of the safety and emergency sections of this Plan is to provide safety and emergency preparedness and response instructions to protect the safety and well being of students and staff at the time of an emergency. Specific goals include:

- Protect the safety and welfare of students and staff;
- Provide for a safe and coordinated response to emergency situations;
- Protect the school's facilities and property;
- Enable the school to restore normal conditions with minimal confusion in the shortest time possible;

- Provide for interface and coordination between the school and local authorities and resources.

A. EMERGENCIES

In the case of an emergency, the general policy is that actions should be taken to allow the school to remain in operation to the extent possible. The situation should be addressed to minimize interruption of normal operations at the school, and students will usually be cared for until regular dismissal time. Where an emergency situation poses a serious threat to the safety and well being of students and staff, evacuation will occur until any danger has passed. When necessary, school may be dismissed by he Principal, or his/her designee.

Fire

In the case of a school fire, the following procedures should be implemented:

- Sound building fire alarm.
- Notify Fire Department by dialing 911. The Fire Department is to be notified of any fires larger in size than a wastebasket. The Fire Department should be given the following information:
  - School name and phone number.
  - Building address, including nearest cross street(s).
  - Exact location of the fire within the building.
- Have students and staff evacuate the building in accordance with established procedures.
- Evacuate to outdoor assembly area.
- All doors leading to the fire should be closed. Do not re-enter the area for belongings. If the area is full of smoke, students and staff should be instructed to crawl along the floor, close to walls, thus making breathing easier and providing direction. Before opening any door, place a hand one inch from the door near the top to see if it is hot. Be prepared to close the door quickly at the first sign of fire to avoid the spread of fire.
- Clear access routes for emergency vehicles. Remain at a safe distance from the fire and away from fire fighting equipment.
- Render first aid as necessary.
- Check attendance. Remain with students.

Medical Emergency

Medical emergencies and accidents can occur at any time and may involve a student or employee. Some emergencies may only require first aid care, while others may require immediate medical attention. When in doubt, it is better to err on the side of caution and dial 911.

Medical emergencies involving any student or employee must be reported to he Principal, or his/her designee. Dial 911 or direct someone to do so. Provide the following information:

- School name and phone number.

- Building address, including nearest cross street(s).
- Exact location within the building.
- Your name and phone number.
- Nature of the emergency.

Do not hang up until advised to do so by dispatcher. Then, take the following actions.

- Notify the school office that an individual has been injured and an ambulance has been called.
- Ask someone to dispatch a first aid/CPR trained employee to the victim.
- Stay calm. Keep victim warm with a coat or blanket.
- Do not move the victim unless there is danger of further injury. Do not give the victim anything to eat or drink.
- Draft written incident report and submit it to School Principal, or his/her designee, before the end of the next workday.

Earthquakes

Earthquakes strike without warning and the major shock is usually followed by numerous after shocks, which may last for weeks or months. An earthquake's effect on buildings will vary from building to building.

The major threat of injury during an earthquake is from falling objects and debris, and many injuries are sustained while entering or leaving buildings. Therefore, it is important to remain inside the building and quickly move away from windows, glass, partitions and shelves. In the case of an earthquake, the following procedures should be followed:

- Take cover under a sturdy desk or table, in a doorway, or against an inside wall until the shaking stops. Give DROP AND COVER command.
- After shaking stops, check for injuries, and render first aid.
- If ordered by the Principal, or his/her designee, evacuate.
- Do not return to building.
- Do not light any fires.
- Keep a safe distance from any downed power lines.
- Check attendance whether or not evacuation takes place. Report any missing students to the Principal, or his/her designee.
- Stay alert for aftershocks.
- Be aware that shaking may activate fire alarm or sprinkler systems.
- Elevators and stairways will need to be inspected for damage before they can be used.
- The School principal, or his/her designee, will issue further instructions.

Should there be a major earthquake, children will remain under the supervision of school authorities until parents or responsible adults can pick them up.

Assaults

Assaults involve acts of striking or inflicting injury to a person and are regarded as serious matters. Any threat or assault on students or employees should be reported immediately to the Principal, or his/her designee. The Principal (or designee) will determine if law enforcement officials should be notified.

If a serious assault occurs:

- Dial 911.
- Seek first aid or medical attention, if indicated.
- Have photographs taken of any injuries.
- Write down a physical description of the assailant (sex, age, height, weight, race, clothing, and any weapon used) as soon as possible after the incident.
- Obtain names and telephone numbers of any witnesses.
- Draft incident report and submit it to the Principal, or his/her designee.

The Principal or his/her designee will submit incident report to the local law enforcement if incident is serious.

Hazardous Materials

Hazardous material spills may occur inside a building, such as a spill in a chemistry lab. Incidents of disaster magnitude may occur outside, such as a tank truck accident involving large quantities of toxic material. Procedures:

- If a spill is minor and inside, notify buildings and grounds personnel immediately for clean up. Open windows for ventilation.
- If a more serious spill occurs inside or outside:
    - Call 911. Notify Fire Department, Emergency Response Unit, and/ or Public Health Department.
    - Provide the following:
        - School name.
        - Building address, including nearest cross street(s).
        - Your name and phone number.
        - Location of the spill and/or materials released.
        - Characteristics of spill (colors, smells, visible gases).
        - Name of substance, if known.
        - Injuries, if any.
- Notify buildings and grounds personnel.
- Close all windows and doors if the spill is outside.
- Request that buildings personnel shut off mechanical ventilating systems if it might spread toxic material.

- Remain inside building unless ordered to evacuate by the Fire Department.
- Fire Department will advise of further actions to be taken.
- Do not eat or drink anything or apply cosmetics.
- If there appears to be imminent danger, a fire drill may be called while approval for student release or site evacuation is sought.

The Principal, or his/her designee, if necessary, will give approval for student release or site evacuation.

Civil Disturbance

A civil disturbance is any situation where a person or group of persons disrupts operations or threatens the safety of individuals. The following precautionary protective measures should be taken:

- Notify local law enforcement authorities-Dial 911.
- If participants enter the building, remain calm and do not provoke aggression. Report disruptive circumstances to school Principal, or his/her designee.
- Do not argue with participant(s).
- Have all students and employees leave the immediate area of disturbance.
- If the disturbance is outside the building, remain inside building, unless instructed otherwise by the Principal or police officials. Lock all doors. Stay away from windows and exterior doors.
- If the disturbance is inside the building, follow procedures for evacuation of the school site.
- Follow further instructions as police officials and other local law enforcement authorities issue them.
- Draft incident report for School Principal, or his/her designee.

Vandalism

The following procedures should be used in the case of school vandalism:

- Notify school principal, or his/her designee.
- Notify building and ground maintenance personnel.
- The Principal, or his/her designee, will assess the seriousness of the situation and determine the level of assistance needed, including local law enforcement.
- If possible, identify the parties involved.
- Interview witnesses and obtain written statements.
- Document the incident as soon as possible and give the incident report, with any witness statements, to the Principal or his/her designee.
- Notify parents or legal guardian.

- Determine what disciplinary measures are appropriate (in-house or police involvement). See Disciplinary, Suspension & Expulsion Policy.
- Determine any monetary restitution issues and amounts.

Utility or Power Failure

The following procedures should be used in case of utility or power failure:

- Staff and students should remain in classroom until further instruction.
- Custodial and maintenance personnel should determine cause of incident and seek outside assistance if necessary.
- Staff and students outside of a classroom at the time of the incident should report to main office.
- Building and grounds personnel report to utility company if necessary.
- If situation requires long-term maintenance and repair and prevents class activities, the Principal, or his/her designee, may take measures to dismiss school for the day.
- Where utility failure presents an emergency, evacuation procedures should be implemented immediately.

Bomb Threat

Person receiving call:

- Listen - Do not interrupt caller.
- If possible, alert other staff by a pre-arranged signal while the caller is on the line.
- In the event that a bomb threat is received, it is important for the person receiving the call to attempt to keep the caller on the telephone as long as possible. It is also important to listen carefully to all information provided by the caller and to make a note of any voice characteristics, accents, or background noises.
- Attempt to ask questions and elicit the information required to determine the severity of the threat.
- Notify School Principal, or his/her designee, immediately.
- The Principal or his/her designee will:
    - Notify Police Department – Dial 911.
    - With the assistance of responding law enforcement personnel, conduct a thorough search of the building & surrounding areas:
        - Classrooms and work areas.
        - Public areas - foyers, office bathrooms and stairwells.
        - Lockers and unlocked closets.
        - Exterior areas—shrubbery, trashcans, debris boxes, gas valves, etc.
        - Power sources—electric panels, telephone panels, computer rooms, etc.

- With assistance from responding law enforcement personnel and/or Fire Department, the Principal, or his/her designee, will evaluate the threat and will determine whether to evacuate the building and/or to continue to search the premises.
- If there appears to be imminent danger, a fire drill may be called while approval for student release or site evacuation is sought. The Principal, or his/her designee, must grant approval for student release.
- An incident report should be drafted before the end of the workweek.

Explosion

If an explosion occurs at the school, the following procedures should be used:

- Give DROP AND COVER command.
- Sound building fire alarm. This will automatically implement action to leave the building.
- Notify Fire Department – Dial 911.
- Provide the following information:
    - School name.
    - Building address, including nearest cross street(s).
    - Exact location within the building.
    - Your name and phone number.
- Evacuate to outdoor assembly area.
- Check attendance. Remain with students.
- Render first aid as necessary.
- Notify grounds and building personnel.
- Keep students and staff at a safe distance from the building(s) and away from fire-fighting equipment.
- Public safety officials will determine when the building is safe for re-entry, and along with the Principal, or his/her designee, whether student release from the school site is necessary.
- Draft incident report by the end of the week.

Fighting or Riot

School staff should follow these guidelines when a fight occurs:

- Send a reliable student to the office to summon assistance.
- Speak loudly and let everyone know that the behavior should stop immediately.
- Obtain help from other teachers if at all possible.
- If students are starting to gather, attempt to get students away from the commotion as quickly as possible.

- Call out the names of the involved students (if known) and let them know they have been identified.
- For the safety of all students, get additional help from law enforcement personnel if confronted with a serious fight, especially one that involves weapons.
- Attempt to separate the involved students by speaking to them in an assertive tone of voice. Consider the age and/or size of the students, as well as personal safety, before stepping between/among those involved in an altercation. If successful in separating the students, try to avoid using further confrontational behavior.
- Remember that no one can "cool down" instantly; give the students time to talk in a calm setting and gradually change the climate of the situation.
- Staff should follow these guidelines when a riot occurs:
    - The Principal, or his/her designee, should encourage teachers and staff to be sensitive to the emotional climate of the campus and attempt to defuse any tensions prior to the eruption of problems.
    - Notify local law enforcement of the disturbance and meet at a pre-designated site to evaluate the situation.
    - Have a law enforcement officer evaluate and call for any necessary resources such as back-up help, emergency medical help, etc.
    - Activate needed emergency plans, which may include:
        - Instructing office staff to handle communications and initiate lock-down orders.
        - Notify transportation to bring appropriate numbers of buses for evacuation or transportation if necessary.
        - Assign staff a temporary detention facility, such as a gymnasium, to secure students and log information.
        - Direct a teacher or designee to initiate lockdown and immobilize the campus.
        - Brief a representative to meet the media.
        - Assign staff to a pre-designated medical treatment/triage facility.

Hostage Situation

In case there is a hostage situation at the school, staff should attempt to follow these guidelines:

- Stay calm.
- Don't be a hero.
- Follow instructions of captor.
- Cooperate; be friendly if possible; don't argue with or antagonize captor or other hostages.
- Inform captors of medical or other needs.
- Be prepared to wait; elapsed time is a good sign.

- Don't try to escape; don't try to resolve situation by force.
- Be observant and remember everything that is seen or heard.
- If a rescue takes place, lie on the floor and await instructions from rescuers.
- The Principal or his/her designee should be responsible for the following:
    - Immediately notify law enforcement.
    - Move other students and teachers completely away from those who are in the hostage situation.
    - Keep everyone as calm as possible.
    - Be prepared to answer questions from media or family.

Death of a Student

By far the worst crisis situation is the death of a student. When a student dies, emotional trauma is a natural occurrence for students, faculty, and staff. A student's death, which occurs on campus, particularly as a result of school violence, is admittedly the most extreme case of trauma for family and the school community. There is no procedure that fits every scenario; each case requires individual attention. Certainly, there is no prescribed method for dealing with such tragedy; however, the following are suggestions for a school's response to death, particularly death that occurs as a result of school violence:

- After the initial response, administrators and counselors will meet immediately to review what has happened. Responding to the psychological needs of both staff and students as soon as possible is the best prevention for the development of post-traumatic stress.
- Get as much information as possible from the family and ask their permission to share it with the students, faculty, and staff. Ask if they have any objection to students, faculty, and staff attending the funeral.
- Relay the information to the students in a factual way, careful to avoid breaching the student or family's privacy. The Principal and a counselor might consider moving from room to room to tell the students what has happened. They should tell the truth, allow for expression of feelings, and affirm any expressions or feelings the students have. Students need to be told that they may visit a counselor's office for special assistance if they need to talk.
- If possible, allow a break after telling the students in order to give them an opportunity to express their grief with other students.
- Upon returning to school, students should be allowed time to discuss their feelings, talk about the deceased, and discuss memories. Give students, faculty, and staff information about the funeral and allow them to attend, provided the family has granted permission.
- Watch for trouble signs among the students. Be prepared to call in extra counselors if necessary.

Intruder or Individual With Deadly Weapon

If someone enters the school grounds or buildings with a deadly weapon, the staff should follow these guidelines:

- Avoid confronting the student or gunman.
- Notify he Principal, or his/her designee, or school office immediately.
- Identify the student or gunman (if known), the student or gunman's location, and the location of the weapon.
- The Principal or his/her designee should follow these guidelines:
    - Notify law enforcement immediately.
    - Identify the student or gunman (if known), the student or gunman's location, and the location of the weapon.
    - Determine the level of threat. If the level of threat is high, call for additional backup.
    - Attempt to get the weapon from the gunman or student through negotiation, or take other appropriate action with the aid of local law enforcement.
    - If the level of threat is low, call the student to the office and have law enforcement take the appropriate action.

B. EVACUATION

In the event conditions in the community or within the school itself necessitate a site evacuation, the following steps should be taken:

- The Principal or his/her designee should:
    - Notify the school district office, county official or designee.
    - Notify local law enforcement authorities.
    - Notify school transportation support.
    - Note the special needs of students or staff.
    - Direct clerical staff to take schools master enrollment list.
    - Direct school nurse or designee to prepare emergency medications to be transported.
    - Direct all personnel to leave the building and secure the building.
    - Notify students' parents or legal guardians as situation permits.
- School staff should:
    - Plan to evacuate his/her class and ride the bus or walk as situation dictates.
    - Take a copy of class enrollment list.
    - Take emergency instructional materials and first aid kits in the event the evacuation lasts several hours.
    - Notify the Principal or his/her designee of any special needs of students and their requirements.

The first choice for a shelter during a building site evacuation is another building designated by the school district, county or other local authority. Once staff and students have arrived at the host site, the following steps should be taken:

- Notify school nurse or local medical personnel of any medical emergencies.
- Consider how students will be fed and restroom needs met.
- Activate crisis intervention team to deal with any emotional trauma.
- Provide area and materials for parents who may arrive to pick up students.
- Provide an area for non-school community evacuees.

C. FLOOR PLAN

A floor plan of the school site buildings and grounds, which indicates the location of all exits, utility shut-offs, fire extinguishers, and emergency equipment and supplies, will be maintained and updated, as necessary. The floor plan should also indicate outdoor assembly area(s) and evacuation route(s) from the site.

A copy of the floor plan will be posted in each classroom at the school, in the school hallway and at the school's main office. Staff should familiarize themselves with the contents of the floor plan and with evacuation procedures.

D. FIRE DRILLS

The school shall conduct fire drills on a quarterly basis to prepare for possible evacuation in case of an emergency. The Principal, or his/her designee, will specify the date and time of fire drills.

Fire drills will be conducted on a monthly basis. Earthquake "drop and cover" drills will be conducted once per quarter. All students and staff are required to participate in these mandated drills.

The Principal, or his/her designee, will designate an outdoor assembly area(s) where students and staff will gather whenever the building is evacuated. Unless instructed otherwise by public safety officials, students and staff will gather by class and attendance will be taken. The names of any missing individuals will be relayed to search and rescue teams and public safety officials.

E. ANNUAL INSPECTIONS

The Principal, or his/her designee, with the assistance of local support personnel where necessary, will conduct an annual inspection for situations that pose potential hazards. Of particular importance is proper storage of chemicals and correct labeling of all containers. Failure of one or more of the utilities (electricity, gas, water) constitutes a condition that must be dealt with on a situational basis. A walk-through inspection of each area of each building will be conducted using a checklist of the following:

- Classroom
- Corridors
- Laboratory/Shop
- Cafeteria/Auditorium (use for all assembly areas)
- Kitchen

- Office (also used for conference rooms)
- Teacher's Workroom and Employee Lounge
- Toilet
- Custodial
- Boiler Room
- Storage Room (also use for File Rooms)
- Yard (or Grounds)

Where multiple rooms of the same type are to be inspected (e.g., classrooms, offices), be sure to note the exact identification (e.g., Classroom 14, Room 7; second floor women's restroom). Complete each section of the checklist. Provide a brief description of the problem in the section provided.

Appropriate measures will be taken to correct the problem at the direction of the Principal. When possible, personnel at the site (e.g., custodian) will handle corrections or repairs and may provide an estimate of the necessary repairs and corrections. The custodian or other buildings and grounds personnel will advise the Principal, or his/her designee, of problems that cannot be corrected by site staff.

F. PARENTAL NOTIFICATION

In the case of an emergency requiring evacuation of the school site, parents will be notified as soon as possible. At the beginning of each school year, all parents will be asked to provide emergency contact information, sign an emergency medical release form for their child, and designate persons who are authorized to pick-up their child in the event of an emergency.

In the event of an emergency parents/guardians should keep radios tuned to the local radio station for advisory information. Parents should not call the school because we must have the lines open for emergency calls.

G. CLASSROOM SAFETY KITS

Emergency and first aid supplies are necessary when an emergency or injury occurs at the school. Emergency and first aid supplies should be kept in the school's central office and in individual classrooms as needed. At the beginning of each school year, each classroom will receive a classroom safety kit. Suggested items in case of an emergency:

- Blankets
- Matches
- Pillows
- Bottled Water
- Flashlights
- Paper Towels
- Batteries
- Wet Ones
- Radio (battery operated)

- Sheets
- Candles Suggested first aid items:
- Hydrogen Peroxide
- Iodine
- Alcohol
- Assorted Band Aids
- Gauze
- Sterile Water (for burns)
- Tape
- Scissors
- Tweezers
- Bandages
- Instant Ice Packs
- Ace Bandages
- Package of Sewing Needles
- Slings
- Anti-bacterial salve
- Steri-strips or butterfly stitches
- Disposable gloves
- Face masks
- CPR (disposable mouthpieces)
- Current first aid book

In case of an emergency evacuation, staff will take this kit to the evacuation site, along with an attendance sheet.

H. SCHOOL SAFETY MANAGEMENT TEAM

The Principal is the overall director of the School Safety Management Team and will appoint those members of the staff necessary to respond to issues of safety at the School and in the case of an emergency. Depending upon the nature of an emergency, additional administrative, teaching and support staff may also be part of the team, but may act only when assigned specific duties by the Principal.

I. GUIDELINES FOR HANDLING THE MEDIA

Whenever a natural disaster or crisis situation occurs, media coverage is a certainty. School staff and administrators are encouraged to follow these guidelines when dealing with the media. The Principal should assign a school spokesperson to deal directly with the media.

- Develop a written statement for dissemination.
- Get the maximum amount of information out to the media - and thus the public - as rapidly as possible.
- Appoint a spokesperson (usually the principal).
- Keep the staff informed through one person.
- Be proactive with the media.
- Contact the media before they contact the school.
- Set geographic and time limits.
- Explain restrictions.
- Hold the press accountable.
- Create positive relations with the media before an emergency crisis occurs.
- Stress positive actions taken by the school.
- Announce new changes made after the incident has passed.

J. DRUGS, ALCOHOL AND TOBACCO

The use or possession of drugs, alcohol, or tobacco is strictly prohibited at the school or around school grounds. If a member of staff suspects that a student is in the possession of a controlled substance, he or she should:

- Identify the parties involved.
- Notify the Principal or his/her designee immediately.
- Follow-up with a written incident report, including any witness statements.

The Principal, or his/her designee, should do the following:

- Assess the situation and determine the level of assistance needed (i.e. school counselor, police)
- Isolate the parties involved for interview/investigation.
- Notify parent or legal guardian.
- Obtain witness statements and document in a written incident report.
- Determine disciplinary consequences. See School Disciplinary, Suspension & Expulsion Policy.
- Determine what intervention or follow-up procedures are necessary including counseling.

K. CHILD ABUSE REPORTING

Child abuse shall be reported in compliance with the procedures set forth in the school's Personnel Handbook and in accordance with California law. The reporting of suspected child abuse is mandatory.

All employees of the School are committed to children. Professionals who work with or regularly come into contact with children have a crucial role in their protection. Mandated reporters are designated as such because they are in a position to receive information that a child is or may be at risk, and to pass this information on to the agencies that can intervene to protect the child.

When a teacher or other school staff suspects a case of child abuse, he or she should contact the appropriate child protective authorities immediately.

L. CAMPUS "COMING AND GOING"

Visitors and guests are welcome at the school. However, to safeguard students and staff, reasonable precautions should be taken.

Visitors should:

- Always report and sign in at the office.
- Be provided with a visitor's badge.
- Be prepared to provide identification to school personnel.
- Respect school rules.
- School personnel should:
- Ensure all exterior doors are marked with a notice to visitors to first report to the office.
- Exterior doors should remain locked, except doors near the office area.
- Staff should receive training on how to greet visitors. The first question is "May I help you?"
- Someone should greet every visitor.

Any intruder found roaming the building should be escorted to the office. Someone can then provide any additional information or directions. (NOTE: An intruder is anyone without a visitor's badge or lacking visible identification stating who they are, i.e., school employee.)

Visitors who fail to comply with school procedures: should verbally be informed they are in violation of school policy. (Example - "Sir, you must report to the office immediately. If you fail to do so, you will be considered a trespasser, and school security will be called."). If this fails:

- Notify the office of the situation.
- Follow the person, if possible, and continue to give notice of the violation of school rules.
- Police should be notified, or call 911.
- Office should activate building-wide notification plan concerning intruder:
- PA announcement using pre-determined code phrase.
- Classroom doors should be closed.
- Students should remain in current areas.

M. NOTIFYING TEACHERS OF DANGEROUS PUPILS

The Principal will inform teachers and other relevant staff of students who are defined as dangerous as set forth in the California Education Code §48900, including the exceptions to this rule provided therein. The School will provide this information to the teacher based upon any records that the school maintains in its ordinary course of business, or receives from a law enforcement agency, regarding a student described in this Section. The School is not civilly or criminally liable for providing information unless it is proven that the information was false and that the School employee knew or should have known that the information was false, or the information was provided with a reckless disregard for its truth or falsity.

Any information received by a teacher pursuant to this Section shall be received in confidence for the limited purpose for which it was provided and shall not be further disseminated by the teacher.

N. HARASSMENT AND DISCRIMINATION

Harassment and Discrimination are prohibited. They include the following:

- Verbal Threats
- Threatening Behavior
- Hazing
- Intimidation
- Gang Behavior
- Fights

Policies for dealing with harassment and discrimination are described in the Personnel Handbook.

If harassment or discrimination occurs, school staff should:

- Evaluate the seriousness of the situation and determine the level of assistance needed. If intervention is required, contact support staff. Where a threat of serious bodily injury and/or weapons are involved, call 911.
- Identify the parties involved and give specific verbal directions to discuss the situation. Where a physical altercation is occurring, or is about to occur, call for staff support and immediately separate the parties involved.
- Document the incident, including the names of witnesses and any statements.
- Give incident reports to the Principal, or his/her designee, as soon as possible.

The Principal, or his/her designee, should:

- Assess the seriousness of the incident. If assistance is needed, call necessary support staff. Where a threat of serious bodily injury or weapons is involved, call 911.
- Identify the parties involved.
- Seek written documentation from witnesses.
- Determine disciplinary consequences. See Personnel Handbook; and Disciplinary, Suspension & Expulsion Policy.

- Determine what intervention or follow-up is necessary, including referral to a school counselor, psychologist, or local law enforcement.
- Notify parents or legal guardian and appropriate school personnel of incident.
- Complete a report with a description of the incident and include the names of witnesses and any statements. Summarize the disciplinary procedures used in resolution of the incident.

O. SCHOOL DISCIPLINE

Discipline will be handled as set forth in the Disciplinary, Suspension & Expulsion Policy.

Acknowledgement of Receipt of Safety Plan

I understand and agree that I will read and comply with the Safety Plan for Ingenium Charter School.

_____ _____
Signature Date

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APPENDIX G:
STUDENT REGISTRATION FORM

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Office Use Only
Entry Date __ __ / __ __ / __ __ __ __
State ID#_____
District ID

Ingenium Charter School
NEW STUDENT REGISTRATION FORM
2010-2011

Student Information

First Name:_____ _____ Middle: _____Last Name:_____

Address:
_____Apt#:_____

City:_____ State:_____ Zip: _____

Phone: (□□□) □□□-□□□□

Student's Date of Birth: *(mm/dd/yyyy)* □□/□□/□□□□

Student's gender: *(Check one only)* ☐ F= Female ☐ M= Male

Student is applying for grade: *(Check one only)*

☐ K = Kindergarten ☐ 1 = 1st Grade ☐ 2 = 2nd Grade ☐ 3 = 3rd Grade
☐ 4 = 4th Grade ☐ 5 = 5th Grade ☐ 6 = 6th Grade

This is the _____ time the student has ever entered this grade level *(check one only)*.

☐ 1 = First Time ☐ 2 = Second Time ☐ 3 = Third Time

The California State Department of Education requires schools to report the following information for students who participate 'in the Standardized Testing and Reporting Program also known as the STAR testing program. In addition, we are required to report this information as a condition of a major grant we have received. Please assist us by completing the following information so that we may provide the California State Department of Education and our grant donor with the most accurate information possible.

Be assured that this information will be kept confidential.

Student's Primary Race/Ethnicity: *(Check one only)*

0998 = Alaskan Native or American Indian *(Please specify)*:

☐ Cherokee ☐ Chippewa ☐ Choctaw ☐ Navajo ☐ Pueblo

☐ Sioux ☐ Other: _____

0999 = Asian (Please specify)

☐ Asian Indian ☐ Chinese ☐ Filipino ☐ Japanese ☐ Korean

☐ Vietnamese ☐ Other : _____

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1000 = Black or African American *(Please specify if known)*

☐ Other: _____

1001 = Hawaiian or other Pacific Islander *(Please specify)*

☐ Guamanian ☐ Hawaiian ☐ Samoan ☐Other:_____

2304 = Hispanic or Latino *(Please specify)*:

☐ Argentinean ☐ Colombian ☐ Cuban ☐ Dominican ☐ Mexican Amer.
☐ Nicaraguan ☐ Puerto Rican ☐ Salvadoran ☐ Spaniard ☐ Other:_____

1002 = White *(Please specify if known)*

☐ Other:_____

Other Race/Ethnicity with which the student identifies. Mark all that apply.

0998 = Alaskan Native or American Indian *(Please specify)*:

☐ Cherokee ☐ Chippewa ☐ Choctaw ☐ Navajo ☐ Pueblo

☐ Sioux ☐ Other: _____

0999 = Asian (Please specify)

☐ Asian Indian ☐ Chinese ☐ Filipino ☐ Japanese ☐ Korean

☐ Vietnamese ☐ Other : _____

1000 = Black or African American *(Please specify if known)*

☐ Other: _____

1001 = Hawaiian or other Pacific Islander *(Please specify)*

☐ Guamanian ☐ Hawaiian ☐ Samoan ☐Other:_____

2304 = Hispanic or Latino *(Please specify)*:

☐ Argentinean ☐ Colombian ☐ Cuban ☐ Dominican ☐ Mexican Amer.
☐ Nicaraguan ☐ Puerto Rican ☐ Salvadoran ☐ Spaniard ☐ Other:_____

1002 = White *(Please specify if known)*

☐ Other:_____

English Proficiency of the student: *(Check one only)*

☐ 1633 = Native English Speaker ☐ 1634 = Fluent English Speaker

☐ 1635 = Non-English speaking ☐ 1636 = Redesignated as fluent English proficient

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☐ 1637 = Status Unknown ☐ 2349 = Limited English proficient/English Language Learner

Primary language spoken at home (*Check one only*):

☐ Arabic	☐ French	☐ Hindi	☐ Persian	☐ Spanish
☐ Cantonese	☐ French Creole	☐ Italian	☐ Polish	☐ Tagalog
☐ Chinese (non Cantonese)	☐ German	☐ Japanese	☐ Portuguese	☐ Urdu
☐ English	☐ Greek	☐ Korean	☐ Russian	☐ Vietnamese
				☐ Other: ____

Before attending this charter school, the student attended:

School Name: _____ School City: _____

The school the student attended previously can be categorized as: *(Check one only)*

Public:

☐ 1821 = Public, same district

☐ 1822 = Public, different district in the same state

☐ 1823 = Public, different state

Private:

☐ 1824 = Private, non-religiously-affiliated, same district

☐ 1825 = Private, non-religiously-affiliated, different district, same state

☐ 1826 = Private, non-religiously-affiliated, different state

☐ 1827 = Private, religiously-affiliated, same district

☐ 1828 = Private, religiously-affiliated, different district, same state

☐ 1829 = Private, religiously-affiliated, different state

Non-existent or Foreign:

☐ 1838 = Original Entry into US school (no previous school)

☐ 1839 = Original entry into US school (from foreign country with no schooling interruption)

☐ 1840 = Original entry into US school (from foreign country with schooling interruption.)

☐ 1830 = Located outside of the country

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Other

☐ 1831 = Institution (example: correctional facility)

☐ *1832 = Charter school*

☐ 1833 = Home schooling

☐ 1834 = Matriculating (in other words, passed previous school's highest grade level)

☐ *9999 = Other*

Has the student taken a standardized test and been determined "Gifted?" ☐ 0002 = Yes ☐ 0232 = No

The questions below pertain to special services currently being received by the student at her or his present school. If you are unaware of the terms used in this box, your child is more than likely not receiving those specific services at this time, If you are unsure, you may leave this section blank and the information will be requested from the child's current school.

Has the student been classified by Special Education Services with any of the following disabilities? *(Check all that apply)*

☐ 2121 = Autistic/Autism ☐ 2122 = Deaf-blindness

☐ 2123 = Hearing impairment ☐ 2124 = Mental retardation

☐ 2125 = Multiple disabilities ☐ 2126 = Orthopedic impairment

☐ 2127 = Emotional Disturbance ☐ 2128 = Specific learning disability

☐ 2129 = Speech or language impairment ☐ 2130 = Traumatic brain injury

☐ 2131 = Visual impairment (e.g. blindness, etc…) ☐ 2132 = Other health impairment

☐ 2133 = Deafness ☐ 2134 = Developmental delay

☐ 2135 = Infants and Toddlers with disabilities ☐ 9998 = None

Does the student have an active Individual Educational Plan (IEP)? ☐ Yes ☐ No

Does the student need 504 accommodations Medical condition requiring modification)? ☐ Yes ☐ No

How far is the school from your home? ☐☐.☐ *(Approximate distance in miles)*

How many times has the student's family moved in the past 12 months? ☐☐

In the student's home:

Approximately how many books are there where the student resides? ☐☐☐☐☐

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Is there a computer at home? (e.g. desktop/laptop)	☐ 0002 = Yes	☐ 0232 = No
Is there Internet access at home?	☐ 0002 = Yes	☐ 0232 = No
Is there a quiet place for the student to study at home?	☐ 0002 = Yes	☐ 0232 = No
Was any adult employed for income over the past two weeks?	☐ 0002 = Yes	☐ 0232 = No

Migratory Status: Does the student's Parent or Guardian maintain primary employment in one or more agricultural or fishing activities on a seasonal or other temporary basis?

☐ *1641= Yes* ☐ *1643 = No*

Lunch Status: Under federal meal program guidelines, this student qualifies for the following lunch status: *(Check one only)*

☐ F = Free lunch ☐ FDC = Free lunch in District of Columbia

☐ P = Full pay ☐ R = Reduced-price lunch

☐ I don't know. *(School will gather this data.)*

Among all parents and guardians residing with the student, what is the highest level of education? *(Check one only)*

Elementary/Middle/ High School	College and Beyond	Other
☐ 0789 = Pre-Kindergarten ☐ 0805 = Kindergarten ☐ 0790 = 1st Grade ☐ 0791 = 2nd Grade ☐ 0792 = 3rd Grade ☐ 0793 = 4th Grade ☐ 0794 = 5th Grade ☐ 0795 = 6th Grade ☐ 0796 = 7th Grade ☐ 0798 = 8th Grade ☐ 0799 = 9th Grade ☐ 0800 = 10th Grade ☐ 0801 = 11th Grade	☐ 1049 = Some college but no degree ☐ 1050 = Associate's degree ☐ 1051 = Bachelor/ Baccalaureate degree (BA, AB, BS, etc..) 1052 = Graduate certificate ☐ 1053 = First professional degree (e.g. DC, DDS, MD, DO, DVM, LLB, JD, M.Div.) ☐ 1054 = Master's degree (e.g. MA, MS, M.Ed, MSW, MBA.) ☐ 1055 = Specialist's degree (e.g. ED.S) ☐ 1056 = Post-Professional degree ☐ 1057 = Doctoral degree (e.g.	☐ 0819 = Vocational Certificate ☐ 1046 = Adult Basic Education Diploma ☐ 1047 = Formal certificate or diploma (less than one yr.) ☐ 1048 = Formal certificate or diploma (more than or equal to one year) ☐ 2408 = H.S.completers (e.g certificate of attendance) ☐ 2409 = H.S. equivalency (e.g. GED) ☐ 1043 = No school completed ☐ 9999 = Other

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☐ 1044 = H.S. diploma ☐ 1809 = 12th grade, no diploma	Ph.D, Ed.D)	

Health and Immunization Records

Requirements for entrance:

To enter or transfer into public and private elementary and secondary schools (grades kindergarten through 12), children under age 18 must have immunizations as outlined in Health and Safety code Sections 120[325-120380 (formerly Sections 3380-3390); California Administrative Code, Title 17, Sections 6000-6075 (see GUIDE TO THE REQUIREMENTS OF THE Ingenium Charter SchoolIFORNIA SCHOOL IMMUNIZATION LAW FOR GRADES K-12). Document of these immunizations must be provided prior to the first day of school.

Allergies:

_____

Serious illness?

Currently taking medication?

Release for NEWS/Media

As a student of this charter school, your child may have the opportunity to participate in media coverage for educational purposes. These opportunities would involve activities such as quotes attributed to your child, pictures of your child in the newspaper, on television, or in productions for the school. By signing below, you authorizes your child's participation in media activities for educational purposes.

Parent/Guardian Signature: _____ Date: _____

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Uniforms

By my signature below, I acknowledge that uniforms are required for all students. Information will be provided to parents from the selected vendor. I accept responsibility for compliance with the school's dress code.

Parent/Guardian Signature: _____ Date: _____

EMERGENCY DATA

Primary Care Physician:

Primary Care Physician Phone Number:

Individuals the School is authorized to contact in the event of an emergency:

Name	Telephone Number
_____	_____
_____	_____
_____	_____

If the School is unable to contact me or any of the individuals listed above, I give permission for my son/daughter to receive medical or dental treatment, including transportation to the nearest medical facility.

I understand that, if emergency medical or dental treatment is needed and the listed emergency contacts cannot be reached, 911 will be called at my expense. I agree that the school cannot assume responsibility for the payment of medical fees for expenses incurred.

I understand that it is my responsibility to promptly inform the School of any changes regarding the information on this form.

Parent/Guardian Signature: _____ Date: _____

END of Student Information

Parent/Guardian/Family Information

Parent/Guardian 1

First Name:_____ **Middle:**_____ **Last Name:**_____ _____

Address (if not the same as student address above):

_____Apt#:_____

City:_____ State:____ Zip: _____

Home Phone:_____ Work Phone:_____

Relationship to student:_____ _____ E-mail address: _____

INGENIUM CHARTER SCHOOL

Parent/Guardian 2

First Name:_____ Middle:_____ Last Name:_____
_____

Address (if not the same as student address above):

_____Apt#:_____
City:_____ State:____ Zip: _____
Home Phone:_____ Work
Phone:_____
Relationship to student:_____ _____ E-mail address: _____

Does the student have any siblings?

Name	Age	Current School
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Emergency Contact Information

Physician: _____ Phone #: (_____) _____

Health Insurance: _____ Policy #: _____

Individuals the School is authorized to contact in the event of an emergency:

Name	Telephone Number
_____	_____
_____	_____
_____	_____

If the School is unable to contact me or any of the individuals listed above, I give permission for my son/daughter to receive medical or dental treatment, including transportation to the nearest medical facility.

I understand that, if emergency medical or dental treatment is needed and the listed emergency contacts cannot be reached, 911 will be called at my expense. I agree that the school cannot assume responsibility for the payment of medical fees for expenses incurred.

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I understand that it is my responsibility to promptly inform the School of any changes regarding the information on this form.

Parent/Guardian Signature: _____ Date: _____

AUTHORIZATION FOR STUDENT PICK-UPS

The following individuals are authorized to pick up my child from school:

Name	Relationship	Contact Phone
_____	_____	_____
_____	_____	_____
_____	_____	_____

Parent/Guardian Signature: _____ Date: _____

END of Parent/Guardian Information

INGENIUM CHARTER SCHOOL

APPENDIX H:
BUDGET

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APPENDIX I:
SAMPLE LESSON PLANS

INGENIUM CHARTER SCHOOL

PRACTICE ASKING QUESTIONS ABOUT TEXT AND MAKING PREDICTIONS
Kindergarten

Objective: Students will practice asking questions about text and using pictures and context clues to make predictions about story content.

Standards:

Reading Comprehension

2.2 Use pictures and context to make predictions about story content.

2.3 Connect to life experiences the information in texts.

2.4 Ask and answer about essential elements of a text.

Literary Response and Analysis

3.3 Identify characters, settings, and important events.

Anticipatory Set: Teacher shows students the book, Annabelle Swift, Kindergartner, reads the title and shows them the first few pages. "Do you have any idea what this story is about from just looking at the first pictures?" Teacher reminds the students that good readers often browse before they read to get an idea of what the story is about.

Purpose: "Remember that an important purpose for reading is to find out information. Listen carefully to find out if Lucy has good advice for Annabelle."

Input: "This week we will read Annabelle Swift, Kindergartner. We will make predictions about what we think will happen to Annabelle. Next week we will read the story again and see if our predictions were correct."

Modeling: Teacher will read the beginning of the story and model the Comprehension Strategies of asking questions and predicting as outlined in the Open Court Reading and Responding section. Teacher will model filling in a chart to record the first prediction.

Check for Understanding:

The teacher asks a student to model asking questions for the class. Teacher asks, "What do we do when we predict what will happen?"

Guided Practice: Teacher will read the story helping children ask questions and make predictions. As predictions are made, teacher will chart them on sentence strips. On the second reading, teacher will guide students in confirming their predictions. Students will place a happy face on predictions confirmed and an unhappy face on predictions not confirmed.

Independent Practice:

Students will tell the teacher and aide what they thought would happen to them as they prepared to begin Kindergarten this year. Teacher will write what they had predicted would happen to them and what happened. Students will place a happy face on confirmed predictions and an unhappy face on non-confirmed predictions.

Closure:

Students will compare their first day of Kindergarten with Annabelle's.

PRACTICE CONSTRUCTING AN INFORMATION MAP

First Grade

Objective: Students will construct an information map or maps about animals.

Standards:

READING COMPREHENSION

2.2 Respond to who, what, when, where, and how questions.

2.6 Relate prior knowledge to textual information.

2.7 Retell the central ideas of simple expository or narrative passages.

Anticipatory Set: "Would you like to be the author of your very own information book answering your questions about your favorite animal?"

Purpose: "We will read a selection and learn more about raccoons." Teacher will invite students to supply questions about raccoons they want to have answered. The teacher will chart questions and tell students that they will return to these questions after reading the selection.

Input: "We will be using an information map to answer questions about animals. We will write the name of the animals in a large box and write facts about the animals in smaller boxes." The teacher will draw a rectangular box on the chalkboard with spokes coming out of the bottom and draw three or four smaller boxes beneath it.

Modeling: "This week we will read a selection about raccoons in our *Open Court Big Book, Animals*. When we finish the selection, we will complete our information map on raccoons."

Check for Understanding:

Teacher will ask students what kinds of information they will write on the information map. Students will understand that the large box has the name of the animal and the small boxes have the facts about the animal.

Guided Practice:

The teacher reads the selection modeling *Asking Questions* Comprehension Strategies. The teacher leads students in a discussion of the selection and reviews the questions the children had and asks which questions were answered as the children read the selection. The teacher will ask students what the selection was about and write the answer (baby raccoons or how babies find food) in the big box. The teacher will then ask for details and write them in the small boxes.

Independent Practice:

Students will write the information map on raccoons in their Writing Journals. Teacher will tell students that their mission is to construct an information map about an animal they choose after they have answered questions about the animal.

Closure:

Students will share their information map with a partner.

PRACTICE RECOGNIZING CAUSE AND EFFECT RELATIONSHIPS IN A TEXT

Second Grade

Objective: Students will recognize cause and effect relationships in a text.

Standards:

2.4 Ask clarifying questions about essential textual elements of exposition.

2.5 Restate facts and details in the text to clarify and organize ideas.

2.6 Recognize cause-and-effect relationships in a text.

ANTICIPATORY SET: TEACHER ASKS, "WHEN THE BELL RINGS FOR RECESS, WHAT DO WE DO? YES, WE LINE UP. WHY DID WE LINE UP AT THAT TIME? YES, WE LINED UP BECAUSE THE BELL RANG."

Purpose: Teacher will remind students that a cause makes something happen. What happens in an effect? "Lining up to go to recess is the effect and the bell ringing was the cause."

Input: We will review our *Open Court* expository article, *What Color is Camouflage*, today and practice identifying things that happen and what makes them happen.

Modeling: "This week when we read *What Color is Camouflage?*, we looked at facts and details to clarify and answer some of our questions." Using a Cause and Effect graphic organizer, teacher models writing the cause and effect for the bell ringing and ling up for recess. The teacher gives the example, "A mother cat meows and her kittens come running. Her meow causes the kitten to come running, which is the effect." Teacher fills in information on the chart.

Check For Understanding:

The teacher asks the students to give examples of something happening and what causes it to happen. Students can identify where to chart the action and what causes it to happen.

Guided Practice:

The teacher will guide students through cause and effect practice in the comprehension skills section of the teacher guide to Open Court. Using the graphic organizer, teacher continues to chart responses.

Independent Practice:

Students will complete the practice section for Cause and Effect in their Reading and Writing Workbooks.

Closure:

Students will write their own sentence that shows a cause and effect. They will draw an illustration for the picture.

Practice Identifying Story Elements Using a Lotus Diagram

INGENIUM CHARTER SCHOOL

3rd Grade

Objective: Students will practice identifying story elements using a Lotus Diagram.

Standards:
Reading Comprehension
- 2.3 Demonstrate comprehension by identifying answers in the Text.
- 2.6 Extract appropriate and significant information from the Text, including problems and solutions.

Literary Response and Analysis
- 3.2 Comprehend basic plots of classic fairy tales, myths, folktales, legends and fables from around the world.
- 3.3 Determine what characters are like by what they say or do and by how the author portrays them.
- 3.4 Determine the underlying theme or author's message in a fictional text.

Anticipatory Set: Teacher asks students: "Can you remember the Elements of a story that we try to identify whenever we read a story?"

Purpose: "We will be reviewing these today and practicing identifying them in a story."

Input: **"**We will be using a Lotus Diagram to write down all of our information. We will write about the characters, setting, problem and solution, the beginning, middle and ending of the story, and theme."

Modeling: **"**This week we read the story Cinderella in our Open Court book. Let's talk about the story elements for that book and write them on the Lotus Diagram on the board." The teacher models for the box about the characters and the setting, listing information from the story in each box.

Check for Understanding:
The teacher asks the students what kind of information they will write on the Lotus Diagram. Students will understand that each box is like a question about the story and they must answer it with details from the story.

Guided Practice:
The teacher asks the students to come up to the board and help fill in the rest of the boxes on the Lotus Diagram for each part of the story.

Independent Practice:
Students are given another short fairy tale to read independently. They fill out the Lotus Diagram based on the elements of the story.

Characters	Setting	Problem

Closure:
"Each person in your group will share a different element of the story at your table." Number the students and have all the 1's share a certain element, all the 2's share a certain element, etc.

Solution	**Story Elements for** _____	**Beginning**
Middle	**End**	**Theme**

PRACTICE WRITING SUMMARIES OF A READING SELECTION
Fourth Grade

Objective:
Students will write summaries of a reading selection focusing on the main idea and most significant details using a Lotus Diagram for reference.

Standards:

Literary Response and Analysis

3.2 Identify the main events of the plot, their causes, and the influence of each event on future actions.

3.3 Use knowledge of the situation and setting and of a character's traits and motivations to determine the causes for that characters actions.

Writing Applications

2.4 Write summaries that contain the main ideas of the reading selection and the most significant details.

Anticipatory Set:

"Do you remember how to identify main ideas and supporting details in a story?"

Purpose:

"We will use information from the Lotus Diagram we completed on the Sarah Plain and Tall in our OCR Book to write summaries focusing on main ideas and most significant details."

Input:

"As we review Sarah Plain and Tall and the information on our Lotus Diagram, we will identify the main events of the past, their causes and the influence of each event to help us write our summaries."

Modeling:

At the beginning of our story Caleb questions Anna about his mother. Man things are said in this conversation and some things Anna thinks but does not say. Teacher models by charting the event and details explaining that we will look back at each event in the story and the details of the event.

Check for Understanding:

The teacher asks the student what kind of information they will chart to prepare for the writing of their summaries. Students will understand that each major event will have its specific details as they progress through the story. These events and their causes influence future events.

Guided Practice:

Students work in small groups of four reading the story and developing their charts. Volunteer groups share and chart their ideas on the class chart started by the teacher.

Independent Practice:

Using their Lotus Diagrams and Main Event / Details Charts, each group will write a summary of Sarah Plain and Tall.

Closure:

Each group will share their summaries with the class.

Drivers and Preventers Lesson Plan for a Unit on the American Revolution

Grade 5

Objective: Students will utilize the Drivers and Preventers quality tool to demonstrate their understanding of the American Revolution and review for a test.

Standards: 5.6 Students understand the course and consequences of the American Revolution.

1. Identify and map the major military battles, campaigns, and turning points of the Revolutionary War, the roles of the American and British leaders, and the Indian leaders' alliances on both sides.
2. Describe the contributions of France and other nations and of individuals to the out-come of the Revolution (e.g., Benjamin Franklin's negotiations with the French, the French navy, the Treaty of Paris, The Netherlands, Russia, the Marquis Marie Joseph de Lafayette, Tadeusz Ko´sciuszko, Baron Friedrich Wilhelm von Steuben).
3. Identify the different roles women played during the Revolution (e.g., Abigail Adams, Martha Washington, Molly Pitcher, Phillis Wheatley, Mercy Otis Warren).
4. Understand the personal impact and economic hardship of the war on families, problems of financing the war, wartime inflation, and laws against hoarding goods and materials and profiteering.
5. Explain how state constitutions that were established after 1776 embodied the ideals of the American Revolution and helped serve as models for the U.S. Constitution.
6. Demonstrate knowledge of the significance of land policies developed under the Continental Congress (e.g., sale of western lands, the Northwest Ordinance of 1787) and those policies' impact on American Indians' land.
7. Understand how the ideals set forth in the Declaration of Independence changed the way people viewed slavery.

Anticipatory Set: Teacher asks students if it was easy for the Revolutionary Army to win the war.

Input:

- Class discusses the fact that there were things that helped the Revolutionary Army, but also things that worked against them.
- Teacher introduces the drivers and preventers tool, and writes the goal “Revolutionary Army winning the American Revolution” at the top of the chart.
- Teacher explains that drivers are things that helped them meet their goal of winning the war and preventers are things that worked against them.

Modeling:

- **T**he teacher says, “One thing that helped the Revolutionary Army win the revolution was their victory at Valley Forge.” The teacher writes this on the side of the chart that says drivers.
- The teacher then models an example for the preventers side of the chart, such as the British invading the south and capturing Savannah, GA.

Guided Practice:

- **T**he students provide examples to add to the chart and the teacher asks the class which side of the chart they belong on.

- The students work in groups to complete their own Drivers and Preventers chart. They can use their books as a resource.

Check for Understanding:

- **T**he teacher checks in with each group to see that their ideas are on target and that they understand the concept of Drivers and Preventers.
- Using a round robin method each group will share out ideas to add to the class-room chart until all ideas have been shared.

Independent Practice:

- Students are given another Drivers and Preventers Chart that has the goal "The British beating the Revolutionary Army" written at the top of the chart. The teacher explains that looking at the war from the opposite perspective also helps to identify key battles and things that affected the war.
- Students begin this chart in class and complete it independently for homework.

Closure:

- Share with your partner something that you learned today that you feel you need to remember for the test.

Direct Instruction Lesson Plan for Goal Setting

INGENIUM CHARTER SCHOOL

Drill and Practice
5 Step Lesson Plan Sample

Lesson Title: Setting Goals for a Lifetime **Theme (if applicable):**

I. Anticipatory Set
A. Attraction:
State a goal to the class and act out reaching the goal. Example: "There is a log over a creek that I would like to cross, but fear I will fall. So I will practice standing on a piece of pipe on one foot for 60 seconds at time."(Act out) Have them count. Start acting out the other foot on the pipe. Explain that when I can stand on each foot for 5 minutes I will cross the log. Act out crossing the log.

E. Purpose:
Goal-setting is way to make your dreams come true. Learning to set goals and carry out steps for success will help build self-esteem and satisfaction.

B. Connections:
What are the goals of your heroes and heroines? What simple goals do we set everyday?
What long-term goals do we set? e.g. Getting a new bike, visiting relatives, becoming a doctor.

D. Objective (Standards):
Personal/Social/Health Development
PSH 2.3 Understands the importance of setting goals.
PSH 3.5 Practices a goal-setting process to establish short-term and long-term goals.
PSH 4.6 Revises goals and plans for goal accomplishment as needed.

II. Instruction
B. Delivery:
Ask these questions:
What was my goal?
How did I plan my steps for success and what were they?
How did I know when I was ready to cross the log?
Discussion.
Read Aloud: "He Set Goals for a Lifetime", John Goddard, Chicken Soup for the Soul
Discussion.
Brainstorm lifetime goals with the class.

C. Model:
See *A. Attraction*
John Goddard's "My Life List"

III. Guided Practice
B. Delivery:
Distribute Lifetime Goals Sheet.

IV. Closure
Have them share.
Review PSH 2.3, 3.5, 4.6
A. Assessment:
Distribute Self-Assessment and have them score themselves on PSH 2.3, 3.5, 4.6

V. Independent Practice
A. Performance:
Distribute Goal Time Sheet

B. Repetition/Extension:
Individual Learning Plan

"Direct Instruction is an important component of a balanced instructional model, but the application phases of the model are just as important."
- Alaska Quality Schools Coalition Member

Practical Application Lesson Plan

Performance Task Sample

Title: Coins and People

Standard Areas: Please indicate the performance levels.
Mathematics Level 1-2
Cultural Awareness & Expression Level
Technology Level
Personal/Social/Health Level
Social Sciences Level Career Development Level
Writing Level Service Learning Level 1-2
Reading Level Science Level

Balanced Instructional Model: Please check which strand(s).
- Practical Application
- Interactive/Simulation
- Real-Life Connection

Please indicate the product:
Graph, oral explanation
Please describe the audience:
Teacher

Content knowledge and/or process skills Standard(s):

Functions and Relationships:
MA 1.9 *(A2.1.1) Sorts and classifies*

Statistics and Probability:
MA 2.16(A6.2.1) Construct simple graphs and tables (bar, line, pictographs)

Communication and Reasoning:
MA 2.19 *(C1.2.1) Identifies and understands key words in simple problem solving (e.g. in all, how many more)*

Personal/Social/Career/Service Standard(s):
SL 1.2 Offers help when others are in need; gives help respectfully and willingly when asked
SL 1.4 Works well with others (shares, cooperates, etc.)
SL 2.4 Appropriately offers help both in the classroom and with school-wide projects/events (demonstrating for Parent Night)

PERFORMANCE TA.
Essential Questions: What will the graph show? Why do we separate coins? Why do we help others?

Materials per student: 3 column graphing paper, 15 c ns in a container. The teacher divides students into groups of 3 or 4. Each student in the group is given a container of 15 coins (a combination of pennies, nickels, and dimes that is different for each student). The student sorts ' own c ns and makes a graph of the results. The group compares their data explaining the results to each other. Each student builds a graph of the groups combined graphing data. The student expl s how they gathered the data, how it was graphed, and the results to the teacher.

ASSESSMENT

Traits/Rubrics	– Emerging	√ Developing	+ Proficient	* Advanced
Communication and Reasoning MA2.19	• shows difficulty restating the problem • makes no explanations about the process(es) needed to solve the problem	• restates the problem • leaves steps out of the process of solving a problem	• restates the problem • verbally explains the process(es) needed • may not get the steps in the correct sequence	• verbally explains the process needed to solve problem • uses the correct sequence • explains how the solution was reached • realizes when errors have occurred and self-corrects
Sorting and Classifying MA1.9 MA2.16	• unable to sort and classi the objects • graph is mostly inaccurate • graph is unreadable	• most objects are sorted and classified accurately • graph displays most results accurately • graph is difficult to read	• accurately sorts and classifies the objects • graph accurately displays results • graph is easy to read	• finds patterns in results • graph provides results beyond the task • graph is aesthetically pleasing
Helping and working with others SL1.2, 1.4, 2.4	• disrespectful and/or unwilling in helping others • disrupts group and/or class	• offers help respectfully when prompted • strives to work well in group, but struggles with: 1. cooperating 2. sharing 3. taking turns 4. following directions 5. other:	• offers help respectfully and willingly • works well in group by cooperating, sharing, taking turns and following directions	• shows sensitivity in meeting the individual needs of peers • Fosters positive group interaction by modeling for others

INGENIUM CHARTER SCHOOL

APPENDIX J:
MAINTENANCE AND OPERATIONS PLAN

INGENIUM CHARTER SCHOOL

Ingenium Charter School

Maintenance and Operations Plan

INGENIUM CHARTER SCHOOL

INTRODUCTION

A school facility is more than just buildings, equipment, and grounds that must be maintained and protected. It is an environment where learning must take place. The facilities must be conducive to learning - clean, attractive, well-lit, cool in the summer, warm in the winter, and with electrical and mechanical systems that can be relied upon.

MANAGING THE OPERATIONS AND MAINTENANCE PROGRAM

Effective management of an operations and maintenance program involves the coordination of manpower, machinery, money, and materials. The Principal, or his designee, has overall operational responsibility for the following functions:

1. Planning - Plans are developed for short and long-range operations. These plans outline the services to be performed, how they will be performed, and the financial resources to support these services.

2. Organization - An effective maintenance team or qualified contractors must be identified to achieve the desired level of performance and deliver the required product with the least cost. This is essential in order to maximize the funds available for operations, maintenance, and repair.

3. Work Assignments - Work is assigned to the proper staff member when appropriate or contracted through outside sources when dictated by the size or complexity of the required task.

4. Evaluation - Equipment and systems are routinely evaluated for general condition, proper operation, and need for servicing or repair. Formal evaluations of each lab, classroom, and administrative area are completed twice a year by program coordinators and applicable administrative personnel. These evaluations are administered in accordance with the Safety Manual requirements and serve as an independent, third-party evaluation mechanism.

Maintenance of Instructional Equipment For purposes of maintenance planning, instructional equipment is divided into two categories:

- Technology Equipment (computers, printers, projectors, etc.); and

- Industrial Equipment (program specific such as welding equipment, machine tools, etc.)

Technology equipment is maintained by the Instructional Technology Coordinator. Industrial equipment maintenance is the responsibility of the program coordinator to which the equipment is assigned, using maintenance directives which apply to the specific equipment with assistance from manufacturers or other outside sources, when required.

CONSERVATION OF ENERGY

The potential exists for tremendous waste of energy each year due to the misconception of some that we have unlimited resources, both natural and fiscal. Today's increasing costs

and budget restrictions should be justification enough to carefully monitor energy consumption and control the misuse of energy.

Faculty and staff are the front line of defense against energy abuse and are expected to lead the energy conversation effort. The classroom, lab, or office area for which they are responsible offers many opportunities to practice conservation measures and reduce expenditures for utilities and general building operations. A joint effort between faculty, staff, and students can lower costs while still ensuring the required services.

The following is a partial list of steps needed for efficient energy use and conservation.

1. General
    a. Be aware of rooms that are too cold or hot and report the condition.
    b. Report leaking faucets, water fountains, or toilets.
    c. Turn off lights when leaving the area.
    d. Keep doors and windows closed.
2. Heating, Ventilation, and Air Conditioning Systems
    a. Encourage all personnel to wear appropriate clothing for the season.
    b. Adjust building temperatures at night, on week-ends, and other periods of non-use.
    c. Perform regularly scheduled maintenance on time.
3. Electrical Systems
    a. Turn off all lights when rooms are unoccupied.
    b. Reduce lighting in storage, utility areas, and other non-essential locations.
    c. Review all general lighting levels for possible reduced illumination.
    d. Use colors that reflect light. Keep walls, ceilings, and floor surfaces clean.
4. Plumbing Systems
    a. Reduce temperature of general-use hot water.
    b. Repair all leaking faucets, toilets, and water coolers.

SAFE MAINTENANCE PRACTICES

Safety has a special priority in the operation of Ingenium Charter School's facilities. The administration has as its first priority and concern the physical safety of students, faculty,

staff, and visitors. For the faculty and staff this means giving continuous attention to the buildings and equipment. They must investigate all suspect and unexplained conditions.

The following safety measures should be carefully observed:

1. Hallways - Keep clean and clear of obstructions and in a good state of repair. Eliminate anything across the hallways that could create a safety hazard.

2. Fire Protection - Provide and maintain, in effective operating condition, portable fire extinguishers suitable for the areas and hazards involved.

3. Hand Tools - Keep tools and equipment clean and in safe condition.

4. Stationary Electrical Devices - Ground all stationary electrically powered equipment, tools, and devices.

5. Lifting - Always use proper lifting techniques.

6. Storage Areas - Stack, block, interlock, and limit in height all storage so that it is secure against sliding or collapse. Keep storage areas free from accumulation of materials that constitute hazards or pest harborage.

7. Integrated Pest Management – Ingenium Charter School will comply with LAUSD's policy focusing on long-term pest prevention and giving non-chemical methods first consideration when selecting appropriate pest management techniques.

GENERAL BUILDING MAINTENANCE

Preventive maintenance is practiced on a regular basis with items being checked daily, monthly, quarterly, semi-annually, and annually. The frequency of inspection depends on variable factors, such as weather, time of year, cost of repair/replacement, etc.

Items are checked daily for proper operation. They are also checked for leakage, faulty electrical connections/equipment, worn parts or drive belts, squeaks, rattles, and loss of power as a minimum. Items are periodically refurbished by cleaning, draining, replacing operating fluids and gases, and lubricating moving parts.

When an item of equipment fails or otherwise goes out of service, the situation is assessed and a plan is devised for repair or replacement. If the failure can be repaired, the necessary repair or replacement parts are bought and installed by staff or the repairs are contracted out if required. Depending on the cost, a bid may be obtained. The contractor/supplier with the lowest qualifying bid is awarded the contract.

Routine maintenance and repair of buildings and/or equipment are accomplished with a written Work Request. This written format is used for non-emergency work or equipment failure and provide for repair on a priority basis. Emergency or urgent repairs are handled verbally and as quickly as possible.

The Principal or designee schedules such meetings as are necessary to discuss maintenance and repair problems, set priorities, and resolve conflicts. Priorities are adjusted based on problems discussed. Repairs on buildings and/or maintenance of equipment may be deferred when work cannot be performed due to area(s) in use by students or when the project exceeds available funds.

PREVENTIVE MAINTENANCE-DAILY

A. Lights, Doors, and Fire Extinguishers

1. Check to ensure that all are in proper working order and appropriate for the area.

2. Replace, adjust, or service as required.

B. Restrooms

1. Check and repair any drain stoppages.

2. Check and repair any leaking pipes or wash basins.

C. Electrical Systems

1. Check for loose connections, doors, and latches on circuit breaker panels.

2. Adjust or repair as appropriate.

D. Air Conditioning Chillers

1. Visual check of controls for proper operation.

2. Repair or adjust as appropriate.

E. Mechanical Rooms

1. Visual check of equipment status.

2. Check for proper operating limits.

3. Repair or adjust as appropriate.

PREVENTIVE MAINTENANCE-MONTHLY

A. Domestic Hot Water System

1. Visually inspect for leaks and proper operation.

2. Lubricate water circulation pumps.

B. Air Compressor System

1. Check for proper operation.
2. Check auto-drain system.
3. Check oil level.
4. Drain settlement bowls.

C. Fire Extinguishers

1. Check for proper charge.
2. Service as necessary.

PREVENTIVE MAINTENANCE-QUARTERLY

A. Air Conditioning Systems

1. Change filters.
2. Check drive belts for looseness and wear.
3. Lubricate bearings
4. Check refrigerant levels.

B. Exhaust Fans

1. Lubricate bearings.
2. Check drive belts for looseness and wear.

PREVENTIVE MAINTENANCE-SEMI-ANNUAL

A. Air Conditioning Systems

3. Clean coils.
4. Check electrical connections.
5. Lube motors and pumps.

B. Air Compressor System

6. Clean air filters
7. Change oil, if necessary.
8. Check safety valve.

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PREVENTIVE MAINTENANCE-ANNUAL

A. Air Compressor System

1. Change oil and lubricate bearings.

2. Check belts, replace as needed.

B. Domestic Hot Water System

1. Drain tank and flush standard hot water heaters.

2. Check heating elements.

GENERAL BUILDING CARE

A. Schedule Dependent Work Assignment

1. The following schedules are to be used as guidelines. There are many times when custodians may see an area or situation that requires immediate attention. It may be necessary to provide services that do not follow the schedule. The shift supervisor may assign duties as required.

B. Opening Assigned Building(s)

1. Disarm alarm systems as required.

2. Check all doors to determine any forced entry or unlocked doors. If found, record date, time, room number, etc. To supervisor.

3. Check for evidence of vandalism (broken windows, etc.). Report any discrepancies to supervisor.

4. Check that all lights and air conditioning/heating systems are operating as desired.

5. Pick-up paper or other refuse found in area.

C. Performing a Complete Walk-Through of Building(s)

1. Visually inspect entrances, hallways, restrooms, faculty and student lounges and snack areas.

2. Clean and stock restrooms if necessary.

3. Check for roof leaks.

D. Closing Assigned Building(s)

1. Visually check that rooms are unoccupied and locked as required.

2. Turn off lights as directed.

3. Set appropriate alarm systems.

CUSTODIAL DUTIES

A. Daily Duties (10 AM to 7 PM Shift)

4. Sweep inside and outside entrances.

5. Empty waste and sanitary receptacle.

6. Dust furniture, office equipment, window sills, unless otherwise notified otherwise for specific areas.

7. Dust mop all floor areas as needed.

8. Clean and sanitize drinking fountains.

9. Clean, sanitize, and restock restrooms using approved germicidal cleaners to disinfect lavatories, toilets, urinals, partitions, fixtures, mirrors, as well as towel and soap dispensers. Scrub or mop using germicidal disinfectant.

10. Clean glass doors and door frames.

11. Spot clean walls, interior doors, door frames, and floors.

12. Vacuum all carpets.

13. Spot clean carpets.

14. Distribute copy paper as directed.

15. Replace ceiling tiles as necessary.

16. Perform other duties as assigned by supervisor.

B. Daily Duties (7 PM to 4 AM)

1. Sweep floors (halls, classrooms, and restrooms).

2. Mop floors (halls, classrooms, and restrooms).

3. Burnish floors (halls, classrooms, and restrooms).

4. Vacuum hallway carpets (classrooms and offices as directed).

5. Spot check restrooms, re-clean if necessary.

6. Spot check trash cans, empty if necessary.

7. Clean exit doors,
8. Check patios for litter, sweep if necessary.

C. Weekly Duties (7 PM to 4 AM)

1. Scrub tile floors in halls, classrooms, and student snack bar.
2. Wax floors as required.
3. Scrub floors in restrooms and disinfect.
4. Clean carpets as necessary.

D. Weekly Duties, Saturday Shift (7 AM to 4 PM)

9. Open school for Saturday classes.
10. Check for forced entry or vandalism (report as necessary).
11. Blow patios and parking lots.
12. Dust all offices and classrooms, unless specifically excluded.
13. Empty trash.
14. Clean windows.
15. Clean interior walls and doors.
16. Clean carpets as necessary.
17. Wash school vehicles.

GROUNDS MAINTENANCE

DAILY DUTIES

1. Remove all trash or paper from lawn, shrub, and parking areas.
2. Check bedding plant areas for pests and appropriate moisture. If necessary, manually activate the irrigation system for the area. If pests are found, report to the maintenance superintendent for scheduling of treatment.
3. Check campus for irrigation leaks or malfunctions to ensure no blow-outs or lost sprinkler heads. Irrigation problems should be repaired as soon as possible or reported to the superintendent for professional assistance.
4. Check and adjust sprinkler heads to keep water off sidewalks, and sides of buildings.

5. Check lobby plants for pests and water as necessary.

6. Check lawn areas for holes or sink areas and repair as needed.

WEEKLY DUTIES (OR AS NEEDED)

1. Clean all work areas and clear any safety hazards.

2. Clean and perform maintenance as needed on vehicles.

3. Clean and perform maintenance as needed on equipment.

BI-MONTHLY DUTIES (OR AS NEEDED)

1. Arrange for all lawn areas to be mowed on main campus area.

2. Check all shrubs and trees for pests and general health.

3. Edge all sidewalks and drives, cleaning debris from the edged areas.

MONTHLY DUTIES

1. Check all shrub and bedding areas for mulching material and order replacement material as necessary.

2. Check that the proper mulch is applied to the needed areas. Bedding plant areas will require a finer grade of mulch than regular shrub areas.

MONTHLY (SUMMER OR WARM MONTHS)

1. Trim all shrubs as necessary.

2. Trim trees after consultation with environmental horticulture instructor. Trees should be trimmed after any storm damage, stress, or any other trauma.

3. Apply "weed & feed" type fertilizer in early Spring and follow with a regular application of a timed-release fertilizer six weeks later.

MONTHLY (WINTER OR COLD MONTHS)

1. Check bedding plant areas for weeds or other debris. Remove as necessary and deposit in a composting area.

2. Clean other areas such as lawn areas and parking lots as necessary. Use power blowers and appropriate safety equipment.

ANNUALLY

1. Trim palm trees at the end of summer to remove old dead leaves and seed pods. Dispose of in a composting area.

2. Perform annual maintenance checks on all vehicles and equipment.

3. Test soil in December of all beds and lawn areas. Correct Ph irregularities before growing seasons

INGENIUM CHARTER SCHOOL

APPENDIX K:
BYLAWS

BYLAWS
OF
INGENIUM SCHOOLS

(A California Nonprofit Public Benefit Corporation)

ARTICLE I
NAME

Section 1. NAME. The name of this corporation is Ingenium Schools.

ARTICLE II
PRINCIPAL OFFICE OF THE CORPORATION

Section 1. PRINCIPAL OFFICE OF THE CORPORATION. The principal office for the transaction of the activities and affairs of this corporation is 1640 Orange Tree Lane, State of California. The Board of Trustees may change the location of the principal office. Any such change of location must be noted by the Secretary on these bylaws opposite this Section; alternatively, this Section may be amended to state the new location.

Section 2. OTHER OFFICES OF THE CORPORATION. The Board of Trustees may at any time establish branch or subordinate offices at any place or places where this corporation is qualified to conduct its activities.

ARTICLE III
GENERAL AND SPECIFIC PURPOSES; LIMITATIONS

Section 1. GENERAL AND SPECIFIC PURPOSES. The purpose of this corporation is to manage, operate, guide, direct and promote charter schools. Also in the context of these purposes, the Corporation shall not, except to an insubstantial degree, engage in any other activities or exercise of power that do not further the purposes of the Corporation.

The Corporation shall not carry on any other activities not permitted to be carried on by: (a) a corporation exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code, or the corresponding section of any future federal tax code; or (b) a corporation, contributions to which are deductible under section 170(c)(2) of the Internal Revenue Code, or the corresponding section of any future federal tax code. No substantial part of the activities of the Corporation shall consist of the carrying on of propaganda, or otherwise attempting to influence legislation, and the Corporation shall not participate in, or intervene in (including the publishing or distributing of statements) any political campaign on behalf of or in opposition to any candidate for public office.

ARTICLE IV
CONSTRUCTION AND DEFINITIONS

Section 1. CONSTRUCTION AND DEFINITIONS. Unless the context indicates otherwise, the general provisions, rules of construction, and definitions in the California Nonprofit Corporation Law shall govern the construction of these bylaws. Without limiting the generality of

the preceding sentence, the masculine gender includes the feminine and neuter, the singular includes the plural, and the plural includes the singular, and the term "person" includes both a legal entity and a natural person.

ARTICLE V
DEDICATION OF ASSETS

Section 1. DEDICATION OF ASSETS. This corporation's assets are irrevocably dedicated to public benefit purposes as set forth in each charter school's charter. No part of the net earnings, properties, or assets of the corporation, on dissolution or otherwise, shall inure to the benefit of any private person or individual, or to any trustee or officer of the corporation. On liquidation or dissolution, all properties and assets remaining after payment, or provision for payment, of all debts and liabilities of the corporation shall be distributed to a nonprofit fund, foundation, or corporation that is organized and operated exclusively for charitable purposes and that has established its exempt status under Internal Revenue Code section 501(c)(3).

ARTICLE VI
CORPORATIONS WITHOUT MEMBERS

Section 1. CORPORATIONS WITHOUT MEMBERS. This corporation shall have no voting members within the meaning of the Nonprofit Corporation Law. The corporation's Board of Trustees may, in its discretion, admit individuals to one or more classes of nonvoting members; the class or classes shall have such rights and obligations as the Board of Trustees finds appropriate.

ARTICLE VII
BOARD OF TRUSTEES

Section 1. GENERAL POWERS. Subject to the provisions and limitations of the California Nonprofit Public Benefit Corporation Law and any other applicable laws, and subject to any limitations of the articles of incorporation or bylaws, the corporation's activities and affairs shall be managed, and all corporate powers shall be exercised, by or under the direction of the Board of Trustees ("Board"). The Board may delegate the management of the corporation's activities to any person(s), management company or committees, however composed, provided that the activities and affairs of the corporation shall be managed and all corporate powers shall be exercised under the ultimate direction of the Board.

Section 2. SPECIFIC POWERS. Without prejudice to the general powers set forth in Section 1 of these bylaws, but subject to the same limitations, the Board of Trustees shall have the power to:

a. Appoint and remove, at the pleasure of the Board of Trustees, all corporate officers, agents, and employees; prescribe powers and duties for them as are consistent with the law, the articles of incorporation, and these bylaws; fix their compensation; and require from them security for faithful service.

b. Change the principal office or the principal business office in California from one location to another; cause the corporation to be qualified to conduct its activities in

any other state, territory, dependency, or country; conduct its activities in or outside California; and designate a place in California for holding any meeting of members.

c. Borrow money and incur indebtedness on the corporation's behalf and cause to be executed and delivered for the corporation's purposes, in the corporate name, promissory notes, bonds, debentures, deeds of trust, mortgages, pledges, hypothecations, and other evidences of debt and securities.

d. Adopt and use a corporate seal; prescribe the forms of membership certificates; and alter the forms of the seal and certificates.

Section 3. DESIGNATED TRUSTEES AND TERMS. The number of trustees shall be no less than five and no more than seven, unless changed by amendments to these bylaws. All trustees shall be designated by the existing Board of Trustees. All trustees are to be designated at the corporation's annual meeting of the Board of Trustees.

Except for the initial Board of Trustees, each trustee shall hold office unless otherwise removed from office in accordance with these bylaws for two years and until a successor trustee has been designated and qualified. Terms for the initial Board of Trustees shall be five seats for a term of two years. The initial Board of Trustees shall be as follows:

NAME	EXPIRATION OF TERM
Murad Rahman	November 6, 2008
Terre Butler	November 6, 2008
Rick Evans	November 6, 2008
Isaac Hammond	November 6, 2008

Section 4. RESTRICTION ON INTERESTED PERSONS AS TRUSTEES. No more than 49 percent of the persons serving on the Board of Trustees may be interested persons. An interested person is (a) any person compensated by the corporation for services rendered to it within the previous 12 months, whether as a full-time or part-time employee, independent contractor, or otherwise, excluding any reasonable compensation paid to a trustee as trustee; and (b) any brother, sister, ancestor, descendant, spouse, brother-in-law, sister-in-law, son-in-law, daughter-in-law, mother-in-law, or father-in-law of such person. However, any violation of this paragraph shall not affect the validity or enforceability of transactions entered into by the corporation. The Board may adopt other policies circumscribing potential conflicts of interest.

Section 5. TRUSTEES' TERM. Each trustee shall hold office for two years and until a successor trustee has been designated and qualified.

Section 6. NOMINATIONS BY COMMITTEE. The Chairman of the Board of Trustees will appoint a committee to designate qualified candidates for election to the Board of Trustees at least thirty (30) days before the date of any election of trustees. The nominating committee shall make its report at least seven (7) days before the date of the election or at such other time as the Board of Trustees may set and the Secretary shall forward to each Board member, with the notice of meeting required by these bylaws, a list of all candidates nominated by committee.

Section 7. USE OF CORPORATE FUNDS TO SUPPORT NOMINEE. If more people have been nominated for trustee than can be elected, no corporation funds may be expended to support a nominee without the Board's authorization.

Section 8. EVENTS CAUSING VACANCIES ON BOARD. A vacancy or vacancies on the Board of Trustees shall occur in the event of (a) the death, resignation, or removal of any trustee; (b) the declaration by resolution of the Board of Trustees of a vacancy in the office of a trustee who has been convicted of a felony, declared of unsound mind by a court order, or found by final order or judgment of any court to have breached a duty under California Nonprofit Public Benefit Corporation Law, Chapter 2, Article 3; (c) the increase of the authorized number of trustees; or (d) the failure of the members, at any meeting of members at which any trustee or trustees are to be elected, to elect the number of trustees required to be elected at such meeting; and (e) termination of employment with a charter school.

Section 9. RESIGNATION OF TRUSTEES. Except as provided below, any trustee may resign by giving written notice to the Chairman of the Board, or the Secretary, or to the Board. The resignation shall be effective when the notice is given unless the notice specifies a later time for the resignation to become effective. If a trustee's resignation is effective at a later time, the Board of Trustees may elect a successor to take office as of the date when the resignation becomes effective.

Section 10. TRUSTEE MAY NOT RESIGN IF NO TRUSTEE REMAINS. Except on notice to the California Attorney General, no trustee may resign if the corporation would be left without a duly elected trustee or trustees.

Section 11. REMOVAL OF TRUSTEES. Any trustee may be removed, with or without cause, by the vote of the majority of the members of the entire Board of Trustees at a special meeting called for that purpose, or at a regular meeting, provided that notice of that meeting and of the removal questions are given in compliance with the provisions of the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Division 2 of Title 5 of the Government Code). Any vacancy caused by the removal of a trustee shall be filled as provided in Section 12.

Section 12 VACANCIES FILLED BY BOARD. Vacancies on the Board of Trustees may be filled by approval of the Board of Trustees or, if the number of trustees then in office is less than a quorum, by (a) the unanimous consent of the trustees then in office, (b) the affirmative vote of a majority of the trustees then in office at a meeting held according to notice or waivers of notice complying with Corporations Code Section 5211, or (c) a sole remaining trustee.

Section 13. NO VACANCY ON REDUCTION OF NUMBER OF TRUSTEES. Any reduction of the authorized number of trustees shall not result in any trustees being removed before his or her term of office expires.

Section 14. PLACE OF BOARD OF TRUSTEES MEETINGS. Meetings shall be held at the principal office of the Corporation. The Board of Trustees may designate that a meeting be held at any place within California that has been designated by resolution of the Board of Trustees or in the notice of the meeting. All meetings of the Board of Trustees shall be called, held and conducted in accordance with the terms and provisions of the Ralph M. Brown Act, California

Government Code Sections 54950, et seq., as said chapter may be modified by subsequent legislation.

Section 15. MEETINGS; ANNUAL MEETINGS. All meetings of the Board of Trustees and its committees shall be called, noticed, and held in compliance with the provisions of the Ralph M. Brown Act ("Brown Act"). (Chapter 9 (commencing with Section 54950) of Division 2 of Title 5 of the Government Code).

The Board of Trustees shall meet annually for the purpose of organization, appointment of officers, and the transaction of such other business as may properly be brought before the meeting. This meeting shall be held at a time, date, and place as may be specified and noticed by resolution of the Board of Trustees.

Section 16. REGULAR MEETINGS. Regular meetings of the Board of Trustees, including annual meetings, shall be held at such times and places as may from time to time be fixed by the Board of Trustees. At least 72 hours before a regular meeting, the Board of Trustees, or its designee shall post an agenda containing a brief general description of each item of business to be transacted or discussed at the meeting.

Section 17. SPECIAL MEETINGS. Special meetings of the Board of Trustees for any purpose may be called at any time by the Chairman of the Board of Trustees, or the Secretary, or any two trustees. The party calling a special meeting shall determine the place, date, and time thereof.

Section 18. NOTICE OF SPECIAL MEETINGS. In accordance with the Brown Act, special meetings of the Board of Trustees may be held only after twenty-four (24) hours notice is given to each trustee and to the public through the posting of an agenda. Pursuant to the Brown Act, the Board of Trustees shall adhere to the following notice requirements for special meetings:

a. Any such notice shall be addressed or delivered to each trustee at the trustee's address as it is shown on the records of the Corporation, or as may have been given to the Corporation by the trustee for purposes of notice, or, if an address is not shown on the Corporation's records or is not readily ascertainable, at the place at which the meetings of the Board of Trustees are regularly held.

b. Notice by mail shall be deemed received at the time a properly addressed written notice is deposited in the United States mail, postage prepaid. Any other written notice shall be deemed received at the time it is personally delivered to the recipient or is delivered to a common carrier for transmission, or is actually transmitted by the person giving the notice by electronic means to the recipient. Oral notice shall be deemed received at the time it is communicated, in person or by telephone or wireless, to the recipient or to a person at the office of the recipient whom the person giving the notice has reason to believe will promptly communicate it to the receiver.

c. The notice of special meeting shall state the time of the meeting, and the place if the place is other than the principal office of the Corporation, and the general nature of the business proposed to be transacted at the meeting. No business, other

than the business the general nature of which was set forth in the notice of the meeting, may be transacted at a special meeting.

Section 19. QUORUM. A majority of the voting trustees then in office shall constitute a quorum. All acts or decisions of the Board of Trustees will be by majority vote based upon the presence of a quorum. Should there be fewer than a majority of the trustees present at any meeting, the meeting shall be adjourned. Voting trustees may not vote by proxy.

Section 20. TELECONFERENCE MEETINGS. Members of the Board of Trustees may participate in teleconference meetings so long as all of the following requirements in the Brown Act are complied with:

a. At a minimum, a quorum of the members of the Board of Trustees shall participate in the teleconference meeting from locations within the boundaries of the school districts in which the charter schools operates;

b. All votes taken during a teleconference meeting shall be by roll call;

c. If the Board of Trustees elects to use teleconferencing, it shall post agendas at all teleconference locations with each teleconference location being identified in the notice and agenda of the meeting;

d. All locations where a member of the Board of Trustees participates in a meeting via teleconference must be fully accessible to members of the public and shall be listed on the agenda;[1]

e. Members of the public must be able to hear what is said during the meeting and shall be provided with an opportunity to address the Board of Trustees directly at each teleconference location; and

f. The agenda shall indicate that members of the public attending a meeting conducted via teleconference need not give their name when entering the conference call.[2]

Section 21. ADJOURNMENT. A majority of the trustees present, whether or not a quorum is present, may adjourn any Board of Trustees meeting to another time or place. If a meeting is adjourned for more than twenty-four (24) hours, notice of such adjournment to another time or place shall be given, prior to the time schedule for the continuation of the meeting, to the trustees who were not present at the time of the adjournment, and to the public in the manner prescribed by any applicable public open meeting law.

Section 22. COMPENSATION AND REIMBURSEMENT. Trustees may receive such compensation, if any, for their services as trustees or officers, and such reimbursement of expenses,

[1] This means that members of the Board of Trustees who choose to utilize their homes or offices as teleconference locations must open these locations to the public and accommodate any members of the public who wish to attend the meeting at that location.
[2] The Brown Act prohibits requiring members of the public to provide their names as a condition of attendance at the meeting.

as the Board of Trustees may establish by resolution to be just and reasonable as to the corporation at the time that the resolution is adopted.

Section 23. CREATION AND POWERS OF COMMITTEES. The Board, by resolution adopted by a majority of the trustees then in office, may create one or more committees, each consisting of two or more voting trustees and no one who is not a trustee, to serve at the pleasure of the Board. Appointments to committees of the Board of Trustees shall be by majority vote of the authorized number of trustees. The Board of Trustees may appoint one or more trustees as alternate members of any such committee, who may replace any absent member at any meeting. Any such committee shall have all the authority of the Board, to the extent provided in the Board of Trustees' resolution, except that no committee may:

a. Take any final action on any matter that, under the California Nonprofit Public Benefit Corporation Law, also requires approval of the members or approval of a majority of all members;

b. Fill vacancies on the Board of Trustees or any committee of the Board;

c. Fix compensation of the trustees for serving on the Board of Trustees or on any committee;

d. Amend or repeal bylaws or adopt new bylaws;

e. Amend or repeal any resolution of the Board of Trustees that by its express terms is not so amendable or subject to repeal;

f. Create any other committees of the Board of Trustees or appoint the members of committees of the Board;

g. Expend corporate funds to support a nominee for trustee if more people have been nominated for trustee than can be elected; or

h. Approve any contract or transaction to which the corporation is a party and in which one or more of its trustees has a material financial interest.

Section 24. MEETINGS AND ACTION OF COMMITTEES. Meetings and actions of committees of the Board of Trustees shall be governed by, held, and taken under the provisions of these bylaws concerning meetings, other Board of Trustees' actions, and the Brown Act, if applicable, except that the time for general meetings of such committees and the calling of special meetings of such committees may be set either by Board of Trustees' resolution or, if none, by resolution of the committee. Minutes of each meeting shall be kept and shall be filed with the corporate records. The Board of Trustees may adopt rules for the governance of any committee as long as the rules are consistent with these bylaws. If the Board of Trustees has not adopted rules, the committee may do so.

Section 25. NON-LIABILITY OF TRUSTEES. No trustee shall be personally liable for the debts, liabilities, or other obligations of this corporation.

Section 26. COMPLIANCE WITH LAWS GOVERNING STUDENT RECORDS. The Charter School and the Board of Trustees shall comply with all applicable provisions of the Family Education Rights Privacy Act ("FERPA") as set forth in Title 20 of the United States Code Section 1232g and attendant regulations as they may be amended from time to time.

ARTICLE VIII
OFFICERS OF THE CORPORATION

Section 1. OFFICES HELD. The officers of this corporation shall be a Chairman of the Board, a Secretary, and a Treasurer. The corporation, at the Board's direction, may also have one or more Vice-Chairmen, one or more assistant secretaries, one or more assistant treasurers, and such other officers as may be appointed under Article VIII, Section 4, of these bylaws. The officers in addition to the corporate duties set forth in this Article VIII shall also have administrative duties as set forth in any applicable contract for employment or job specification.

Section 2. DUPLICATION OF OFFICE HOLDERS. Any number of offices may be held by the same person, except that neither the Secretary nor the Treasurer may serve concurrently as the Chairman of the Board.

Section 3. ELECTION OF OFFICERS. The officers of this corporation shall be chosen annually by the Board of Trustees and shall serve at the pleasure of the Board, subject to the rights of any officer under any employment contract.

Section 4. APPOINTMENT OF OTHER OFFICERS. The Board of Trustees may appoint and authorize the Chairman of the Board or another officer to appoint any other officers that the corporation may require. Each appointed officer shall have the title and authority, hold office for the period, and perform the duties specified in the bylaws or established by the Board.

Section 5. REMOVAL OF OFFICERS. Without prejudice to the rights of any officer under an employment contract, the Board of Trustees may remove any officer with or without cause. An officer who was not chosen by the Board of Trustees may be removed by any other officer on whom the Board of Trustees confers the power of removal.

Section 6. RESIGNATION OF OFFICERS. Any officer may resign at any time by giving written notice to the Board. The resignation shall take effect on the date the notice is received or at any later time specified in the notice. Unless otherwise specified in the notice, the resignation need not be accepted to be effective. Any resignation shall be without prejudice to any rights of the corporation under any contract to which the officer is a party.

Section 7. VACANCIES IN OFFICE. A vacancy in any office because of death, resignation, removal, disqualification, or any other cause shall be filled in the manner prescribed in these bylaws for normal appointment to that office, provided, however, that vacancies need not be filled on an annual basis.

Section 8. CHAIRMAN OF THE BOARD. The Chairman of the Board of Trustees shall preside at the Board of Trustees' meetings and shall exercise and perform such other powers

and duties as the Board of Trustees may assign from time to time. The Chairman of the Board of Trustees shall also be the chief executive officer and shall have the powers and duties of the Chairman of the corporation set forth in these bylaws. There shall also be a Vice-Chairman of the Board of Trustees. In the absence of the Chairman, the Vice-Chairman shall preside at Board of Trustees meetings and shall exercise and perform such other powers and duties as the Board of Trustees may assign from time to time. The Chairman shall preside at all Board of Trustees' meetings.

Section 9. EXECUTIVE DIRECTOR. Subject to such supervisory powers as the Board of Trustees may give to the Chairman of the Board, if any, and subject to the control of the Board, and subject to Executive Director's contract of employment, the Executive Director shall be the general manager of the corporation and shall supervise, direct, and control the corporation's activities, affairs, and officers as fully described in any applicable employment contract, agreement, or job specification. The Executive Director shall have such other powers and duties as the Board of Trustees or the bylaws may require.

Section 10. VICE-CHAIRMEN. If the Chairman is absent or disabled, the Vice-Chairmen, if any, in order of their rank as fixed by the Board, or, if not ranked, a Vice-Chairman designated by the Board, shall perform all duties of the Chairman. When so acting, a Vice-Chairman shall have all powers of and be subject to all restrictions on the Chairman. The Vice-Chairmen shall have such other powers and perform such other duties as the Board of Trustees or the bylaws may require.

Section 11. SECRETARY. The Secretary shall keep or cause to be kept, at the corporation's principal office or such other place as the Board of Trustees may direct, a book of minutes of all meetings, proceedings, and actions of the Board and of committees of the Board. The minutes of meetings shall include the time and place that the meeting was held; whether the meeting was annual, regular, special, or emergency and, if special or emergency, how authorized; the notice given; and the names of the trustees present at Board of Trustees and committee meetings.

The Secretary shall keep or cause to be kept, at the principal California office, a copy of the articles of incorporation and bylaws, as amended to date.

The Secretary shall give, or cause to be given, notice of all meetings of the Board and of committees of the Board of Trustees that these bylaws require to be given. The Secretary shall keep the corporate seal, if any, in safe custody and shall have such other powers and perform such other duties as the Board of Trustees or the bylaws may require.

Section 12. TREASURER. The Treasurer shall keep and maintain, or cause to be kept and maintained, adequate and correct books and accounts of the corporation's properties and transactions. The Treasurer shall send or cause to be given to trustees such financial statements and reports as are required to be given by law, by these bylaws, or by the Board. The books of account shall be open to inspection by any trustee at all reasonable times.

The Treasurer shall (a) deposit, or cause to be deposited, all money and other valuables in the name and to the credit of the corporation with such depositories as the Board of Trustees may

designate; (b) disburse the corporation's funds as the Board of Trustees may order; (c) render to the Chairman of the Board and the Board, when requested, an account of all transactions as Treasurer and of the financial condition of the corporation; and (d) have such other powers and perform such other duties as the Board, contract, job specification, or the bylaws may require.

If required by the Board, the Treasurer shall give the corporation a bond in the amount and with the surety or sureties specified by the Board of Trustees for faithful performance of the duties of the office and for restoration to the corporation of all of its books, papers, vouchers, money, and other property of every kind in the possession or under the control of the Treasurer on his or her death, resignation, retirement, or removal from office.

ARTICLE IX
CONTRACTS WITH TRUSTEES

Section 1. CONTRACTS WITH TRUSTEES. The Corporation shall not enter into a contract or transaction in which a trustee directly or indirectly has a material financial interest (nor any other corporation, firm, association, or other entity in which one or more of this Corporation's trustees are trustees and have a material financial interest) unless all of the following apply:

a. The trustee with a material financial interest in the proposed contract or transaction fully discloses his/her financial interest in such contract or transaction in good faith and said disclosure is noted in the Board of Trustees meeting minutes.

b. The trustee with a material financial interest in the proposed contract or transaction recuses himself/herself from any participation whatsoever in the proposed contract or transaction (i.e., the interested trustee who recuses himself/herself shall refrain from voting on the matter and shall leave the room during Board discussion and when the final vote is taken).

c. Such contract or transaction is authorized in good faith by a majority of the Board of Trustees by a vote sufficient for that purpose.

d. Before authorizing or approving the transaction, the Board of Trustees considers and in good faith decides after reasonable investigation that the corporation could not obtain a more advantageous arrangement with reasonable effort under the circumstances.

e. The corporation for its own benefit enters into the transaction, which is fair and reasonable to the corporation at the time the transaction was entered into.

This Section does not apply to a transaction that is part of an educational or charitable program of this corporation if it (a) is approved or authorized by the corporation in good faith and without unjustified favoritism and (b) results in a benefit to one or more trustees or their families because they are in the class of persons intended to be benefited by the educational or charitable program of this corporation.

ARTICLE X
CONTRACTS WITH NON-TRUSTEE DESIGNATED EMPLOYEES

Section 1. CONTRACTS WITH NON-TRUSTEE DESIGNATED EMPLOYEES. The Corporation shall not enter into a contract or transaction in which a non-trustee designated employee (e.g., officers and other key decision-making employees) directly or indirectly has a material financial interest unless all of the requirements in the Ingenium Schools Conflict of Interest Policy have been fulfilled.

ARTICLE XI
LOANS TO TRUSTEES AND OFFICERS

Section 1. LOANS TO TRUSTEES AND OFFICERS. This corporation shall not lend any money or property to or guarantee the obligation of any trustee or officer without the approval of the California Attorney General; provided, however, that the corporation may advance money to a trustee or officer of the corporation for expenses reasonably anticipated to be incurred in the performance of his or her duties if that trustee or officer would be entitled to reimbursement for such expenses of the corporation.

ARTICLE XII
INDEMNIFICATION

Section 1. INDEMNIFICATION. To the fullest extent permitted by law, this corporation shall indemnify its trustees, officers, employees, and other persons described in Corporations Code Section 5238(a), including persons formerly occupying any such positions, against all expenses, judgments, fines, settlements, and other amounts actually and reasonably incurred by them in connection with any "proceeding," as that term is used in that section, and including an action by or in the right of the corporation by reason of the fact that the person is or was a person described in that section. "Expenses," as used in this bylaw, shall have the same meaning as in that section of the Corporations Code.

On written request to the Board of Trustees by any person seeking indemnification under Corporations Code Section 5238 (b) or Section 5238 (c) the Board of Trustees shall promptly decide under Corporations Code Section 5238 (e) whether the applicable standard of conduct set forth in Corporations Code Section 5238 (b) or Section 5238 (c) has been met and, if so, the Board of Trustees shall authorize indemnification.

ARTICLE XIII
INSURANCE

Section 1. INSURANCE. This corporation shall have the right to purchase and maintain insurance to the full extent permitted by law on behalf of its trustees, officers, employees, and other agents, to cover any liability asserted against or incurred by any trustee, officer, employee, or agent in such capacity or arising from the trustee's, officer's, employee's, or agent's status as such.

ARTICLE XIV

MAINTENANCE OF CORPORATE RECORDS

Section 1. **MAINTENANCE OF CORPORATE RECORDS.** This corporation shall keep:

a. Adequate and correct books and records of account;

b. Written minutes of the proceedings of the Board and committees of the Board; and

c. Such reports and records as required by law.

ARTICLE XV
INSPECTION RIGHTS

Section 1. **TRUSTEES' RIGHT TO INSPECT.** Every trustee shall have the right at any reasonable time to inspect the corporation's books, records, documents of every kind, physical properties, and the records of each subsidiary as permitted by California and federal law. The inspection may be made in person or by the trustee's agent or attorney. The right of inspection includes the right to copy and make extracts of documents as permitted by California and federal law. This right to inspect may be circumscribed in instances where the right to inspect conflicts with California or federal law (e.g., restrictions on the release of educational records under FERPA) pertaining to access to books, records, and documents.

Section 2. **ACCOUNTING RECORDS AND MINUTES.** On written demand on the corporation, any trustee may inspect, copy, and make extracts of the accounting books and records and the minutes of the proceedings of the Board of Trustees and committees of the Board of Trustees at any reasonable time for a purpose reasonably related to the trustee's interest as a trustee. Any such inspection and copying may be made in person or by the trustee's agent or attorney. This right of inspection extends to the records of any subsidiary of the corporation.

Section 3. **MAINTENANCE AND INSPECTION OF ARTICLES AND BYLAWS.** This corporation shall keep at its principal California office the original or a copy of the articles of incorporation and bylaws, as amended to the current date, which shall be open to inspection by the trustees at all reasonable times during office hours. If the corporation has no business office in California, the Secretary shall, on the written request of any trustee, furnish to that trustee a copy of the articles of incorporation and bylaws, as amended to the current date.

ARTICLE XVI
REQUIRED REPORTS

Section 1. **ANNUAL REPORTS.** The Board of Trustees shall cause an annual report to be sent to itself (the members of the Board of Trustees) within 120 days after the end of the corporation's fiscal year. That report shall contain the following information, in appropriate detail:

a. The assets and liabilities, including the trust funds, of the corporation as of the end of the fiscal year;

b. The principal changes in assets and liabilities, including trust funds;

c. The corporation's revenue or receipts, both unrestricted and restricted to particular

purposes;

d. The corporation's expenses or disbursement for both general and restricted purposes;

e. Any information required under these bylaws; and

f. An independent accountant's report or, if none, the certificate of an authorized officer of the corporation that such statements were prepared without audit from the corporation's books and records.

Section 2. ANNUAL STATEMENT OF CERTAIN TRANSACTIONS AND INDEMNIFICATIONS. As part of the annual report to all trustees, or as a separate document if no annual report is issued, the corporation shall, within 120 days after the end of the corporation's fiscal year, annually prepare and mail or deliver to each trustee and furnish to each trustee a statement of any transaction or indemnification of the following kind:

a. Any transaction (i) in which the corporation, or its parent or subsidiary, was a party, (ii) in which an "interested person" had a direct or indirect material financial interest, and (iii) which involved more than $50,000 or was one of several transactions with the same interested person involving, in the aggregate, more than $50,000. For this purpose, an "interested person" is either:

(1) Any trustee or officer of the corporation, its parent, or subsidiary (but mere common trusteeship shall not be considered such an interest); or

(2) Any holder of more than 10 percent of the voting power of the corporation, its parent, or its subsidiary. The statement shall include a brief description of the transaction, the names of interested persons involved, their relationship to the corporation, the nature of their interest, provided that if the transaction was with a partnership in which the interested person is a partner, only the interest of the partnership need be stated.

ARTICLE XVII
BYLAW AMENDMENTS

Section 1. BYLAW AMENDMENTS. The Board of Trustees may adopt, amend or repeal any of these Bylaws by a majority of the trustees present at a meeting duly held at which a quorum is present, except that no amendment shall change any provision of a charter of an Ingenium Schools charter school or make any provisions of these Bylaws inconsistent with a charter of an Ingenium Schools charter school, the corporation's Articles of Incorporation, or any laws.

ARTICLE XVIII
FISCAL YEAR

Section 1. FISCAL YEAR OF THE CORPORATION. The fiscal year of the Corporation shall begin on July 1st and end on June 30th of each year.

INGENIUM CHARTER SCHOOL

11/07/2006 10:20 FAX 213 637 9895 COMMUNITY AND SENIOR 003/003

CERTIFICATE OF SECRETARY

I certify that I am the duly elected and acting Secretary of the Ingenium Schools, a California nonprofit public benefit corporation; that these bylaws, consisting of 24 pages, are the bylaws of this corporation as adopted by the Board of Trustees on November 6, 2006; and that these bylaws have not been amended or modified since that date.

Executed on November 6, 2006 at Los Angeles, California.

Murad Rahman, Secretary

INGENIUM CHARTER SCHOOL

APPENDIX L:
ARTICLES OF INCORPORATION

INGENIUM CHARTER SCHOOL

11/02/2006 14:31 19166481388 OFFICE OF THE SEC OF STATE PAGE 03/05

F2932324

State of California
Secretary of State

I, BRUCE McPHERSON, Secretary of State of the State of California, hereby certify:

That the attached transcript of 2 page(s) has been compared with the record on file in this office, of which it purports to be a copy, and that it is full, true and correct.

IN WITNESS WHEREOF, I execute this certificate and affix the Great Seal of the State of California this day of

NOV 01 2006

BRUCE McPHERSON
Secretary of State

Sec/State Form CE 107 (REV 05/01/01)

INGENIUM CHARTER SCHOOL

11/02/2006 14:31 19166451200 SPVM LAW OFFICES PAGE 01/02

F2932324

ENDORSED - FILED
In the office of the Secretary of State of the State of California
NOV 01 2006

ARTICLES OF INCORPORATION
OF
INGENIUM SCHOOLS
(A California Nonprofit Public Benefit Corporation)

I.

The name of the Corporation shall be Ingenium Schools.

II.

The Corporation is a nonprofit public benefit corporation and is not organized for the private gain of any person. It is organized under the Nonprofit Public Benefit Corporation Law for public and charitable purposes. The specific purposes for which this Corporation is organized are to manage, operate, guide, direct and promote charter schools.

The Corporation is organized and operated exclusively for educational and charitable purposes pursuant to and within the meaning of Section 501(c)(3) of the Internal Revenue Code or the corresponding provision of any future United States Internal Revenue Law. Notwithstanding any other provision of these articles, the Corporation shall not, except to an insubstantial degree, engage in any other activities or exercise of power that do not further the purposes of the Corporation. The Corporation shall not carry on any other activities not permitted to be carried on by: (a) a corporation exempt from federal income tax under Section 501(c)(3) of the Internal Revenue Code, or the corresponding section of any future federal tax code; or (b) by a corporation, contributions to which are deductible under Section 170(c)(2) of the Internal Revenue Code, or the corresponding section of any future federal tax code.

III.

The name and address in the State of California of this Corporation's initial agent for service of process is:

Paul C. Minney
Spector, Middleton, Young & Minney, LLP
7 Park Center Drive
Sacramento, CA 95825

IV.

All corporate property is irrevocably dedicated to the purposes set forth in the second article above. No part of the net earnings of the Corporation shall inure to the benefit of, or be distributable to any of its directors, members, trustees, officers or other private persons except that the Corporation shall be authorized and empowered to pay reasonable compensation for services rendered, and to make payments and distributions in furtherance of the purposes set forth in Article II.

ARTICLES OF INCORPORATION 1 INGENIUM CHARTER SCHOOL

No substantial part of the activities of the Corporation shall consist of the carrying on of propaganda, or otherwise attempting to influence legislation, and the Corporation shall not participate in, or intervene in (including the publishing or distribution of statements) any political campaign on behalf of or in opposition to any candidate for public office.

Subject to the provisions of the nonprofit public benefit provisions of the Nonprofit Corporation Law of the State of California, and any limitations in the articles or bylaws relating to action to be approved by the members or by a majority of all members, if any, the activities and affairs of this Corporation shall be conducted and all the powers shall be exercised by or under the direction of the board of directors.

The number of directors shall be as provided for in the bylaws. The bylaws shall prescribe the qualifications, mode of election, and term of office of directors.

V.

The authorized number and qualifications of members of the corporation, if any, the different classes of membership, the property, voting and other rights and privileges of members, and their liability for dues and assessments and the method of collection thereof, shall be set forth in the bylaws.

VI.

Upon the dissolution or winding up of the Corporation, its assets remaining after payment of all debts and liabilities of the Corporation, shall be distributed to a nonprofit fund, foundation, or association which is organized and operated exclusively for educational, public or charitable purposes and which has established its tax exempt status under Section 501 (c)(3) of the Internal Revenue Code, or the corresponding section of any future federal tax code, or shall be distributed to the federal government, or to a state or local government, for a public purpose. Any such assets not so disposed of shall be disposed of by a court of competent jurisdiction of the county in which the principal office of the Corporation is then located, exclusively for such purposes or to such organization or organizations, as said court shall determine, which are organized and operated exclusively for such purposes.

Dated: 11/1/06

Incorporator: Kimberly Rodriguez
Kimberly Rodriguez

OFFICE OF THE SECRETARY OF STATE

INGENIUM CHARTER SCHOOL

APPENDIX M:
SAMPLE STUDENT ASSESSMENT BINDER PAGES

INGENIUM CHARTER SCHOOL

Individual Learning Plan
Elementary Example

STUDENT_____ DATE_____

PRESENT LEVEL OF PERFORMANCE

	Student	Teacher
Testing Data:		
Strengths:	Science, basketball, trying hard	Memory, willingness to try new things
Weaknesses:	Making new friends	Shyness (showing improvement)

GOALS	OBJECTIVES	STEPS FOR SUCCESS	EVALUATION
Standard Area and Level	**Standards Addressed**	**What will I do to accomplish this?**	**How will I prove I have learned this?**
Math Level II	• MA 2.7 *(A3.1.2) Memorizes and explains the process of basic addition and subtraction facts to 10.*	• Right Start Math 5X a week • Practice number combinations with manipulatives • work written problems	• score of 90% or better on oral & written quiz with addition & subtraction facts • Orally explain how it works
	• MA 2.2 Tells time to the hour.	• Right Start Math • Manipulate clocks • Practice reading clocks and schedules	• Score of 90% or better on oral and written quiz telling time to the hour • Make a school day schedule to the hour & be able to track the time of day
Reading Level III	• RE 3.2 *(R1.1b) Identifies short and long vowel sounds.*	• Core Curriculum Reading 5x a week • Phonics review with flash cards	• Consistently be able to identify vowel sounds in written and spoken words • Score 90% or better with flash cards

Student Signature_____ Parent Signature_____

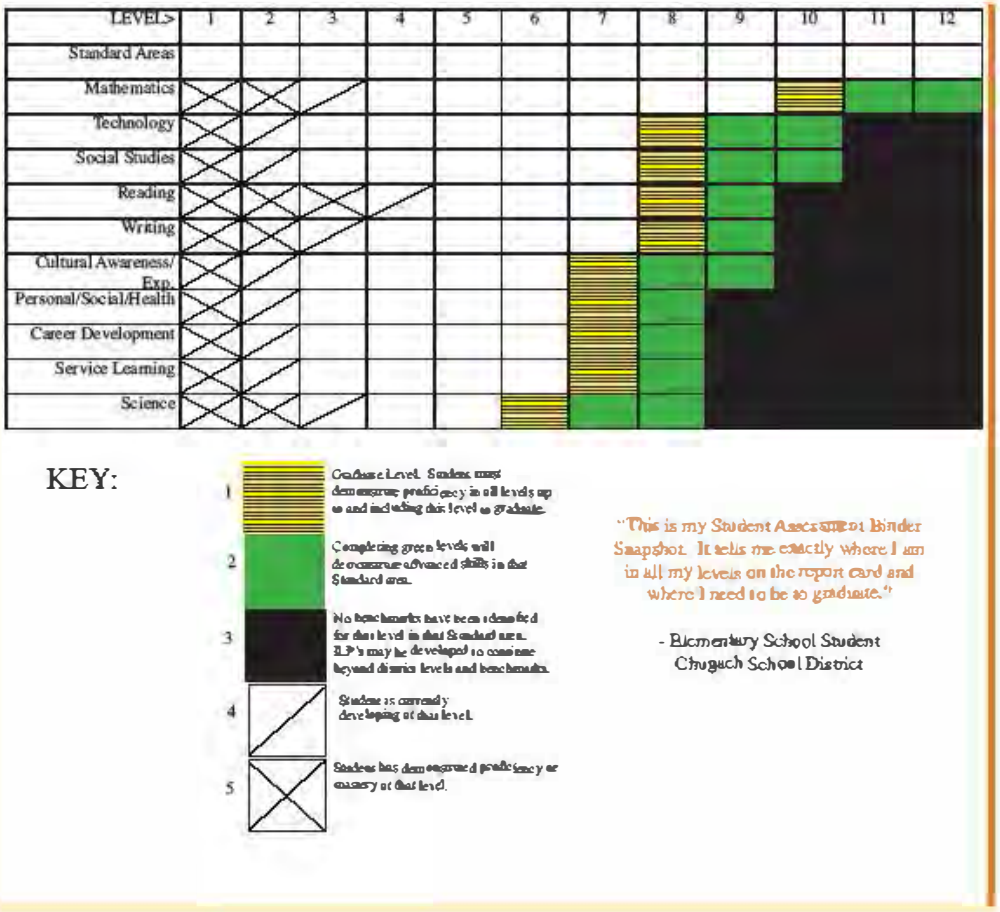
Teacher Signature_____ Aide Signature_____

INGENIUM CHARTER SCHOOL

Sa ple Student Assessment Binder Snapshot

This sample graph represents a visual of a student's progress on a developmental report card. This graph is available to students at all times. It helps track progress, plan Individual Learning Plans, facilitate student-parent-teacher conferences, and develop four-year plans.

Sample Student Assessment Binder Snapshot



INGENIUM CHARTER SCHOOL

Sample Developmental Report Card (Mathematics)

Name:

Mathematics
Graduation = Level X

Key: * Advanced; √ Developing; + Proficient; - - Emerging

Level I:

Numeration:

MA 1.1 Understands that a number represents a quantity.
MA 1.2 *(A1.1.1) Recognizes numbers to 100. Can count to 100.*
MA 1.3 *(A2.1.2) Understands concept of <, >, = at a concrete level.*
MA 1.4 Utilizes a number line to solve problems.

Measurement:

MA 1.5
(A2.1.2) Uses non-standard units to measure and compare lengths.
MA 1.6 Differentiates between morning, afternoon, and evening.

Estimation and Computation:

MA 1.7 *(A1.1.3, A3.1.3) Understands addition and subtraction at a concrete level.*

Functions and Relationships:

MA 1.8 *(A2.1.1, A4.1.1) Continues a pattern using various attributes (e.g., shape, color, and size).*
MA 1.9 *(A2.1.1) Sorts and classifies.*

Geometry:

MA 1.10 *(A5.1.1) Identifies basic geometric shapes in classroom and environment.*
MA 1.11 Draws line segment.
MA 1.12 Shows understanding of symmetry by cutting or folding patterns along a single line of symmetry.

Statistics and Probability:

MA 1.13 After sampling, predicts outcome of spinner colors.

Problem Solving:

MA 1.14 Draws pictures to represent problems using physical objects.

Communication and Reasoning:

MA 1.15 Demonstrates equal sharing of 20 objects.

Connections:

MA 1.16 Uses S skills in level 1 in real life scenarios (e.g., pattern necklaces, student store).

Remarks: | ***Entry Date:*** | ***Exit Date:*** | ***Exit Score:***

Level II:

Numeration:

MA2.1 *(A1.1.1) Reads, writes, models, orders, c* *and demonstrates 1 to 1 correspondence with whole numbers to 100.*

Measurement:

MA 2.2 Tells time to the hour.
MA 2.3 *(A2.1.4) Understands the concept of length, width and height, weight, time, money and temperature and how they are measured.*
MA 2.4 Names days in order and recognizes calendar patterns.

Estimation and Computation:

MA 2.5 Understands basic operation of a calculator.
MA 2.6 *(A3.1.1) Uses estimation to enhance number concept.*
MA 2.7 *(A3.1.2)* *and explains the process of basic addition and subtraction facts to 10.* *Memorizes*
MA 2.8 *(A3.1.4) Understands multiplication and division at concrete level (repeated addition and equal sharing).*
MA 2.9 *(A1.1.5)* *subtracts fractions of halves, thirds, fourths in various situations at the concrete level.* *Adds and*

Functions and Relationships:

MA2.10 *(A1.1.6) Continues a number pattern (skip counts by 2's, 5's, 10's, even and odd, adding and subtracting by 10's).*

Geometry:

MA2.11 *(A5.1.6) Expresses spatial relationships (above, below, left, right, and middle).*
MA 2.12 *(A5.1.3) Understands properties of similarities, differences, and scaling of circles, squares, and triangles.*
MA 2.13 Identifies line segment.

Remarks: | ***Entry Date:*** | ***Exit Date:*** | ***Exit Score:***

Standard Area 1 of 10

INGENIUM CHARTER SCHOOL

APPENDIX N:
SAMPLE LEARNING SKILLS CAPACITY MATRIX

INGENIUM CHARTER SCHOOL

MATHS LEARNING SKILLS CAPACITY MATRIX **NAME:**

	SKILLS	TASK IN MY PORTFOLIO WHICH BEST DEMONSTRATES MY SKILLS AND ABILITIES			
		BEGINNING *HEARD OF IT*	CONSOLIDATE *KNOW IT*	ESTABLISHED *CAN APPLY IT*	EXPERT *CAN TEACH*
NUMBER	Compare number systems including Hindu-Arabic System				
	Read large (over 1 million) and small numbers correctly				
	Identify place value of large numbers (over 1 million)				
	Able to sequence large numbers in ascending order				
	Able to sequence large numbers in descending order				
	ABLE TO COMPARE LARGE NUMBERS IN EVERYDAY USE EG POPULATIONS				
	+. -, x, ÷ large (over 1 million) and small numbers correctly				
	MENTAL CALCULATIONS OF +. -, X, ÷				
	worded problems – able to identify correct operation				
	Able to use BEDMAS rules				
	Able to use mathematical symbols ($\leq > < \therefore \approx \neq$) to compare numbers				
	Round off numbers to 1 and 2 significant numbers				
	Write numbers up to 1 million using powers of 10				
	Uses index notation to express powers of numbers eg. 2^3				
	Able to recognize link between square and √				

	Able to recognize link between cubes and $\sqrt[3]{}$				
	Evaluates and or approximates square roots				
	Knows the difference between a rational and an irrational number				
	Recognises surds				
	Able to identify factors: • Common • Prime • HCF • LCM				
	Able to use divisibility rules (eg will 723 ÷ 3 evenly?..yes 7 + 2 + 3 =12, 1 + 2 = 3 yes!!)				
	Adds and subtract directed numbers				
	Problem-solving using : • Trial and error • Working backwards • Looking for patterns				
	Fraction –decimal-%-ratio-rates				
	Rounds numbers to a given number of decimal places				
	+. -, x, ÷ decimal numbers				
	Uses decimals in problem solving				
	+ and – mixed numbers				
	x, ÷ fraction				
	Able to find reciprocals of numbers				
	Able to solve real life problems involving fractions				
	Able to write sets of equivalent fractions				
	Able to convert decimals to fractions				
	Able to convert fractions to decimals				
	Able to convert fractions to %				
	Able to convert % to fractions				
	Able to convert % to decimals				

	Able to convert decimals to %				
	Able to find a percentage of a quantity				
	Able to use simple interest formula				
	Able to calculate compound interest with and without a formula				
	Find a percentage of a quantity when given another (eg find 80% of a quantity if 15% = 30)				
	Calculate % change				
	Uses % to calculate profit and loss				
	% Calculations with graphs charts and tables				
	Calculates the GST on various items				
	Able to sequence fractions in ascending order				
	Able to sequence fractions in descending order				
	+ and – fractions with different denominators including improper fractions and whole numbers				
	x fractions including whole numbers and mixed numbers				
	Express information as a ratio				
	Simplify ratios				
	Identify equal ratios				
	Problem solving using ratios				
	Uses ratios to divide quantities (eg divide $120 in the ratio 2:3)				
	Applies ratio to scale diagrams				

	Able to use rates (eg m / s) to solve real life problems				
	Estimate using 1 and 2 figure approximations (eg 11.4 x 9.7 = 11 x 10 = 110 roughly)				
	Able to use a calculator to solve more difficult +. -, x, ÷ problems				
	Able to use: • power key • exponent key • change the sign key				
	Able to round numbers correctly				
	Perform operations on fractions				
	Calculate the value of surds				
	Scientific notation used for very large and very small numbers				
	Pose questions & design a survey				
	Determine a sample				
	Collect data				
	Organise and display data in table & graph form without ICT				
	Organise and display data in table & graph form with ICT				
	Analyse data and present results				
	Interpret information from data, graphs & tables				
	PREDICT POSSIBLE OUTCOMES FROM DATA				
	Use diagrams (eg: tree, matrix) to list possible outcomes for an event				

INGENIUM CHARTER SCHOOL

XPLORING ALYSING A DELLING D	Develop understanding of gambling including social consequences (eg: lotto, raffles, poker machines)				
	Assign numbers and percentages to chance in decimal/fraction form for probabilities				
	Investigate experimental & theoretical probabilities and test predictions including using computer generated simulations				
	Write formula to determine probability				
	Interpret data and make numerical statements about probability				
	Convert between linear measurements and units of area and use them appropriately				
	Use formula Distance = Speed x Time to solve problems				
	Use formula for area of triangle, circle, polygons and irregular shapes				
	Use formula for perimeter of polygons & circles				
	Able to understand and use π				
	CAN ESTIMATE & ACCURATELY MEASURE THE AREA OF A SHAPE				
	Use formula for surface area and volume of pyramid, cones & spheres				
	Investigate relationships between angles and lengths of sides in similar right-angled triangles				
	Understands trigonometric ratios: sine θ, cosine θ and tangent θ				
	Draws and compares graphs of y = sine θ , y = cosine θ, y = tangent θ				
	Use 3 trigonometric ratios to find unknown sides and angles in right-angled triangles				
	Converts between mL, L, kL and ML				

	Converts between units of capacity and volume				
	Calculate volume of rectangular and other prisms using formula				
	Show awareness that capacity is related to volume and solve problems using knowledge of volume				
	Know appropriate units and tools to measure weights and convert between units of mass				
	Recognise units for volume				
	Construct and interpret timelines				
	Explain time measurement in other cultures				
	Show understanding of Fahrenheit temperature scale and use online resources to compare current global temperatures				
	Use standard time zone map to understand time differences				
	Solve practical problems by applying knowledge of perimeter, circumference and area				
	Solve problems involving capacity, mass and volume				
	Use transport timetables to calculate departure & arrival times and time taken for a journey				
	Conducts collaborative research into issues				
	INVESTIGATES NUMERIC AND GEOMETRIC PATTERNS				
	Identify horizontal and vertical lines from equations				
	Constructs a table of values for a pattern				

INGENIUM CHARTER SCHOOL

	Defines and gives examples of : pro-numeral, like-terms, term, constant term, coefficient, expression and equation				
	Solving a worded problem by constructing equations and solving them				
	Writes a rule to describe a pattern				
	Substitute a number into an expression				
	Collect like terms and expressions				
	Use index notation to collect like terms (eg 3 x a x a x b x b x b = $3a^2b^3$)				
	Use the distributive law to expand brackets eg. 3(2x + y) eg (a + b) (c + d)				
	Difference between squares and perfect squares				
	Factorise expressions by removing HCF				
	Index laws				
	Understands and uses zero index law				
	Solves equations				
	Using trial and error to solve linear equations				
	Simplify linear equations and solve				
	Backtracking				
TTERN AN ALGEBRAIC REASONING	Writes linear in-equalities				
	Solving linear inequalities and uses number line to display solutions				
	Can define and give examples using meta-language				
	Can make connections and analyse changes				
	Plots and describes points in the 4 quadrants				

Analysing and mod-elling Change	Graphs the values from a given ta ble or a grid				
	Write the rule from the graph y = mx + c				
	Understands the concept of slope for a straight line (eg slope = rise / run OR = y-step / x-step)				
	Find the slope and y intercept of a line y = mx + c and graph them				
	Graph a straight line using the y-intercept and the slope, or using the x and y intercepts				
	Find the slope and y intercept from coordinate pairs and find the equa tion of the line				
	Solves problems that involve linear relationships				
Spatial Sense ad Geometric Reasoning	Identifies 2-D shape within pat terns & across cultures				
	Draws 2-D shape from a descrip tion and 3-D solids				
	Euler's formula				
	Draws nets to construct complex 3d shapes & can use isometric graph paper				
	Critiques the use of 2-D & 3-D ob jects in everyday use				
	Uses the correct terminology for lines & circles when constructing diagrams				
	Uses geometry software				
	Prove triangles are congruent				
	Prove triangles are similar and ap plies knowledge of similar triangles to solve practical problems				
	Constructs a mirror image using the line of symmetry				
	Creates a complex tessellating shape by modifying a simple shape				
	Can perform and describe 2 step transformations using either grid paper or software				
	Applies transformations to coordi nate axes				

INGENIUM CHARTER SCHOOL

	Determine translation vector in a translation				
	Determine centre and angle of rotation				
	Find axis of symmetry				
	Find scale factor and centre of enlargement				
	Produces scaled plans and maps				
	Develops a simple orienteering course				
	Uses a Cartesian grid to plot points & describe lines				
	Uses bearings & distance to describe a position on a map, plan or model				

Ingenium Charter School Budget

				FY13-14		FY14-15	
	INGENIUM CHARTER SCHOOL						
	CHARTER #1157	**Inputs**					
			Assumptions	**Enrollment**	**ADA**	**Enrollment**	**ADA**
			Enrollment and Demographics		**0.95**		**0.95**
	Grades K-3			322	305.90	354	336.3
	Grades 4-6			64	60.80	64	60.8
	Grades 7-8			-	-	0	0.0
	Grade 9-12			-	-	0	0.0
	Student Enrollment/ADA			**386**	**366.70**	**418**	**397.10**
	Percentage of Free and Reduced Students	78%		301		326	
	Percentage of Econ Disadv students	45%		174		188	
	Percentage of ELL/LEP students	29%		112		121	
	Compensatory Education			**286**		**309**	
	Number of Instructional Days			181		181	
REVENUE							
LCFF Funding							
8015	LCFF Funding - Base, Supplemental, Concentrate	6,180	Based on FY13-14 LCFF Simulator	1,890,462	5,155	2,249,174	5,664
8015	LCFF Funding - Base, Supplemental, Concentrate	6,180	Based on FY13-14 LCFF Simulator	375,744	1,025	406,630	1,024
8012	EPA	(989)	Assumes 16%	(362,593)	(989)	(424,929)	(1,070)
8096	School District Property Tax	(1,402)	Based on rates from P2 Cert	(514,201)	(1,402)	(556,830)	(1,402)
	State Revenue Net of EPA reduction and ILPT			1,389,412	3,789	1,674,047	4,216
8012	EPA	989		362,593	989	424,929	1,070
	Total State Revenue			**1,752,005**	**4,778**	**2,098,975**	**5,286**
Federal Income							
8220	Child Nutrition - Federal	4.79	Assumed 12-13 rates/181 instructional days/70% participation	182,723	498	268,540	676
8291	NCLB:Title I, Part A		Per CDE FY13-14 Prelim Schedule (7-12-13)	60,836	166	60,836	153
8292	NCLB: Title II, Part A		Per CDE 3rd Appt FY12-13 Schedule (5-28-13)	1,847	5	1,847	5
8295	NCLB: Title V - Implementation Grant			-	-	0	0
8181	Special Ed. - IDEA (Federal)		Per El Dorado SELPA FY13-14 Projections (May 2013)	51,475	140	51,475	130
8290	All Other Federal Income - Charter Facility Grant			-	-	0	0
	Total Federal Income			**296,881**	**810**	**382,698**	**964**
State Revenue							
8792	Special Ed. - AB 602 (State)		Per El Dorado SELPA FY13-14 Projections CF (7-30-13)	178,267	486	178,267	449
8520	Child Nutrition - State	0.4390	Assumed 12-13 rates/181 instructional days/70% participation	16,746	46	49,223	124
8560	State Lottery Income	156	Per SSC Dartboard FY13-14 Adopted Budget (7-17-13)	57,205	156	61,948	156
8590	Other State Revenues: ASES		Based on CDE Schedule PY	112,500	307	112,500	283
8590	Common Core	200.00	Common Core - one time funds	73,294	200	0	0
8590	Mandate Block Grant	14	Mandate Block Grant	5,148	14	5,134	13
	Total State Revenue			**443,160**	**1,209**	**407,071**	**1,025**
Local Revenues							
8096	In Lieu of Property Taxes	1,402.24	Based on rates from P2 Cert	514,201	1,402	556,830	1,402
8660	Interest			-	-	0	0
8785	CMO Management Fee			-	-	0	0
8980	Student Lunch Revenue			6,000	16	6,000	15

Ingenium Charter School Budget

	INGENIUM CHARTER SCHOOL			**FY13-14**		**FY14-15**	
	CHARTER #1157	**Inputs**					
			Assumptions	**Enrollment**	**ADA**	**Enrollment**	**ADA**
8982	Foundation Grants			10,000	27	10,000	25
8983	All Other Local Revenue			30,000	82	30,000	76
8984	Student Body (ASB) Fundraising Revenue			123	0	123	0
8985	School Site Fundraising			10,000	27	10,000	25
8986	Leases & Rentals			-	-	0	0
Total Local Revenues				**570,324**	**1,555**	**612,953**	**1,544**
TOTAL REVENUES				**3,062,371**	**8,351**	**3,501,697**	**8,818**

Ingenium Charter School Budget

	INGENIUM CHARTER SCHOOL			**FY13-14**		**FY14-15**	
	CHARTER #1157	**Inputs**					
			Assumptions	**Enrollment**	**ADA**	**Enrollment**	**ADA**
nses			Inflation rate for all expenses				
Certificated Salaries							
1100	Teachers' Salaries			674,470	1,839	694,704	1,749
1105	Stipends			15,500	42	15,965	40
1120	Substitute			16,000	44	16,480	42
1200	Certificated Pupil Support Salaries			72,540	198	74,716	188
1300	Certificated Supervisor/Administrator Salaries			105,000	286	108,150	272
1900	Other Certificated Salaries			-	-	-	0
Total certificated Salaries				**883,510**	**2,409**	**910,015**	**2,292**
Classified Salaries							
2100	Instructional Aides			126,380	345	130,171	328
2200	Classified Support			20,000	55	20,600	52
2300	Classified Supervisor/Administrator Salaries			80,000	218	82,400	208
2400	Clerical/Office Staff			76,000	207	78,280	197
2900	Other Classified Salaries			12,776	35	13,159	33
Total Classified Salaries				**315,156**	859	**324,611**	**817**
Employee Benefits							
3101	STRS	8.25%	Percentage of Certificated salaries	72,890	199	75,076	189
3202	PERS	11.442%	No PERS	-	-	-	-
3323	Medicare	1.45%	Percentage of All salaries	17,381	47	17,902	45
3313	OASDI	6.20%	Percentage of Classified salaries	19,540	53	20,126	51
3403	Health & Welfare Benefits	504	Rate per full-time eligible employee	120,960	330	137,894	347
3503	State Unemployment Insurance	1.70%	Percentage of All salaries	20,377	56	20,989	53
3603	Workers' Compensation	0.00%		20,566	56	21,183	53
3903	Other Employee Benefits	0.00%		-	-	0	0
Total Employee Benefits				**271,713**	**741**	**293,170**	**738**
	Total Employee Costs			**1,470,379**	**4,010**	**1,527,796**	**3,847**

Ingenium Charter School Budget

	INGENIUM CHARTER SCHOOL			FY13-14		FY14-15	
	CHARTER #1157	Inputs					
			Assumptions	Enrollment	ADA	Enrollment	ADA
Books and Supplies							
4100	Approved Textbooks			7,500	20	7,725	19
4200	Books & Other Reference Materials			3,000	8	3,090	8
4300	General Materials & Supplies			20,000	55	20,600	52
4315	Classroom Materials & Supplies			30,000	82	30,900	78
4400	Noncapitalized Equipment		Less than $2,500 each item	30,000	82	30,900	78
4430	Student Non-Capitalized Equipment		Less than $2,500 each item	2,000	5	2,060	5
4700	Food Service Supplies			199,470	544	317,763	800
Total Books and Supplies				**291,970**	**796**	**413,038**	**1,040**
Services, Other Operating Expenses							
5200	Travel & Conferences			16,000	44	16,480	42
5210	Training & Development		Includes Professional Development	11,230	31	11,567	29
5300	Dues & Memberships			4,000	11	4,120	10
5400	Insurance			28,320	77	29,170	73
5500	Operation & Housekeeping Services			15,000	41	15,450	39
5501	Utilities			-	-	0	0
5505	Student Transportation		Field Trips/Student Events	3,500	10	3,605	9
5600	Space Rental/Lease Expense			118,238	322	121,786	307
5601	Building Maintenance			4,000	11	4,120	10
5602	Other Space Rental		Sports Fields, graduation/event halls	650	2	670	2
5605	Equipment Rental/Lease Expense		Copier, computers	14,000	38	14,420	36
5610	Equipment Repair			500	1	515	1
5800	Professional/Consulting Services & Oper Exp.			25,000	68	25,750	65
5803	Banking & Payroll Service Fees			100	0	103	0
5805	Legal/Audit Services			2,000	5	2,060	5
5810	Educational Consultants		Substitutes/Special Ed	195,100	532	200,953	506
5815	Advertising / Recruitming			11,200	31	11,536	29
5820	Fundraising Expenses			-	-	0	0
5890	Interest Expense / Misc. Fees			5,000	14	5,150	13
5891	Charter Capital Fees			-	-	0	0
5899	CMO Management Fee			571,960	1,560	585,077	1,473
5900	Communications			7,500	20	7,725	19
Total Services and Other Operating Expenses				**1,033,298**	**2,818**	**1,060,256**	**2,670**
Capital Outlay							
9420	Buildings and Improvements of Buildings		Greater than $2,500 each item	-	-	-	-
9440	Equipment & Furniture		Greater than $2,500 each item	-	-	-	-
9441	Computer Equipment		Greater than $2,500 each item	-	-	-	-
	Other		Greater than $2,500 each item	-	-	-	-
Total Capital Outlay				**-**	**-**	**-**	**-**
Other Outgoing							
7010	Special Ed Fair Share Contribution		Encroachment	-	-	-	-
7500	District Oversight Fee	1%		22,662.06	62	26,558	67
7438	Debt Service - Interest		Revolving Loan interest	459	1	203	1
Total Other Outgoing Costs				**23,121**	**63**	**26,761**	**67**

Ingenium Charter School Budget

	INGENIUM CHARTER SCHOOL			**FY13-14**		**FY14-15**	
	CHARTER #1157	**Inputs**					
			Assumptions	**Enrollment**	**ADA**	**Enrollment**	**ADA**
TOTAL EXPENDITURES				**2,818,769**	**7,687**	**3,027,851**	**7,625**
	SUB-NET			**243,602**	**664**	**473,846**	**1,193**

Ingenium Charter School Budget

CASH FLOW																						PY P-2	
2013-2014 SCHOOL YEAR			Statistical	JULY	AUGUST	SEPT	OCT	NOV	DEC	JAN	FEB	MARCH	APRIL	MAY	JUNE	JULY	AUGUST	SEPTEMBER	FY2013-2014		Variance		367.68	Updated for 12-13 P-2 ADA
				2014	2014	2014	2014	2014	2014	2015	2015	2015	2015	2015	2015	2015	2015	2015	Total	Per ADA				
			State	5.00%	5.00%	9.00%	9.00%	9.00%	9.00%	9.00%	14.64%	9.71%	6.42%	2.98%	0.00%	48.98%	17.27%		386	366.70				
			Prop Tax	6%	12%	8%	8.0%	8.0%	8.0%	8.0%	33.3%	16.67%	16.67%	16.67%	16.67%									
		New School	State			37%			18%		14.64%	9.71%	6.42%	2.98%	0.00%	48.98%	17.27%							
	Beginning Balance																							
Revenue																								
Revenue Limit Sources																								
8015	General Purpose		2,266,206																			6,180.00		
8012	EPA		(362,593)																			(988.80)	16%	
8096	School District Property Tax		(514,201)																			(1,402.24)		
State Revenue Net of EPA reduction and ILPT			1,389,412	-	67,437	67,437	121,386	121,386	121,386	121,386	121,386	94,839	62,890	41,591	19,284	-	317,184	111,820	1,389,412	3,788.96	-	3,788.96		
8012	EPA		362,593				90,648			90,648			90,648			90,648			362,593	988.80	-	988.80		
TTL Revenue Limit Sources			1,752,005	-	67,437	67,437	212,034	121,386	121,386	212,034	121,386	94,839	153,538	41,591	19,284	90,648	317,184	111,820	1,752,005	4,777.76	-			
Federal Revenue																								
8220	Child Nutrition - Federal		182,723	-	-	-	18,272	18,272	18,272	18,272	18,272	18,272	18,272	18,272	18,272	18,272	-	-	182,723	498.29	-			
8291	NCLB:Title I, Part A		60,836	-	-	-	-	-	-	15,209	-	15,209	-	-	-	15,209	-	15,209	60,836	165.90	-			
8292	NCLB: Title II, Part A		1,847	-	-	-	-	-	-	462	-	924	-	-	462	-	-	-	1,847	5.04	-			
8181	Special Ed. - IDEA (Federal)		51,475	-	-	-	-	-	-	-	12,869	-	-	20,590	-	-	18,016	-	51,475	140.37	-			
8290	All Other Federal Income - Charter Facility Grant		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0.00	-			
TTL Federal Income			296,881	-	-	-	18,272	18,272	18,272	33,943	31,141	34,405	18,272	38,862	18,734	33,481	18,016	15,209	296,881	809.60				
Other State Revenue																								
8792	Special Ed. - AB 602 (State)		178,267	-	8,445	8,445	15,202	15,202	15,202	15,202	15,202	17,073	17,073	10,623	531	-	-	40,067	178,267	486.14	-	-		
8520	Child Nutrition - State		16,746	-	-	-	1,675	1,675	1,675	1,675	1,675	1,675	1,675	1,675	1,675	1,675	-	-	16,746	45.67	-			
8560	State Lottery Income		57,205	-	-	-	-	-	-	14,301	-	-	14,301	-	-	-	-	28,603	57,205	156.00	-			
8590	Other State Revenues: ASES		112,500	-	-	73,125	-	-	-	-	-	-	28,125	-	-	-	-	11,250	112,500	306.79	-			
8590	Common Core		73,294	-	36,647	-	36,647	-	-	-	-	-	-	-	-	-	-	-	73,294	199.87	-			
8590	Mandate Block Grant		5,148	-	-	-	-	-	5,148	-	-	-	-	-	-	-	-	-	5,148	14.04	-			
TTL Other State Revenue			443,160	-	45,092	81,570	53,524	16,877	22,024	31,178	16,877	18,748	61,174	12,298	2,206	1,675	-	79,920	443,160	1,209				
Other Local Revenue																								
8096	In Lieu of Property Taxes		514,201	-	30,935	61,869	41,246	41,246	41,246	41,246	41,246	71,723	35,861	35,861	35,861	35,861	-	-	514,201	1,402.24	-	1,402.24		
8980	Student Lunch Revenue		6,000	-	300	600	600	600	600	600	600	600	600	600	300	-	-	-	6,000	16.36	-			
8982	Foundation Grants		10,000	-	-	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	-	-	-	10,000	27.27	-			
8983	All Other Local Revenue		30,000	-	-	3,000	3,000	3,000	3,000	3,000	3,000	3,000	3,000	3,000	3,000	-	-	-	30,000	81.81	-			
8984	Student Body (ASB) Fundraising Revenue		123	-	-	-	-	123	-	-	-	-	-	-	-	-	-	-	123	0.34	-			
8985	School Site Fundraising		10,000	-	-	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	-	-	-	10,000	27.27	-			
8986	Leases & Rentals		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-			
TTL Other Local Revenues			570,324	-	31,235	67,469	46,846	46,969	46,846	46,846	46,846	77,323	41,461	41,461	41,161	35,861	-	-	570,324	1,555.29				
TOTAL REVENUE			3,062,371	-	143,764	216,476	330,676	203,504	208,529	324,001	216,250	225,314	274,446	134,212	81,385	161,665	335,200	206,949	3,062,371	8,351.16				
Expenditures																								
Certified Salaries																								
1100	Teachers' Salaries		674,470	-	-	67,447	67,447	67,447	67,447	67,447	67,447	67,447	67,447	67,447	67,447	-	-	-	674,470	1,839.30	-			
1105	Stipends		15,500	-	-	7,750	-	-	-	-	-	-	-	-	7,750	-	-	-	15,500	42.27	-			
1120	Substitute		16,000	-	-	1,600	1,600	1,600	1,600	1,600	1,600	1,600	1,600	1,600	1,600	-	-	-	16,000	43.63	-			
1200	Certificated Pupil Support Salaries		72,540	-	-	7,254	7,254	7,254	7,254	7,254	7,254	7,254	7,254	7,254	7,254	-	-	-	72,540	197.82	-			
1300	Certificated Supervisor/Administrator Salaries		105,000	4,773	9,545	9,545	9,545	9,545	9,545	9,545	9,545	9,545	9,545	9,545	4,773	-	-	-	105,000	286.34	-			
1900	Other Certificated Salaries		-			-	-	-	-	-	-	-	-	-	-	-	-	-	-	0.00	-			
TTL Certified Salaries			883,510	4,773	9,545	93,596	85,846	85,846	85,846	85,846	85,846	85,846	85,846	85,846	88,824	-	-	-	883,510	2,409.35				
Classified Salaries																								
2100	Instructional Aides		126,380	-	-	12,638	12,638	12,638	12,638	12,638	12,638	12,638	12,638	12,638	12,638	-	-	-	126,380	344.64	-			
2200	Classified Support		20,000	1,667	1,667	1,667	1,667	1,667	1,667	1,667	1,667	1,667	1,667	1,667	1,667	-	-	-	20,000	54.54	-			
2300	Classified Supervisor/Administrator Salaries		80,000	3,636	7,273	7,273	7,273	7,273	7,273	7,273	7,273	7,273	7,273	7,273	3,636	-	-	-	80,000	218.16	-			
2400	Clerical/Office Staff		76,000	6,333	6,333	6,333	6,333	6,333	6,333	6,333	6,333	6,333	6,333	6,333	6,333	-	-	-	76,000	207.25	-			
2900	Other Classified Salaries		12,776	1,065	1,065	1,065	1,065	1,065	1,065	1,065	1,065	1,065	1,065	1,065	1,065				12,776	34.84	-			
TTL Classified Salaries			315,156	12,701	16,337	28,975	28,975	28,975	28,975	28,975	28,975	28,975	28,975	28,975	25,339	-	-	-	315,156	859.44				
Employee Benefits																								
3101	STRS		72,890	394	788	7,722	7,082	7,082	7,082	7,082	7,082	7,082	7,082	7,082	7,328			-	72,890	198.77	-			
3202	PERS		-	-	-	-	-	-	-	-	-	-	-	-	-			-	-	0.00	-			
3323	Medicare		17,381	253	375	1,777	1,665	1,665	1,665	1,665	1,665	1,665	1,665	1,665	1,655			-	17,381	47.40	-			
3313	OASDI		19,540	787	1,013	1,796	1,796	1,796	1,796	1,796	1,796	1,796	1,796	1,796	1,571			-	19,540	53.29	-			
3403	Health & Welfare Benefits		120,960	10,080	10,080	10,080	10,080	10,080	10,080	10,080	10,080	10,080	10,080	10,080	10,080			-	120,960	329.86	-			
3503	State Unemployment Insurance		20,377	1,698	1,698	1,698	1,698	1,698	1,698	1,698	1,698	1,698	1,698	1,698	1,698			-	20,377	55.57	-			
3603	Workers' Compensation		20,566	1,714	1,714	1,714	1,714	1,714	1,714	1,714	1,714	1,714	1,714	1,714	1,714			-	20,566	56.08	-			
3903	Other Employee Benefits		-	-	-	-	-	-	-	-	-	-	-	-	-				-	0.00	-			
TTL Employee Benefits			271,713	14,927	15,668	24,787	24,036	24,036	24,036	24,036	24,036	24,036	24,036	24,036	24,046	-	-	-	271,713	740.97				

Ingenium Charter School Budget

CASH FLOW																						PY P-2	
2013-2014 SCHOOL YEAR			Statistical	JULY	AUGUST	SEPT	OCT	NOV	DEC	JAN	FEB	MARCH	APRIL	MAY	JUNE	JULY	AUGUST	SEPTEMBER	FY2013-2014		Variance		367.68	Updated for 12-13 P-2 ADA
				2014	2014	2014	2014	2014	2014	2015	2015	2015	2015	2015	2015	2015	2015	2015	Total	Per ADA				
			State	5.00%	5.00%	9.00%	9.00%	9.00%	9.00%	9.00%	14.64%	9.71%	6.42%	2.98%	0.00%	48.98%	17.27%		386	366.70				
			Prop Tax	6%	12%	8%	8.0%	8.0%	8.0%	8.0%	33.3%	16.67%	16.67%	16.67%	16.67%									
		New School	State			37%			18%		14.64%	9.71%	6.42%	2.98%	0.00%	48.98%	17.27%							
				32,400	41,551	147,359	138,858	138,858	138,858	138,858	138,858	138,858	138,858	138,858	138,209				1,470,379	4,009.76				
Books and Supplies																								
4100	Approved Textbooks		7,500	3,750	3,750	-	-	-	-	-	-	-	-	-	-	-	-	-	7,500	20.45	-			
4200	Books & Other Reference Materials		3,000	-	300	300	300	300	300	300	300	300	300	300	-	-	-	-	3,000	8.18	-			
4300	General Materials & Supplies		20,000	1,667	1,667	1,667	1,667	1,667	1,667	1,667	1,667	1,667	1,667	1,667	1,667	-	-	-	20,000	54.54	-			
4315	Classroom Materials & Supplies		30,000	2,500	2,500	2,500	2,500	2,500	2,500	2,500	2,500	2,500	2,500	2,500	2,500	-	-	-	30,000	81.81	-			
4400	Noncapitalized Equipment		30,000	2,500	2,500	2,500	2,500	2,500	2,500	2,500	2,500	2,500	2,500	2,500	2,500	-	-	-	30,000	81.81	-			
4430	Student Non-Capitalized Equipment		2,000	167	167	167	167	167	167	167	167	167	167	167	167		-	-	2,000	5.45	-			
4700	Food Service Supplies		199,470	16,622	16,622	16,622	16,622	16,622	16,622	16,622	16,622	16,622	16,622	16,622	16,622	-	-	-	199,470	543.96	-			
TTL Books and Supplies			291,970	27,206	27,506	23,756	23,756	23,756	23,756	23,756	23,756	23,756	23,756	23,756	23,456	-	-	-	291,970	796.21				
Services, Other Operating Expenses																								
5200	Travel & Conferences		16,000	1,333	1,333	1,333	1,333	1,333	1,333	1,333	1,333	1,333	1,333	1,333	1,333			-	16,000	43.63	-			
5210	Training & Development		11,230	936	936	936	936	936	936	936	936	936	936	936	936			-	11,230	30.62	-			
5300	Dues & Memberships		4,000	333	333	333	333	333	333	333	333	333	333	333	333			-	4,000	10.91	-			
5400	Insurance		28,320	2,360	2,360	2,360	2,360	2,360	2,360	2,360	2,360	2,360	2,360	2,360	2,360			-	28,320	77.23	-			
5500	Operation & Housekeeping Services		15,000	1,250	1,250	1,250	1,250	1,250	1,250	1,250	1,250	1,250	1,250	1,250	1,250			-	15,000	40.91	-			
5501	Utilities		0	-	-	-	-	-	-	-	-	-	-	-	-			-	-	0.00	-			
5505	Student Transportation		3,500	292	292	292	292	292	292	292	292	292	292	292	292			-	3,500	9.54	-			
5600	Space Rental/Lease Expense		118,238	9,853	9,853	9,853	9,853	9,853	9,853	9,853	9,853	9,853	9,853	9,853	9,853			-	118,238	322.44	-			
5601	Building Maintenance		4,000	333	333	333	333	333	333	333	333	333	333	333	333			-	4,000	10.91	-			
5602	Other Space Rental		650	54	54	54	54	54	54	54	54	54	54	54	54			-	650	1.77	-			
5605	Equipment Rental/Lease Expense		14,000	1,167	1,167	1,167	1,167	1,167	1,167	1,167	1,167	1,167	1,167	1,167	1,167			-	14,000	38.18	-			
5610	Equipment Repair		500	42	42	42	42	42	42	42	42	42	42	42	42			-	500	1.36	-			
5800	Professional/Consulting Services & Oper Exp.		25,000	2,083	2,083	2,083	2,083	2,083	2,083	2,083	2,083	2,083	2,083	2,083	2,083			-	25,000	68.18	-			
5803	Banking & Payroll Service Fees		100	-	-	10	10	10	10	10	10	10	10	10	10			-	100	0.27	-			
5805	Legal/Audit Services		2,000	-	-	200	200	200	200	200	200	200	200	200	200			-	2,000	5.45	-			
5810	Educational Consultants		195,100	16,258	16,258	16,258	16,258	16,258	16,258	16,258	16,258	16,258	16,258	16,258	16,258			-	195,100	532.04	-			
5815	Advertising / Recruitming		11,200	933	933	933	933	933	933	933	933	933	933	933	933			-	11,200	30.54	-			
5820	Fundraising Expenses		0	-	-	-	-	-	-	-	-	-	-	-	-				-	0.00	-			
5890	Interest Expense / Misc. Fees		5,000	417	417	417	417	417	417	417	417	417	417	417	417				5,000	13.64	-			
5891	Charter Capital Fees		0	-	-	-	-	-	-	-	-	-	-	-	-				-	0.00	-			
5899	CMO Management Fee		571,960	47,663	47,663	47,663	47,663	47,663	47,663	47,663	47,663	47,663	47,663	47,663	47,663				571,960	1,559.75	-			
5900	Communications		7,500	625	625	625	625	625	625	625	625	625	625	625	625			-	7,500	20.45	-			
Total Services & Operating Expenses			1,033,298	85,933	85,933	86,143	86,143	86,143	86,143	86,143	86,143	86,143	86,143	86,143	86,143	-	-	-	1,033,298	2,817.83				
Capital Outlay																								
9420	Buildings and Improvements of Buildings		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0.00	-			
9440	Equipment & Furniture		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0.00	-			
9441	Computer Equipment		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0.00	-			
TTL Capital Outlay			-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0.00				
Direct Support / Indirect Costs																								
7010	Special Ed Fair Share Contribution		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0.00	-			
7500	District Oversight Fee		22,662	-	-	-	-	-	-	-	-	-	-	-	22,662	-	-	10,818	33,480	91.30	(10,818)			
7438	Debt Service - Interest		459	-	76	76	76	77	77	77	-	-	-	-	-				459	1.25	-			
TTL Direct Support / Indirect Costs			23,121	-	76	76	76	77	77	77	-	-	-	-	22,662	-	-	10,818	33,939	92.55				
TOTAL EXPENDITURES			2,818,769	145,539	155,066	257,334	248,833	248,834	248,834	248,834	248,757	248,757	248,757	248,757	270,470	-	-	10,818	2,829,587	7,716.35	(10,818)			
	SUB-NET		243,602	(145,539)	(11,302)	(40,858)	81,844	(45,330)	(40,305)	75,168	(32,507)	(23,443)	25,689	(114,544)	(189,085)	161,665	335,200	196,131	232,784	634.81	10,818			
NET			243,602	(145,539)	(11,302)	(40,858)	81,844	(45,330)	(40,305)	75,168	(32,507)	(23,443)	25,689	(114,544)	(189,085)	161,665	335,200	196,131	232,784					
Additional Reserves																								
1	Reserve - Operating		140,938	-	-	-	-	-	-	-	-	-	-	-	140,938				140,938	384.34				
2	Additional Reserves		-	-	-	-	-	-	-	-	-	-	-	-	0				0	0.00				
3	Reserve for State Budget adjustments		-	-	-	-	-	-	-	-	-	-	-	-	0				0	0.00				
TTL Additional Reserves			140,938	-	-	-	-	-	-	-	-	-	-	-	140,938	-	-	-	140,938	384.34				
	NET After Reserves		102,664	(145,539)	(11,302)	(40,858)	81,844	(45,330)	(40,305)	75,168	(32,507)	(23,443)	25,689	(114,544)	(330,023)	161,665	335,200	196,131	91,845					
	PY A/R-Projected		986,851	426,395	226,325	320,157		13,974																
	PY A/P-Projected			0	0																			
	ESTIMATED	Cash																						
	Monthly Cash Balance	0		280,856	495,879	775,177	857,021	825,666	785,361	860,528	828,022	804,579	830,268	715,723	385,700	547,366	882,566	1,078,696	1,078,696	#DIV/0!				
		Yr																						

Ingenium Charter School Budget

CASH FLOW																							PY P-2	
2013-2014 SCHOOL YEAR			Statistical	JULY	AUGUST	SEPT	OCT	NOV	DEC	JAN	FEB	MARCH	APRIL	MAY	JUNE	JULY	AUGUST	SEPTEMBER	FY2013-2014		Variance		367.68	Updated for 12-13 P-2 ADA
				2014	2014	2014	2014	2014	2014	2015	2015	2015	2015	2015	2015	2015	2015	2015	Total	Per ADA				
			State	5.00%	5.00%	9.00%	9.00%	9.00%	9.00%	9.00%	14.64%	9.71%	6.42%	2.98%	0.00%	48.98%	17.27%		386	366.70				
			Prop Tax	6%	12%	8%	8.0%	8.0%	8.0%	8.0%	33.3%	16.67%	16.67%	16.67%	16.67%									
		New School	State			37%			18%		14.64%	9.71%	6.42%	2.98%	0.00%	48.98%	17.27%							
	Cash Balance with Reserves	0		*280,856*	*495,879*	*775,177*	*857,021*	*825,666*	*785,361*	*860,528*	*828,022*	*804,579*	*830,268*	*715,723*	*526,639*	*688,304*	*1,023,504*	*1,219,635*	*1,219,635*	*#DIV/0!*				

California State Board of Education

Meeting Agenda Items for January 15-16, 2014

WAIVER ITEM W-01

ITEM #W-01

CALIFORNIA STATE BOARD OF EDUCATION

JANUARY 2014 AGENDA

☒ **General Waiver**

SUBJECT	
Request by **Alpaugh Unified School District** for a renewal 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 ratio to allow an increase from 25:1 to a 27.5:1 pupil-to-teacher ratio at Central California Connections Academy Charter School. Waiver Number: 2-9-2013	☒ **Action** ☒ **Consent**

SUMMARY OF THE ISSUES

On September 3, 2013, Alpaugh Unified School District (USD) submitted a renewal waiver request to the State Board of Education (SBE) to increase the pupil-to-teacher ratio from 25:1 to 27.5:1 at Central California Connections Academy Charter School (CenCA). CenCA states that an increase in the pupil-to-teacher ratio will allow cost savings while maximizing the resources that a virtual school can offer to students. The SBE approved the previous waiver for this school on March 14, 2013, for the 2012–13 school year only.

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

RECOMMENDATION

☐ **Approval** ☒ **Approval with conditions** ☐ **Denial**

The California Department of Education recommends approval of this waiver request with conditions for a period of two years less one day. Therefore, *EC* Section 33051(b) will not apply, and the district will need to reapply if they wish to renew the waiver.

Additionally, Alpaugh USD will spend all excess funds generated by the increased pupil-to-certificated-employee ratio on students enrolled in CenCA.

SUMMARY OF KEY ISSUES

EC Section 51745.6 and *California Code of Regulations*, Title 5, Section 11704, and portions of Section 11963.4(A)(3), establish minimum requirements for average daily

attendance (ADA)-to-teacher ratios in independent study that apply to non-classroom-based charter schools. In essence, these sections require that the ratio meet the following criteria:

- The ratio cannot exceed the equivalent ratio of ADA-to-full-time certificated employees for all other educational programs operated by the high school or unified school district with the largest ADA of pupils in that county.

- In a charter school, the ratio may be calculated by using a fixed ADA-to-certificated-employee ratio of 25:1, or by a ratio of less than 25 pupils per certificated employee.

CenCA is an existing virtual school in the Alpaugh USD. The school has a 2012 Base of 746 and a 2013 Growth Academic Performance Index (API) of 759. The school experienced an increase in the 2012–13 growth target of 13 points. For additional information, see Attachment 3.

The rationale provided by CenCA for raising the ADA ratio is as follows:

- All revenues will be used to support student services such as enhanced curricular offerings, increased test preparation services, increased remediation and interventions for struggling students, and increased access to technology tools.

- An increase in the pupil-to-teacher ratio will allow cost savings while maximizing the resources that a virtual school can offer to students.

Alpaugh USD's CenCA has a student population of 257 and is located in a rural community in the Tulare County.

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

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SBE approved the previous waiver for this school on March 14, 2013, with the condition that the waiver is approved for the 2012–13 school year only and that CenCA will begin the 2013–14 school year without a waiver. The school will need to apply for a new waiver for 2013–14 and beyond, after the Academic Performance Index data for the 2012–13 school year is released.

This is a request for a renewal of the waiver to raise the pupil-to-teacher ratio of this charter school to 27.5:1. The requested waiver falls within the SBE Independent Study ADA-to-teacher ratio (http://www.cde.ca.gov/be/ms/po/policy01-03-apr2001.asp), which states that a waiver shall not be greater than 10 percent above the ratio that would be

applicable absent the waiver and this agreed-upon new maximum ratio will be maintained in all future years of the waiver.

FISCAL ANALYSIS (AS APPROPRIATE)

The increased pupil-to-teacher ratio would result in cost savings for the charter school and increased ADA claims from the state.

ATTACHMENT(S)

Attachment 1: Summary Table of Independent Study State Board of Education Waiver for January 2014 (1 Page)

Attachment 2: Alpaugh Unified School District; General Waiver Request 2-9-2013 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: Alpaugh Unified School District: Academic Performance Index Data Table for Central California Connections Academy Charter School (2 Pages)

Summary Table of Independent Study State Board of Education Waiver for January 2014

Waiver Number	County Office of Education/ District Name, Size of District, and Approval Date	Pupil to Teacher Ratio Requested (if waiver of *Education Code [EC]* Sections 51745.6 and *California Code of Regulations*, Title 5, Section 11704 and portions of Section 11963.4(a)(3)	Period of Request	Renewal Waiver?	Certificated Bargaining Unit Name and Representative, Date of Action, and Position	Advisory Committee/ School Site Council Name, Date of Review, and Any Objections
2-9-2013	Alpaugh Unified School District 257 Total Students April 11, 2013	Increase from 25:1 to 27.5:1. Small online charter; no teacher will experience 27.5:1 at any given time.	**Requested:** July 1, 2013 through June 29, 2015 **Recommended:** July 1, 2013 through June 29, 2015	Yes	No Bargaining Unit	Board of Directors of Central California Connections Academy March 19, 2013 No objections

California Department of Education
WAIVER SUBMISSION - General

CD Code: 5471803 Waiver Number: 2-9-2013 Active Year: 2013

Date In: 9/3/2013 12:31:40 PM

Local Education Agency: Alpaugh Unified School District
Address: 5313 Road 39
Alpaugh, CA 93201

Start: 7/1/2013 End: 6/29/2015

Waiver Renewal: Y
Previous Waiver Number: 5-10-2012 Previous SBE Approval Date: 3/14/2013

Waiver Topic: Independent Study Program
Ed Code Title: Pupil Teacher Ratio
Ed Code Section: *EC* 51745.6, and *CCR*, Title 5, sections 11704, and portions of 11963.4(a)(3)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: …and the ratio of average daily attendance for independent study pupils to full-time certificated employees responsible for independent study does not exceed a pupil-teacher ratio of [25:1] 27.5:1

Outcome Rationale: Central California Connections Academy (CenCA) provides a high quality virtual education to students in Central California. Teachers work primarily from the school office but serve students in a large geographic area using a variety of technological tools. An increase in the pupil to teacher ratio will allow cost savings while maximizing the resources that a virtual school can offer to students. Given the budget constraints caused by the ongoing financial crisis, CenCA proposes to implement needed budget savings by fully utilizing such efficiencies offered by on-line education. Despite fiscal challenges, if additional revenue results from the increased ratio, it will be directed back to services which support student learning in the virtual environment, such as enhanced curricular offerings, increased test preparation services, increased remediation and intervention services for struggling students, and/or increased access to technology tools.

Student Population: 257

City Type: Rural

Public Hearing Date: 4/11/2013
Public Hearing Advertised: Notice posted at each school and a notice posted at the Post Office

Local Board Approval Date: 4/11/2013

Community Council Reviewed By: Charter School. Board of Directors
Community Council Reviewed Date: 3/19/2013
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Dr. Frances Sassin
Position: Business Manager, California Connections Academy
E-mail: fsassin@connectionseducation.com
Telephone: 949-306-8498
Fax:

Central California Connections Academy, Alpaugh Unified

CDS Code: 54-71803-0112458

Table 1: Academic Performance Index (API) Data

Student Subgroups	2011						2012						2013					
	Number Of Students	2010 Base	2011 Growth	2010-11 Growth Target	2010-11 Growth	Met Growth Target	Number Of Students	2011 Base	2012 Growth	2011-12 Growth Target	2011-12 Growth	Met Growth Target	Number Of Students	2012 Base	2013 Growth	2012-13 Growth Target	2012-13 Growth	Met Growth Target
African American or Black	5						6						4					
American Indian or Alaska Native	7						2						1					
Asian	7	701					6						4					
Filipino	4						1						0					
Hispanic or Latino	30	741	758				42	760	654				38	665	728			
Native Hawaiian or Pacific Islander	2						3						0					
White	47	725	789				57	790	787				84	792	772	5	-20	No
Two or More Races	0						0						16		787			
Socioeconomically Disadvantaged	45	639	745				57	753	734				65	742	711	5	-31	No
English Learners	8						7						9					
Students with Disabilities	8						11		745				12	757	680			
Schoolwide	102	718	776	5	58	Yes	117	780	739	5	-41	No	147	746	759	5	13	Yes
Statewide/Similar Schools Rank	**4 / 10**						**5 / 9**											

(blank) : The API is not displayed when there are less than 11 valid scores.

(--) : Targets are not calculated for subgroups that are not numerically significant.

Statewide/Similar Schools Rank Codes:

I - Invalid Data
B - District or ASAM school
C - Special Education School
S - Schools whose School Characteristics Index (SCI) and similar schools rank also changed.
O - Schools whose SCI changed because of data change, but similar schools rank did not change.

Base, Growth and Target Codes:

A - Met Interim Performance Target of 800.
B - School did not have a valid API Base and there is no Growth or target information.
C - School had significant demographic changes and there is no Growth or target information.
D - There is no growth target for districts, or Special Education schools.

California State Board of Education

Meeting Agenda Items for January 15-16, 2014

WAIVER ITEM W-02

ITEM #W-02

CALIFORNIA STATE BOARD OF EDUCATION

JANUARY 2014 AGENDA

☒ **General Waiver**

SUBJECT	
Request by **Fremont Unified 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 Kennedy High School. Waiver Number: 18-9-2013	☒ **Action** ☒ **Consent**

RECOMMENDATION

☒ **Approval** ☐ **Approval with conditions** ☐ **Denial**

California *Education Code* (*EC)* Section 33051(b) will apply, and the district will be not required to reapply if the information contained on the request remains current.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

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

Several types of these block schedules incorporate PE instruction on a limited basis and do not meet the statutory requirement of 400 minutes every 10 school days. A committee including PE experts, district staff, SBE members, and California Department of Education staff developed a recommendation for a waiver policy. This group did not feel that they could ask high schools in the state to stop doing block scheduling, so flexibility was sought, and a waiver policy was created.

SUMMARY OF KEY ISSUES

Education Code Section 51222(a) established requirements for minimum instructional minutes of PE, 400 minutes every ten school days for pupils in grades seven through twelve. Kennedy High School (HS) has implemented a block schedule in grades nine through twelve that does not provide each student with PE instruction for a minimum of 400 minutes every ten school days.

Students at this school are enrolled in PE for only 18 weeks of the school year, receiving instruction for an average of 82 minutes per school day (four days at 85 minutes and one day at 70 minutes). This means that PE is taught for 410 minutes per school week (or 820 minutes each ten days). Therefore, the actual time that Kennedy HS students are enrolled in PE meets the minimum minute requirements, if added on an annual basis (7,380 minutes).

Sample Student Schedules	**Fall Term** 18 Consecutive Weeks	**Spring Term** 18 Consecutive Weeks
Student A	Minutes per week of PE instruction = 0	Minutes per week of PE Instruction = 410
Student B	Minutes per week of PE Instruction = 410	Minutes per week of PE instruction =0

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

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

2. The district has developed a PE professional development plan for teachers who deliver instruction in PE at that school.

3. The students are enrolled in courses of PE a minimum of 18 weeks in 80–90 minute daily class periods during the regular school year.

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

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

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

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

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

As required by SBE Waiver Policy #99–03, PE Requirements for Block Schedules, the 2012-13 California Physical Fitness Test (PFT) data was reviewed and indicates that 26.6 percent of Kennedy HS grade nine students meet all six out of six fitness standards on each of the PFT items. This indicates a 1.5 percentage point increase from their 2011–12 results (25.1)

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

Demographic Information: Kennedy HS has a student population of 1400. The district is located in a suburban area of Alameda County.

Authority for Waiver: *EC* Section 33050

Period of request: September 1, 2013, to September 1, 2014
Period recommended: September 1, 2013, to September 1, 2014

Local board approval Local date(s): September 25, 2013

Public hearing held on date(s): September 25, 2013

Bargaining unit(s) consulted on date(s): September 5, 2013

Name of bargaining unit/representative(s) consulted: Fremont Unified District Teachers Association, Sherea Westra, President

Position of bargaining unit(s) (choose only one):
☐ Neutral ☒ Support ☐ Oppose:

Public hearing advertised by (choose one or more):
☒ posting in a newspaper ☒ posting at each school ☒ other (specify) Web

Advisory committee(s) consulted: Kennedy High School Site Council, September 23, 2013

Objections raised (choose one): ☒ None ☐ Objections are as follows:

Date(s) consulted: November 5, 2012

FISCAL ANALYSIS (AS APPROPRIATE)

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

ATTACHMENT(S)

Attachment 1: Fremont Unified School District General Waiver Request 18-9-2013 (2 pages) (Original waiver request is signed and on file in the Waiver Office.

California Department of Education
WAIVER SUBMISSION - General

CD Code: 0161176 Waiver Number: 18-9-2013 Active Year: 2013

Date In: 9/30/2013 1:54:37 PM

Local Education Agency: Fremont Unified School District
Address: 4210 Technology Dr.
Fremont, CA 94537

Start: 9/1/2013 End: 9/1/2014

Waiver Renewal: Y
Previous Waiver Number: 82-1-2013-W-03 Previous SBE Approval Date: 5/8/2013

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

Ed Code or *CCR* to Waive: *Education Code* Section 51222(a). Grades 7-12 Instructional Minutes (a) All pupils, except pupils excused or exempted pursuant to Section 512471, shall be required to attend upon the courses of physical education for a total period of time of not less than 400 minutes each 10 school days.

Outcome Rationale: Fremont Unified School District's Kennedy High School is seeking a permanent, general waiver for portions of the California *Education Code*, Section 51222(a), related to the statuary minimum of 400 minutes of physical education required each ten days, for grades nine through twelve, in order to continue to implement a block schedule. Kennedy High School has operated under a 4X4 block quarter schedule for over ten years.

Last year, while preparing for the Healthy Fitness Zone testing, it was discovered that a general waiver had not been filed to accommodate students off track for PE during the testing window for Kennedy High School. A preliminary waiver was filed with the State and approved. Fremont USD is now requesting permanent status for the waiver. Kennedy High School students attend physical education courses for 18 weeks during each school year for grades 9 and 10 with the option of taking elective or make-up classes for grades 11 and 12. During their enrollment in physical education classes, students attend PE class for 900 minutes every 10 school days.

Kennedy High School has made numerous efforts to increase student achievement; one way is to provide block scheduling. Block scheduling allows for increased flexibility by providing extended learning opportunities as well as gives students greater access to the academic and intervention programs. The school measures its overall achievement though their assessments and evaluations of their API, AYP and HFZ assessments (see attached documentation relating the 4X4 Block Schedule and how it relates to PE).

Student Population: 1400

City Type: Urban

Public Hearing Date: 9/25/2013
Public Hearing Advertised: newspaper, website, posted in front window of central office

Local Board Approval Date: 9/25/2013

Community Council Reviewed By: Kennedy High School Site Council
Community Council Reviewed Date: 9/23/2013
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Dr. Jan March
Position: Director of Assessment and Instruction
E-mail: jmarch@fremont.k12.ca.us
Telephone: 510-659-2517 x0
Fax:

Bargaining Unit Date: 09/05/2013
Name: Fremont Unified District Teachers Association
Representative: Sherea Westra
Title: President
Position: Support
Comments:

California State Board of Education

Meeting Agenda Items for January 15-16, 2014

WAIVER ITEM W-03

ITEM #W-03

CALIFORNIA STATE BOARD OF EDUCATION

JANUARY 2014 AGENDA

☒ **General Waiver**

SUBJECT	
Request by **Hanford Joint Union High 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 Edmondson to continue to provide services to students until June 30, 2014, under a remediation plan to complete those minimum requirements. Waiver Number: 5-9-2013	☒ **Action** ☒ **Consent**

SUMMARY OF THE ISSUES

The SBE must determine if Amanda Edmonson, an interpreter for the Hanford Joint Union High School District, qualifies for an educational interpreter waiver, to provide educational interpreter services until June 6, 2014.

Authority for Waiver: *EC* Section 33050

RECOMMENDATION

☐ **Approval** ☒ **Approval with conditions** ☐ **Denial**

The California Department of Education (CDE) recommends approval of the waiver request for Amanda Edmondson, with the individual conditions noted in the attached spreadsheet.

SUMMARY OF KEY ISSUES

The Individuals with Disabilities Education Improvement Act of 2004 (IDEIA 2004) requires that interpreters for pupils who are deaf or hard of hearing meet state-approved or state-recognized certification, licensing, registration, or other comparable requirements, as defined in Title 34 of the *Code of Federal Regulations*, Section 300.156(b)(1).

To meet this federal requirement, the *California Code of Regulations*, Title 5 (5 *CCR*), Section 3051.16(b)(3) require the following:

By **July 1, 2009**, and thereafter, an educational interpreter shall be certified by the national Registry of Interpreters for the Deaf (RID), or equivalent; in lieu of RID certification or equivalent, an educational interpreter must have achieved a score of **4.0** or above on the Educational Interpreter Performance Assessment (EIPA), the Educational Sign Skills Evaluation-Interpreter/Receptive (ESSE-I/R), or the National Association of the Deaf/American Consortium of Certified Interpreters (NAD/ACCI) assessment. If providing Cued Language transliteration, a transliterator shall possess Testing/Evaluation and Certification Unit (TECUnit) certification, or have achieved a score of **4.0** or above on the EIPA – Cued Speech.

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

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

In 2002, the State Board of Education (SBE) approved regulations that required educational interpreters to be certified by the national Registry of Interpreters for the Deaf (RID), or equivalent, by January 1, 2007. As of July 1, 2009, they have been required to be certified by the RID, or equivalent, or to have achieved a score of 4.0 or better on specified assessments.

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

FISCAL ANALYSIS (AS APPROPRIATE)

There is no statewide fiscal impact of waiver approval.

ATTACHMENT(S)

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

Attachment 2: Hanford Joint Union High School District General Waiver Request Waiver 5-9-2013 (3 pages) (Original waiver request is signed and on file in the Waiver Office)

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

Waiver Number	LEA	Interpreter	Period of Request	Local Board and Public Hearing Approval Date Public Hearing Requirement	Bargaining Unit, Representative(s) Consulted, Date and Position	Advisory Committee Consulted, Date and Position	Previous Waivers (Yes/No) Date	Name, Date, and Score of Most Recent Evaluation	Name, Dates, and Scores of Previous Evaluations	Date of Hire
5-9-2013	Hanford Joint Union High School District	Amanda Edmondson	**Requested:** 8/15/13 to 6/6/14 **Recommended:** 8/15/13 to 6/6/14	8/27/2013 Notice in Local Newspaper and Notice posted at each school site in the District	California School Employees Association Rosemary Lopes-Horn, President Support 7/31/13	Schoolsite Council at Hanford High School 9/10/13	New	ESSE March 2012 3.0 Expressive 4.2 Receptive	N/A	8/13/13
	Conditions: 1. The Hanford Joint Union High School District must provide Ms. Edmonson with weekly one-on-one mentorship, based on an individualized professional development plan, by a qualified interpreter. 2. By June 2014, the Hanford Joint Union High School District must provide CDE with new assessment scores for Ms. Edmondson.									

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1663925 Waiver Number: 5-9-2013 Active Year: 2013

Date In: 9/11/2013 9:23:13 AM

Local Education Agency: Hanford Joint Union High School District
Address: 823 West Lacey Blvd.
Hanford, CA 93230

Start: 8/15/2013 End: 6/6/2014

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

Waiver Topic: Special Education Program
Ed Code Title: Educational Interpreter for Deaf and Hard of Hearing
Ed Code Section: *CCR*, Title 5, Section 3051.16(b)(3)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: *EC* 3051.16. Specialized Services for Low-Incidence Disabilities.
(b) Certification requirements for educational interpreters for deaf and hard of hearing pupils.
[(3) By July 1, 2009, and thereafter, an educational interpreter shall be certified by the national RID, or equivalent; in lieu of RID certification or equivalent, an educational interpreter must have achieved a score of 4.0 or above on the EIPA, the ESSE-I/R, or the NAD/ACCI assessment. If providing Cued Language transliteration, a transliterator shall possess T*EC*Unit certification, or have achieved a score of 4.0 or above on the EIPA - Cued Speech.]

Outcome Rationale: Amanda Edmondson is an Educational Sign Language Interpreter whose services are valued by the Hanford Jt. Union High School District. With this waiver we can better meet the needs of more of our students who are deaf and hard of hearing. Without a waiver for Amanda, our program will not run effectively as our students will be in the general education classroom without an interpreter working with them. Amanda has been employed as an Educational Sign Interpreter since 8/13/13. Amanda has a current score of 3.0 (expressive) and 4.2 (receptive) on the Education Sign Skills, Evaluation (ESSE) from the March 2012 administration date, which does not meet the qualifications set by Title 5 Educational regulations 3051.16. However, this is an improvement from the December 2010 administration and the October 2011 administration where Amanda earned and Overall Assessment Score of 2.9. Amanda has been working to raise her scores on the ESSEI/R by taking on-line classes through courses the Betty and Leonard Phillips Deaf Action Center of Louisiana. In addition, Amanda will continue to attend workshops offered through the Central California Registry for Interpreters of the Deaf. Amanda will continue to be mentored by an educational specialist who is credentialed in Deaf education or an Interpreter for the Deaf who is appropriately certified. A copy of Amanda Edmondson's Training Plan is attached to this Waiver Request.

Student Population: 4000

City Type: Rural

Public Hearing Date: 8/13/2013
Public Hearing Advertised: Notice in Local Newspaper and Notice posted at each school site in the District.

Local Board Approval Date: 8/27/2013

Community Council Reviewed By: Reviewed and approved by the School Site Council at Hanford High School.
Community Council Reviewed Date: 9/10/2013
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Ward Whaley
Position: Director of Adminstrative Services
E-mail: wwhaley@hjuhsd.k12.ca.us
Telephone: 559-583-5901 x3126
Fax: 559-589-9769

Bargaining Unit Date: 07/31/2013
Name: California School Employees Association #471
Representative: Rosemarie Lopes-Horn
Title: President
Position: Support
Comments:

Hanford Joint Union High School District
Educational Interpreter

Remediation Plan (13-14)

Name: Amanda Edmondson
Site: Hanford High School Assignment: Interpreter for the Deaf

Effective July 1, 2009 as required by CA Code of Regulations, Sections 3051.16 and 3065 regulations specify the following qualification standards for educational interpreters:

By July 1, 2009 and thereafter, an educational interpreter shall be certified by the national RID; in lieu of RID certification or equivalent, an educational interpreter must have achieved a score of 4.0 or above on the EIPA, the ESSEI/R, or the NAD/ACCI assessment.

If an educational interpreter has not met the standard; the district may apply for a one year waiver on their behalf. Waiver requests would include this training plan. To receive a waiver, interpreter would need to provide evidence to HR that they are taking a class, going to trainings and/or taking one of the required assessments to prove that they are working towards the required certification.

I understand that I do not yet meet the qualification standards for educational interpreters

To become a certified educational interpreter, I must meet one of the following options:

X__ Become a certified by national RID:
Score 4.0 or above on one of the following assessments:
___EIPA
X__ESSEI/R
___NAD/ACCI

Actions I will take to complete the above requirements:

☑ Take test preparation workshops offered through CCRID (Central California Registry for Interpreters for Deaf)

☑ Take on-line opportunities monthly for interpreter trainings- The Betty and Leonard Phillips Deaf Action Center of Louisiana

☑ Meet with a mentor on a regular basis – name: Ms. Kerri Borba, Interpreter at Hanford High School

☑ Take the ESSEI/R assessment on TBA for Central CA (date)

I further understand that the Director of SPED and I will discuss my Training Plan regularly to ensure that I am actively working toward the required interpreter certification. If a waiver is granted by CDE, it will be valid until the end of the 2013-14 school year. If you are unable to provide documentation of a minimum 4.0 on the EIPA, ESSE or RID by June 1, 2014 your assignment as a sign language interpreter/tutor may be terminated prior to the expiration of your probationary period.

_____ _____
Educational Interpreter Signature Date

_____ _____
Director of Administrative Services Signature Date

_____ _____
CSEA Chapter President Date

California State Board of Education

Meeting Agenda Items for January 15-16, 2014

WAIVER ITEM W-04

ITEM #W-04

CALIFORNIA STATE BOARD OF EDUCATION

JANUARY 2014 AGENDA

☒ **General Waiver**

SUBJECT	
Request by three 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: Berryessa Union Elementary School District 11-10-2013 Covina-Valley Unified School District 15-10-2013 Sacramento City Unified School District 13-9-2013	☒ **Action** ☒ **Consent**

RECOMMENDATION

☒ **Approval** ☐ **Approval with conditions** ☐ **Denial**

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The State Board of Education (SBE) has approved all waiver requests since the deadline for submission of the State Testing Apportionment Information Reports was added to the *California Code of Regulations* (*CCR*), and the SBE Waiver Policy 08-#: State Testing Apportionment Informational Report Deadline (available at http://www.cde.ca.gov/re/lr/wr/documents/statetesting.doc).

SUMMARY OF KEY ISSUES

Regulations for the State Testing Apportionment Information Report, amended in 2005, include an annual deadline of December 31 for the return of the Apportionment Information Report for prior year testing for the California English Language Development Test (CELDT), the California High School Exit Examination (CAHSEE), and the Standardized Testing and Reporting (STAR) Program. The California Department of Education (CDE) sent letters in September 2005 announcing the new deadline in regulations to every local educational agency (LEA). This deadline was enacted to speed the process of final reimbursement of testing costs to the LEAs.

The LEAs filing for this waiver request missed the December 31 deadline for requesting reimbursement for the 2010–11 and 2011–12 fiscal years. CDE staff verified that these LEAs needed the waivers and had submitted reports after the deadline.

These LEAs are now aware of this important change in the timeline and understand that future reports must be submitted to the Assessment Development and Administration Division for reimbursement. Therefore, the CDE recommends the approval of this waiver request as required by regulation prior to final reimbursement.

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

Authority for Waiver: *EC* Section 33050

Period of request: various dates

Period recommended: various dates

Local board approval date(s): various dates

Public hearing held on date(s): various dates

Bargaining unit(s) consulted on date(s): various dates

Name of bargaining unit/representative(s) consulted: various

Position of bargaining unit(s) (choose only one):
☐ Neutral ☒ Support ☐ Oppose

Public hearing advertised by (choose one or more):
☒ posting in a newspaper ☒ posting at each school ☒ Web site, district office, library, or board agenda

Objections raised (choose one): ☒ None ☐ Objections are as follows:

FISCAL ANALYSIS (AS APPROPRIATE)

If these waivers are approved, these three LEAs will be reimbursed for the costs of the CELDT or the STAR for the 2010–11 or 2011–12 school year. Total costs are indicated on Attachment 1, and the waiver requests from each LEA are included as Attachments 2, 3, and 4.

ATTACHMENT(S)

Attachment 1: Local Educational Agencies Requesting Waiver of State Testing Apportionment Information Report Deadline — January 2014 (1 Page)

Attachment 2: Berryessa Union Elementary School District General Waiver Request 11-10-2013 (2 Pages) (Original waiver request is signed and on file in the Waiver Office)

Attachment 3: Covina-Valley Unified School District General Waiver Request 15-10-2013 (2 Pages) (Original waiver request is signed and on file in the Waiver Office)

Attachment 4: Sacramento City Unified School District General Waiver Request 13-9-2013 (2 Pages) (Original waiver request is signed and on file in the Waiver Office)

Local Educational Agencies Requesting Waiver of State Testing Apportionment Information Report Deadline — January 2014

Local Educational Agency	Waiver Number	Period of Request	Test Report(s) Missing	Report(s) Submitted	Fiscal Year(s)	Reimbursement Amount	Union Position
Berryessa Union Elementary School District (SD)	11-10-2013	**Requested:** 7/1/2012 – 12/31/2012 **Recommended:** 7/1/2012 – 12/31/2012	California English Language Development Test (CELDT)	Yes	2011-12	$15,750.00	Support
Covina-Valley Unified SD	15-10-2013	**Requested:** 7/1/2012 – 12/31/2012 **Recommended:** 7/1/2012 – 12/31/2012	Standardized Testing and Reporting Program (STAR)	Yes	2011-12	$26,119.98	Support
Sacramento City Unified SD	13-9-2013	**Requested:** 7/1/2010 – 6/30/2011 **Recommended:** 7/1/2011 – 12/31/2011	CELDT	Yes	2010-11	$62,640.00	Neutral

California Department of Education
WAIVER SUBMISSION - General

CD Code: 4369377 Waiver Number: 11-10-2013 Active Year: 2013

Date In: 10/18/2013 3:56:33 PM

Local Education Agency: Berryessa Union Elementary School District
Address: 1376 Piedmont Rd.
San Jose, CA 95132

Start: 7/1/2012 End: 12/31/2012

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

Waiver Topic: State Testing Apportionment Report
Ed Code Title: CELDT
Ed Code Section: CCR, Title 5, Section 11517.5(b)(1)(A)
Ed Code Authority: 33050

Ed Code or CCR to Waive: December 31, 2012 Deadline.

CELDT - CCR, Title 5, [Section 11517.5(b)(1)(A)...Postmarked by December 31...]

Outcome Rationale: We neglected to send the final documentation into the State Department by the December 31st deadline. We are requesting the funds so we can continue administering the CELDT testing in our district.

Education Services will ensure that the forms are filled out in a timely manner each year.

Student Population: 8066

City Type: Urban

Public Hearing Date: 10/15/2013
Public Hearing Advertised: Board Agenda Posting - Brown Act

Local Board Approval Date: 10/15/2013

Community Council Reviewed By: Superintendent Council, Board Members
Community Council Reviewed Date: 10/15/2013
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Karen Mattos
Position: Manager of Assessment and Accountability
E-mail: kmattos@busd.net
Telephone: 408-923-1836
Fax: 408-254-1802

Bargaining Unit Date: 10/14/2013
Name: California School Employee Association
Representative: Debbie Narvaes
Title: President
Position: Support
Comments:

Bargaining Unit Date: 10/01/2013
Name: California Teachers Association
Representative: Rob Curry
Title: President
Position: Support
Comments:

Bargaining Unit Date: 10/03/2013
Name: Teamsters
Representative: Pete Reyes
Title: Chief Steward
Position: Support
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1964436 Waiver Number: 15-10-2013 Active Year: 2013

Date In: 10/22/2013 2:57:42 PM

Local Education Agency: Covina-Valley Unified School District
Address: 519 East Badillo St.
Covina, CA 91723

Start: 7/1/2012 End: 12/31/2012

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

Waiver Topic: State Testing Apportionment Report
Ed Code Title: STAR
Ed Code Section: CCR, Title 5, Section 862(c)(2)(A)
Ed Code Authority: 33050

Ed Code or CCR to Waive: CCR, Title 5, Education, Division 1, Chapter 2, Subchapter 3.75, Section 862 as reflected on this report (Rows A, D, E, F, G, I, and J)

Outcome Rationale: I was new at my position and missed the deadline for the application of funds. The waiver is necessary to help monitor student achievement in the future.

Student Population: 10348

City Type: Suburban

Public Hearing Date: 10/2/2013
Public Hearing Advertised: The meeting was advertised on the district website

Local Board Approval Date: 9/16/2013

Community Council Reviewed By: Covina-Valley Unified School District School Board
Community Council Reviewed Date: 9/15/2013
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Dr. Michael Chaix
Position: Director of Assessment and Program Evaluation
E-mail: mchaix@cvusd.k12.ca.us
Telephone: 626-974-7000 x2076
Fax:

Bargaining Unit Date: 08/13/2013
Name: Covina Unified Education Assosciation
Representative: Michelle Ramos
Title: Member at Large, Negotiating Committee
Position: Support
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 3467439 Waiver Number: 13-9-2013 Active Year: 2013

Date In: 9/20/2013 2:22:30 PM

Local Education Agency: Sacramento City Unified School District
Address: 5735 47th Ave.
Sacramento, CA 95824

Start: 7/1/2010 End: 6/30/2011

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

Waiver Topic: State Testing Apportionment Report
Ed Code Title: CELDT
Ed Code Section: CCR, Title 5, Section 11517.5(b)(1)(A)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: Title 5, Section 11517.5 of the *California Code of Regulations* specifies that each school district shall receive an Apportionment Information Report that shall include the number of pupils assessed with the CELDT as indicated by the number of answer documents submitted to and scored by the test contractor for each administration (July 1 through June 30).

Outcome Rationale: SCOE states they did not receive our apporionment certification for 2010-2011.

Student Population: 12,528

City Type: Urban

Public Hearing Date: 6/30/2013
Public Hearing Advertised: none

Local Board Approval Date: 6/30/2013

Community Council Reviewed By: None
Community Council Reviewed Date: 6/30/2013
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Melody Hartman
Position: Coordinator
E-mail: melody-hartman@scusd.edu
Telephone: 916-643-9420
Fax:

Bargaining Unit Date: 10-4-13
Name: Sacramento City Teacher's Association
Representative: Nikki Milevsky
Title: President
Position: Neutral
Comments:

California State Board of Education

Meeting Agenda Items for January 15-16, 2014

WAIVER ITEM W-05

ITEM #W-05

CALIFORNIA STATE BOARD OF EDUCATION

JANUARY 2014 AGENDA

☒ **General Waiver**

SUBJECT	
Request by two local educational agencies to waive portions of California *Education Code* Section 48661(a), relating to the colocation of a community day school with other types of schools. The third request is to waive California *Education Code* Section 48916.1(d) portions of California *Education Code* Section 48660, relating to the allowable grade spans for community day schools. Waiver Numbers: Chawanakee Unified School District 14-10-2013 Folsom-Cordova Unified School District 21-10-2013 Palo Verde Unified School District 7-9-2013	☒ **Action** ☒ **Consent**

SUMMARY OF THE ISSUES

Request by Folsom-Cordova Unified School District (USD) for a waiver of California *Education Code (EC)* Section 48661(a) to permit the collocation of Mather Youth Academy, a community day school (CDS), on the same site as Mather Youth Opportunity, a continuation high school. Request by Palo Verde USD for a waiver of *EC* Section 48661(a) to permit the collocation of Blythe Community Day School, a CDS, on the same site as Twin Palms High School, a continuation high school. Request by Chawanakee USD for a waiver for *EC* Section 48916.1(d) and portions of *EC* Section 48660 to permit a CDS to serve students in grades five and six with students in grades seven through twelve.

For the Folsom-Cordova Unified School District , *EC* Section 33051(b) will apply and the district will not need to reapply if the information contained on the request remains current.

Authority for Waiver: *EC* Section 33050

RECOMMENDATION

☐ **Approval** ☒ **Approval with conditions** ☐ **Denial**

The California Department of Education (CDE) recommends approval of the waiver requests for these three CDSs, with the individual conditions noted in the Attachment 1.

SUMMARY OF KEY ISSUES

EC Section 48916.1(a) requires school districts to ensure that each of their expelled students be provided an educational program during the period of expulsion. *EC* Section 48661(a) states that a CDS shall not be situated on the same site as a comprehensive elementary, middle, or high school, continuation high school, or an opportunity school. *EC* Section 48661(a) authorizes a small school district with 2,500 or fewer students to waive the separation requirement based on an annual certification by at least two-thirds of the local board that separate alternative facilities are not available. With these waivers, the local boards are asking for similar authority as the board of a small district. The local boards voted unanimously to request the waivers.

The Folsom-Cordova USD has successfully operated Mather Youth Academy, a CDS, on the same site as Mather Youth Opportunity, a continuation high school since April 2001, without any significant issues or concerns between them. However, it was only this year, as part of a districtwide review of its specialized schools, that the district realized that a waiver was needed to support this colocation. The district explains that the successful colocation is due to the presence of a full-time joint administration, counseling staff, psychologist and other support staff, office staff, campus supervisors, and outside support agencies. The two schools operate on separate parts of the campus, each with its own restrooms. Students arrive on separate buses and are met by administration and campus monitors to ensure that there is no mingling of the students.

The Palo Verde USD is a small, remote district. The CDS was previously located in a separate older facility that needed many repairs. There was often very little administrative support available for the school. The new site will have a full-time principal. There will also be an instructional aide in the CDS. Strategies to maintain separation of the CDS and the continuation high school include separate entry/egress, start times and dismissal times, locked gates, video surveillance, separate restrooms, eating locations and times.

EC Section 48660 provides for the allowable grade spans of CDSs. *EC* Section 48916.1(d) provides for the allowable grade spans of educational services for expelled students. *EC* Section 48660 provides that a CDS may serve pupils in any of kindergarten and grades one to six, inclusive, or any of grades seven to twelve, inclusive, or the same or lesser included range of grades as may be found in any individual middle or junior high school operated by the district. It further provides that if a school district is organized as a district that serves kindergarten through eighth grades (K–8), inclusive, but no higher grades, the governing board of the school district may establish a CDS for any students in K–8, inclusive.

The Chawanakee USD does not expect more than a small number of students to be enrolled in the CDS, which means it is not fiscally feasible to operate two CDSs, one for students up to grade six, and a second for grades seven and above. At the same time, they recognize their responsibility to ensure that educational placements are available for expelled and other high-risk students. Additionally, it is difficult to predict when and if a student in any specific grade level will need to be served in a CDS. This means that at any given time, all of the students might be in elementary grades, middle grades, high

school, or any combination of these grades—just as at any time it is equally possible that no student in any one of these grade spans might be enrolled. The district does not anticipate having more than six students at a time, allowing for careful supervision and individualization of instruction. The nearest other placement option for expelled students below eighth grade is 45 miles away. In order to ensure that students receive adequate academic support despite the wider span of grades, the Chawanakee USD has committed to provide grade-level-appropriate mentor teacher support to CDS teachers who are teaching beyond their normal grade spans.

Demographic Information: See Attachment 1

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

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The State Board of Education (SBE) has approved several similar requests in the past to allow the colocation of a CDS with another school when the CDS could not be located separately and the district has been able to provide for the separation of students from the other schools. The SBE has also approved previous waiver requests to expand the allowable grade span for a CDS to best serve its students when it was not feasible for the district to operate two separate schools.

FISCAL ANALYSIS (AS APPROPRIATE)

There is no statewide fiscal impact of Waiver approval.

ATTACHMENT(S)

Attachment 1: Summary Table of Community Day School State Board of Education Waivers for January 2014 (2 pages)

Attachment 2: Chawanakee Unified School District: General Waiver Request 14-10-2013 (2 pages) (Original Waiver request is signed and on file in the Waiver Office.)

Attachment 3: Folsom-Cordova Unified School District: General Waiver Request 21-10-2013 (2 pages) (Original Waiver request is signed and on file in the Waiver Office.)

Attachment 4: Palo Verde Unified School District: General Waiver Request 7-9-2013 (3 pages) (Original Waiver request is signed and on file in the Waiver Office.)

Summary Table of Community Day School State Board of Education Waivers for January 2014

Waiver Number	District Name, Size of District, and Approval Date	Grade Span Requested (if waiver of California *Education Code [EC]* sections 48660 and 48916.1[d])	Type(s) of School(s) with which CDS will be Colocated (if waiver of *EC* Section 48661[a])	Period of Request	Renewal Waiver?	If granted, this waiver will be "permanent" per *EC* Section 33501(b)	Certificated Bargaining Unit Name and Representative, Date of Action, and Position	Advisory Committee/School Site Council Name, Date of Review and any Objections
14-10-2013	Chawanakee USD 1,069 Total Students 6 students in CDS October 8, 2013	Grades five through twelve		**Period of Request:** November 4, 2013 through July 1, 2014 (from the LEA) **Period Recommended:** November 4, 2013 through July 1, 2014 (from the CDE)	NO	NO	Chawanakee Teacher's Association Kim Boatman September 25, 2013 Support	CDS Advisory Board September 25, 2013 No objections
	Conditions: 1. This waiver provides for the CDS operated by the Chawanakee USD to serve students in grades five through twelve.							
21-10-2013	Folsom-Cordova Unified School District (USD) 19,262 Total Students 65 students in Community Day School (CDS) October 24, 2013 Unanimous Vote		Continuation High School	**Period of Request:** January 1, 2013 through June 30, 2015 (from the Local Educational Agency [LEA]) **Period Recommended:** January 1, 2013 through June 30, 2015 (from the California Department of Education [CDE])	NO	YES	Folsom-Cordova Education Association Michael Itkoff October 10, 2013 Support	Schoolsite Council and Alternative Education Committee October 2, 2013 No objections
	Conditions: 1. This waiver provides for the CDS operated by the Folsom-Cordova USD to be located on the same campus as Mather Youth Opportunity, a continuation high school, on the basis of a two-thirds annual vote of the local governing board, certifying that satisfactory alternative facilities are not available for a CDS, in accordance with *EC* Section 48661(b).							

Waiver Number	District Name, Size of District, and Approval Date	Grade Span Requested (if waiver of California *EC* sections 48660 and 48916.1[d])	Type(s) of School(s) with which CDS will be Colocated (if waiver of *EC* Section 48661[a])	Period of Request	Renewal Waiver?	If granted, this waiver will be "permanent" per *EC* Section 33501(b)	Certificated Bargaining Unit Name and Representative, Date of Action, and Position	Advisory Committee/School Site Council Name, Date of Review and any Objections
7-9-2013	Palo Verde USD 3,400 Total Students 19 students in CDS July 2, 2013 Unanimous Vote		Continuation High School	**Period of Request:** July 1, 2013 through June 30, 2014 (from the LEA) **Period Recommended:** July 1, 2013 through June 30, 2014 (from the CDE)	NO	NO	Palo Verde Teachers Association Mary Roberson June 24, 2013 Support Classified School Employee Association Diana Vibanco June 24, 2013 Support	Schoolsite Council November 22, 2013 No objections
	Conditions: 1. This waiver provides for the CDS operated by the Palo Verde USD to be located on the same campus as Twin Palms High School, a continuation high school, on the basis of a two-thirds annual vote of the local governing board, certifying that satisfactory alternative facilities are not available for a CDS, in accordance with *EC* Section 48661(b).							

Created by the California Department of Education
November 15, 2013

California Department of Education
WAIVER SUBMISSION - General

CD Code: 2075606 Waiver Number: 14-10-2013 Active Year: 2013

Date In: 10/22/2013 11:42:25 AM

Local Education Agency: Chawanakee Unified School District
Address: 33030 Road 228
North Fork, CA 93643

Start: 11/4/2013 End: 7/1/2014

Waiver Renewal: Y
Previous Waiver Number: 13-9-2010-W-9 Previous SBE Approval Date: 11/10/2010

Waiver Topic: Community Day Schools (CDS)
Ed Code Title: Commingle Grade Levels
Ed Code Section: 48916.1(d) and portions of Section 48660
Ed Code Authority: 33050

Ed Code or CCR to Waive: 48660. The governing board of a school district may establish one or more community day schools for pupils who meet one or more of the conditions described in subdivision (b) of Section 48662. A community day school may serve pupils in any of kindergarten and grades 1 to 6, inclusive, or any of grades 7 to 12, inclusive, or the same or lesser included range of grades as may be found in any individual middle or junior high school operated by the district. If a school district is organized as a district that serves kindergarten and grades 1 to 8, inclusive, but no higher grades, the governing board of the school district may establish a community day school for any [of] kindergarten and grades 1 to 8, inclusive, upon a two-thirds vote of the board. It is the intent of the Legislature, that to the extent possible, the governing board of a school district operating a community day school for any of kindergarten and grades 1 to 8, inclusive, separate younger pupils from older pupils within that community day school. Except as provided in Section 47634, a charter school may not receive funding as a community day school unless it meets all the conditions of apportionment set forth in this article.

[48916.1. (d) If the pupil who is subject to the expulsion order was expelled from any of kindergarten or grades 1 to 6, inclusive, the educational program provided pursuant to subdivision (b) shall not be combined or merged with educational programs offered to pupils in any of grades 7 to 12, inclusive. The district or county program is the only program required to be provided to expelled pupils as determined by the governing board of the school district. This subdivision, as it relates to the separation of pupils by grade levels, does not apply to community day schools offering instruction in any of kindergarten and grades 1 to 8, inclusive, and established in accordance with Section 48660.]

Outcome Rationale: The Board’s rationale for this waiver is to be able to utilize the Community Day School in a wider grade span. Due to economic issue that state is in, it is necessary to combine multiple grade levels into one CDS. The district’s CDS have been traditionally very small, serving 4 to 6 students at any given time. Allowing a larger grade span will not diminish the program’s effectiveness. It will allow the district to be able to serve more students. Currently,

expelled students in grades 4-7 would have to travel 45 miles to the county run CDS. Allowing the district this flexibility during these economic times will actually give students more education options and not cost the district or state more money.

- With the economic pressures facing schools, currently the district is unable to fund two full programs as it has in the past. We are requesting this waiver for only one year to help bridge the financial gap we currently find ourselves in.

- With the school district being small and remote we do not anticipate having more than a 6:1 student to teacher ratio. With this ratio there is plenty of individualized instruction. There are even times when there are no students enrolled and then there are times when there are only elementary students and others when there are only high school students. With the needs being so flexible we need more flexibility in our program to serve our students.

Student Population: 1069

City Type: Rural

Public Hearing Date: 10/8/2013
Public Hearing Advertised: Notice at each school site

Local Board Approval Date: 10/8/2013

Community Council Reviewed By: Community Day School Advisory Committee
Community Council Reviewed Date: 9/25/2013
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Gary Talley
Position: Lead Teacher
E-mail: gtalley@mychawanakee.org
Telephone: 559-877-6209 x215
Fax:

Bargaining Unit Date: 09/25/2013
Name: Chawanakee Teacher's Association
Representative: Kim Boatman
Title: CTA President
Position: Support
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 3467330 Waiver Number: 21-10-2013 Active Year: 2013

Date In: 10/25/2013 2:20:41 PM

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

Start: 1/1/2013 End: 6/30/2015

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

Waiver Topic: Community Day Schools (CDS)
Ed Code Title: Colocate Facilities
Ed Code Section: 48661(a)
Ed Code Authority: 33050

Ed Code or CCR to Waive: (a)A community day school shall not be situated on the same site as an elementary, middle, junior high, comprehensive senior high, opportunity, or continuation school, except as follows:(1) When the governing board of a school district [with 2,500 or fewer units of average daily attendance reported for the most recent second principal apportionment] certifies by a two-thirds vote of its membership that satisfactory alternative facilities are not available for a community day school.

Outcome Rationale: The Folsom Cordova Unified School District is requesting a waiver of California Education Code (EC) Section 48661(a), which provides that a CDS shall not be situated on the same site as other types of schools. The Folsom Cordova USD is seeking the SBE approval to permit the Mather Youth Academy, a CDS for students in grades seven through twelve, with an enrollment of 65, to operate on the same site with the Mather Youth Opportunity Program, a small school with an enrollment of 12, for special education students requiring high staff to student ratio in a highly structured environment without outside distractions.

Education Code Section 48661(a)(1) authorizes a small school district with 2,500 or fewer students to waive the separation requirement based on an annual certification by at least two-thirds of the local board that separate alternative facilities are not available. This waiver, if approved, would provide the Folsom Cordova USD the same local determination option as a smaller district.

For the last twelve years, the Mather Youth Academy (CDS) has collocated on the same site as the Mather Youth Opportunity (serving students in grades six through twelve). However, for the 2013-2014 school year, the Folsom Cordova USD, as part of a greater district wide review of specialized schools, we need a waiver to fully authorize the collocation of the Mather Youth Academy and the Mather Youth Opportunity on the same site.

Given the challenging fiscal climate facing California schools, the district is finding that it does not have the resources to operate our CDS at a fully separate location. Both schools share resources including a joint administration, counseling staff, psychologist, mfts, office staff, campus supervisors, and outside support agencies. Separation is maintained through separate buildings divided by large concrete walkways and common areas into two separate and distinct locations. Each school has its own restrooms. Students arrive and depart at the same time, but on separate buses. The administration and campus monitors insure that the students do not intermingle especially during arrival and departure times. The schools have been housed together since April 2001, with no issues or concerns between them. The Folsom Cordova Unified School District believes our preventive measures and twelve years of coexistence provides a high level of safety and security.

The local school board voted unanimously to approve the waiver request. The Folsom Cordova Education Association President, Michael Itkoff, supports the waiver. A special district level committee comprised of comprehensive and alternative school district administrators and the school site council representatives also approved the waiver request. The Folsom Cordova Unified School District is requesting this waiver for the January 1, 2013 through June 30, 2015 school year.

Student Population: 19262

City Type: Urban

Public Hearing Date: 10/24/2013
Public Hearing Advertised: Posted at each school site, at the District Office and on the District's web page

Local Board Approval Date: 10/24/2013

Community Council Reviewed By: School Site Council and Alternative Education Committee
Community Council Reviewed Date: 10/2/2013
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Steve Muzinich
Position: Director Attendance and Due Process
E-mail: smuzinic@fcusd.org
Telephone: 916-294-9012
Fax: 916-294-9083

Bargaining Unit Date: 10/10/2013
Name: Folsom Cordova Education Association
Representative: Michael Itkoff
Title: President
Position: Support
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 3367181 Waiver Number: 7-9-2013 Active Year: 2013

Date In: 9/17/2013 9:13:27 AM

Local Education Agency: Palo Verde Unified School District
Address: 295 North First St.
Blythe, CA 92225

Start: 7/1/2013 End: 6/30/2014

Waiver Renewal: Y
Previous Waiver Number: 34-5-2011-W-10 Previous SBE Approval Date: 6/15/2012

Waiver Topic: Community Day Schools (CDS)
Ed Code Title: Colocate Facilities
Ed Code Section: 48661(a)
Ed Code Authority: 33050

Ed Code or CCR to Waive: 48661. (a) A community day school shall not be situated on the same site as an elementary, middle, junior high, comprehensive senior high, opportunity, or continuation school, except as follows:
(1) When the governing board of a school district with [2,500 or fewer units] of average daily attendance reported for the most recent second principal apportionment certifies by a two-thirds vote of its membership that satisfactory alternative facilities are not available for a community day school.

Outcome Rationale:
To remove or amend the language in strike-out font in item number six listed above. Although our district is larger than the 2,500 student population required to qualify for the separate facility exemption, our district only has 3,400 students, and maintaining an entire separate site for these students represents significant difficulty and hardship to the district.

We have and will continue to develop and strengthen policies and procedures that minimize the level of interaction that occurs between the PVVCDS students and their neighboring peers. These strategies includes, but are not limited to separate restroom areas, separate feeding times and areas, minimal office contact, locked gates and fencing, and the use of instructional support staff to better monitor the activity and behavior of the PVVCDS students. During the last school year, we had only one incident of fighting between a female CDS student and a Palo Verde High School student that was minor in nature.

The more severe behavior exhibited by these students most often occurred on their separate section of the facility and much of that behavior is easily remedied by additional supervision. We did experience two issues at the continuation campus that we believe was caused by two CDS students. We removed one student permanently and we purchased cameras to install for the coming year and intend to hire some supervision support to assist the teacher responsible for this student group. Due to the budget issues we faced over the last couple of years, we

operated the CDS program without instructional aide support this year, which helped facilitate some of the hardships experienced. One additional personnel member will remedy a number of these issues. Second, the move from the previous site ensures that an administrator is available at all times.

Prior to moving to the current site, the CDS campus was in an older facility that needed many repairs. Also, it was in close proximity to one of our elementary schools, which resulted in many complaints from their parents, faculty, and staff. This is very characteristic of the group no matter where we house them. Additionally, when housed at the previous site, the school would often times spend up to half a day without support, because the administrator in charge had other duties related to the Middle School and attendance duties. The new facility placement puts them under the supervision of the Alternative Education principal at nearly all times on a daily basis. This immediate support also helps remedy a number of issues and prevents unnecessary escalations.

In absence of a perfect solution for this difficult population, we propose allowing the CDS students to remain as a separate entity on the Alternative Education campus. These students come from difficult backgrounds and have experienced very little success in our education environment. Further, their choices caused faculty and staff to turn their backs on these students as well, which is unfortunate, because they are the population who needs the most adult mentoring and nurture, which is what our program provides as these students work to transition through what is arguably one of the most difficult times in their lives.

Steps to Ensure Success of Waiver Implementation:
1) Maintain separate campus appearance (locked gates, separate entry / egress, start times, and dismissal times) for CDS students that are different from other school programs.
2) Install video surveillance at CDS and Alternative Education site to further improve supervision and accountability efforts.
3) Provide instructional or supervision support for faculty at all times.
4) Maintain separate restroom facilities and eating areas and times for CDS students.

Student Population: 19

City Type: Rural

Public Hearing Date: 7/2/2013
Public Hearing Advertised: newspaper, public library, all school sites, district office posting

Local Board Approval Date: 7/2/2013

Community Council Reviewed By: Palo Verde Board of Trustees
Community Council Reviewed Date: 11/22/2013
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Meliton Sanchez
Position: Principal of Alternative Education
E-mail: msanchez@pvusd.us
Telephone: 760-922-4884 x7102
Fax:

Bargaining Unit Date: 06/24/2013
Name: Classified School Employee Association
Representative: Diana Vibanco
Title: CSEA President
Position: Support
Comments:

Bargaining Unit Date: 06/24/2013
Name: Palo Verde Teachers Association
Representative: Mary Roberson
Title: PVTA President
Position: Support
Comments:

California State Board of Education

Meeting Agenda Items for January 15-16, 2014

WAIVER ITEM W-06

ITEM #W-06

CALIFORNIA STATE BOARD OF EDUCATION

JANUARY 2014 AGENDA

☒ **General Waiver**

SUBJECT	
Request by two districts to waive California *Education Code* Section 37202(a), the equity length of time requirement for Transitional kindergarten students. Waiver Numbers: Escalon Unified School District 15-9-2013 Douglas City Elementary School District 4-10-2013	☒ **Action** ☒ **Consent**

SUMMARY OF THE ISSUES

Escalon Unified School District and Douglas City Elementary School District seek waivers of California *Education Code* (*EC*) Section 37202(a), the equity length of time requirement for kindergarten and Transitional kindergarten (TK).

Authority for Waiver: *EC* Section 33050

RECOMMENDATION

☐ **Approval** ☒ **Approval with conditions** ☐ **Denial**

The California Department of Education recommends approval of the waiver for each of the districts listed on Attachment 1 with the following condition: The local educational agency will provide an update by March 1, 2014, to all families of the elementary schools affected, explaining the waiving of California *EC* Section 37202(a) allowing TK students to attend school for fewer minutes than the traditional kindergarten students at these schools.

SUMMARY OF KEY ISSUES

The districts listed on Attachment 1 are requesting to waive *EC* Section 37202(a), the equity length of time requirement for kindergarten programs. Pursuant to *EC* Section 37202, any TK program operated by a district must be of equal length to any kindergarten program operated by the same district. The districts are in small rural communities and staff have determined that it is in the best interest of the TK students and traditional kindergarten students to have a shorter TK school day than the traditional kindergarten school day to ensure a differentiated curriculum can be provided (pursuant to *EC* 48911).

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

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

In September 2013, the State Board of Education (SBE) approved, with conditions, a waiver request by Forestville Union Elementary School District to waive *EC* Section 37202, the equity length of time requirement for TK and kindergarten programs. The conditions of the waiver were as follows: By October 1, 2013, the local board would provide an update to all families of Forestville Union Elementary School, explaining the waiving of California *EC* Section 37202(a) allowing TK students to attend school for fewer minutes than kindergarten students.

FISCAL ANALYSIS (AS APPROPRIATE)

Approval of this waiver would have no known fiscal impact.

ATTACHMENT(S)

Attachment 1: List of Waiver Numbers, Districts, and Information regarding each waiver. (1 Page)

Attachment 2: Escalon Unified School District General Waiver Request 15-9-2013 (4 Pages) (Original waiver request is signed and on file in the Waiver Office)

Attachment 3: Douglas City Elementary School District General Waiver Request 4-10-2013 (2 Pages) (Original waiver request is signed and on file in the Waiver Office)

Districts Requesting Transitional Kindergarten Waivers								
Waiver Number	**District**	**Streamlined Waiver Policy**	**Period of Request**	**Demographic Information**	**Bargaining Unit, Representatives Consulted, Date, and Position**	**Local Board and Public Hearing Approval Date**	**Advisory Committee(s) Consulted, Date, and Position**	**Projected Number of Affected Students**
15-9-2013	Escalon Unified School District	Does not meet	**Requested:** 8/20/2013 To 6/30/2015 **Recommended:** 7/1/2013 To 6/30/2014	The Escalon USD has a student population of 2,815 and is located in the Central Valley.	Escalon Unified Teacher's Association, September 11, 2013 Ray Roncale, Representative	September 17, 2013	Collegeville and Dent Schoolsite Council 9/17/2013 No objections	22 students
4-10-2013	Douglas City Elementary School District	Does not meet	**Requested:** 7/1/2013 To 6/30/2014 **Recommended:** 7/1/2013 To 6/30/2014	The Douglas City Elementary School District has a student population of 170 and is located in a small rural community in northern California.	No bargaining unit in district.	October 9, 2013	Schoolsite Council 10/1/2013 No objections	3 students

* Created by the California Department of Education on October 29, 2013

California Department of Education
WAIVER SUBMISSION - General

CD Code: 3968502 Waiver Number: 15-9-2013 Active Year: 2013

Date In: 9/25/2013 4:57:41 PM

Local Education Agency: Escalon Unified School District
Address: 1520 Yosemite Ave.
Escalon, CA 95320

Start: 8/20/2013 End: 6/30/2015

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

Waiver Topic: Equity Length of Time
Ed Code Title: Equity Length of Time
Ed Code Section: 37202
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: (a) Except if a school has been closed by order of a city or a county board of health, or of the State Board of Health, on account of contagious disease, or if the school has been closed on account of fire, flood, or other public disaster, the governing board of a school district shall maintain all of the [elementary day schools established by it for an equal length of time during the school year] and all of the day high schools established by it for an equal length of time during the school year. (b) Notwithstanding subdivision (a), a school district that is implementing an early primary program, pursuant to Chapter 8(commencing with Section 8970) of Part 6, may maintain kindergarten classes at different school sites within the district for different lengths of time during the school day.

Outcome Rationale: See Attachment

Student Population: 2815

City Type: Rural

Public Hearing Date: 9/17/2013
Public Hearing Advertised: Posting of a formal notice at each school siteand three public places in the district

Local Board Approval Date: 9/17/2013

Community Council Reviewed By: 1)Collegeville School Site Council and 2)Dent School Site Council (the only 2 schools with TK)
Community Council Reviewed Date: 9/17/2013
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Joel Johannsen
Position: Asst. Superintendent
E-mail: jjohannsen@sjcoe.net
Telephone: 209-838-3591 x422
Fax:

Bargaining Unit Date: 09/11/2013
Name: Escalon Unified Teachers Assn. (EUTA)
Representative: Ray Roncale
Title: EUTA President
Position: Support
Comments:

Attachment

EUSD would like to request a waiver to the California State Board of Education of EC 37202 – Specifically, highlighted below:

(a) Except if a school has been closed by order of a city or a county board of health, or of the State Board of Health, on account of contagious disease, or if the school has been closed on account of fire, flood, or other public disaster, the governing board of a school district shall maintain all of the [elementary day schools established by it for an equal length of time during the school year] and all of the day high schools established by it for an equal length of time during the school year. (b) Notwithstanding subdivision (a), a school district that is implementing an early primary program, pursuant to Chapter 8(commencing with Section 8970) of Part 6, may maintain kindergarten classes at different school sites within the district for different lengths of time during the school day.

Background – Several years ago EUSD had an audit exception regarding compliance with EC 37202 as all elementary sites had different amounts of instructional minutes at each grade level. Owing to the geographical expanse of our district, and the fact that some 85% of our students rely on school transportation to attend school each day, the district applied for, and was granted, a waiver of EC 37202. Additionally, given EC 46111, which states - (a) (1) No pupil in a Kindergarten shall be kept in school in any day more than four hours exclusive of recesses except for pupils in Early Primary Programs, as set forth in Chapter 8 (commencing with Section 8970) of Part 6, the district applied for, and was granted another waiver, to permit Kindergarten classes to exceed the instructional time maximum as stated in EC 46111.

Specifically this request deals with the following concerns:
With the advent of Transitional Kindergarten, which the state identifies as the first year of a two year kindergarten program, the district is now required to request another waiver of EC 37202, which allows the district to have a different number of instructional minutes at the TK/K grade level. The rationale being that:

1) While the district currently has an approved waiver of EC 48911, which allows the district to exceed the minimum length of the school day for Kindergarten students (i.e. 240 minutes/four hours), the district doesn't feel that waiver applies to Transitional Kindergarten students owing to the fact that the existing waiver was approved prior to the creation of Transitional Kindergarten.

2) Given that Transitional Kindergarten is intended to be the first year of a two year Kindergarten experience, and the intent of EC 48911, the district feels that requiring a Transitional Kindergarten student to attend school in excess of the four hour minimum (pursuant to EC 48911) is not in the best educational interests of those students enrolled in Transitional Kindergarten.

3) Given the small number of students eligible for Transitional Kindergarten (currently 22), and owing to the small size of our district (ADA - 2815), if the district had to be compliant with EC 37202 (and the district's existing waiver), it would limit the district's ability to concurrently provide comprehensive instruction to both the Transitional Kindergarten students and Kindergarten students at the selected sites which offer Transitional Kindergarten. As well, it requires the small number of eligible Transitional Kindergarten students to attend an instructional day in excess of four hours.

4) Lastly, with the current structure of our Transitional Kindergarten program (TK is held in the first half of the instructional day), our current students participate in an intensive reading curricula (Reading Mastery), along with their Kindergarten peers, and are given instruction in the other core areas during this time. This structure ensures that our Transitional Kindergarten students are fully prepared meet the academic rigor in the second year of the Kindergarten sequence and provides the teacher time to cover the Kindergarten specific standards in the second half of the instructional day.

California Department of Education
WAIVER SUBMISSION - General

CD Code: 5371696 Waiver Number: 4-10-2013 Active Year: 2013

Date In: 10/15/2013 2:58:42 PM

Local Education Agency: Douglas City Elementary School District
Address: 100 School Rd.
Douglas City, CA 96024

Start: 7/1/2013 End: 6/30/2014

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

Waiver Topic: Equity Length of Time
Ed Code Title: Equity Length of Time
Ed Code Section: 37202
Ed Code Authority: 33050(a)

Ed Code or *CCR* to Waive: Except if a school has been closed by order of a city or a county board of health, or of the State Board of Health, on account of contagious disease, or if the school has been closed on account of fire, flood, or other public disaster, the governing board of a school district shall maintain all of the elementary day schools established by it for an equal length of time during the school year and all of the day high schools established by it for an equal length of time during the school year.

Outcome Rationale: The District would like to change the transitional kindergarten (TK) day from being the same length as our regular kindergarten day. We have a small rural 170 student K through 8th grade school district. We have only had three students eligible for a TK program. We have a current structure that has kindergarten students coming to school from 8:35 a.m. to 2:35 p.m. each day, and the TK kids coming into the kindergarten classes from 8:35a.m. to 12:35 p.m. each day. An instructional aide is available in the morning but not the afternoon to better work with the unique developmental needs of the TK kids.

Student Population: 170

City Type: Rural

Public Hearing Date: 10/9/2013
Public Hearing Advertised: The public hearing was posted at the school and at three public places in the community.

Local Board Approval Date: 10/9/2013

Community Council Reviewed By: School Site Council
Community Council Reviewed Date: 10/1/2013
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Marilyn Myrick
Position: Superintendent/Principal
E-mail: mmyrick@tcoek12.org
Telephone: 530-623-6350
Fax: 530-623-3412

California State Board of Education

Meeting Agenda Items for January 15-16, 2014

WAIVER ITEM W-07

ITEM #W-07

CALIFORNIA STATE BOARD OF EDUCATION

JANUARY 2014 AGENDA

☒ **General Waiver**

SUBJECT	
Request by **San Francisco Unified School District** to waive California *Education Code* Section 51520(b), which prohibits free dental screening providers from self-referring for additional dental services. Waiver Number: 16-8-2013	☒ **Action** ☒ **Consent**

SUMMARY OF THE ISSUES

The San Francisco Unified School District (USD) seeks a waiver of California *Education Code (EC) S*ection 51520(b), which prohibits free dental screening providers from self-referring for additional dental services. Receiving this waiver would allow San Francisco USD to partner with Northeast Medical Services (NEMS), a nonprofit community health clinic, to provide free dental screenings and low-cost dental services to students at an on-site Burton High School dental clinic.

Authority for Waiver: *EC* Section 33050

RECOMMENDATION

☐ **Approval** ☒ **Approval with conditions** ☐ **Denial**

The California Department of Education (CDE) recommends that *EC* Section 51520(b) be waived so that NEMS, a nonprofit community health clinic, can continue to provide free dental screenings to the students at Burton High School. To allow the inclusion of NEMS on a list of referrals would help them in defraying the cost of providing the screenings.

It is recommended that the CDE impose a condition that the list of providers given to the students be looked at each year to confirm that the list includes an array of service providers as it currently does. Annually, San Francisco USD will mail a list of providers to CDE for review. The CDE recommends approving the waiver request with conditions for a period of two years less one day. Therefore, *EC* Section 33051(b) will not apply, and the district will need to reapply if they wish to renew the waiver.

SUMMARY OF KEY ISSUES

EC Section 51520(b) states that: "A licensed dentist who provides voluntary dental health screening programs for pupils on school premises, shall not solicit a pupil, or the pupil's parent or guardian, or encourage, or advise treatment or consultation for the pupil by the licensed dentist, or any entity in which the licensed dentist has a financial interest, for any condition discovered in the course of the dental health screening. It is the intent of the Legislature that no licensed dentist use voluntary dental health screening programs for the generation of referrals or for financial benefit. The Legislature does not intend to deny or limit freedom of choice in the selection of an appropriate dental provider for treatment or consultation."

According to DataQuest, 70 percent of Burton High School students are socioeconomically disadvantaged. Additionally, San Francisco USD reports that in the southeast sector of San Francisco, where Burton High School is located, lack of access to dental health services is an acute problem. Students, who need additional dental services beyond those offered at the on-site clinic (fillings, crowns, etc.,), would be referred to a list of community and city dental clinics. NEMS, a nonprofit community health clinic, would be able to continue to provide free dental screenings if they were simply allowed to be included among the other health care providers currently on the list, something that a conservative reading of *EC* Section 51520(b) would prohibit.

Burton High School, located in South San Francisco, has a student population of 919, of which 38 percent are English Language Learners, 34 percent Asian, 22 percent Hispanic or Latino, 20 percent Filipino, and 13 percent African American.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

There is no previous State Board of Education action regarding this type of waiver.

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

Demographic Information: Burton High School has a student population of 919. The district is located in an urban area of South San Francisco.

Authority for Waiver: *EC* Section 33050

Period of request: July 1, 2013, to June 30, 2014
Period recommended: July 1, 2013 to June 29, 2015

Local board approval Local date(s): February 23, 2013

Public hearing held on date(s): February 26, 2013

Bargaining unit(s) consulted on date(s): August 2, 2013

Name of bargaining unit/representative(s) consulted: United Educators of San Francisco, Dennis Kelly, President

Position of bargaining unit(s) (choose only one):
☐ Neutral ☒ Support ☐ Oppose:

Public hearing advertised by (choose one or more):
☐ posting in a newspaper ☐ posting at each school ☒ other (specify)
Physical posting of notice, Internet posting of notice, emailing of notice to circulation list per Govt Code 54950 et seq (Brown Act)

Advisory committee(s) consulted: Schoolsite Council

Objections raised (choose one): ☒ None ☐ Objections are as follows:

Date(s) consulted: April 3, 2013

FISCAL ANALYSIS (AS APPROPRIATE)

There is no statewide fiscal impact of waiver approval.

ATTACHMENT(S)

Attachment 1: San Francisco Unified School District General Waiver Request 16-8-2013 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

California Department of Education
WAIVER SUBMISSION - General

CD Code: 3868478 Waiver Number: 16-8-2013 Active Year: 2013

Date In: 8/30/2013 3:12:03 PM

Local Education Agency: San Francisco Unified School District
Address: 555 Franklin St.
San Francisco, CA 94102

Start: 7/1/2013 End: 6/30/2014

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

Waiver Topic: Other Waivers
Ed Code Title: Other Waivers
Ed Code Section: 51520
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: 51520.

(a) During school hours, and within one hour before the time of opening and within one hour after the time of closing of school, pupils of the public school shall not be solicited on school premises by teachers or others to subscribe or contribute to the funds of, to become members of, or to work for, any organization not directly under the control of the school authorities, unless the organization is a nonpartisan, charitable organization organized for charitable purposes by an act of Congress or under the laws of the state, the purpose of the solicitation is nonpartisan and charitable, and the solicitation has been approved by the county board of education or by the governing board of the school district in which the school is located.

[(b) A licensed dentist who provides voluntary dental health screening programs for pupils on school premises, shall not solicit a pupil, or the pupil's parent or guardian, or encourage, or advise treatment or consultation for the pupil by the licensed dentist, or any entity in which the licensed dentist has a financial interest, for any condition discovered in the course of the dental health screening. It is the intent of the Legislature that no licensed dentist use voluntary dental health screening programs for the generation of referrals or for financial benefit. The Legislature does not intend to deny or limit freedom of choice in the selection of an appropriate dental provider for treatment or consultation.]

(c) A licensed optometrist who provides voluntary vision testing programs for pupils on school premises, shall not solicit a pupil, or the pupil's parent or guardian, or encourage, or advise treatment or consultation for the pupil by the licensed optometrist, or any entity in which the licensed optometrist has a financial interest, for any condition discovered in the course of the vision testing. It is the intent of the Legislature that no licensed optometrist use voluntary vision testing programs for the generation of referrals or for financial benefit. The Legislature does not intend to deny freedom of choice in the selection of an appropriate vision care provider for treatment or consultation.

(d) Nothing in this section shall be construed as prohibiting the solicitation of pupils of the public school on school premises by pupils of that school for any otherwise lawful purpose.
(Amended by Stats. 1996, Ch. 83, Sec. 1. Effective January 1, 1997.)

Outcome Rationale: The San Francisco Unified School District seeks a waiver of *Education Code* section 51520, subsection (b), which prohibits free dental screening providers from self-referring for additional dental services. Receiving such waiver would allow SFUSD to partner with Northeast Medical Services (NEMS), a non-profit community health clinic, to provide free dental screenings and low-cost dental services to students at an on-site Burton High School dental clinic.

Students who need additional dental services beyond those offered at the on-site clinic (fillings, crowns, etc.) would be referred to a list of community and city dental clinics. To help defray costs of this on-site clinic, NEMS wishes to be included amongst other providers in the referral list that would be provided to students. However, *Education Code* section 51520(b) prohibits a provider of free dental screenings from making self-referrals for additional services.

Access to dental health services in the southeast sector of San Francisco, where Burton HS is located, is an acute problem. However, SFUSD seeks a district-wide waiver because if this pilot project is successful it may be expanded to other needy schools.

SFUSD supports the premise of Section 51520(b), that public school students should not be used, via a free dental screening, to generate profit-making referrals for the screening provider. However, here, the non-profit status of NEMS, the inclusion of many other providers along with NEMS on the referral list, and the lack of services in certain areas of the city, make this a unique case that is deserving of a waiver.

Student Population: 53000

City Type: Urban

Public Hearing Date: 2/26/2013
Public Hearing Advertised: Physical posting of notice, Internet posting of notice, emailing of notice to circulation list per Govt Code 54950 et seq (Brown Act).

Local Board Approval Date: 2/23/2013

Community Council Reviewed By: School Site Council
Community Council Reviewed Date: 4/3/2013
Community Council Objection: N
Community Council Objection Explanation:
Audit Penalty Y/N: N

Categorical Program Monitoring: N

Submitted by: Ms. Cassie Coleman
Position: Senior Deputy General Counsel, SFUSD Legal Office
E-mail: colemanc@sfusd.edu
Telephone: 415-241-6054
Fax: 415-241-6371

Bargaining Unit Date: 08/02/2013
Name: United Educators of San Francisco (UESF)
Representative: Dennis Kelly
Title: President
Position: Support
Comments:

California State Board of Education

Meeting Agenda Items for January 15-16, 2014

WAIVER ITEM W-08

ITEM #W-08

CALIFORNIA STATE BOARD OF EDUCATION

JANUARY 2014 AGENDA

☒ **General Waiver**

SUBJECT	
Request by two school districts to waive portions of California *Education Code* Section 35710, regarding the elimination of election requirement and portions of California *Education Code* Section 35534, regarding effective date of reorganization. Waiver Numbers: Pleasant Valley Elementary School District 6-11-2013 Ready Springs Union Elementary School District 5-11-2013	☒ **Action** ☒ **Consent**

SUMMARY OF THE ISSUE(S)

The Pleasant Valley Elementary School District (ESD) and the Ready Springs Union Elementary School District (UESD) serve communities that are located within a radius of seven miles in Nevada County and already share district staff and coordinate transportation, educational programs, curriculum, and professional development. The two districts submitted petitions to the Nevada County Committee on School District Organization (County Committee) to consolidate the two districts into a single new elementary school district. Should the County Committee approve this consolidation, the districts are requesting that the California State Board of Education (SBE) waive the requirements that: (1) an election is needed for final approval of the consolidation, and (2) the consolidation would become effective on July 1 of the calendar year after approval of the action. Approved waivers would allow the consolidation to be effective on July 1, 2014, after an expected early 2014 County Committee approval.

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

RECOMMENDATION

☒ **Approval** ☐ **Approval with conditions** ☐ **Denial**

The California Department of Education (CDE) recommends that the SBE approve the request by the Pleasant Valley ESD and the Ready Springs UESD to waive portions of *EC* Section 35534 (as revised in Attachment 4) to expedite the effective date of the consolidation and portions of *EC* Section 35710 to eliminate the local election for approval of the consolidation.

SUMMARY OF KEY ISSUES

Pursuant to subdivision (b) of *EC* Section 35710, the County Committee has the authority to approve or disapprove the formation of a new school district (i.e., consolidation). Under existing statute, County Committee approval of the consolidation constitutes an order of election; thus, voters in the districts have final approval. Approval of this waiver request would eliminate the election requirement for the consolidation of the Pleasant Valley ESD and the Ready Springs UESD in Nevada County.

The Pleasant Valley ESD and the Ready Springs UESD already function much like a single district. The districts share management and other staff, including the superintendent, business manager, district office support staff, maintenance operations supervisor, special education director, nurse, speech and special education teachers, and paraeducators. The districts also collaborate on and coordinate transportation, educational programs, curriculum, and professional development. Thus, formal consolidation of the two districts will bring little change to the day-to-day operations of the districts, while reducing the number of governing boards from two to one and eliminating duplication of effort in areas such as budget preparation and compliance with state and federal reporting requirements.

Moreover, following a Nevada County Grand Jury report recommending consolidation of school districts in the county, the districts formed a Consolidation Vision Committee (comprised of district staff, board members, and community members). This committee engaged in a 16-month strategic visioning process designed to obtain input from the community regarding consolidation of the Pleasant Valley ESD and the Ready Springs UESD. There was no significant public opposition during this 16-month period.

Approval of the waiver request also would allow the consolidation of the districts to take effect on the July 1 following County Committee approval. Current law would require that the consolidation become effective on the July 1 of the calendar year after County Committee approval. The primary purpose behind this current law is to allow the county to file the reorganization with the California State Board of Equalization so that the county property tax rolls are appropriately adjusted by the time the new district goes into effect. However, county authorities have the ability to ensure that property taxes are assigned to the appropriate districts without updated property tax rolls.

The Nevada County Superintendent of Schools (County Superintendent) supports the waiver request. If the County Committee approves the consolidation, she will appoint an interim governing board for the new district pursuant to *EC* Section 35100. The districts and the County Superintendent expect the County Committee to approve the consolidation in early 2014 and would like the new district to go into effect July 1, 2014.

The waiver requests have been reviewed by CDE staff and it has determined that there was no significant public opposition to the waivers at the public hearings held by the governing boards. The CDE has further determined that none of the grounds specified in *EC* Section 33051, which authorize denial of a waiver, exist. The CDE recommends that the SBE approve the request by the Pleasant Valley ESD and the Ready Springs UESD to waive portions of *EC* sections 35534 (pursuant to Attachment 4) and 35710.

Demographic Information:

The Pleasant Valley ESD has a student population of 480 and is located in a rural area of Nevada County.

The Ready Springs UESD has a student population of 290 and is located in a rural area of Nevada County.

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

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The State Board of Education (SBE) previously has approved requests to waive the election requirement for approval of the proposed formation of new school districts, including Santa Barbara Unified School District (SD), Santa Barbara County (May 2011 SBE meeting) and Bishop Unified SD, Inyo County (January 2010 SBE meeting).

Moreover, the SBE has approved requests to waive the election requirement for transfers of an entire district to another district—most recently at the November 2007 SBE meeting for a transfer of the Casmalia SD to the Orcutt Union SD in Santa Barbara County. The SBE also has approved requests to waive the elections for transfers of portions of school districts to other school districts—most recently for the Santa Clara County Office of Education (COE) at the January 2013 SBE meeting.

The SBE also has approved numerous requests to waive the effective date for reorganized districts—most recently for the Santa Clara COE at the January 2013 SBE meeting.

The Pleasant Valley ESD meets the criteria for the SBE Streamlined Waiver Policy, available at http://www.cde.ca.gov/re/lr/wr/documents/sbestreamlined.doc, achieving an Academic Performance Index (API) of 800 or above in the current scoring cycle. Therefore, this waiver has been scheduled for the consent calendar. The Pleasant Valley ESD has a 2013 Growth API of 817.

FISCAL ANALYSIS (AS APPROPRIATE)

Approval of the waiver requests will not have negative fiscal effects on any local or state agency. Failure to approve the waiver request will result in local costs for an election in the Pleasant Valley ESD and Ready Springs UESD.

ATTACHMENT(S)

Attachment 1: Requests to Waive the Election and Effective Date for Formation of a New School District (1 page)

Attachment 2: Pleasant Valley Elementary School District General Waiver Request 6-11-2013 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: Ready Springs Union Elementary School District General Waiver Request 5-11-2013 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 4: Revision of Request to Waive *Education Code* Section 35534 (1 page)

Requests to Waive the Election and Effective Date for Formation of a New School District

Portions of California *Education Code* sections 35534 and 35710

Waiver Number	District	Period of Request	Bargaining Unit, Representatives Consulted, Date, and Position	Public Hearing and Board Approval Date	Public Hearing Advertisement	SSC/Advisory Committee Position
6-11-2013	Pleasant Valley Elementary School District	**Requested:** January 28, 2014, to January 27, 2016 **Recommended**: January 28, 2014, to January 26, 2016	Pleasant Valley Teachers' Association, Peter Minett, President, 10/30/13: **Support** Pleasant Valley Classified Employees' Association, Chapter 769, Lisa McClelland, President, 10/30/13: **Support**	11/1/13	Notices distributed to local radio station and newspapers; notices posted at each school and on district website.	District Consolidation Vision Committee on 10/30/13: **No objections**
5-11-2013	Ready Springs Union Elementary School District	**Requested:** January 28, 2014, to January 27, 2016 **Recommended**: January 28, 2014, to January 26, 2016	Ready Springs Teachers Organization, Terri Ozanich, President, 10/30/13: **Support** Association of Classified Employees at Ready Springs, Patti Fiesel, President, 10/30/13: **Support**	11/5/13	Notices distributed to local radio station and newspapers; notices posted at each school and on district website.	District Consolidation Vision Committee on 10/30/13: **No objections**

Created by California Department of Education
November 18, 2013

California Department of Education
WAIVER SUBMISSION - General

CD Code: 2966381 Waiver Number: 6-11-2013 Active Year: 2013

Date In: 11/14/2013 4:39:43 PM

Local Education Agency: Pleasant Valley Elementary School District
Address: 14806 Pleasant Valley Rd.
Penn Valley, CA 95946

Start: 1/28/2014 End: 1/27/2016

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

Waiver Topic: School District Reorganization
Ed Code Title: Election Requirements and Speed Transfer Process
Ed Code Section: 35710 & 35534
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: 35534. [Except as provided in Sections 35535 and 35536 and subject to compliance with Section 54900 of the Government Code,] any action to reorganize a school district shall be effective for all purposes on July 1 [of the calendar year following the calendar year in which the action is completed].

35710. (a) For all other petitions to transfer territory, if the county committee finds that the conditions enumerated in paragraphs (1) to (10), inclusive, of subdivision (a) of Section 35753 substantially are met, the county committee may approve the petition [and, if approved, shall notify the county superintendent of schools who shall call an election in the territory of the districts as determined by the county committee, to be conducted at the next election of any kind in accordance with either of the following:
(1) Section 1002 of the Elections Code and Part 4 (commencing with Section 5000) of Division 1 of Title 1.
(2) Division 4 (commencing with Section 4000) of the Elections Code]

(b) A county superintendent may approve a petition to form one or more school districts if the requirements of subdivision (a), and the following conditions, are met:
(1) Each county superintendent of schools with jurisdiction over an affected school district elects to grant approval authority to the county committee on school district organization for which he or she is secretary pursuant to Section 4012, and that county committee chooses to accept that authority.
(2) The governing board of each of the affected school districts consents to the petition.
(3) The secretary of the county committee designated as the lead agency pursuant to Section 35710.3 or subdivision (a) of Section 35520.5 enters into an agreement on behalf of the county committee for any or all affected school districts to share among those districts the costs of complying with the requirements of the California environmental Quality Act (Division 13(commencing with Section 21000) of the Public Resources Code).

(c) A petition to form one or more school districts that meets the conditions described in

subdivision (b), but is not approved by the county committee, shall be transmitted to the state board pursuant to subdivision (a) of Section 35707 and heard by the state board pursuant to Section 35708. The state board, rather than the county committee, shall be the lead agency as defined in Section 21067 of the Public Resources Code, for purposes of the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) for each petition transmitted pursuant to this subdivision, including a petition disapproved by the county committee after determining the project is exempt from the California Environmental Quality Act pursuant to paragraph (5) of subdivision (b) of Section 21080 of the Public Resources Code.

Outcome Rationale: For the past ten years, the Ready Springs Union Elementary School District (RSUESD) and the Pleasant Valley Elementary School District (PVESD) have had a shared management team which included the superintendent, administrative assistant, business manager, district office support staff, maintenance operations supervisor, special ed director, tech aides, nurse, and other speech and special ed teachers and paraeducators. The districts collaborate on and coordinate transportation, educational programs, curriculum, and professional development. Although this shared management team has reduced the number of administrative staff for the two districts, it is not an efficient or sustainable model.

Subsequent to the decision to move toward placing the question of consolidation on a District Board Agenda, the Consolidation Vision Committee, in partnership with the Ready Springs Union Elementary School District and Pleasant Valley Elementary School District staff, boards of trustees, and community members embarked on a strategic visioning process designed to elicit input from the community with the objective of identifying the critical pros and cons of a consolidated district. From June 2012 through October 2013, both districts held numerous public meetings and encouraged input from staff and community through regularly scheduled board meetings, special board meetings, joint board meetings, town hall meetings, and committee meetings and presentations all of which have been widely publicized through newspaper articles, press releases, school and district newsletters, flyers, emails, and “all calls.” To date there has been no significant opposition to the consolidation of the two districts. Based on the lack of opposition and the recommendation from the Committee, the boards decided to submit the Petition to Reorganize to the Nevada County Superintendent of Schools.

The governing boards of the Ready Springs Union Elementary School District (RSUESD) and the Pleasant Valley Elementary School District (PVESD) (the affected school districts) have petitioned the Nevada County Committee on School District Organization to study the proposed consolidation of the RSUESD and PVESD districts with the desire that the new district will become effective July 1, 2014. Due to the lack of opposition, the Districts are also requesting a waiver to allow this process to move forward in a timely and cost effective manner.

The RSUESD and PVESD are both kindergarten through eighth grade school districts serving students living in the greater Penn Valley areas of Nevada County. RSUESD also sponsors a K-12 independent study charter school. Both districts send most of their eighth grade graduates to the Nevada Joint Union High School District. The campuses of both school districts are located within the communities of Penn Valley, Smartsville, Rough & Ready, and unincorporated neighboring areas and are within seven miles of each other. The proposed reorganization would consolidate the boundaries of two elementary districts that serve students within the same communities. Currently, the boundary line between RSUESD and PVESD divides these communities, creating a situation in which close neighbors send their children to different school districts.

This consolidation will save both districts time and money by requiring the preparation of only one budget rather than two as well as streamlining the many other mandates and processes that must be created twice when there are two districts with two separate governing boards. This request for a waiver of the delay in the new district becoming effective will allow this efficiency to occur in a timely manner and will mean that more dollars are allowed to support student learning rather than administrative tasks.

Student Population: 480

City Type: Rural

Public Hearing Date: 11/1/2013
Public Hearing Advertised: Notices distributed to local radio and newspapers; notices posted at each school and on district website

Local Board Approval Date: 11/1/2013

Community Council Reviewed By: District Consolidation Vision Committee
Community Council Reviewed Date: 10/30/2013
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Debra Sandoval
Position: Superintendent
E-mail: dsandoval@pvsdnc.k12.ca.us
Telephone: 530-432-7311 x306
Fax: 530-432-7314

Bargaining Unit Date: 10/30/2013
Name: Pleasant Valley Classified Assoc, Chapter 769
Representative: Lisa McClelland
Title: President
Position: Support
Comments:

Bargaining Unit Date: 10/30/2013
Name: Pleasant Valley Teachers Association (PVTA)
Representative: Peter Minett
Title: President
Position: Support
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 2966399 Waiver Number: 5-11-2013 Active Year: 2013

Date In: 11/14/2013 4:33:33 PM

Local Education Agency: Ready Springs Union Elementary School District
Address: 14806 Pleasant Valley Rd.
Penn Valley, CA 95946

Start: 1/28/2014 End: 1/27/2016

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

Waiver Topic: School District Reorganization
Ed Code Title: Election Requirements and Speed Transfer Process
Ed Code Section: 35710 & 35534
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: 35534. [Except as provided in Sections 35535 and 35536 and subject to compliance with Section 54900 of the Government Code,] any action to reorganize a school district shall be effective for all purposes on July 1 [of the calendar year following the calendar year in which the action is completed].

35710. (a) For all other petitions to transfer territory, if the county committee finds that the conditions enumerated in paragraphs (1) to (10), inclusive, of subdivision (a) of Section 35753 substantially are met, the county committee may approve the petition [and, if approved, shall notify the county superintendent of schools who shall call an election in the territory of the districts as determined by the county committee, to be conducted at the next election of any kind in accordance with either of the following:
(1) Section 1002 of the Elections Code and Part 4 (commencing with Section 5000) of Division 1 of Title 1.
(2) Division 4 (commencing with Section 4000) of the Elections Code]

(b) A county superintendent may approve a petition to form one or more school districts if the requirements of subdivision (a), and the following conditions, are met:
(1) Each county superintendent of schools with jurisdiction over an affected school district elects to grant approval authority to the county committee on school district organization for which he or she is secretary pursuant to Section 4012, and that county committee chooses to accept that authority.
(2) The governing board of each of the affected school districts consents to the petition.
(3) The secretary of the county committee designated as the lead agency pursuant to Section 35710.3 or subdivision (a) of Section 35520.5 enters into an agreement on behalf of the county committee for any or all affected school districts to share among those districts the costs of complying with the requirements of the California environmental Quality Act (Division 13(commencing with Section 21000) of the Public Resources Code).

(c) A petition to form one or more school districts that meets the conditions described in

subdivision (b), but is not approved by the county committee, shall be transmitted to the state board pursuant to subdivision (a) of Section 35707 and heard by the state board pursuant to Section 35708. The state board, rather than the county committee, shall be the lead agency as defined in Section 21067 of the Public Resources Code, for purposes of the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) for each petition transmitted pursuant to this subdivision, including a petition disapproved by the county committee after determining the project is exempt from the California Environmental Quality Act pursuant to paragraph (5) of subdivision (b) of Section 21080 of the Public Resources Code.

Outcome Rationale: For the past ten years, the Ready Springs Union Elementary School District (RSUESD) and the Pleasant Valley Elementary School District (PVESD) have had a shared management team which included the superintendent, administrative assistant, business manager, district office support staff, maintenance operations supervisor, special ed director, tech aides, nurse, and other speech and special ed teachers and paraeducators. The districts collaborate on and coordinate transportation, educational programs, curriculum, and professional development. Although this shared management team has reduced the number of administrative staff for the two districts, it is not an efficient or sustainable model.

Subsequent to the decision to move toward placing the question of consolidation on a District Board Agenda, the Consolidation Vision Committee, in partnership with the Ready Springs Union Elementary School District and Pleasant Valley Elementary School District staff, boards of trustees, and community members embarked on a strategic visioning process designed to elicit input from the community with the objective of identifying the critical pros and cons of a consolidated district. From June 2012 through October 2013, both districts held numerous public meetings and encouraged input from staff and community through regularly scheduled board meetings, special board meetings, joint board meetings, town hall meetings, and committee meetings and presentations all of which have been widely publicized through newspaper articles, press releases, school and district newsletters, flyers, emails, and “all calls.” To date there has been no significant opposition to the consolidation of the two districts. Based on the lack of opposition and the recommendation from the Committee, the boards decided to submit the Petition to Reorganize to the Nevada County Superintendent of Schools.

The governing boards of the Ready Springs Union Elementary School District (RSUESD) and the Pleasant Valley Elementary School District (PVESD) (the affected school districts) have petitioned the Nevada County Committee on School District Organization to study the proposed consolidation of the RSUESD and PVESD districts with the desire that the new district will become effective July 1, 2014. Due to the lack of opposition, the Districts are also requesting a waiver to allow this process to move forward in a timely and cost effective manner.

The RSUESD and PVESD are both kindergarten through eighth grade school districts serving students living in the greater Penn Valley areas of Nevada County. RSUESD also sponsors a K-12 independent study charter school. Both districts send most of their eighth grade graduates to the Nevada Joint Union High School District. The campuses of both school districts are located within the communities of Penn Valley, Smartsville, Rough & Ready, and unincorporated neighboring areas and are within seven miles of each other. The proposed reorganization would consolidate the boundaries of two elementary districts that serve students within the same communities. Currently, the boundary line between RSUESD and PVESD divides these communities, creating a situation in which close neighbors send their children to different school districts.

This consolidation will save both districts time and money by requiring the preparation of only one budget rather than two as well as streamlining the many other mandates and processes that must be created twice when there are two districts with two separate governing boards. This request for a waiver of the delay in the new district becoming effective will allow this efficiency to occur in a timely manner and will mean that more dollars are allowed to support student learning rather than administrative tasks.

Student Population: 290

City Type: Rural

Public Hearing Date: 11/5/2013
Public Hearing Advertised: Notices distributed to local radio station and newspapers; posted at each school; posted on district website

Local Board Approval Date: 11/5/2013

Community Council Reviewed By: District Consolidation Vision Committee
Community Council Reviewed Date: 10/30/2013
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Debra Sandoval
Position: Superintendent
E-mail: dsandoval@pennvalleyschools.k12.ca.us
Telephone: 530-432-7311 x306
Fax: 530-432-7314

Bargaining Unit Date: 10/30/2013
Name: Assoc. of Classified Employees at Ready Springs
Representative: Patti Fiesel
Title: President
Position: Support
Comments:

Bargaining Unit Date: 10/30/2013
Name: Ready Springs Teachers Organization (RSTO)
Representative: Terri Ozanich
Title: President
Position: Support
Comments:

Revision of Request to Waive *Education Code* Section 35534

The California Department of Education (CDE) recommends that the request by the Pleasant Valley Elementary School District (SD) and the Ready Springs Union Elementary SD to waive *Education Code* Section 35534 be revised as described below.

Waiver request by districts:

35534. ~~Except as provided in Sections 35535 and 35536 and subject to compliance with Section 54900 of the Government Code,~~ any action to reorganize a school district shall be effective for all purposes on July 1 ~~of the calendar year following the calendar year in which the action is completed~~.

Recommended revision by CDE:

35534. ~~Except as provided in Sections 35535 and 35536 and subject to compliance with Section 54900 of the Government Code,~~ any action to reorganize a school district shall be effective for all purposes on July 1 of the calendar year ~~following the calendar year~~ in which the action is completed.

California State Board of Education

Meeting Agenda Items for January 15-16, 2014

WAIVER ITEM W-09

ITEM #W-09

CALIFORNIA STATE BOARD OF EDUCATION

JANUARY 2014 AGENDA

☒ **General Waiver**

SUBJECT	
Request by three school districts to waive California *Education Code* Section 5020, and portions of sections 5019, 5021, and 5030, that require a district-wide election to establish new trustee areas.	☒ **Action**
Waiver Numbers: Alvord Unified School District 1-10-2013 Newman-Crows Landing Unified School District 13-10-2013 Salida Union Elementary School District 12-10-2013	☒ **Consent**

SUMMARY OF THE ISSUE(S)

School districts that elect governing board members at-large are facing existing or potential litigation under the California Voting Rights Act of 2001 (CVRA). Pursuant to the California *Education Code* (*EC*), a district can change from at-large elections to trustee-area elections only if the change is approved by both the County Committee on School District Organization (County Committee) and voters at a district-wide election. To reduce the potential for litigation and to establish trustee-area elections as expeditiously as possible, the three school districts request that the California State Board of Education (SBE) waive the requirement that trustee-area elections be approved at a district-wide election—allowing trustee-area elections to be adopted upon review and approval of the County Committee.

Authority for Waiver: *EC* Section 33050

RECOMMENDATION

☒ **Approval** ☐ **Approval with conditions** ☐ **Denial**

The California Department of Education (CDE) recommends that the SBE approve the request by the Alvord Unified School District (USD), the Newman-Crows Landing USD, and the Salida Union Elementary School District (UESD) to waive *EC* Section 5020, and portions of sections 5019, 5021, and 5030, which require trustee-area elections be approved at a district-wide election.

SUMMARY OF KEY ISSUES

Approval of this waiver request would eliminate the election requirement for approval of trustee areas and a trustee-area method of election for future governing board elections in the school districts. Voters in the districts will continue to elect all board members—however, if the waiver requests are approved, all board members will be elected by

trustee areas, beginning with the next board election.

The county committee has the authority to approve or disapprove the adoption of trustee areas and methods of election for school district governing board elections. Pursuant to *EC* Section 5020, county committee approval of trustee areas and election methods constitutes an order of election; thus, voters in the district have final approval.

Many districts in California are facing existing or potential litigation under the CVRA over their at-large election methods. To help avoid potential litigation, the three districts are taking action to establish trustee areas and adopt trustee-area election methods. In order to establish these trustee areas and the methods of election as expeditiously as possible, the districts are requesting that the SBE waive the requirement that the trustee areas and the election methods be approved at district-wide elections.

Only the election to establish trustee areas and election method will be eliminated by approval of the waiver request—voters in the school districts will continue to elect all governing board members. Moreover, approval of the waiver requests will not eliminate any existing legal rights of currently seated board members.

The waiver requests have been reviewed by CDE staff and it has determined that there was no significant public opposition to the waivers at the public hearings held by the governing boards. The CDE has further determined that none of the grounds specified in *EC* Section 33051, which authorize denial of a waiver, exist. The CDE recommends that the SBE approve the request by the Alvord USD, the Newman-Crows Landing USD, and the Salida UESD to waive *EC* Section 5020 in its entirety and portions of *EC* sections 5019, 5021, and 5030.

Demographic Information:

The Alvord USD has a student population of 19,634 and is located in an urban area of Riverside County.

The Newman-Crows Landing USD has a student population of 2,920 and is located in a rural area of Stanislaus County.

The Salida UESD has a student population of 2,566 and is located in a rural area of Stanislaus County.

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

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SBE has approved numerous similar waivers—most recently for the Hughson USD (Stanislaus County), the Lincoln USD (San Joaquin County), and the Pixley UESD (Tulare County) at the November 2013 SBE meeting.

FISCAL ANALYSIS (AS APPROPRIATE)

Approval of the waiver requests will not have negative fiscal effects on any local or state agency. Failure to approve the waiver request will result in the additional costs to the districts for district-wide elections.

ATTACHMENT(S)

Attachment 1: Districts Requesting Waivers of Elections Required to Establish Trustee Area Elections (1 page)

Attachment 2: Alvord Unified School District General Waiver Request 1-10-2013 (7 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: Newman-Crows Landing Unified School District General Waiver Request 13-10-2013 (6 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 4: Salida Union Elementary School District General Waiver Request 12-10-2013 (8 pages) (Original waiver request is signed and on file in the Waiver Office.)

Districts Requesting Waivers of Elections Required to Establish Trustee Area Elections

California *Education Code* Section 5020 and portions of sections 5019, 5021 and 5030

Waiver Number	District	Period of Request	Bargaining Unit, Representatives Consulted, Date, and Position	Public Hearing and Board Approval Date	Public Hearing Advertisement	SSC/Advisory Committee Position
1-10-2013	Alvord Unified School District	**Requested:** January 1, 2013, to December 31, 2014 **Recommended**: January 1, 2013, to December 30, 2014	Alvord Education Association, Leigh Hawkinson, President, 8/30/13: **Support** California School Employees' Association, Irma Mendez, President, 8/30/13: **Neutral**	9/19/13	Notice in newspaper; notice posted at each school site and at regular posting locations.	Reviewed by all school site councils and District English Learners' Advisory Committee on 9/5/13: **No objections**
13-10-2013	Newman-Crows Landing Unified School District	**Requested:** January 1, 2013, to December 31, 2014 **Recommended**: January 1, 2013, to December 30, 2014	Newman-Crows Landing Teachers' Association, Hardy Reeves, President, 7/6/13: **Neutral** California School Employees' Association, Paula Matthews, President, 7/6/13: **Neutral**	8/6/13	Notice in local newspaper and posted at all school sites.	Reviewed by all school site councils, school English Learners Advisory Committees, and District English Learners' Advisory Committee on 7/1/13: **No objections**
12-10-2013	Salida Union Elementary School District	**Requested:** January 1, 2013, to December 31, 2014 **Recommended**: January 1, 2013, to December 30, 2014	Salida Teachers' Association, Tom Wright, Co-President, 9/18/13: **Neutral** California School Employees' Association, Kyle Harvey, Labor Relations Representative, 9/19/13: **Neutral**	10/15/13	Notice in newspaper and posted at each school and three public businesses.	Reviewed by District English Learners' Advisory Committee on 10/10/13: **No objections**

Created by California Department of Education
November 6, 2013

California Department of Education
WAIVER SUBMISSION - General

CD Code: 3366977 Waiver Number: 1-10-2013 Active Year: 2013

Date In: 10/2/2013 10:12:37 AM

Local Education Agency: Alvord Unified School District
Address: 10365 Keller Ave.
Riverside, CA 92505

Start: 1/1/2013 End: 12/31/2014

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

Waiver Topic: School District Reorganization
Ed Code Title: Elimination of Election Requirement
Ed Code Section: Portions of 5019, 5021, 5030, and all of 5020
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: § 5019. Trustee areas and size of school district governing boards; powers of county committee; proposal and hearing

(a) Except in a school district governed by a board of education provided for in the charter of a city or city and county, in any school district or community college district, the county committee on school district organization may establish trustee areas, rearrange the boundaries of trustee areas, abolish trustee areas, and increase to seven or decrease to five the number of members of the governing board, or adopt one of the alternative methods of electing governing board members specified in Section 5030.

(b) The county committee on school district organization may establish or abolish a common governing board for a high school district and an elementary school district within the boundaries of the high school district. The resolution of the county committee on school district organization approving the establishment or abolition of a common governing board shall be presented to the electors of the school districts as specified in Section 5020.

(c) (1) A proposal to make the changes described in subdivision (a) or (b) may be initiated by the county committee on school district organization or made to the county committee on school district organization either by a petition signed by 5 percent or 50, whichever is less, of the qualified registered voters residing in a district in which there are 2,500 or fewer qualified registered voters, by 3 percent or 100, whichever is less, of the qualified registered voters residing in a district in which there are 2,501 to 10,000 qualified registered voters, by 1 percent or 250, whichever is less, of the qualified registered voters residing in a district in which there are 10,001 to 50,000 qualified registered voters, by 500 or more of the qualified registered voters residing in a district in which there are 50,001 to 100,000 qualified registered voters, by 750 or more of the qualified registered voters residing in a district in which there are 100,001 to 250,000 qualified registered voters, or by 1,000 or more of the qualified registered voters residing in a district in which there are 250,001 or more qualified registered voters or by resolution of the governing board of the district. For this purpose, the necessary signatures for a

petition shall be obtained within a period of 180 days before the submission of the petition to the county committee on school district organization and the number of qualified registered voters in the district shall be determined pursuant to the most recent report submitted by the county elections official to the Secretary of State under Section 2187 of the Elections Code.

(2) When a proposal is made pursuant to paragraph (1), the county committee on school district organization shall call and conduct at least one hearing in the district on the matter. At the conclusion of the hearing, the county committee on school district organization shall approve or disapprove the proposal.

(d) If the county committee on school district organization approves pursuant to subdivision (a) [the rearrangement of the] boundaries of trustee areas for a particular district, then the [rearrangement of the] trustee areas shall be effectuated for the next district election occurring at least 120 days after [its] approval[, unless at least 5 percent of the registered voters of the district sign a petition requesting an election on the proposed rearrangement of trustee area boundaries. The petition for an election shall be submitted to the county elections official within 60 days of the proposal's adoption by the county committee on school district organization. If the qualified registered voters approve pursuant to subdivision (b) or (c) the rearrangement of the boundaries to the trustee areas for a particular district, the rearrangement of the trustee areas shall be effective for the next district election occurring at least 120 days after its approval by the voters.]

[§ 5020. Presentation of proposal to electors

(a) The resolution of the county committee approving a proposal to establish or abolish trustee areas, to adopt one of the alternative methods of electing governing board members specified in Section 5030, or to increase or decrease the number of members of the governing board shall constitute an order of election, and the proposal shall be presented to the electors of the district not later than the next succeeding election for members of the governing board.

(b) If a petition requesting an election on a proposal to rearrange trustee area boundaries is filed, containing at least 5 percent of the signatures of the district's registered voters as determined by the elections official, the proposal shall be presented to the electors of the district, at the next succeeding election for the members of the governing board, at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot.

(c) If a petition requesting an election on a proposal to establish or abolish trustee areas, to increase or decrease the number of members of the board, or to adopt one of the alternative methods of electing governing board members specified in Section 5030 is filed, containing at least 10 percent of the signatures of the district's registered voters as determined by the elections official, the proposal shall be presented to the electors of the district, at the next succeeding election for the members of the governing board, at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot. Before the proposal is presented to the electors, the county committee on school district organization may call and conduct one or more public hearings on the proposal.

(d) The resolution of the county committee approving a proposal to establish or abolish a

common governing board for a high school and an elementary school district within the boundaries of the high school district shall constitute an order of election. The proposal shall be presented to the electors of the district at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot.

(e) For each proposal there shall be a separate proposition on the ballot. The ballot shall contain the following words:

“For the establishment (or abolition or rearrangement) of trustee areas in ____ (insert name) School District --Yes” and “For the establishment (or abolition or rearrangement) of trustee areas in ____ (insert name) School District--No.”

"For increasing the number of members of the governing board of ____ (insert name) School District from five to seven--Yes" and "For increasing the number of members of the governing board of ____ (insert name) School District from five to seven--No."

"For decreasing the number of members of the governing board of ____ (insert name) School District from seven to five--Yes" and "For decreasing the number of members of the governing board of ____ (insert name) School District from seven to five--No."

"For the election of each member of the governing board of the ____ (insert name) School District by the registered voters of the entire ____ (insert name) School District--Yes" and "For the election of each member of the governing board of the ____ (insert name) School District by the registered voters of the entire ____ (insert name) School District--No."

"For the election of one member of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters in that trustee area--Yes" and "For the election of one member of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters in that trustee area--No."

"For the election of one member, or more than one member for one or more trustee areas, of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters of the entire ____ (insert name) School District--Yes" and "For the election of one member, or more than one member for one or more trustee areas, of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters of the entire ____ (insert name) School District--No."

"For the establishment (or abolition) of a common governing board in the ____ (insert name) School District and the ____ (insert name) School District--Yes" and "For the establishment (or abolition) of a common governing board in the ____ (insert name) School District and the ____ (insert name) School District--No."

If more than one proposal appears on the ballot, all must carry in order for any to become effective, except that a proposal to adopt one of the methods of election of board members specified in Section 5030 which is approved by the voters shall become effective unless a proposal which is inconsistent with that proposal has been approved by a greater number of voters. An inconsistent proposal approved by a lesser number of voters than the number which have approved a proposal to adopt one of the methods of election of board members specified in Section 5030 shall not be effective.]

§ 5021. Incumbents to serve out terms despite approval of change

(a) If a proposal for the establishment of trustee areas formulated under Sections 5019 [and 5020] is approved [by a majority of the voters voting at the election], any affected incumbent board member shall serve out his or her term of office and succeeding board members shall be nominated and elected in accordance with Section 5030. In the event two or more trustee areas are established [at such election] which are not represented in the membership of the governing board of the school district, or community college district the county committee shall determine by lot the trustee area from which the nomination and election for the next vacancy on the governing board shall be made.

(b) If a proposal for rearrangement of boundaries is approved by [a majority of the voters voting on the measure, or by] the county committee on school district organization [when no election is required], and if the boundary changes affect the board membership, any affected incumbent board member shall serve out his or her term of office and succeeding board members shall be nominated and elected in accordance with Section 5030.

(c) If a proposal for abolishing trustee areas is approved [by a majority of the voters voting at the election], the incumbent board members shall serve out their terms of office and succeeding board members shall be nominated and elected at large from the district.

§ 5030. Alternate method of election

Except as provided in Sections 5027 and 5028, in any school district or community college district having trustee areas, the county committee on school district organization and the registered voters of a district, pursuant to Sections 5019 [and 5020], respectively, may at any time recommend one of the following alternate methods of electing governing board members:

(a) That each member of the governing board be elected by the registered voters of the entire district.

(b) That one or more members residing in each trustee area be elected by the registered voters of that particular trustee area.

(c) That each governing board member be elected by the registered voters of the entire school district or community college district, but reside in the trustee area which he or she represents.

The recommendation shall provide that any affected incumbent member shall serve out his or her term of office and that succeeding board members shall be nominated and elected in accordance with the method recommended by the county committee.

Whenever trustee areas are established in a district, provision shall be made for one of the alternative methods of electing governing board members.

[In counties with a population of less than 25,000,] the county committee on school district organization or the county board of education, if it has succeeded to the duties of the county committee, may at any time, by resolution, with respect to trustee areas established for any school district, other than a community college district, amend the provision required by this section without additional approval by the electors, to require one of the alternate methods for electing board members to be utilized.

Outcome Rationale: See Attached.

Student Population: 19634

City Type: Urban

Public Hearing Date: 9/19/2013
Public Hearing Advertised: Notice in newspaper, posted at school sites and at regular posting locations.

Local Board Approval Date: 9/19/2013

Community Council Reviewed By: School site councils and DELAC
Community Council Reviewed Date: 9/5/2013
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Dr. Sid Salazar
Position: Superintendent
E-mail: sid.salazar@alvord.k12.ca.us
Telephone: 951-509-5070
Fax: 951-351-9306

Bargaining Unit Date: 08/30/2013
Name: Alvord Education Association
Representative: Leigh Hawkinson
Title: President
Position: Support
Comments:

Bargaining Unit Date: 08/30/2013
Name: California School Employees Association
Representative: Irma Mendez
Title: President
Position: Neutral
Comments:

Attachment B

6. Desired Outcome/ Rationale

The Alvord Unified School District desires to have the requested Education Code sections waived because the waiver of these sections will allow the District to successfully adopt trustee areas and establish a by-trustee election process as expeditiously as possible, thereby enabling the District to avoid litigation resulting out of its current at-large election process for electing its governing board members.

It is imperative that the District adopt these areas and establish this process without delay and without interference because like many of the school districts that have been threatened with lawsuits under the California Voting Rights Act of 2001 ("CVRA"), the District currently utilizes an at-large election process to elect its governing board members. The District's failure to successfully adopt and implement trustee areas and a by-trustee area election process leaves it vulnerable to such litigation in which the District would be exposed to potentially having to pay significant attorneys' fees to plaintiffs, which would pose an undue hardship and extreme detriment to the District and its students.

CVRA History

The California Legislature enacted the California Voting Rights Act of 2001. (*See* California Elections Code §§ 14025-14032). This legislation makes all at-large election systems in California for cities, school districts and special districts vulnerable to legal attack, largely on proof of racially polarized voting, regardless of whether a majority district can be formed and, under the interpretation adopted by plaintiffs in other pending CVRA cases, without regard to the electoral success of minority candidates or the need to prove actual racial injury exists.

The CVRA purports to alter several requirements that plaintiffs would have to prove under the Federal Voting Rights Act, thereby making it easier to challenge at-large election systems.

The first suit under the CVRA was filed against the City of Modesto in 2004. Modesto challenged the facial constitutionality of the CVRA on the basis that, by using race as the sole criterion of liability, the CVRA contains a suspect racial classification that California was required to justify under equal protection strict scrutiny standards. The trial court struck down the statute but the California Court of Appeal reversed. (*Sanchez v. City of Modesto* (2006) 145 Cal.App.4th 660).

The City of Modesto ultimately settled the litigation, but not before paying plaintiffs $3 million dollars in attorneys' fees to plaintiffs' attorneys (the prevailing party [other than a public agency] is entitled to an award of their attorneys' fees and costs under the CVRA) and another $1.7 million to its own attorneys.

Similarly, the Hanford Joint Union High School District was sued under the CVRA and after adopting trustee areas and establishing by-trustee area elections (and requesting and receiving the same waiver from the State Board of Education that is being requested here), paid plaintiffs in that lawsuit the sum of $110,000 pursuant to a settlement agreement. Most recently, the Madera Unified School District has been sued under the CVRA and their November 2008 governing board member election was enjoined by the court. The Plaintiffs in that case demanded $1.8 million in attorney's fees from that District, though that amount was subsequently reduced by the trial court.

Normally, under Education Code section 5020, the County Committee on School District organization, after conducting its own public hearing on the recommended plans, would call for an election and put the matter to a vote of the District's electors. However, going through that process would prevent the District from electing successor trustees in a timely manner and leaves the District vulnerable to a lawsuit and injunction.

The requested waiver will allow the District to complete its transition to a by-trustee area election process in time to for the next governing board member election which will reduce the District's liability under the CVRA going forward.

California Department of Education
WAIVER SUBMISSION - General

CD Code: 5073601 Waiver Number: 13-10-2013 Active Year: 2013

Date In: 10/22/2013 11:10:16 AM

Local Education Agency: Newman-Crows Landing Unified School District
Address: 1162 Main St.
Newman, CA 95360

Start: 1/1/2013 End: 12/31/2014

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

Waiver Topic: School District Reorganization
Ed Code Title: Elimination of Election Requirement
Ed Code Section: Portions of 5019, 5021, 5030 and all of 5020
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: requirement that establishment of trustee areas/adoption of by-trustee election process be put to a vote by the electors of the District.

Outcome Rationale: The NCLUSD is pursuing this Waiver Request as part of our effort to meet the regulations of the California Voting Rights Act of 2001.

Student Population: 2920

City Type: Rural

Public Hearing Date: 8/6/2013
Public Hearing Advertised: Local Paper and Posted at all School Sites

Local Board Approval Date: 8/6/2013

Community Council Reviewed By: Newman-Crows Landing Unified Board of Trustees
Community Council Reviewed Date: 8/6/2013
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Ed Felt
Position: Superintendent
E-mail: efelt@nclusd.k12.ca.us
Telephone: 209-862-2933 x12
Fax:

Bargaining Unit Date: 07/06/2013
Name: California School Emplyees Assosation 551
Representative: Paula Matthews
Title: President
Position: Neutral
Comments:

Bargaining Unit Date: 07/06/2013
Name: Newman-Crows Landing teachers Association
Representative: Hardy Reeves
Title: President
Position: Neutral
Comments:

Attachment A

6. Education Code or California Code of Regulations section to be waived

The Salida School District desires to waive the following sections and portions of the Education Code lined out below:

§ 5019. Trustee areas and size of school district governing boards; powers of county committee; proposal and hearing

(a) Except in a school district governed by a board of education provided for in the charter of a city or city and county, in any school district or community college district, the county committee on school district organization may establish trustee areas, rearrange the boundaries of trustee areas, abolish trustee areas, and increase to seven or decrease to five the number of members of the governing board, or adopt one of the alternative methods of electing governing board members specified in Section 5030.

(b) The county committee on school district organization may establish or abolish a common governing board for a high school district and an elementary school district within the boundaries of the high school district. The resolution of the county committee on school district organization approving the establishment or abolition of a common governing board shall be presented to the electors of the school districts as specified in Section 5020.

(c) (1) A proposal to make the changes described in subdivision (a) or (b) may be initiated by the county committee on school district organization or made to the county committee on school district organization either by a petition signed by 5 percent or 50, whichever is less, of the qualified registered voters residing in a district in which there are 2,500 or fewer qualified registered voters, by 3 percent or 100, whichever is less, of the qualified registered voters residing in a district in which there are 2,501 to 10,000 qualified registered voters, by 1 percent or 250, whichever is less, of the qualified registered voters residing in a district in which there are 10,001 to 50,000 qualified registered voters, by 500 or more of the qualified registered voters residing in a district in which there are 50,001 to 100,000 qualified registered voters, by 750 or more of the qualified registered voters residing in a district in which there are 100,001 to 250,000 qualified registered voters, or by 1,000 or more of the qualified registered voters residing in a district in which there are 250,001 or more qualified registered voters or by resolution of the governing board of the district. For this purpose, the necessary signatures for a petition shall be obtained within a period of 180 days before the submission of the petition to the county committee on school district organization and the number of qualified registered voters in the district shall be determined pursuant to the most recent report submitted by the county elections official to the Secretary of State under Section 2187 of the Elections Code.

(2) When a proposal is made pursuant to paragraph (1), the county committee on school district organization shall call and conduct at least one hearing in the district on the matter. At the conclusion of the hearing, the county committee on school district organization shall approve or disapprove the proposal.

(d) If the county committee on school district organization approves pursuant to subdivision (a) ~~the rearrangement of the~~ boundaries of trustee areas for a particular district, then the ~~rearrangement of the~~ trustee areas shall be effectuated for the next district election occurring at least 120 days after ~~its~~ approval~~, unless at least 5 percent of the registered voters of the district sign a petition requesting an election on the proposed rearrangement of trustee area~~

~~boundaries. The petition for an election shall be submitted to the county elections official within 60 days of the proposal's adoption by the county committee on school district organization. If the qualified registered voters approve pursuant to subdivision (b) or (c) the rearrangement of the boundaries to the trustee areas for a particular district, the rearrangement of the trustee areas shall be effective for the next district election occurring at least 120 days after its approval by the voters~~.

~~§ 5020. Presentation of proposal to electors~~

~~(a) The resolution of the county committee approving a proposal to establish or abolish trustee areas, to adopt one of the alternative methods of electing governing board members specified in Section 5030, or to increase or decrease the number of members of the governing board shall constitute an order of election, and the proposal shall be presented to the electors of the district not later than the next succeeding election for members of the governing board.~~

~~(b) If a petition requesting an election on a proposal to rearrange trustee area boundaries is filed, containing at least 5 percent of the signatures of the district's registered voters as determined by the elections official, the proposal shall be presented to the electors of the district, at the next succeeding election for the members of the governing board, at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot.~~

~~(c) If a petition requesting an election on a proposal to establish or abolish trustee areas, to increase or decrease the number of members of the board, or to adopt one of the alternative methods of electing governing board members specified in Section 5030 is filed, containing at least 10 percent of the signatures of the district's registered voters as determined by the elections official, the proposal shall be presented to the electors of the district, at the next succeeding election for the members of the governing board, at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot. Before the proposal is presented to the electors, the county committee on school district organization may call and conduct one or more public hearings on the proposal.~~

~~(d) The resolution of the county committee approving a proposal to establish or abolish a common governing board for a high school and an elementary school district within the boundaries of the high school district shall constitute an order of election. The proposal shall be presented to the electors of the district at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot.~~

~~(e) For each proposal there shall be a separate proposition on the ballot. The ballot shall contain the following words:~~

~~"For the establishment (or abolition or rearrangement) of trustee areas in ____ (insert name) School District --Yes" and "For the establishment (or abolition or rearrangement) of trustee areas in ____ (insert name) School District--No."~~

~~"For increasing the number of members of the governing board of ____ (insert name) School~~

~~District from five to seven--Yes" and "For increasing the number of members of the governing board of ____ (insert name) School District from five to seven--No."~~

~~"For decreasing the number of members of the governing board of ____ (insert name) School District from seven to five--Yes" and "For decreasing the number of members of the governing board of ____ (insert name) School District from seven to five--No."~~

~~"For the election of each member of the governing board of the ____ (insert name) School District by the registered voters of the entire ____ (insert name) School District--Yes" and "For the election of each member of the governing board of the ____ (insert name) School District by the registered voters of the entire ____ (insert name) School District--No."~~

~~"For the election of one member of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters in that trustee area--Yes" and "For the election of one member of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters in that trustee area--No."~~

~~"For the election of one member, or more than one member for one or more trustee areas, of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters of the entire ____ (insert name) School District--Yes" and "For the election of one member, or more than one member for one or more trustee areas, of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters of the entire ____ (insert name) School District--No."~~

~~"For the establishment (or abolition) of a common governing board in the ____ (insert name) School District and the ____ (insert name) School District--Yes" and "For the establishment (or abolition) of a common governing board in the ____ (insert name) School District and the ____ (insert name) School District--No."~~

~~If more than one proposal appears on the ballot, all must carry in order for any to become effective, except that a proposal to adopt one of the methods of election of board members specified in Section 5030 which is approved by the voters shall become effective unless a proposal which is inconsistent with that proposal has been approved by a greater number of voters. An inconsistent proposal approved by a lesser number of voters than the number which have approved a proposal to adopt one of the methods of election of board members specified in Section 5030 shall not be effective.~~

§ 5021. Incumbents to serve out terms despite approval of change

(a) If a proposal for the establishment of trustee areas formulated under Section~~s~~ 5019 ~~and 5020~~ is approved ~~by a majority of the voters voting at the election~~, any affected incumbent board member shall serve out his or her term of office and succeeding board members shall be nominated and elected in accordance with Section 5030. In the event two or more trustee areas are established ~~at such election~~ which are not represented in the membership of the governing board of the school district, or community college district the county committee shall determine by lot the trustee area from which the nomination and election for the next vacancy on the governing board shall be made.

(b) If a proposal for rearrangement of boundaries is approved by ~~a majority of the voters voting on the measure, or by~~ the county committee on school district organization ~~when no election is required~~, and if the boundary changes affect the board membership, any affected incumbent board member shall serve out his or her term of office and succeeding board members shall be

nominated and elected in accordance with Section 5030.

(c) If a proposal for abolishing trustee areas is approved ~~by a majority of the voters voting at the election~~, the incumbent board members shall serve out their terms of office and succeeding board members shall be nominated and elected at large from the district.

§ 5030. Alternate method of election

Except as provided in Sections 5027 and 5028, in any school district or community college district having trustee areas, the county committee on school district organization and the registered voters of a district, pursuant to Section~~s~~ 5019 ~~and 5020~~, respectively, may at any time recommend one of the following alternate methods of electing governing board members:

(a) That each member of the governing board be elected by the registered voters of the entire district.

(b) That one or more members residing in each trustee area be elected by the registered voters of that particular trustee area.

(c) That each governing board member be elected by the registered voters of the entire school district or community college district, but reside in the trustee area which he or she represents.

The recommendation shall provide that any affected incumbent member shall serve out his or her term of office and that succeeding board members shall be nominated and elected in accordance with the method recommended by the county committee.

Whenever trustee areas are established in a district, provision shall be made for one of the alternative methods of electing governing board members.

~~In counties with a population of less than 25,000,~~ the county committee on school district organization or the county board of education, if it has succeeded to the duties of the county committee, may at any time, by resolution, with respect to trustee areas established for any school district, other than a community college district, amend the provision required by this section without additional approval by the electors, to require one of the alternate methods for electing board members to be utilized.

California Department of Education
WAIVER SUBMISSION - General

CD Code: 5071266 Waiver Number: 12-10-2013 Active Year: 2013

Date In: 10/18/2013 4:55:32 PM

Local Education Agency: Salida Union Elementary School District
Address: 4801 Sisk Rd.
Salida, CA 95368

Start: 1/1/2013 End: 12/31/2014

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

Waiver Topic: School District Reorganization
Ed Code Title: Elimination of Election Requirement
Ed Code Section: Portions of 5019, 5021, 5030 and all of 5020
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: Portions of 5019, 5021, 5030 and all of 5020 (see Attachment A)

Outcome Rationale: In order to complete the transition in a timely manner and to guarantee that a new by-trustee area process will be in place in time to elect new governing board member at the Board's next regularly scheduled election, the district must obtain a waiaver of the election process of Ed Code Sections 5019, 5020, 5021, and 5030 from the State Board of Education.

Student Population: 2566

City Type: Rural

Public Hearing Date: 10/15/2013
Public Hearing Advertised: Notice in Newspaper/Notice Posted at each schoo/Posted at 3 public businesses

Local Board Approval Date: 10/15/2013

Community Council Reviewed By: DELAC
Community Council Reviewed Date: 10/10/2013
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Barbara Fortado
Position: Executive Secretary
E-mail: bfortado@salida.k12.ca.us
Telephone: 209-543-3119
Fax: 209-545-2862

Bargaining Unit Date: 09/18/2013
Name: Salida Teachers' Association
Representative: Tom Wright
Title: Co-President
Position: Neutral
Comments:

Attachment A

6. Education Code or California Code of Regulations section to be waived

The Salida School District desires to waive the following sections and portions of the Education Code lined out below:

§ 5019. Trustee areas and size of school district governing boards; powers of county committee; proposal and hearing

(a) Except in a school district governed by a board of education provided for in the charter of a city or city and county, in any school district or community college district, the county committee on school district organization may establish trustee areas, rearrange the boundaries of trustee areas, abolish trustee areas, and increase to seven or decrease to five the number of members of the governing board, or adopt one of the alternative methods of electing governing board members specified in Section 5030.

(b) The county committee on school district organization may establish or abolish a common governing board for a high school district and an elementary school district within the boundaries of the high school district. The resolution of the county committee on school district organization approving the establishment or abolition of a common governing board shall be presented to the electors of the school districts as specified in Section 5020.

(c) (1) A proposal to make the changes described in subdivision (a) or (b) may be initiated by the county committee on school district organization or made to the county committee on school district organization either by a petition signed by 5 percent or 50, whichever is less, of the qualified registered voters residing in a district in which there are 2,500 or fewer qualified registered voters, by 3 percent or 100, whichever is less, of the qualified registered voters residing in a district in which there are 2,501 to 10,000 qualified registered voters, by 1 percent or 250, whichever is less, of the qualified registered voters residing in a district in which there are 10,001 to 50,000 qualified registered voters, by 500 or more of the qualified registered voters residing in a district in which there are 50,001 to 100,000 qualified registered voters, by 750 or more of the qualified registered voters residing in a district in which there are 100,001 to 250,000 qualified registered voters, or by 1,000 or more of the qualified registered voters residing in a district in which there are 250,001 or more qualified registered voters or by resolution of the governing board of the district. For this purpose, the necessary signatures for a petition shall be obtained within a period of 180 days before the submission of the petition to the county committee on school district organization and the number of qualified registered voters in the district shall be determined pursuant to the most recent report submitted by the county elections official to the Secretary of State under Section 2187 of the Elections Code.

(2) When a proposal is made pursuant to paragraph (1), the county committee on school district organization shall call and conduct at least one hearing in the district on the matter. At the conclusion of the hearing, the county committee on school district organization shall approve or disapprove the proposal.

(d) If the county committee on school district organization approves pursuant to subdivision (a) ~~the rearrangement of the~~ boundaries of trustee areas for a particular district, then the ~~rearrangement of the~~ trustee areas shall be effectuated for the next district election occurring at least 120 days after ~~its~~ approval~~, unless at least 5 percent of the registered voters of the district sign a petition requesting an election on the proposed rearrangement of trustee area~~

~~boundaries. The petition for an election shall be submitted to the county elections official within 60 days of the proposal's adoption by the county committee on school district organization. If the qualified registered voters approve pursuant to subdivision (b) or (c) the rearrangement of the boundaries to the trustee areas for a particular district, the rearrangement of the trustee areas shall be effective for the next district election occurring at least 120 days after its approval by the voters~~.

~~§ 5020. Presentation of proposal to electors~~

~~(a) The resolution of the county committee approving a proposal to establish or abolish trustee areas, to adopt one of the alternative methods of electing governing board members specified in Section 5030, or to increase or decrease the number of members of the governing board shall constitute an order of election, and the proposal shall be presented to the electors of the district not later than the next succeeding election for members of the governing board.~~

~~(b) If a petition requesting an election on a proposal to rearrange trustee area boundaries is filed, containing at least 5 percent of the signatures of the district's registered voters as determined by the elections official, the proposal shall be presented to the electors of the district, at the next succeeding election for the members of the governing board, at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot.~~

~~(c) If a petition requesting an election on a proposal to establish or abolish trustee areas, to increase or decrease the number of members of the board, or to adopt one of the alternative methods of electing governing board members specified in Section 5030 is filed, containing at least 10 percent of the signatures of the district's registered voters as determined by the elections official, the proposal shall be presented to the electors of the district, at the next succeeding election for the members of the governing board, at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot. Before the proposal is presented to the electors, the county committee on school district organization may call and conduct one or more public hearings on the proposal.~~

~~(d) The resolution of the county committee approving a proposal to establish or abolish a common governing board for a high school and an elementary school district within the boundaries of the high school district shall constitute an order of election. The proposal shall be presented to the electors of the district at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot.~~

~~(e) For each proposal there shall be a separate proposition on the ballot. The ballot shall contain the following words:~~

~~"For the establishment (or abolition or rearrangement) of trustee areas in ____ (insert name) School District --Yes" and "For the establishment (or abolition or rearrangement) of trustee areas in ____ (insert name) School District--No."~~

~~"For increasing the number of members of the governing board of ____ (insert name) School~~

~~District from five to seven--Yes" and "For increasing the number of members of the governing board of ____ (insert name) School District from five to seven--No."~~

~~"For decreasing the number of members of the governing board of ____ (insert name) School District from seven to five--Yes" and "For decreasing the number of members of the governing board of ____ (insert name) School District from seven to five--No."~~

~~"For the election of each member of the governing board of the ____ (insert name) School District by the registered voters of the entire ____ (insert name) School District--Yes" and "For the election of each member of the governing board of the ____ (insert name) School District by the registered voters of the entire ____ (insert name) School District--No."~~

~~"For the election of one member of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters in that trustee area--Yes" and "For the election of one member of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters in that trustee area--No."~~

~~"For the election of one member, or more than one member for one or more trustee areas, of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters of the entire ____ (insert name) School District--Yes" and "For the election of one member, or more than one member for one or more trustee areas, of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters of the entire ____ (insert name) School District--No."~~

~~"For the establishment (or abolition) of a common governing board in the ____ (insert name) School District and the ____ (insert name) School District--Yes" and "For the establishment (or abolition) of a common governing board in the ____ (insert name) School District and the ____ (insert name) School District--No."~~

~~If more than one proposal appears on the ballot, all must carry in order for any to become effective, except that a proposal to adopt one of the methods of election of board members specified in Section 5030 which is approved by the voters shall become effective unless a proposal which is inconsistent with that proposal has been approved by a greater number of voters. An inconsistent proposal approved by a lesser number of voters than the number which have approved a proposal to adopt one of the methods of election of board members specified in Section 5030 shall not be effective.~~

§ 5021. Incumbents to serve out terms despite approval of change

(a) If a proposal for the establishment of trustee areas formulated under Section~~s~~ 5019 ~~and 5020~~ is approved ~~by a majority of the voters voting at the election~~, any affected incumbent board member shall serve out his or her term of office and succeeding board members shall be nominated and elected in accordance with Section 5030. In the event two or more trustee areas are established ~~at such election~~ which are not represented in the membership of the governing board of the school district, or community college district the county committee shall determine by lot the trustee area from which the nomination and election for the next vacancy on the governing board shall be made.

(b) If a proposal for rearrangement of boundaries is approved by ~~a majority of the voters voting on the measure, or by~~ the county committee on school district organization ~~when no election is required~~, and if the boundary changes affect the board membership, any affected incumbent board member shall serve out his or her term of office and succeeding board members shall be

nominated and elected in accordance with Section 5030.

(c) If a proposal for abolishing trustee areas is approved ~~by a majority of the voters voting at the election~~, the incumbent board members shall serve out their terms of office and succeeding board members shall be nominated and elected at large from the district.

§ 5030. Alternate method of election

Except as provided in Sections 5027 and 5028, in any school district or community college district having trustee areas, the county committee on school district organization and the registered voters of a district, pursuant to Section~~s~~ 5019 ~~and 5020~~, respectively, may at any time recommend one of the following alternate methods of electing governing board members:

(a) That each member of the governing board be elected by the registered voters of the entire district.

(b) That one or more members residing in each trustee area be elected by the registered voters of that particular trustee area.

(c) That each governing board member be elected by the registered voters of the entire school district or community college district, but reside in the trustee area which he or she represents.

The recommendation shall provide that any affected incumbent member shall serve out his or her term of office and that succeeding board members shall be nominated and elected in accordance with the method recommended by the county committee.

Whenever trustee areas are established in a district, provision shall be made for one of the alternative methods of electing governing board members.

~~In counties with a population of less than 25,000,~~ the county committee on school district organization or the county board of education, if it has succeeded to the duties of the county committee, may at any time, by resolution, with respect to trustee areas established for any school district, other than a community college district, amend the provision required by this section without additional approval by the electors, to require one of the alternate methods for electing board members to be utilized.

Attachment B

6. Desired Outcome/ Rationale

The Salida School District desires to have the requested Education Code sections waived because the waiver of these sections will allow the District to successfully adopt trustee areas and establish a by-trustee election process as expeditiously as possible, thereby enabling the District to avoid litigation resulting out of its current at-large election process for electing its governing board members.

It is imperative that the District adopt these areas and establish this process without delay and without interference because the District has been presented with a demand letter under the California Voting Rights Act of 2001 ("CVRA"), threatening to sue the District if it does not convert to by-trustee area elections. The District currently utilizes an at-large election process to elect its governing board members. The District's failure to successfully adopt and implement trustee areas and a by-trustee area election process leaves it vulnerable to litigation in which the District would be exposed to potentially having to pay significant attorneys' fees to plaintiffs, which would pose an undue hardship and extreme detriment to the District and its students.

CVRA History

The California Legislature enacted the California Voting Rights Act of 2001. (*See* California Elections Code §§ 14025-14032). This legislation makes all at-large election systems in California for cities, school districts and special districts vulnerable to legal attack, largely on proof of racially polarized voting, regardless of whether a majority district can be formed and, under the interpretation adopted by plaintiffs in other pending CVRA cases, without regard to the electoral success of minority candidates or the need to prove actual racial injury exists.

The CVRA purports to alter several requirements that plaintiffs would have to prove under the Federal Voting Rights Act, thereby making it easier to challenge at-large election systems.

The first suit under the CVRA was filed against the City of Modesto in 2004. Modesto challenged the facial constitutionality of the CVRA on the basis that, by using race as the sole criterion of liability, the CVRA contains a suspect racial classification that California was required to justify under equal protection strict scrutiny standards. The trial court struck down the statute but the California Court of Appeal reversed. (*Sanchez v. City of Modesto* (2006) 145 Cal.App.4th 660).

The City of Modesto ultimately settled the litigation, but not before paying plaintiffs $3 million dollars in attorneys' fees to plaintiffs' attorneys (the prevailing party [other than a public agency] is entitled to an award of their attorneys' fees and costs under the CVRA) and another $1.7 million to its own attorneys.

Similarly, the Hanford Joint Union High School District was sued under the CVRA and after adopting trustee areas and establishing by-trustee area elections (and requesting and receiving the same waiver from the State Board of Education that is being requested here), paid plaintiffs in that lawsuit the sum of $110,000 pursuant to a settlement agreement. Most recently, the Madera Unified School District has been sued under the CVRA and their November 2008 governing board member election was enjoined by the court. The Plaintiffs in that case demanded $1.8 million in attorneys' fees from that District, though that amount was subsequently reduced by the trial court and upheld on appeal.

Normally, under Education Code section 5020, the County Committee on School District organization, after conducting its own public hearing on the recommended plans, would call for an election and put the matter to a vote of the District's electors. However, going through an election process would prevent the District from electing successor trustees in a timely manner and leaves the District vulnerable to a lawsuit and injunction.

The requested waiver will allow the District to complete its transition to a by-trustee area election process in time to for the next governing board member election which will reduce the District's liability under the CVRA going forward.

California State Board of Education

Meeting Agenda Items for January 15-16, 2014

WAIVER ITEM W-10

ITEM #W-10

CALIFORNIA STATE BOARD OF EDUCATION

JANUARY 2014 AGENDA

☒ **Specific Waiver**

SUBJECT

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

Waiver Numbers: Fontana Unified School District 16-9-2013
Fontana Unified School District 17-9-2013
Franklin-McKinley Elementary School District 16-10-2013
Franklin-McKinley Elementary School District 17-10-2013
Merced River Union Elementary School District 4-9-2013
River Delta Joint Unified School District 9-9-2013
Sequoia Union High School District 8-9-2013
Shasta County Office of Education 10-9-2013

☒ **Action**

☒ **Consent**

SUMMARY OF THE ISSUE(S)

Specific authority is provided in California *Education Code* (*EC*) Section 52863 to allow the State Board of Education (SBE) to waive the Schoolsite Council (SSC) requirements contained in *EC* 52852 of the School-Based Coordination Program (SBCP) Act that would hinder the success of the program implementation. These waivers must be renewed every two years.

Authority for Waiver: *EC* Section 52863

RECOMMENDATION

☐ **Approval** ☒ **Approval with conditions** ☐ **Denial**

The California Department of Education recommends approval with the following conditions: See Attachment 1.

SUMMARY OF KEY ISSUES

Fontana Unified School District is requesting an SSC composition change for one of its alternative schools: Birch (Continuation) High School (18 teachers serving 239 students in grades nine through twelve). The school has high student mobility and limited staffing with only one administrator. It is located in an urban area.

Fontana Unified School District is requesting an SSC composition change for another of its alternative schools: Citrus (Continuation) High School (31 teachers serving 409 students in grades nine through twelve). The school serves at-risk students and it is, by design, high in student mobility. It is located in an urban area.

Franklin-McKinley Elementary School District is requesting an SSC composition change for one of its small schools: SUCCESS Academy (7 teachers serving 166 students in kindergarten through grade six). The school is located in a suburban area.

Franklin-McKinley Elementary School District is requesting an SSC composition change for another of its small schools: College Connection Academy (7 teachers serving 119 students in kindergarten through grade six). The school is located in a suburban area.

Merced River Union Elementary School District is requesting a shared SSC with composition change for two small schools: Hopeton Elementary School (3 teachers serving 49 students in kindergarten through grade three) and Washington Elementary School (5 teachers serving 99 students in grades four through eight). The two schools share a common curriculum, a resource specialist, and a technology instructor. In addition, they share a superintendent/principal. They conduct teachers' meetings and Parent Teacher Club meetings at one school. They are located approximately 10 miles apart from each other in a rural area.

River Delta Joint Unified School District is requesting a shared SSC for two small schools: Clarksburg Middle School (4 plus teachers serving 223 students in grades seven through nine) and Delta High School (8 plus teachers serving 206 students in grades ten through twelve). Twelve additional teachers teach at both schools. The two schools share a principal, a vice principal, a Booster Club, and an English Learner Advisory Committee. They also share facilities such as the gym, cafeteria, classrooms, and sports fields. Staff conducts meetings together. Many families have children that attend both schools. They are located on the same campus in a small rural area.

Sequoia Union High School District is requesting an SSC composition change for one of its small alternative schools: Sequoia Union High Independent Study School (2 teachers serving 38 students in grades nine through twelve). It is located in a suburban area.

Shasta County Office of Education is requesting a shared SSC for six small alternative schools/programs: Magnolia Independent Learning Center (2 teachers serving 35 students in grades seven through twelve), Oasis Community School (7 teachers serving 85 students in grades seven through twelve), Phoenix Program (1 teacher serving 6 students in grades seven through twelve), Shasta Independent Learning Center (1 teacher serving 20 students in grades seven through twelve), Shasta County Juvenile Court School (2 teachers serving 20 students in grades seven through twelve), and Shasta County Special Education Program (4 teachers serving 39 students in kindergarten through grade twelve). These six schools/programs share two principals, two assistant principals, resource teachers, a psychologist, and counseling services. They also share a common curriculum, follow the same pacing guides for English-language arts and mathematics, and they are represented on one district leadership

team. Staff regularly participates in shared staff meetings. Students are highly mobile, moving from one school to another. The schools are located within seven miles of each other in a small city.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The CDE Waiver Office has previously presented requests from local educational agencies (LEAs) to waive some of the SSC requirements in *EC* 52863 or to allow one shared schoolsite council for multiple schools. All of these requests have been granted with conditions. The conditions take into consideration the rationale provided by the LEAs, a majority of which are due to the size, type, location, or other capacities of the schools.

FISCAL ANALYSIS (AS APPROPRIATE)

There is no statewide fiscal impact of waiver approval.

ATTACHMENT(S)

Attachment 1: Local Educational Agencies Requesting a Schoolsite Council Waiver (4 Pages)

Attachment 2: Fontana Unified School District Specific Waiver Request 16-9-2013 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: Fontana Unified School District Specific Waiver Request 17-9-2013 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 4: Franklin-McKinley Elementary School District Specific Waiver Request 16-10-2013 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 5: Franklin-McKinley Elementary School District Specific Waiver Request 17-10-2013 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 6: Merced River Union Elementary School District Specific Waiver Request 4-9-2013 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 7: River Delta Joint Unified School District Specific Waiver Request 9-9-2013 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 8: Sequoia Union High School District Specific Waiver Request 8-9-2013 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 9: Shasta County Office of Education Specific Waiver Request 10-9-2013 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Local Educational Agencies Requesting a Schoolsite Council Waiver

Waiver Number	LEA for School(s) (CDS Code[s])	LEAs Request	CDE Recommendation	Previous Waiver Yes or No Period of Request/ Period Recommended	Collective Bargaining Unit Position/ Current Agreement	SSC/Advisory Committee Position	Local Board Approval Date
16-9-2013	Fontana Unified School District for Birch Continuation High School (3667710 3630019)	SSC Composition Change	Approval with conditions; the SSC must consist of one principal, two classroom teachers (selected by peers), one other school representative (selected by peers), two parents/community members (selected by parents), and two students (selected by peers).	**Yes** **Requested:** 10/21/2013 To 10/20/2015 **Recommended:** 10/21/2013 To 10/20/2015	Fontana Teachers Association Sue Felt, President 08/06/2013 **Support** United Steel Workers Ana Cruz, President 08/06/2013 **Support**	Birch High School SSC 08/16/2013 **Approve**	09/18/2013
17-9-2013	Fontana Unified School District for Citrus Continuation High School (3667710 3630480)	SSC Composition Change	Approval with conditions; the SSC must consist of one principal, two classroom teachers (selected by peers), one other school representative (selected by peers), two parents/community members (selected by parents), and two students (selected by peers).	**Yes** **Requested:** 10/21/2013 To 10/20/2015 **Recommended:** 10/21/2013 To 10/20/2015	Fontana Teachers Association Sue Felt, President 08/06/2013 **Support** United Steel Workers Ana Cruz, President 08/06/2013 **Support**	Citrus High School SSC 08/27/2013 **Approve**	09/18/2013

Waiver Number	LEA for School(s) (CDS Code[s])	LEAs Request	CDE Recommendation	Previous Waiver Yes or No Period of Request/ Period Recommended	Collective Bargaining Unit Position/ Current Agreement	SSC/Advisory Committee Position	Local Board Approval Date
16-10-2013	Franklin-McKinley Elementary School District for SUCCESS Academy (4369450 0111849)	SSC Composition Change	Approval with conditions; the SSC must consist of one principal, two classroom teachers (selected by peers), and three parents/community members (selected by parents).	**No** **Requested:** 10/01/2013 To 09/30/2015 **Recommended:** 10/01/2013 To 09/30/2015	Franklin-McKinley Education Association Scott Shulimson, President 09/24/2013 **Support**	SUCCESS Academy SSC 10/07/2013 **Approve**	10/21/2013
17-10-2013	Franklin-McKinley Elementary School District for College Connection Academy (4369450 0127225)	SSC Composition Change	Approval with conditions; the SSC must consist of one principal, two classroom teachers (selected by peers), and three parents/community members (selected by parents).	**No** **Requested:** 10/01/2013 To 09/30/2015 **Recommended:** 10/01/2013 To 09/30/2015	Franklin-McKinley Education Association Scott Shulimson, President 09/24/2013 **Support**	College Connection Academy SSC 10/07/2013 **Approve**	10/21/2013

Waiver Number	LEA for School(s) (CDS Code[s])	LEAs Request	CDE Recommendation	Previous Waiver Yes or No Period of Request/ Period Recommended	Collective Bargaining Unit Position/ Current Agreement	SSC/Advisory Committee Position	Local Board Approval Date
4-9-2013	Merced River Union Elementary School District for Hopeton Elementary School (2473726 6025480) and Washington Elementary School (2473726 6025803)	Shared SSC and Composition Change	Approval with conditions; the SSC must consist of one principal, two classroom teachers (selected by peers), one other school representative (selected by peers), and three parents/community members (selected by parents).	**No** **Requested:** 07/01/2013 To 06/30/2015 **Recommended:** 07/01/2013 To 06/30/2015	Merced River Teachers Association Victoria Borges, President 05/20/2013 **Support**	SSC and Merced River Board of Trustees 05/20/2013 **Approve**	08/05/2013
9-9-2013	River Delta Joint Unified School District for Clarksburg Middle School (3467413 0112078) and Delta High School (3467413 5731708)	Shared SSC	Approval with conditions; the SSC must consist of one principal, four classroom teachers (selected by peers), one other school representative (selected by peers), three parents/community members (selected by parents), and three students (selected by peers).	**Yes** **Requested:** 09/30/2013 To 09/30/2014 **Recommended:** 09/30/2013 To 09/29/2015	None indicated	Delta High School and Clarksburg Middle School SSC 09/05/2013 **Approve**	09/12/2013

Waiver Number	LEA for School(s) (CDS Code[s])	LEAs Request	CDE Recommendation	Previous Waiver Yes or No Period of Request/ Period Recommended	Collective Bargaining Unit Position/ Current Agreement	SSC/Advisory Committee Position	Local Board Approval Date
8-9-2013	Sequoia Union High School District for Sequoia Union High Independent Study School (4169062 0127019)	SSC Composition Change	Approval with conditions; the SSC must consist of one principal, two classroom teachers (selected by peers), two parents/community members (selected by parents), and one student (selected by peers).	**No** **Requested:** 08/15/2013 To 06/30/2015 **Recommended:** 08/15/2013 To 06/30/2015	Sequoia District Teachers Association Edith Salvatore, President 07/16/2013 **Support**	Sequoia Independent Study SSC Parent Advisory Ad Hoc Committee 07/22/2013 **Approve**	08/14/2013
10-9-2013	Shasta County Office of Education for Magnolia Independent Learning Center (4510454 0118992), Oasis Community School (4510454 4530317), Phoenix Program (4510454 0118976), Shasta Independent Learning Center (4510454 0119008), Shasta County Juvenile Court School (4510454 4530150), and Shasta County Special Education Program (4510454 6069389)	Shared SSC	Approval with conditions; the SSC must consist of one principal, four classroom teachers (selected by peers), one other school representative (selected by peers), three parents/community members (selected by parents), and three students (selected by peers).	**No** **Requested:** 08/16/2013 To 08/15/2015 **Recommended:** 08/16/2013 To 08/15/2015	Shasta County Certificated Employee Association James Patton, President 08/29/2013 **Support**	District Site Leadership Team 08/26/2013 **Approve**	09/11/2013

California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 3667710 Waiver Number: 16-9-2013 Active Year: 2013

Date In: 9/30/2013 8:44:24 AM

Local Education Agency: Fontana Unified School District
Address: 9680 Citrus Ave.
Fontana, CA 92335

Start: 10/21/2013 End: 10/20/2015

Waiver Renewal: Y
Previous Waiver Number: 2-11-2011-W-20 Previous SBE Approval Date: 3/8/2012

Waiver Topic: Schoolsite Council Statute
Ed Code Title: Number and Composition of Members
Ed Code Section: 52852
Ed Code Authority: 52863

Ed Code or *CCR* to Waive: Requesting reduced composition from 12 to 8 members. (Statute requires 12 members for a high school site council) *EC* 52852

[A schoolsite council shall be established at each school which participates in school-based program coordination. The council shall be composed of the principal and representatives of: teachers selected by teachers at the school; other school personnel selected by other school personnel at the school; parents of pupils attending the school selected by such parents; and, in secondary schools, pupils selected by pupils attending the school. At the elementary level the council shall be constituted to ensure parity between (a) the principal, classroom teachers, and other school personnel; and (b) parents or other community members selected by parents. At the secondary level the council shall be constituted to ensure parity between (a) the principal, classroom teachers and other school personnel; and (b) equal numbers of parents, or other community members selected by parents, and pupils. At both, the elementary and secondary levels, classroom teacher shall comprise the majority of persons represented under category(a). Existing schoolwide advisory groups or school support groups maybe utilized as the schoolsite council if those groups conform to this section. The Superintendent of Public Instruction shall provide several examples of selection and replacement procedures that may be considered by schoolsite councils. An employee of a school, who is also a parent or guardian of a pupil who attends a school other than the school of the parent's or guardian's employment, is not disqualified by virtue of this employment from serving as a parent representative on the schoolsite council established for the school that his or her child or ward attends.]

Outcome Rationale: The continuation and re-approval of a composition waiver would allow SSC to continue to have quorum at SSC meeting. Prior to the composition waiver we often lacked quorum due to the limited amount of staff members and the high mobility rate of our student population. Therefore meetings were very scarce and often canceled, eliminating our ability to sustain an effective categorical program. The high mobility rate is due to the limited time our students attend our continuation and credit recovery programs. Many of our students are enrolled for few months or maybe a little over a year, before they return to their homeschool or

graduate. Therefore, the school is constantly reappointing student and parent members. It continues to be very difficult for the school to share a school site council with another school because of the logistics of scheduling meetings, taking personnel and students off campus, and transporting personnel and staff to a separate site, when staff is already very limited.

As there is only one administrator, on-site availability is crucial to handle staff, student, and parent issues. Maintaining the reduction of the required School Site Council size from 12 to 8 (1 principal, 2 teachers, 1 other staff, 2 parents, 2 students) would greatly continue to assist us in maintaining the correct composition of our School Site Council throughout the year and sustain an effective categorical program.

Student Population: 239

City Type: Urban

Local Board Approval Date: 9/18/2013

Council Reviewed By: Eric Birch HS School Site Council
Council Reviewed Date: 8/16/2013
Council Objection: N
Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Robert Hennings
Position: Categorical Programs Coordinator
E-mail: hennrd@fusd.net
Telephone: 909-357-7600 x29175
Fax: 909-357-7556

Bargaining Unit Date: 08/06/2013
Name: Fontana Teachers Association
Representative: Sue Felt
Title: President
Position: Support
Comments:

Bargaining Unit Date: 08/06/2013
Name: United Steel Workers
Representative: Ana Cruz
Title: President
Position: Support
Comments:

California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 3667710 Waiver Number: 17-9-2013 Active Year: 2013

Date In: 9/30/2013 8:55:28 AM

Local Education Agency: Fontana Unified School District
Address: 9680 Citrus Ave.
Fontana, CA 92335

Start: 10/21/2013 End: 10/20/2015

Waiver Renewal: Y
Previous Waiver Number: 3-11-2011-W-20 Previous SBE Approval Date: 3/8/2012

Waiver Topic: Schoolsite Council Statute
Ed Code Title: Number and Composition of Members
Ed Code Section: 52852
Ed Code Authority: 52863

Ed Code or *CCR* to Waive: Requesting reduced composition from 12 to 8 members. (Statute requires 12 members for a high school site council) *EC* 52852

[A schoolsite council shall be established at each school which participates in school-based program coordination. The council shall be composed of the principal and representatives of: teachers selected by teachers at the school; other school personnel selected by other school personnel at the school; parents of pupils attending the school selected by such parents; and, in secondary schools, pupils selected by pupils attending the school. At the elementary level the council shall be constituted to ensure parity between (a) the principal, classroom teachers, and other school personnel; and (b) parents or other community members selected by parents. At the secondary level the council shall be constituted to ensure parity between (a) the principal, classroom teachers and other school personnel; and (b) equal numbers of parents, or other community members selected by parents, and pupils. At both, the elementary and secondary levels, classroom teacher shall comprise the majority of persons represented under category(a). Existing schoolwide advisory groups or school support groups maybe utilized as the schoolsite council if those groups conform to this section. The Superintendent of Public Instruction shall provide several examples of selection and replacement procedures that may be considered by schoolsite councils. An employee of a school, who is also a parent or guardian of a pupil who attends a school other than the school of the parent's or guardian's employment, is not disqualified by virtue of this employment from serving as a parent representative on the schoolsite council established for the school that his or her child or ward attends.]

Outcome Rationale: Citrus High School is a continuation high school with a goal of credit recovery leading to graduation for all students. Student graduation can be attained by the students returning to their home comprehensive high school after they earned the required credits to be on track or by graduating from Citrus High. As such, many of our students attend Citrus High for a year or less. This high student turnover rate is by design, but limits the number of students and parents who can participate in our School Site Council. Often students and

parents who volunteer for our School Site Council leave Citrus High School before the end of the school year.

We have a small student population which further limits our potential committee pool. A third factor is the fact that our entire student population is considered at-risk. Many of our students and parents have not been involved in school committees and are hesitant to participate. We actively reach out to our parents and students to participate in our School Site Council and other committees. Although we have had limited success in this area, renewing our waiver for the required School Site Council size from 12 to 8 (1 principal, 2 teachers, 1 other staff, 2 parents, 2 students) would greatly assist us in maintaining the correct composition of our School Site Council throughout the year.

Student Population: 409

City Type: Urban

Local Board Approval Date: 9/18/2013

Council Reviewed By: Citrus HS School Site Council
Council Reviewed Date: 8/27/2013
Council Objection: N
Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Robert Hennings
Position: Coordinator of Categorical Programs
E-mail: hennrd@fusd.net
Telephone: 909-357-7600 x29175
Fax: 909-357-7556

Bargaining Unit Date: 08/06/2013
Name: Fontana Teachers Association
Representative: Sue Felt
Title: President
Position: Support
Comments:

Bargaining Unit Date: 08/06/2013
Name: Unitted Steel Workers
Representative: Ana Cruz
Title: President
Position: Support
Comments:

California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 4369450 Waiver Number: 16-10-2013 Active Year: 2013

Date In: 10/22/2013 8:27:11 PM

Local Education Agency: Franklin-McKinley Elementary School District
Address: 645 Wool Creek Dr.
San Jose, CA 95112

Start: 10/1/2013 End: 9/30/2015

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

Waiver Topic: Schoolsite Council Statute
Ed Code Title: Number and Composition of Members
Ed Code Section: 52852
Ed Code Authority: 52863

Ed Code or *CCR* to Waive: This is a request by the Franklin-McKinley 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 suburban school, SUCCESS Academy.

52852. ~~A schoolsite council shall be established at each school which participates in school-based program coordination. The council shall be composed of the principal and representatives of: teachers selected by teachers at the school; other school personnel selected by other school personnel at the school; parents of pupils attending the school selected by such parents; and, in secondary schools, pupils selected by pupils attending the school. At the elementary level the council shall be constituted to ensure parity between (a) the principal, classroom teachers, and other school personnel; and (b) parents or other community members selected by parents. At the secondary level the council shall be constituted to ensure parity between (a) the principal, classroom teachers and other school personnel; and (b) equal numbers of parents, or other community members selected by parents, and pupils. At both, the elementary and secondary levels, classroom teacher shall comprise the majority of persons represented under category(a). Existing schoolwide advisory groups or school support groups maybe utilized as the schoolsite council if those groups conform to this section. The Superintendent of Public Instruction shall provide several examples of selection and replacement procedures that may be considered by schoolsite councils. An employee of a school, who is also a parent or guardian of a pupil who attends a school other than the school of the parent's or guardian's employment, is not disqualified by virtue of this employment from serving as a parent representative on the schoolsite council established for the school that his or her child or ward attends.~~

Outcome Rationale: Many waivers of this type have been approved for schools too small to meet the Schoolsite Council composition requirements of *Education Code* (*EC*) 52852. These waivers are limited to schools that operate under a School-Based Coordinated Plan approved

by their district and are only approved for two-year terms under the waiver authority of Section 52863.

Small schools find it difficult to meet Schoolsite Council membership requirements. SUCCESS Academy enrolls 166 students in kindergarten through grade six, and employs seven classroom teachers. It would require two of the five classroom teachers,the Principal and three parents to serve on the Schoolsite Council.

Student Population: 166

City Type: Suburban

Local Board Approval Date: 10/21/2013

Council Reviewed By: SUCCESS Academy SSC
Council Reviewed Date: 10/7/2013
Council Objection: N
Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Carla Haakma
Position: Director of State & Federal Projects & Assessments
E-mail: carla.haakma@fmsd.org
Telephone: 408-283-6053
Fax: 408-283-6482

Bargaining Unit Date: 09/24/2013
Name: Franklin-McKinley Education Association
Representative: Scott Shulimson
Title: President
Position: Support
Comments:

California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 4369450 Waiver Number: 17-10-2013 Active Year: 2013

Date In: 10/22/2013 8:34:44 PM

Local Education Agency: Franklin-McKinley Elementary School District
Address: 645 Wool Creek Dr.
San Jose, CA 95112

Start: 10/1/2013 End: 9/30/2015

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

Waiver Topic: Schoolsite Council Statute
Ed Code Title: Number and Composition of Members
Ed Code Section: 52852
Ed Code Authority: 52863

Ed Code or *CCR* to Waive: Request by Franklin-McKinley 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 suburban school, College Connection Academy.

52852. ~~A schoolsite council shall be established at each school which participates in school-based program coordination. The council shall be composed of the principal and representatives of: teachers selected by teachers at the school; other school personnel selected by other school personnel at the school; parents of pupils attending the school selected by such parents; and, in secondary schools, pupils selected by pupils attending the school. At the elementary level the council shall be constituted to ensure parity between (a) the principal, classroom teachers, and other school personnel; and (b) parents or other community members selected by parents. At the secondary level the council shall be constituted to ensure parity between (a) the principal, classroom teachers and other school personnel; and (b) equal numbers of parents, or other community members selected by parents, and pupils. At both, the elementary and secondary levels, classroom teacher shall comprise the majority of persons represented under category(a). Existing schoolwide advisory groups or school support groups maybe utilized as the schoolsite council if those groups conform to this section. The Superintendent of Public Instruction shall provide several examples of selection and replacement procedures that may be considered by schoolsite councils. An employee of a school, who is also a parent or guardian of a pupil who attends a school other than the school of the parent's or guardian's employment, is not disqualified by virtue of this employment from serving as a parent representative on the schoolsite council established for the school that his or her child or ward attends.~~

Outcome Rationale: Many waivers of this type have been approved for schools too small to meet the Schoolsite Council composition requirements of *Education Code* (*EC*) 52852. These waivers are limited to schools that operate under a School-Based Coordinated Plan approved

by their district and are only approved for two-year terms under the waiver authority of Section 52863.

Small schools find it difficult to meet Schoosite Council membership requirements. College Connection Academy (CCA) enrolls 119 students in kindergarten through grade six, and employs seven classroom teachers. It would require two of the five classroom teachers,the Principal and three parents to serve on the Schoolsite Council.

Student Population: 119

City Type: Suburban

Local Board Approval Date: 10/21/2013

Council Reviewed By: College Connection Academy SSC
Council Reviewed Date: 10/7/2013
Council Objection: N
Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Carla Haakma
Position: Director of State & Federal Projects & Assessment
E-mail: carla.haakma@fmsd.org
Telephone: 408-283-6053
Fax: 408-283-6482

Bargaining Unit Date: 09/24/2013
Name: Franklin-McKinley Education Association
Representative: Scott Shulimson
Title: President
Position: Support
Comments:

California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 2473726 Waiver Number: 4-9-2013 Active Year: 2013

Date In: 9/6/2013 2:44:34 PM

Local Education Agency: Merced River Union Elementary School District
Address: 4402 West Oakdale Rd.
Winton, CA 95388

Start: 7/1/2013 End: 6/30/2015

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

Waiver Topic: Schoolsite Council Statute
Ed Code Title: Shared Schoolsite Council with Reduced Number and Composition
Ed Code Section: 52852
Ed Code Authority: 52863

Ed Code or *CCR* to Waive: *EC* 52852 A school site council shall be established at each school which participates in school-based program coordination. The council shall be composed of the principal and representatives of: teachers selected by teachers at the school; other school personnel selected by other school personnel at the school; parents of pupils attending the school selected by such parents; and, in secondary schools, pupils selected by pupils attending the school.

Outcome Rationale: The Merced River Union Elementary School District is a very small rural district serving only 150 students in grades Kindergarten through eighth grades. One person serves as the Superintendent/Principal for both school campuses. One campus has three teachers (Hopeton Elementary K-3), and the other (Washington School 4-8) has five teachers and they share a resource specialist and technology instructor. Both schools adopt a common curriculum and share services. They are located approximately 10 miles apart. Due to the grade level configurations, these schools share the same families. Teachers' meetings, Parent Teacher Club meetings and many school events are also conducted at one school. This waiver is necessary to enable district staff and parents to better communicate and to work more smoothly towards academic achievement. As employees of a small school district with multiple duties and assignments a waiver will assure the streamlining of our local agency.

Student Population: 150

City Type: Rural

Local Board Approval Date: 8/5/2013

Council Reviewed By: School Site Council and Merced River Board of Trustees
Council Reviewed Date: 5/20/2013
Council Objection: N
Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Dr. Helio Brasil
Position: Superintendent/Principal
E-mail: Hbrasil@mercedriver.k12.ca.us
Telephone: 209-358-2855
Fax:

Bargaining Unit Date: 05/20/2013
Name: Merced River Teachers Association
Representative: Victoria Borges
Title: President
Position: Support
Comments:

California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 3467413 Waiver Number: 9-9-2013 Active Year: 2013

Date In: 9/17/2013 3:00:34 PM

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

Start: 9/30/2013 End: 9/30/2014

Waiver Renewal: Y
Previous Waiver Number: 83-10-2012-W-05 Previous SBE Approval Date: 3/14/2013

Waiver Topic: Schoolsite Council Statute
Ed Code Title: Shared Schoolsite Council
Ed Code Section: 52852
Ed Code Authority: 52863

Ed Code or *CCR* to Waive: Request under the authority of California *Education Code* Section 52852: Schoolsite Councils for small schools sharing common services or attendance areas, administration and other characteristics.

Outcome Rationale: Delta High School (DHS) and Clarksburg Middle School (CMS) exist on the same campus in the small rural community of Clarksburg, CA. DHS has 206 students in grades 10-12 and CMS has 223 students in grades 7-9. The schools share facilities (gym, cafeteria, classrooms, sports fields, etc) and many families have students enrolled at both sites. The schools share a staff of 24 teachers, administration (Vice Principal and Principal), Booster Club, and ELAC. Staff meetings are combined and educational priorities are set together. The schools function under a 7-12 model and this waiver will allow a Joint School Site Council to address priorities in a coordinated effort.

Student Population: 429

City Type: Rural

Local Board Approval Date: 9/12/2013

Council Reviewed By: Delta High School and Clarksburg Middle School SSC
Council Reviewed Date: 9/5/2013
Council Objection: N
Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Laura Uslan
Position: Principal
E-mail: luslan@riverdelta.k12.ca.us
Telephone: 916-744-1714 x2254
Fax:

California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 4169062 Waiver Number: 8-9-2013 Active Year: 2013

Date In: 9/17/2013 1:08:08 PM

Local Education Agency: Sequoia Union High School District
Address: 480 James Ave.
Redwood City, CA 94062

Start: 8/15/2013 End: 6/30/2015

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

Waiver Topic: Schoolsite Council Statute
Ed Code Title: Number and Composition of Members
Ed Code Section: 52852
Ed Code Authority: 52863

Ed Code or *CCR* to Waive: 52852
~~A schoolsite council shall be established at each school which participates in school-based program coordination. The council shall be composed of the principal and representatives of: teachers selected by teachers at the school; other school personnel selected by other school personnel at the school; parents of pupils attending the school selected by such parents; and, in secondary schools, pupils selected by pupils attending the school. At the elementary level the council shall be constituted to ensure parity between (a) the principal, classroom teachers, and other school personnel; and (b) parents or other community members selected by parents. At the secondary level the council shall be constituted to ensure parity between (a) the principal, classroom teachers and other school personnel; and (b) equal numbers of parents, or other community members selected by parents, and pupils. At both, the elementary and secondary levels, classroom teacher shall comprise the majority of persons represented under category(a). Existing schoolwide advisory groups or school support groups maybe utilized as the schoolsite council if those groups conform to this section. The Superintendent of Public Instruction shall provide several examples of selection and replacement procedures that may be considered by schoolsite councils. An employee of a school, who is also a parent or guardian of a pupil who attends a school other than the school of the parent's or guardian's employment, is not disqualified by virtue of this employment from serving as a parent representative on the schoolsite council established for the school that his or her child or ward attends.~~

Outcome Rationale: Sequoia Independent Study has a very small enrollment of only 38 high school students. With a staff of only two teachers and one administrator it is not feasible to fulfill the regular SSC composition requirement. We propose, instead, a SSC composition of six persons, including the school’s administrator, two teachers, two parents and one student.

Student Population: 38

City Type: Suburban

Local Board Approval Date: 8/14/2013

Council Reviewed By: Sequoia Independent Study SSC Parent Advisory Ad Hoc Committee
Council Reviewed Date: 7/22/2013
Council Objection: N
Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Héctor Rico
Position: Director, EL & Categorical Programs
E-mail: hrico@seq.org
Telephone: 650-369-1411 x2548
Fax:

Bargaining Unit Date: 07/16/2013
Name: Sequoia District Teachers Association (SDTA)
Representative: Edith Salvatore
Title: SDTA President
Position: Support
Comments:

California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 4510454 Waiver Number: 10-9-2013 Active Year: 2013

Date In: 9/19/2013 3:04:54 PM

Local Education Agency: Shasta County Office of Education
Address: 1644 Magnolia Ave.
Redding, CA 96001

Start: 8/16/2013 End: 8/15/2015

Waiver Renewal: Y
Previous Waiver Number: 5-1-2012-W-20 Previous SBE Approval Date: 5/17/2012

Waiver Topic: Schoolsite Council Statute
Ed Code Title: Shared Schoolsite Council
Ed Code Section: 52852
Ed Code Authority: 52863

Ed Code or *CCR* to Waive: *EC*52852 School site councils for small schools sharing common services or attendance areas, administration and other characteristics. Refer to SBE Waiver Policy for Shared SSC's: http://www.cde.ca.gov/re/lr/wr/documents/schoolsitepolicyyr.doc Waivers meeting these conditions go to the SBE Consent Calendar.

~~A schoolsite council shall be established at each school which participates in school-based program coordination. The council shall be composed of the principal and representatives of: teachers selected by teachers at the school; other school personnel selected by other school personnel at the school; parents of pupils attending the school selected by such parents; and, in secondary schools, pupils selected by pupils attending the school. At the elementary level the council shall be constituted to ensure parity between (a) the principal, classroom teachers, and other school personnel; and (b) parents or other community members selected by parents. At the secondary level the council shall be constituted to ensure parity between (a) the principal, classroom teachers and other school personnel; and (b) equal numbers of parents, or other community members selected by parents, and pupils. At both, the elementary and secondary levels, classroom teacher shall comprise the majority of persons represented under category(a). Existing schoolwide advisory groups or school support groups maybe utilized as the schoolsite council if those groups conform to this section. The Superintendent of Public Instruction shall provide several examples of selection and replacement procedures that may be considered by schoolsite councils. An employee of a school, who is also a parent or guardian of a pupil who attends a school other than the school of the parent's or guardian's employment, is not disqualified by virtue of this employment from serving as a parent representative on the schoolsite council established for the school that his or her child or ward attends.~~

Outcome Rationale: Rationale for waiver request: The Shasta County Office of Education Alternative education schools have circumstances that make it difficult for each site to have their own Site Council. There are six Alternative Education schools with the following composition:

Name	Students	Teachers
Oasis School	85	7
Phoenix Program	6	1
Shasta Independent Learning Center	20	1
Magnolia Independent Learning Center	35	2
Juvenile Court (enrollment varies)	20	2
Excel Academy	39	4
	205	**17**

These schools split two principals and two assistant principals. The schools share a common curriculum and follow the same pacing guides for English Language Arts and mathematics. The schools share resource teachers, psychologist services, counseling services and are all represented on the District Leadership Team. Additionally, the staff regularly participate in shared staff meetings. For students, there is very high mobility between the schools, with many of the students moving from Juvenile Court to Independent Study or Oasis and vice versa. All of the schools are located with seven miles of each other.

Student Population: 205

City Type: Small

Local Board Approval Date: 9/11/2013

Council Reviewed By: District SIte Leadership Team
Council Reviewed Date: 8/26/2013
Council Objection: N
Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Doreen Fuller
Position: Executive Director, Student Programs
E-mail: dfuller@shastacoe.org
Telephone: 530-245-7834
Fax: 530-245-7828

Bargaining Unit Date: 08/29/2013
Name: Shasta County Certificated Employee Association
Representative: James Patton
Title: President
Position: Support
Comments:

California State Board of Education

Meeting Agenda Items for January 15-16, 2014

WAIVER ITEM W-11

ITEM #W-11

CALIFORNIA STATE BOARD OF EDUCATION

JANUARY 2014 AGENDA

☒ **Specific Waiver**

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) and/or 41378(a) through (e), relating to class size penalties for kindergarten through grade three. For kindergarten, the overall class size average is 31 to one with no class larger than 33. For grades one through three, the overall class size average is 30 to one with no class larger than 32.

Waiver Numbers: Ramona City Unified School District 2-10-2013
Redondo Beach Unified School District 22-10-2013
Redwood City Elementary School District 24-10-2013
Redwood City Elementary School District 23-10-2013

☒ **Action**

☒ **Consent**

SUMMARY OF THE ISSUE(S)

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) and/or 41378(a) through (e), relating to class size penalties for kindergarten through grade three. The California Department of Education (CDE) recommends that the class size penalties for kindergarten through grade three be waived provided that the overall average and individual class size average is not greater than the CDE recommended class size noted on Attachment 1.

Authority for Waiver: *EC* Section 33050

RECOMMENDATION

☐ **Approval** ☒ **Approval with conditions** ☐ **Denial**

The CDE, based on the finding below, recommends that the class size penalties for kindergarten through grade three be waived provided that the overall average and individual class size average is not greater than the CDE recommended class size for the fiscal year(s) noted on Attachment 1.

The CDE also recommends that the State Board of Education (SBE) find that the class size penalty provisions of *Education Code (EC)* sections 41376 and/or 41378 will, if not waived, prevent the districts from developing more effective educational programs to improve instruction in reading and mathematics for students in the classes specified in the districts' applications.

SUMMARY OF KEY ISSUES

Education Code Section 41382 allows the SBE to approve an exemption to the class size penalties assessed for kindergarten through grade three if the associated statutory class size requirements prevent the school and school district from developing more effective educational programs to improve instruction in reading and mathematics. Under this authority, these districts are requesting a waiver of subdivisions (a) through (e) of *EC* Section 41378, which provide for a penalty if the average class size on a district-wide basis for kindergarten exceeds 31 students or individual class levels exceed 33, and/or subdivisions (a), (c), and (d) of *EC* Section 41376, which provide for a penalty if the average class size on a district-wide basis for grades one through three exceeds 30 students, or individual class levels exceed 32. Since this particular statute regarding class size limits was written in 1964, given the current fiscal environment in school districts statewide, consideration of these and similar waivers is warranted.

The districts listed on Attachment 1 request flexibility to temporarily increase class sizes in kindergarten and/or grades one through three to reduce expenditures in light of the statewide budget crisis and the associated reductions in revenue limit funds provided by the state. Since fiscal year 2008–09, most districts have experienced at least a 10 percent reduction in revenue limit funding in addition to the elimination of statutory cost of living adjustments. In fiscal year 2012–13 school district revenue limits were reduced by 23 percent, which is used to establish a district's base funding under the Local Control Funding Formula (LCFF). Furthermore, payments for over one-fifth of what they are due have been deferred until the next fiscal year. Based on the 2013–14 Budget Act, the deferrals will not be eliminated until 2016–17 and it will take several years to restore the revenue limit reductions through the LCFF. Therefore, at this time, the CDE is recommending approval of the waivers through fiscal year 2013–14 only.

The class size penalty requirement for a district continues under LCFF; however instead of the penalty being applied to a district's revenue limit, the penalty will be applied to the district's LCFF Entitlement if a district exceeds either the overall average or individual class size average for kindergarten through grade three. In addition to the class size penalty requirement, beginning in 2013–14, under LCFF, school districts must either maintain an average class enrollment in kindergarten through grade three at their school sites of not more than 24 or begin making progress towards 24 if they were above that level in 2012–13. Unless a district agrees to an alternative ratio through the collective bargaining process, this requirement is a condition of receiving a grade span adjustment for kindergarten through grade three pupils, which is equal to 10.4 percent of the LCFF base grant for these grade levels. The new requirement under LCFF operates independently of the current class size penalty requirement, which is the subject of this waiver. Consequently, a school district could be subject to the class size penalty pursuant to *EC* Sections 41376 and/or 41378 even if it met the kindergarten through grade three requirements under the LCFF because the district's locally bargained alternative or its target for demonstrating progress towards a school site average of 24 were above the class size penalty limits.

A positive certification is assigned to a school district that will meet its financial obligations in the current and two subsequent fiscal years. A qualified certification is assigned when a district may not meet its financial obligations for the current or two

subsequent fiscal years. A negative certification is assigned when a district will be unable to meet its financial obligations for the remainder of the current year or for the subsequent fiscal year. Each district's most recent status is identified on Attachment 1.

Each district states that without the waiver, the core reading and math programs will be compromised by the fiscal penalties incurred. The actual and/or estimated annual penalty, should the district increase the class size average without a waiver, is provided on Attachment 1.

The CDE recommends, based on the finding above, that the class size penalties for kindergarten and/or grades one through three be waived, provided the overall average and the individual class size average is not greater than the CDE recommended level for the fiscal year(s) shown on Attachment 1. Should any district exceed this new limit, the class size penalty would be applied per statute.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Since September 2009, the SBE has approved all kindergarten through grade three class size penalty waiver requests as proposed by the CDE through fiscal year 2013–14. Before the September 2009 board meeting, no waivers had been submitted since 1999.

FISCAL ANALYSIS (AS APPROPRIATE)

See Attachment 1 for estimated penalty amounts for each district without the waiver approval.

ATTACHMENT(S)

Attachment 1: List of Waiver Numbers, Districts, and Information Regarding Each Waiver. (1 page)

Attachment 2: Ramona City Unified School District Specific Waiver 2-10-2013 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: Redonda Beach Unified School District Waiver Request 22-10-2013 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 4: Redwood City School District Waiver Request 24-10-2013 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 5: Redwood City School District Specific Waiver Request 23-10-2013 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Districts Requesting Kindergarten Through Grade Three Class Size Penalty Waivers

Education Code sections 41376 and 41378:
For Kindergarten: Overall average 31; no class larger than 33.
For Grades 1-3: Overall average 30; no class larger than 32.

Waiver Number	District/County and District Code	Period of Request	District's Request	CDE Recommended (New Maximum)	Local Board Approval Date	*Bargaining Unit, Representative(s) Consulted, Date, and Position	Potential Annual Penalty Without Waiver	Fiscal Status	Previous Waivers
2-10-2013	Ramona City Unified School District 37-68304	**Requested:** August 27, 2012 to June 12, 2013 **Recommended**: July 1, 2012 to June 29, 2013	For 1-3: Overall average 30; no class size larger than 33	For 1-3: Overall average 30; no class size larger than 33	7/1/13	Not Required	$115,149 FY 2012–13	Qualified	No
22-10-2013	Redondo Beach Unified School District 19-75341	**Requested:** July 1, 2012 to June 29, 2014 **Recommended**: July 1, 2012 to June 29, 2014	For 1-3: Overall average 30; no class size larger than 33	For 1-3: Overall average 30; no class size larger than 33	10/22/13	Not Required	$78,722 each year	Positive	No
24-10-2013	Redwood City Elementary School District 41-69005	**Requested:** July 1, 2013 to June 30, 2014 **Recommended**: July 1, 2013 to June 29, 2014	For K: Overall average 31; no class size larger than 34	For K: Overall average 31; no class size larger than 34	10/23/13	Not Required	$282,381 FY 2013–14	Positive	No
23-10-2013	Redwood City Elementary School District 41-69005	**Requested:** July 1, 2013 to June 30, 2014 **Recommended**: July 1, 2013 to June 29, 2014	For 1-3: Overall average 31; no class size larger than 33	For 1-3: Overall average 31; no class size larger than 33	10/23/13	Not Required	$289,980 FY 2013–14	Positive	No

*For specific waivers bargaining unit consultation is not required.

Created by California Department of Education
October 30, 2013

California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 3768304 Waiver Number: 2-10-2013 Active Year: 2013

Date In: 10/2/2013 2:13:36 PM

Local Education Agency: Ramona City Unified School District
Address: 720 Ninth St.
Ramona, CA 92065

Start: 8/27/2012 End: 6/12/2013

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

Waiver Topic: Class Size Penalties
Ed Code Title: Over Limit on Grades 1-3
Ed Code Section: portions of 41376 (a) (c) and (d)
Ed Code Authority: 41382

Ed Code or *CCR* to Waive: The Superintendent of Public Instruction, in computing apportionments and allowances from the State School Fund for the second principal apportionment, shall determine the following for the regular day classes of the elementary schools maintained by each school district:

[(a) For grades 1 to 3, inclusive, he shall determine the number of classes, the number of pupils enrolled in each class, the total enrollment in all such classes, the average number of pupils enrolled per class, and the total of the numbers of pupils which are in excess of thirty (30) in each class.

For those districts which do not have any classes with an enrollment in excess of 32 and whose average size for all the classes is 30.0 or less, there shall be no excess declared. For those districts which have one or more classes in excess of an enrollment of 32 or whose average size for all the classes is more than 30, the excess shall be the total of the number of pupils which are in excess of 30 in each class having an enrollment of more than 30.]

(b) For grades 4 to 8, inclusive, he shall determine the total number of pupils enrolled, the number of full-time equivalent classroom teachers, and the average number of pupils per each full-time equivalent classroom teacher. He shall also determine the excess if any, of pupils enrolled in such grades in the following manner:

(1) Determine the number of pupils by which the average number of pupils per each full-time equivalent classroom teacher for the current fiscal year exceeds the greater of the average number of pupils per each full-time equivalent classroom teacher in all the appropriate districts of the state, as determined by the Superintendent of Public Instruction, for October 30, 1964, or the average number of pupils per each full-time equivalent classroom teacher which existed in the district on either October 30, 1964 or March 30, 1964, as selected by the governing board.

(2) Multiply the number determined in (1) above by the number of full-time equivalent classroom teachers of the current fiscal year.

(3) Reduce the number determined in (2) above by the remainder which results from dividing such number by the average number of pupils per each full-time equivalent teacher for October 30, 1964, as determined by the Superintendent of Public Instruction in (1) above.

[(c) He shall compute the product obtained by multiplying the excess number of pupils, if any, under the provisions of subdivision (a) of this section by ninety-seven hundredths (0.97), and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to district change in average daily attendance. Change in average daily attendance shall be determined by dividing average daily attendance in grades 1, 2 and 3 reported for purposes of the first principal apportionment of the current year by that reported for purposes of the first principal apportionment of the preceding year.

(d) If the school district reports that it has maintained, during the current fiscal year, any classes in which there were enrolled pupils in excess of thirty (30) per class pursuant to subdivision (a) of this section, and there is no excess number of pupils computed pursuant to subdivision (b) of this section, he shall decrease the average daily attendance reported under the provisions of Section 41601 by the product determined under subdivision (c) of this section.]

Outcome Rationale: While submitting the annual documentation on average class sizes to the California Department of Education (CDE), an error in the Power School system was discovered whereby four classes in the district had class size averages over the State maximum class load.

The District has a Qualified Certification at this time; all efforts to reduce expenses at the rate of revenues being cut by the State have proven to be extremely difficult. In addition, the District is experiencing declining enrollment. So due to the statewide budget crisis and reduced revenue to the district, without this waiver, reductions would likely need to be made that could negatively affect core academic programs such as reading, mathematics and science and could further prevent the District form developing more effective programs to improve instruction. The district will be financially strained if the class size penalty is assessed and it could prohibit us from hiring additional staff to reduce class size and ensure students get the education they need in core subjects such as English/Language Arts and Math.

Yes. A principal may recommend to the governing board or the governing board of the school district may adopt a resolution determining that an exemption should be granted from any of the provisions of Section 41376 and 41378, with respect to such core classes on the basis that such provisions prevent the school and school district from developing more effective education programs to improve instruction in reading and mathematics. (Required see *EC* 41382)

A potential penalty of $115,149 could be incurred by the district without this waiver.

Student Population: 5865

City Type: Rural

Local Board Approval Date: 7/1/2013

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. David Ostermann
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California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 1975341 Waiver Number: 22-10-2013 Active Year: 2013

Date In: 10/28/2013 11:25:22 AM

Local Education Agency: Redondo Beach Unified School District
Address: 1401 Inglewood Ave.
Redondo Beach, CA 90278

Start: 7/1/2012 End: 6/29/2014

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

Waiver Topic: Class Size Penalties
Ed Code Title: Over Limit on Grades 1-3
Ed Code Section: portions of 41376 (a) (c) and (d)
Ed Code Authority: 41382

Ed Code or *CCR* to Waive: *EC* 41376 (a)(c) and (d) The Superintendent of Public Instruction, in computing apportionments and allowances from the State School Fund for the second principal apportionment, shall determine the following for the regular day classes of the elementary schools maintained by each school district: (a) For grades 1 to 3, inclusive, he shall determine the number of classes, the number of pupils enrolled in each class, the total enrollment in all such classes, the average number of pupils enrolled per class, and the total of the numbers of pupils which are in excess of thirty (30) in each class. For those districts which do not have any classes with an enrollment in excess of 32 and whose average size for all the classes is 30.0 or less, there shall be no excess declared. For those districts which have one or more classes in excess of an enrollment of 32 or whose average size for all the classes is more than 30, the excess shall be the total of the number of pupils which are in excess of 30 in each class having an enrollment of more than 30. (b) For grades 4 to 8, inclusive, he shall determine the total number of pupils enrolled, the number of full-time equivalent classroom teachers, and the average number of pupils per each full-time equivalent classroom teacher. He shall also determine the excess if any, of pupils enrolled in such grades in the following manner: (1) Determine the number of pupils by which the average number of pupils per each full-time equivalent classroom teacher for the current fiscal year exceeds the greater of the average number of pupils per each full-time equivalent classroom teacher in all the appropriate districts of the state, as determined by the Superintendent of Public Instruction, for October 30, 1964, or the average number of pupils per each full-time equivalent classroom teacher which existed in the district on either October 30, 1964 or March 30, 1964, as selected by the governing board. (2) Multiply the number determined in (1) above by the number of full-time equivalent classroom teachers of the current fiscal year. (3) Reduce the number determined in (2) above by the remainder which results from dividing such number by the average number of pupils per each full-time equivalent teacher for October 30, 1964, as determined by the Superintendent of Public Instruction in (1) above. (c) He shall compute the product obtained by multiplying the excess number of pupils, if any, under the provisions of subdivision (a) of this section by ninety-seven hundredths (0.97), and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to district change in average daily attendance. Change in average

daily attendance shall be determined by dividing average daily attendance in grades 1, 2 and 3 reported for purposes of the first principal apportionment of the current year by that reported for purposes of the first principal apportionment of the preceding year. (d) If the school district reports that it has maintained, during the current fiscal year, any classes in which there were enrolled pupils in excess of thirty (30) per class pursuant to subdivision (a) of this section, and there is no excess number of pupils computed pursuant to subdivision (b) of this section, he shall decrease the average daily attendance reported under the provisions of Section 41601 by the product determined under subdivision (c) of this section.

Outcome Rationale: In the 2012-13 school year, the maximum class size for Grade 1-3 is 32. The district had 2 classes with 1 student over the individual limit of 32 students. This resulted in $78,722.49 in penalty. Therefore, the district requests a waiver to increase the maximum class size in Grade 1-3 from 32 to 33.

Yes. A principal may recommend to the governing board or the governing board of the school district may adopt a resolution determining that an exemption should be granted from any of the provisions of Section 41376 and 41378, with respect to such core classes on the basis that such provisions prevent the school and school district from developing more effective education programs to improve instruction in reading and mathematics. (Required see *EC* 41382)

A potential penalty of $78,722 could be incurred by the district without this waiver.

Student Population: 8734

City Type: Suburban

Local Board Approval Date: 10/22/2013

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Janet Redella
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California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 4169005 Waiver Number: 24-10-2013 Active Year: 2013

Date In: 10/29/2013 11:27:02 AM

Local Education Agency: Redwood City Elementary School District
Address: 750 Bradford St.
Redwood City, CA 94063

Start: 7/1/2013 End: 6/30/2014

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

Waiver Topic: Class Size Penalties
Ed Code Title: Over Limit on Kindergarten
Ed Code Section: portions of 41378 (a) through (e)
Ed Code Authority: 41382

Ed Code or *CCR* to Waive: To Waive the Class Size Penalty (Kindergarten)
EC 41378. The Superintendent of Public Instruction, in computing apportionments and allowances from the State School Fund for the second principal apportionment, shall determine the following for the kindergarten classes maintained by each school district maintaining kindergarten classes. [(a) The number of pupils enrolled in each kindergarten class, the total enrollment in all such classes, and the average number of pupils enrolled per class. (b) The total number of pupils which are in excess of thirty-three (33) in each class having an enrollment of more than thirty-three (33). (c) The total number of pupils by which the average class size in the district exceeds 31. (d) The greater number of pupils as determined in (b) or (c) above. (e) He shall compute the product obtained by multiplying the excess number of pupils computed pursuant to subdivision (d) of this section by ninety-seven hundredths (0.97). He shall decrease the average daily attendance reported under the provisions of Section 41601 by the resulting product.]

Outcome Rationale: Due to significant reduction in State funding, the District needs to increase its class sizes. This will allow the District to balance its budget, keep the minimum reserve required by the State, and remain solvent. This will also allow the District to educate and serve over 9000 students in the District.

Yes. A principal may recommend to the governing board or the governing board of the school district may adopt a resolution determining that an exemption should be granted from any of the provisions of Section 41376 and 41378, with respect to such core classes on the basis that such provisions prevent the school and school district from developing more effective education programs to improve instruction in reading and mathematics. (Required see *EC* 41382)

A potential penalty of $1 could be incurred by the district without this waiver.

Student Population: 9004

City Type: Urban

Local Board Approval Date: 10/23/2013

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Wael Saleh
Position: Chief Business Official
E-mail: wsaleh@rcsdk8.net
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Fax:

California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 4169005 Waiver Number: 23-10-2013 Active Year: 2013

Date In: 10/29/2013 11:11:08 AM

Local Education Agency: Redwood City Elementary School District
Address: 750 Bradford Street
Redwood City, CA 94063

Start: 7/1/2013 End: 6/30/2014

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

Waiver Topic: Class Size Penalties
Ed Code Title: Over Limit on Grades 1-3
Ed Code Section: portions of 41376 (a) (c) and (d)
Ed Code Authority: 41382

Ed Code or *CCR* to Waive: To Waive the Class Size Penalty (Grades 1-3)
EC 41376 (a)(c) and (d) The Superintendent of Public Instruction, in computing apportionments and allowances from the State School Fund for the second principal apportionment, shall determine the following for the regular day classes of the elementary schools maintained by each school district: [(a) For grades 1 to 3, inclusive, he shall determine the number of classes, the number of pupils enrolled in each class, the total enrollment in all such classes, the average number of pupils enrolled per class, and the total of the numbers of pupils which are in excess of thirty (30) in each class. For those districts which do not have any classes with an enrollment in excess of 32 and whose average size for all the classes is 30.0 or less, there shall be no excess declared. For those districts which have one or more classes in excess of an enrollment of 32 or whose average size for all the classes is more than 30, the excess shall be the total of the number of pupils which are in excess of 30 in each class having an enrollment of more than 30.] (b) For grades 4 to 8, inclusive, he shall determine the total number of pupils enrolled, the number of full-time equivalent classroom teachers, and the average number of pupils per each full-time equivalent classroom teacher. He shall also determine the excess if any, of pupils enrolled in such grades in the following manner: (1) Determine the number of pupils by which the average number of pupils per each full-time equivalent classroom teacher for the current fiscal year exceeds the greater of the average number of pupils per each full-time equivalent classroom teacher in all the appropriate districts of the state, as determined by the Superintendent of Public Instruction, for October 30, 1964, or the average number of pupils per each full-time equivalent classroom teacher which existed in the district on either October 30, 1964 or March 30, 1964, as selected by the governing board. (2) Multiply the number determined in (1) above by the number of full-time equivalent classroom teachers of the current fiscal year. (3) Reduce the number determined in (2) above by the remainder which results from dividing such number by the average number of pupils per each full-time equivalent teacher for October 30, 1964, as determined by the Superintendent of Public Instruction in (1) above.[(c) He shall compute the product obtained by multiplying the excess number of pupils, if any, under the provisions of subdivision (a) of this section by ninety-seven hundredths (0.97), and shall multiply the product so obtained by the ratio of statewide change in average daily

attendance to district change in average daily attendance. Change in average daily attendance shall be determined by dividing average daily attendance in grades 1, 2 and 3 reported for purposes of the first principal apportionment of the current year by that reported for purposes of the first principal apportionment of the preceding year. (d) If the school district reports that it has maintained, during the current fiscal year, any classes in which there were enrolled pupils in excess of thirty (30) per class pursuant to subdivision (a) of this section, and there is no excess number of pupils computed pursuant to subdivision (b) of this section, he shall decrease the average daily attendance reported under the provisions of Section 41601 by the product determined under subdivision (c) of this section.]

Outcome Rationale: Due to significant reduction in State Funding, the District needs to increase its class sizes. This will allow the District to balance its budget, keep the minimum reserve required by the State, and remain solvent. This will also allow the District to educate and serve over 9000 students in the District.

Yes. A principal may recommend to the governing board or the governing board of the school district may adopt a resolution determining that an exemption should be granted from any of the provisions of Section 41376 and 41378, with respect to such core classes on the basis that such provisions prevent the school and school district from developing more effective education programs to improve instruction in reading and mathematics. (Required see *EC* 41382)

A potential penalty of $0 could be incurred by the district without this waiver.

Student Population: 9004

City Type: Urban

Local Board Approval Date: 10/23/2013

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Wael Saleh
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Telephone: 650-423-2232

California State Board of Education

Meeting Agenda Items for January 15-16, 2014

WAIVER ITEM W-12

ITEM #W-12

CALIFORNIA STATE BOARD OF EDUCATION

JANUARY 2014 AGENDA

☒ **Specific Waiver**

SUBJECT	
Request by **Merced City Elementary School District** for a renewal 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: 5-10-2013	☒ **Action** ☒ **Consent**

SUMMARY OF THE ISSUE(S)

Request by Merced City Elementary School District (ESD) to waive portions of California *Education Code* Section 41376(b) and (e), relating to the class size penalty calculation for grades four through eight. A district's current class size maximum is the greater of the 1964 statewide average of 29.9 to one or the district's 1964 average. The California Department of Education (CDE) recommends that the class size penalty for grades four through eight be waived provided that the class size average is not greater than the CDE recommended new maximum shown on Attachment 1.

Authority for Waiver: *EC* Section 33050

RECOMMENDATION

☐ **Approval** ☒ **Approval with conditions** ☐ **Denial**

The CDE recommends that the class size penalty in grades four through eight be waived provided the class size average is not greater than the recommended new maximum average shown on Attachment 1. The waiver does not exceed two years less one day, therefore, *Education Code (EC)* Section 3305(b) will not apply, and the district must reapply to continue the waiver.

SUMMARY OF KEY ISSUES

The Merced City ESD, listed on Attachment 1, requests a waiver of subdivisions (b) and (e) of *EC* Section 41376, which provides for a penalty if a district exceeds the greater of the district's class size average in 1964 or the statewide average set in 1964. Statewide, 292 districts out of 883 or 33 percent of districts in California can have a class size average greater than 29.9.

The Merced City ESD requests flexibility to temporarily increase class sizes in grades four through eight to reduce expenditures due to the statewide budget crisis and the associated reductions in revenue limit funds provided by the state. Since fiscal year 2008–09, most districts have experienced at least a 10 percent reduction in revenue limit funding in addition to the elimination of statutory cost of living adjustments. In fiscal year 2012–13 school district revenue limits were reduced by 23 percent, which is used to establish a district's base funding under the Local Control Funding Formula (LCFF). Furthermore, payments for over one-fifth of what they are due have been deferred until the next fiscal year. Based on the 2013–14 Budget Act, the deferrals will not be eliminated until 2016–17 and it will take several years to restore the revenue limit reductions through LCFF. Therefore, at this time, the CDE is recommending approval of the waivers through fiscal year 2013–14 only.

The class size penalty requirement for a school district continues under LCFF; however, instead of the penalty being applied to a district's revenue limit, the penalty will be applied to the district's LCFF Entitlement if a district exceeds the greater of the district's class size average in 1964 or the statewide average set in 1964. The statutes being waived do not preclude a district from increasing class sizes above certain maximums. By denying the waiver, the SBE does not ensure that the districts will not raise class size averages and lose funding.

A positive certification is assigned to a school district that will meet its financial obligations in the current and two subsequent fiscal years. A qualified certification is assigned when a district may not meet its financial obligations for the current or two subsequent fiscal years. A negative certification is assigned when a district will be unable to meet its financial obligations for the remainder of the current year or for the subsequent fiscal year. The district's most recent status is identified on Attachment 1.

The CDE recommends the class size penalty in grades four through eight be waived for Merced City ESD provided the class size average is not greater than the recommended new maximum shown on Attachment 1. Should the district exceed this limit, the class size penalty would be calculated as required by statute. The potential annual penalty should the district increase the class size average without a waiver is approximately $750,258.

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

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Since September 2009, the State Board of Education (SBE) has approved all grades four through eight class size penalty waiver requests. Before the September 2009 board meeting, no waivers had been submitted since 1999.

FISCAL ANALYSIS (AS APPROPRIATE)

See Attachment 1 for potential annual penalty amount for the district without the waiver approval.

ATTACHMENT(S)

Attachment 1: List of Waiver Numbers, Districts, and Information Regarding Each Waiver. (1 page)

Attachment 2: Merced City Elementary School District General Waiver Request 5-10-2013 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)

Districts Requesting Grades Four Through Eight Class Size Penalty Waivers

California *Education Code* Section 41376 (b) and (e): 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 Number	District/County and District Code	Period of Request	1964 Class Size Average (Current Maximum)	District's Request	CDE Recommended (New Maximum)	Bargaining Unit, Representatives Consulted, Date, and Position	Local Board & Public Hearing Approval Date	Potential Annual Penalty Without Waiver	Fiscal Status	Previous Waivers
5-10-2013	Merced City Elementary School District 24-65771	**Requested:** July 1, 2013 to June 30, 2015 **Recommended**: July 1, 2013 to June 29, 2014	29.9	34	34	Merced City Teachers Association, Dora Crane, President 2/20/13 **Neutral** California School Employees Association, Eddie Padilla, President 3/06/13 **Neutral**	9/24/13	$750,258 each year	Positive	Yes 7/1/11 to 6/29/13

Created by California Department of Education
November 6, 2013

California Department of Education
WAIVER SUBMISSION - General

CD Code: 2465771 Waiver Number: 5-10-2013 Active Year: 2013

Date In: 10/16/2013 2:09:07 PM

Local Education Agency: Merced City Elementary School District
Address: 444 West 23rd St.
Merced, CA 95340

Start: 7/1/2013 End: 6/30/2015

Waiver Renewal: Y
Previous Waiver Number: 66-12-2011-W-27 Previous SBE Approval Date: 3/26/2012

Waiver Topic: Class Size Penalties
Ed Code Title: Over Limit on Grades 4-8
Ed Code Section: portions of 41376 (b) and (e)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: 41376(b) and (e) The Superintendent of Public Instruction, in computing apportionments and allowances from the State School Fund for the second principal apportionment, shall determine the following for the regular day classes of the elementary schools maintained by each school district: (a) For grades 1 to 3, inclusive, he shall determine the number of classes, the number of pupils enrolled in each class, the total enrollment in all such classes, the average number of pupils enrolled per class, and the total of the numbers of pupils which are in excess of thirty (30) in each class. For those districts which do not have any classes with an enrollment in excess of 32 and whose average size for all the classes is 30.0 or less, there shall be no excess declared. For those districts which have one or more classes in excess of an enrollment of 32 or whose average size for all the classes is more than 30, the excess shall be the total of the number of pupils which are in excess of 30 in each class having an enrollment of more than 30.[(b) For grades 4 to 8, inclusive, he shall determine the total number of pupils enrolled, the number of full-time equivalent classroom teachers, and the average number of pupils per each full-time equivalent classroom teacher. He shall also determine the excess if any, of pupils enrolled in such grades in the following manner: (1) Determine the number of pupils by which the average number of pupils per each full-time equivalent classroom teacher for the current fiscal year exceeds the greater of the average number of pupils per each full-time equivalent classroom teacher in all the appropriate districts of the state, as determined by the Superintendent of Public Instruction, for October 30, 1964, or the average number of pupils per each full-time equivalent classroom teacher which existed in the district on either October 30, 1964 or March 30, 1964, as selected by the governing board. (2) Multiply the number determined in (1) above by the number of full-time equivalent classroom teachers of the current fiscal year. (3) Reduce the number determined in (2) above by the remainder which results from dividing such number by the average number of pupils per each full-time equivalent teacher for October 30, 1964, as determined by the Superintendent of Public Instruction in (1) above.] (c) He shall compute the product obtained by multiplying the excess number of pupils, if any, under the provisions of subdivision (a) of this section by ninety-seven hundredths (0.97), and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to district change in average daily attendance. Change in average

daily attendance shall be determined by dividing average daily attendance in grades 1, 2 and 3 reported for purposes of the first principal apportionment of the current year by that reported for purposes of the first principal apportionment of the preceding year. (d) If the school district reports that it has maintained, during the current fiscal year, any classes in which there were enrolled pupils in excess of thirty (30) per class pursuant to subdivision (a) of this section, and there is no excess number of pupils computed pursuant to subdivision (b) of this section, he shall decrease the average daily attendance reported under the provisions of Section 41601 by the product determined under subdivision (c) of this section. [(e) If the school district reports that it has maintained, during the current fiscal year, no classes in which there were enrolled pupils in excess of thirty (30) per class determined pursuant to subdivision (a) of this section, and there is an excess number of pupils computed pursuant to subdivision (b) of this section, he shall make the following computation: He shall compute the product obtained by multiplying the excess number of pupils computed pursuant to subdivision (b) of this section by ninety-seven hundredths (0.97) and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to the district change in average daily attendance. He shall decrease the average daily attendance reported under the provisions of Section 41601 by the resulting product.]

Outcome Rationale: The District requests a waiver to increase the district-wide average number of pupils per each full-time equivalent (FTE) teacher from the current 29.9 per FTE (per *EC* 41376) to 32 or 34 per FTE.

The current required average of 29.9 per FTE is lower than the average required by the Merced City School District Master Agreement. Article XVII of the Master Agreement requires that the average class size shall not exceed the following maximums by two (2) pupils at K-5 schools and two (2) pupils per site at 6-8 schools: grades K-3 30; 4-6 32; 7-8 34. The class size average per *EC* 41376 (29.9) is more restrictive than the Master Agreement.

To meet the requirements of *EC* 41376, the district has had to add staff beyond the Master Agreement. The average cost of a new teacher in 2012-13 was $88,832.00.

A potential penalty of $750,258 could be incurred by the district without this waiver.

Student Population: 10570

City Type: Small

Public Hearing Date: 9/24/2013
Public Hearing Advertised: Notice in a newspaper

Local Board Approval Date: 9/24/2013

Community Council Reviewed By: District Advisory Council
Community Council Reviewed Date: 5/21/2013
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Katherine Weimer
Position: Chief Fiscal Officer
E-mail: kweimer@mcsd.k12.ca.us
Telephone: 209-385-6643
Fax:

Bargaining Unit Date: 03/06/2013
Name: California School Employees Association
Representative: Eddie Padilla
Title: President
Position: Neutral
Comments:

Bargaining Unit Date: 02/20/2013
Name: Merced City Teachers Association
Representative: Dora Crane
Title: President
Position: Neutral
Comments:

California State Board of Education

Meeting Agenda Items for January 15-16, 2014

WAIVER ITEM W-13

ITEM #W-13

CALIFORNIA STATE BOARD OF EDUCATION

JANUARY 2014 AGENDA

☒ **General Waiver**

SUBJECT	
Request by **Heber 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. Waiver Number: 20-10-2013	☒ **Action** ☒ **Consent**

SUMMARY OF THE ISSUES

See Attachment 1 for details.

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

RECOMMENDATION

☐ **Approval** ☒ **Approval with conditions** ☐ **Denial**

See Attachment 1 for details.

SUMMARY OF KEY ISSUES

Class Size Reduction

Schools participating in the Quality Education Investment Act (QEIA) program were monitored by their county offices of education for compliance with program requirements for the first time at the end of the 2008–09 school year. At that time, local educational agencies were required to demonstrate one-third progress toward full implementation of program requirements. Monitoring for compliance with second-year program requirements was completed to ensure that schools made two-thirds progress toward full implementation in the 2009–10 school year. QEIA schools were required to demonstrate full compliance with all program requirements at the end of the 2010–11 school year.

QEIA schools are required to reduce class sizes by 5 students compared to class sizes in the base year (either 2005–06 or 2006–07), or to an average of 25 students per classroom, whichever is lower, with no more than 27 students per classroom regardless of the average classroom size. The calculation is done by grade level, as each grade

level has a target average class size based on QEIA class size reduction (CSR) rules. For small schools with a single classroom at each grade level, some grade level targets may be very low. If, for example, a school had a single grade four classroom of 15 students in 2005–06, the school's target QEIA class size for grade four is 10 students. Absent a waiver, an unusually low grade level target may result in a greater number of combination classes at the school, or very small classes at the grade level, which is prohibitively costly and may result in withdrawal or termination from the program.

QEIA schools are required to not increase any other (non-core) class sizes in the school above the size used during the 2005–06 school year.

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

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The California Department of Education (CDE) Waiver Office has previously presented requests to the State Board of Education (SBE) to waive the CSR target as defined by QEIA. Over 90 percent of CSR waiver requests previously presented have requested adjusted class size averages of 25.0 or lower, and have indicated a commitment to meeting that target for the life of the grant; because of the current fiscal climate, these have been approved by the SBE. A small number of CSR waiver requests have proposed CSR targets above 25.0; these have been denied. However, it is noted that QEIA is supplemental funding. Therefore, the CDE will continue to weigh QEIA CSR in the context of fiscal changes. If class sizes are generally decreased in the coming year, the CDE would expect proportional decreases in QEIA class sizes.

FISCAL ANALYSIS (AS APPROPRIATE)

There are no statewide costs as a result of waiver approval. If the waiver is denied, the school must implement the CSR targets based on statute requirements to stay in the program. Any school in the program not meeting those targets will risk the loss of future funding. The QEIA statute calls for any undistributed annual QEIA funding to be redistributed to other schools currently in the program (no new schools are funded).

ATTACHMENT(S)

Attachment 1: Heber Elementary School District Request 20-10-2013 for a Quality Education Investment Act Class Size Reduction Waiver (2 Pages)

Attachment 2: Heber Elementary School District General Waiver Request 20-10-2013 (4 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Waiver Number: 20-10-2013 **Period of Request:** July 1, 2013, to June 30, 2014
Period Recommended: July 1, 2013, to June 30, 2014

Heber Elementary School **CDS Code**: 13 63131 6008502
Dogwood Elementary School
Heber Elementary School District

Local Educational Agency Request:

Heber Elementary School District (ESD) is a rural district located in Imperial County with a student population of approximately 1,205 students. Heber Elementary School (ES) and Dogwood ES serve 1,205 students in kindergarten and grades one through eight. Monitoring performed by the Imperial County Office of Education indicates that the class size reduction (CSR) requirements of the Quality Education Investment Act (QEIA) were fully met by Heber ES and Dogwood ES in school year 2012–13, but the district is asking for an alternative QEIA CSR target for school year 2013–14. The schools' current QEIA CSR targets for core classes of English, mathematics, history-social science, and science are 20.44 in kindergarten and grades one through three, and an average of 22.0, 17.0, 25.0, 22.0, and 24.0 in grades four through eight, respectively.

Heber ESD states that it has two schools sharing the same CDS code which experienced increased student enrollment in school year 2013–14. The district further states that Dogwood ES has no more classroom space available; to reduce class sizes in kindergarten, a new teacher has been hired and will be placed in the teachers' lounge. Lastly, the district states that instituting alternative solutions would make the parents unhappy. The district states that a half-day kindergarten class may become an issue for parents who work because they have already made arrangements for childcare. The district also states that transferring primary grade students to the campus of grades four through eight would become an issue as well.

Heber ESD requests a waiver of the QEIA CSR targets for kindergarten and grades one and two at Dogwood ES for school year 2013–14, and the establishment of an alternative CSR target of 25.0 students per class in core classes in kindergarten and grades one and two at Dogwood ES.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports Heber ESD's request to increase its CSR targets for kindergarten and grades one and two at Dogwood ES for school year 2013–14.

The CDE recommends approval with the following conditions: (1) Applies only to kindergarten and grades one and two at Dogwood ES for school year 2013–14; (2) Dogwood ES increases enrollment to 25.0 students per class in core classes in kindergarten and grades one and two; (3) No core class in grades four through eight may exceed 27 students per classroom regardless of the average classroom size; and (4) Within 30 days of approval of this waiver, Heber ESD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the CSR requirement.

Reviewed by Heber ES Schoolsite Council on October 8, 2013.

Opposed by Heber Teachers Association, October 2, 2013.

Local Board Approval: October 10, 2013.

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1363131 Waiver Number: 20-10-2013 Active Year: 2013

Date In: 10/25/2013 2:17:11 PM

Local Education Agency: Heber Elementary School District
Address: 1052 Heber Ave.
Heber, CA 92249

Start: 7/1/2013 End: 6/30/2014

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

Waiver Topic: Quality Education Investment Act
Ed Code Title: Class Size Reduction Requirements
Ed Code Section: 52055.740(a)(1)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: 52055.740(a)(1)

(C) For classes in English language arts, reading, mathematics, science, or history and social science courses in grades 4 to 12, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:

(i) ~~At least five pupils fewer per classroom than was the average in 2006-07~~.

(ii) ~~An average of 25 pupils per classroom~~.

(iii) For purposes of this subparagraph, average classroom size shall be calculated at the grade level based on the number of subject-specific classrooms in that grade at the school site. If the subject-specific classrooms at the school averaged fewer than 25 pupils per classroom during the 2005-06 school year, that lower average shall be used as the “average in 2006-07” for purposes of this subparagraph. ~~A school that receives funding under this article shall not have a class in English language arts, reading, mathematics, science, or history and social science in grades 4th-12th , inclusive, with more than 27 pupils regardless of its average classroom size.~~

Outcome Rationale: Please refer to attachment "A"

Student Population: 1205

City Type: Rural

Public Hearing Date: 10/10/2013
Public Hearing Advertised: Notices posted at school sites, and on District and school sites webpages.

Local Board Approval Date: 10/10/2013

Community Council Reviewed By: School Site Council
Community Council Reviewed Date: 10/8/2013
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Jaime Silva
Position: Superintendent
E-mail: jaimes@hesdk8.org
Telephone: 760-337-6530 x2499
Fax: 760-353-3421

Bargaining Unit Date: 10/02/2013
Name: Heber Teachers Association (HTA)
Representative: Elena Maciel
Title: HTA President
Position: Oppose
Comments: Please refer to attachment "B"

Attachment "A"

Heber Elementary School District respectfully submits a Quality Education Investment Act (QEIA) waiver for your consideration. The request is to waive the class size reduction requirements under QEIA and allow the District to increase class sizes in the following grades as follows:

Kindergarten	25
First Grade	25
Second	25

The District, a K-8 school district with two schools sharing the same CDS code, experienced increased student enrollment this school year. Dogwood Elementary, a kindergarten through third grade school, has no more classroom space available. To reduce class sizes in kindergarten, a new kindergarten teacher has been hired and will be placed in the teachers' lounge of the school. Currently, there is classroom space for six new kindergarten students and three second grade students. All first grade classrooms are at capacity. If seven new kindergarten students, four second grade students or just one other first grade student enroll during 2013-14 school year, these grade levels will be over the 20:1 student/teacher ratio.

There is no classroom space at the K-3 school. To create classroom space at Dogwood Elementary, the District would need to consider two possibilities: 1) institute half-day kindergarten or 2) transfer a class or grade level to the fourth through eighth grade school. The District believes neither of the two options serves the students well. Our parents support the extended kindergarten instructional day. Shortening the instructional day for these students may become an issue for parents who work and have made arrangements for childcare since the beginning of the school year. Additionally, students benefit greatly when provided extended learning time. The second option is also disruptive and logistically difficult. We are certain parents will be concerned and unsupportive if the classroom in which their child is enrolled at Dogwood Elementary is selected to be moved to the fourth through eighth grade school site.

Presently, no grade level exceeds the 20:1 student/teacher ratio at Dogwood Elementary. If approved, the waiver would serve as a safety net in case enrollment continues to increase in the previously mentioned grade levels. We strongly feel a waiver would provide the best solution to our issue and prove to be the least disruptive option.

Thank you for your consideration.

Attachment "B"

Heber Teachers Association Statement

The Heber Teachers Association respectfully submits a statement *opposing* the Quality Education Investment Act (QEIA) waiver. We believe Heber Elementary School District (HESD) is acting in a short-sighted manner regarding the need for this waiver and are neglecting other more optimal solutions. HESD is a District in increased enrollment and needs to add additional classrooms at Dogwood in order to comply with not only QEIA but also with requirements for the Local Control Funding Formula which will require class sizes of 24 to 1 teachers at the K-3rd grade levels minimally for the next 8 years.

We need to maintain Dogwood School as a K-3rd school, as it is the best environment for children in lower elementary instead of including them with older students. HESD will necessarily be required to add additional classrooms, sooner than later. We understand that all classes at Dogwood School are currently in compliance with the class size reduction requirement. Also there are no additional classrooms available to add classes at Dogwood Elementary. Teachers gave up our staff lounge/lunchroom to provide space for a kindergarten class, recently. We also acknowledge that this waiver is being requested as a safety net in case we receive increased enrollment during the last two years of QEIA implementation.

However, HESD needs to confront the reality that Heber has been growing due to many social and economic factors and that we need to be prepared by having classrooms available for our new students. We therefore believe that in order to comply with one of the key initiatives of the QEIA initiative, class size reduction, the only alternative that should be considered is to move at least 4-6 of the 12 portable classrooms which are currently being used as storage for used furniture and equipment at Heber School. These classrooms were purchased during the 2007-2008 funding for the year with funds of over $600,000 dollars. No additional resources were provided or measures undertaken during that planning year.

Unlike other Districts HESD has not hired additional classroom aides, has not provided parent and/or community outreach events to inform stakeholders about QEIA, and often ignores the Teachers Association's position about the type of professional development we believe would benefit our staff. Class size reduction has been the *ONE* criteria which HESD has complied with over the years. We therefore, adamantly believe that moving the portable classrooms to Dogwood School is the only viable option, as the resources are available through sizable reserves and are plainly supported by Teachers and the Heber Community.

California State Board of Education

Meeting Agenda Items for January 15-16, 2014

WAIVER ITEM W-14

ITEM #W-14

CALIFORNIA STATE BOARD OF EDUCATION

JANUARY 2014 AGENDA

☒ **General Waiver**

SUBJECT	
Request by **Ontario-Montclair School District** to waive portions of California *Education Code* Section 52055.740(a), regarding class size reduction requirements under the Quality Education Investment Act. Waiver Numbers: 6-10-2013 7-10-2013 8-10-2013 9-10-2013	☒ **Action** ☒ **Consent**

SUMMARY OF THE ISSUES

See Attachments 1, 3, 5, and 7 for details.

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

RECOMMENDATION

☐ **Approval** ☒ **Approval with conditions** ☐ **Denial**

See Attachments 1, 3, 5, and 7 for details.

SUMMARY OF KEY ISSUES

Class Size Reduction

Schools participating in the Quality Education Investment Act (QEIA) program were monitored by their county offices of education for compliance with program requirements for the first time at the end of the 2008–09 school year. At that time, local educational agencies were required to demonstrate one-third progress toward full implementation of program requirements. Monitoring for compliance with second-year program requirements was completed to ensure that schools made two-thirds progress toward full implementation in the 2009–10 school year. QEIA schools were required to demonstrate full compliance with all program requirements at the end of the 2010–11 school year.

QEIA schools are required to reduce class sizes by 5 students compared to class sizes in the base year (either 2005–06 or 2006–07), or to an average of 25 students per classroom, whichever is lower, with no more than 27 students per classroom regardless of the average classroom size. The calculation is done by grade level, as each grade level has a target average class size based on QEIA class size reduction (CSR) rules. For small schools with a single classroom at each grade level, some grade level targets may be very low. If, for example, a school had a single grade four classroom of 15 students in 2005–06, the school's target QEIA class size for grade four is 10 students. Absent a waiver, an unusually low grade level target may result in a greater number of combination classes at the school, or very small classes at the grade level, which is prohibitively costly and may result in withdrawal or termination from the program.

QEIA schools are required to not increase any other (non-core) class sizes in the school above the size used during the 2005–06 school year.

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

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The California Department of Education (CDE) Waiver Office has previously presented requests to the State Board of Education (SBE) to waive the CSR target as defined by QEIA. Over 90 percent of CSR waiver requests previously presented have requested adjusted class size averages of 25.0 or lower, and have indicated a commitment to meeting that target for the life of the grant; because of the current fiscal climate, these have been approved by the SBE. A small number of CSR waiver requests have proposed CSR targets above 25.0; these have been denied. However, it is noted that QEIA is supplemental funding. Therefore, the CDE will continue to weigh QEIA CSR in the context of fiscal changes. If class sizes are generally decreased in the coming year, the CDE would expect proportional decreases in QEIA class sizes.

FISCAL ANALYSIS (AS APPROPRIATE)

There are no statewide costs as a result of waiver approval. If the waiver is denied, the school must implement the CSR targets based on statute requirements to stay in the program. Any school in the program not meeting those targets will risk the loss of future funding. The QEIA statute calls for any undistributed annual QEIA funding to be redistributed to other schools currently in the program (no new schools are funded).

ATTACHMENT(S)

Attachment 1: Ontario-Montclair School District Request 6-10-2013 for a Quality Education Investment Act Class Size Reduction Waiver (2 Pages)

Attachment 2: Ontario-Montclair School District General Waiver Request 6-10-2013 (3 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: Ontario-Montclair School District Request 7-10-2013 for a Quality Education Investment Act Class Size Reduction Waiver (2 Pages)

Attachment 4: Ontario-Montclair School District General Waiver Request 7-10-2013 (3 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 5: Ontario-Montclair School District Request 8-10-2013 for a Quality Education Investment Act Class Size Reduction Waiver (2 Pages)

Attachment 6: Ontario-Montclair School District General Waiver Request 8-10-2013 (3 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 7: Ontario-Montclair School District Request 9-10-2013 for a Quality Education Investment Act Class Size Reduction Waiver (2 Pages)

Attachment 8: Ontario-Montclair School District General Waiver Request 9-10-2013 (3 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Waiver Number: 6-10-2013 **Period of Request:** July 1, 2014, to June 30, 2015
Period Recommended: July 1, 2014, to June 30, 2015
Central Language Academy **CDS Code**: 36 67819 6036164
Ontario-Montclair School District

Local Educational Agency Request:

Ontario-Montclair School District (SD) is an urban district located in San Bernardino County with a student population of approximately 22,735 students. Central Language Academy serves 648 students in kindergarten and grades one through eight. Monitoring performed by the San Bernardino County Office of Education indicates that class size reduction (CSR) requirements of the Quality Education Investment Act (QEIA) were fully met by Central Language Academy in school year 2012–13 through a previous waiver. That waiver granted the district one of the two years requested and now the district is requesting a continuance of that waiver. The school's current QEIA CSR targets approved by the 2013 waiver for core classes of English, mathematics, history-social science, and science are 25.0 in kindergarten and grades one through three, and an average of 25.0 in grades four through eight. The original QEIA CSR targets were 20.44 in kindergarten and grades one through three, and an average of 25.0, 23.0, 21.5, 21.9, and 22.9 in grades four through eight, respectively.

Ontario-Montclair SD states that approval of this waiver would allow the newly established QEIA ratios of 25 to 1 in all grades to continue for the final year of the grant. The district further states that the previous waiver has allowed the Central Language Academy to be more flexible in enrolling neighborhood students in the 2013–14 school year. Without the waiver, the district states, the penalties for having even one student above the strict CSR target would necessitate the disruption of students' education by having to transfer some to other non-home schools in different neighborhoods away from their friends, family, and possibly other siblings who may still attend the home school. Further, the district states that other disruptions would involve moving students mid-year to another teacher once the students and teacher have developed a strong bond, reorganizing classroom teacher assignments mid-year to create combos in conjunction with moving students to a new teacher, and finally, hiring new staff mid-year in conjunction with moving students to new teachers.

Ontario-Montclair SD requests a waiver of the QEIA CSR targets for kindergarten and grades one through three, and grades five through eight at Central Language Academy for school year 2014–15, and the continuance of the alternative CSR targets of 25.0 students per class in core classes in kindergarten and grades one through three, and 25.0 students on average in core classes in grades five through eight.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports Ontario-Montclair SD's request to increase its QEIA CSR targets for kindergarten and grades one through three, and grades five through eight at Central Language Academy for school year 2014–15.

The CDE recommends approval with the following conditions: (1) Applies only to kindergarten and grades one through three, and grades five through eight at Central Language Academy for school year 2014–15; (2) Central Language Academy continues its

enrollment of 25.0 students in core classes in kindergarten and grades one through three, and 25.0 students on average in core classes in grades five through eight; (3) No core class in grades four through eight may exceed 27 students per classroom regardless of the average classroom size; and (4) Within 30 days of approval of this waiver, Ontario-Montclair SD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the CSR requirement.

Reviewed by Central Language Academy Schoolsite Council on October 8, 2013.

Neutral position taken by Ontario-Montclair Teachers Association, September 20, 2013.

Local Board Approval: October 17, 2013.

California Department of Education
WAIVER SUBMISSION - General

CD Code: 3667819 Waiver Number: 6-10-2013 Active Year: 2013

Date In: 10/18/2013 10:21:10 AM

Local Education Agency: Ontario-Montclair School District
Address: 950 West D St.
Ontario, CA 91762

Start: 7/1/2014 End: 6/30/2015

Waiver Renewal: Y
Previous Waiver Number: 76-1-2013-W-24 Previous SBE Approval Date: 5/8/2013

Waiver Topic: Quality Education Investment Act
Ed Code Title: Class Size Reduction Requirements
Ed Code Section: 52055.740(a)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: 52055.740.(a) For each funded school, the county superintendent of schools for the county in which the school is located shall annually review the school and its data to determine if the school has met all of the following program requirements by the school by the end of the third full year of funding:
(1) Meet all of the following class size requirements:
[(A) For kindergarten and grades 1 to 3, inclusive, no more than 20 pupils per class, as set forth in the Class Size Reduction Program (Chapter 6.10 (commencing with Section 52120)).]
(B) For self-contained classrooms in grades 4 to 8, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:
[(i) At least five pupils fewer per classroom than was the average in 2006-07.]
(ii) An average of 25 pupils per classroom.
[(iii) For purposes of this subparagraph, average classroom size shall be calculated at the grade level based on the number of self-contained classrooms in that grade at the schoolsite. If the self-contained classrooms at the school averaged fewer than 25 pupils per classroom during the 2005-06 school year, that lower average shall be used as the "average in 2006-07" for purposes of this subparagraph.] A school that receives funding under this article shall not have a self-contained classroom in grades 4 to 8, inclusive, with more than 27 pupils regardless of its average classroom size.

Outcome Rationale: The Ontario-Montclair School District, on behalf of the Central Language Academy, requests a one year waiver renewal for the 2014-2015 school year in regards to Education Code 52055.740 (a): QEIA Class Size Reduction. Approval of this renewal waiver would allow the newly established QEIA ratios of 25 to 1 at all Transitional Kindergarten/Kindergarten through 8th grade classrooms to continue for the final year of the grant.

Grade	***From***	***13-14 Waiver / 14-15 Waiver***
TK/K-3	20 to 1	25 to 1
4	25 to 1	25 to 1 (Status Quo)
5	23 to 1	25 to 1
6	21.5 to 1	25 to 1
7	21.9 to 1	25 to 1
8	22.9 to 1	25 to 1

Without the waiver, the penalties for having even one student above the strict student to teacher ratios has necessitated the disruption of students' education by:

- Transferring of students to other non- home schools often in different neighborhoods, away from their friends, family, and possibly other siblings who may still attend their home school of residence.

- Moving students midyear to another teacher at the same site once the students and teacher have developed a strong bond.

- Reorganizing classroom teacher assignments midyear to create combos in conjunction with moving students to a new teacher.

- Hiring new staff midyear in conjunction with moving students to a new teacher.

This waiver has allowed the site to be more flexible in enrolling neighborhood students this year.

Student Population: 648

City Type: Urban

Public Hearing Date: 10/17/2013
Public Hearing Advertised: In compliance with the Brown Act, our Regular Board Meeting Agendas are posted 72 hours before a Board Meeting. We have a routine process of posting our agenda in the following manner:
Agenda is posted outside the District Office (Display case), in the District Office Lobby, on our District website, and Ontario City Library. We also send regular copies to the local paper, city managers of Ontario & Montclair, OMSD Associations, District Managers, Department heads, and any community member that has placed a written request.

Local Board Approval Date: 10/17/2013

Community Council Reviewed By: Central Language Academy School Site Council
Community Council Reviewed Date: 10/8/2013
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Robert Gallagher
Position: Director II: State and Federal Programs
E-mail: robert.gallagher@omsd.net
Telephone: 909-459-6562
Fax:

Bargaining Unit Date: 09/20/2013
Name: Ontario-Montclair School District
Representative: Amy Tompkins
Title: President
Position: Neutral
Comments:

Waiver Number: 7-10-2013 **Period of Request:** July 1, 2014, to June 30, 2015
Period Recommended: July 1, 2014, to June 30, 2015
Del Norte Elementary School **CDS Code**: 36 67819 6036214
Ontario-Montclair School District

Local Educational Agency Request:

Ontario-Montclair School District (SD) is an urban district located in San Bernardino County with a student population of approximately 22,735 students. Del Norte Elementary School (ES) serves 632 students in kindergarten and grades one through five. Monitoring performed by the San Bernardino County Office of Education indicates that the class size reduction (CSR) requirements of the Quality Education Investment Act (QEIA) were fully met by Del Norte ES in school year 2012–13 through a previous waiver. That waiver granted the district one of the two years requested and now the district is requesting a continuance of that waiver. The school's current QEIA CSR targets approved by the 2013 waiver for core classes of English, mathematics, history-social science, and science are 25.0 in kindergarten and grades one through three, and an average of 25.0 in grades four and five. The original QEIA CSR targets were 20.44 in kindergarten and grades one through three, and an average of 25.0 and 23.5 in grades four and five, respectively.

Ontario-Montclair SD states that approval of this waiver would allow the newly established QEIA ratios of 25 to 1 in all grades to continue for the final year of the grant. The district further states that the previous waiver has allowed the Del Norte ES to be more flexible in enrolling neighborhood students in the 2013–14 school year. Without the waiver, the district states, the penalties for having even one student above the strict CSR target would necessitate the disruption of students' education by having to transfer some to other non-home schools in different neighborhoods away from their friends, family, and possibly other siblings who may still attend the home school. Further, the district states that other disruptions would involve moving students mid-year to another teacher once the students and teacher have developed a strong bond, reorganizing classroom teacher assignments mid-year to create combos in conjunction with moving students to a new teacher, and finally, hiring new staff mid-year in conjunction with moving students to new teachers.

Ontario-Montclair SD requests a waiver of the QEIA CSR targets for kindergarten and grades one through three, and grade five at Del Norte ES for school year 2014–15, and the continuance of the alternative CSR targets of 25.0 students per class in core classes in kindergarten and grades one through three, and 25.0 students on average in core classes in grade five.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports Ontario-Montclair SD's request to increase its QEIA CSR targets for kindergarten and grades one through three and grade five at Del Norte ES for school year 2014–15.

The CDE recommends approval with the following conditions: (1) Applies only to kindergarten and grades one through three, and grade five at Del Norte ES for school year 2014–15; (2) Del Norte ES continues its enrollment of 25.0 students per class in core classes in kindergarten and grades one through three, and 25.0 students on average in core classes in grade five; (3) No core class in grades four and five may exceed 27 students

per classroom regardless of the average classroom size; and (4) Within 30 days of approval of this waiver, Ontario-Montclair SD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the CSR requirement.

Reviewed by Del Norte ES Schoolsite Council on October 3, 2013.

Neutral position taken by Ontario-Montclair Teachers Association, September 20, 2013.

Local Board Approval: October 17, 2013.

California Department of Education
WAIVER SUBMISSION - General

CD Code: 3667819 Waiver Number: 7-10-2013 Active Year: 2013

Date In: 10/18/2013 11:57:16 AM

Local Education Agency: Ontario-Montclair School District
Address: 950 West D St.
Ontario, CA 91762

Start: 7/1/2014 End: 6/30/2015

Waiver Renewal: Y
Previous Waiver Number: 74-1-2013-W-24 Previous SBE Approval Date: 5/8/2013

Waiver Topic: Quality Education Investment Act
Ed Code Title: Class Size Reduction Requirements
Ed Code Section: 52055.740.(a)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: 52055.740.(a) For each funded school, the county superintendent of schools for the county in which the school is located shall annually review the school and its data to determine if the school has met all of the following program requirements by the school by the end of the third full year of funding:
(1) Meet all of the following class size requirements:
[(A) For kindergarten and grades 1 to 3, inclusive, no more than 20 pupils per class, as set forth in the Class Size Reduction Program (Chapter 6.10 (commencing with Section 52120)).]
(B) For self-contained classrooms in grades 4 to 8, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:
[(i) At least five pupils fewer per classroom than was the average in 2006-07.]
(ii) An average of 25 pupils per classroom.
[(iii) For purposes of this subparagraph, average classroom size shall be calculated at the grade level based on the number of self-contained classrooms in that grade at the schoolsite. If the self-contained classrooms at the school averaged fewer than 25 pupils per classroom during the 2005-06 school year, that lower average shall be used as the "average in 2006-07" for purposes of this subparagraph.] A school that receives funding under this article shall not have a self-contained classroom in grades 4 to 8, inclusive, with more than 27 pupils regardless of its average classroom size.

Outcome Rationale: The Ontario-Montclair School District, on behalf of the Del Norte School, requests a one year waiver renewal for the 2014-2015 school year in regards to Education Code 52055.740 (a): QEIA Class Size Reduction. Approval of this renewal waiver would allow the newly established QEIA ratios of 25 to 1 at all Transitional Kindergarten/Kindergarten through 5th grade classrooms to continue for the final year of the grant.

Grade	***From***	***13-14 Waiver / 14-15 Waiver***
TK/ K-3	20 to 1	25 to 1
4	25 to 1	25 to 1 (Status Quo)
5	23.5 to 1	25 to 1

Without the waiver, the penalties for having even one student above the strict student to teacher ratios has necessitated the disruption of students' education by:

- Transferring of students to other non- home schools often in different neighborhoods, away from their friends, family, and possibly other siblings who may still attend their home school of residence.

- Moving students midyear to another teacher at the same site once the students and teacher have developed a strong bond.

- Reorganizing classroom teacher assignments midyear to create combos in conjunction with moving students to a new teacher.

- Hiring new staff midyear in conjunction with moving students to a new teacher.

This waiver has allowed the site to be more flexible in enrolling neighborhood students this year.

Student Population: 632

City Type: Urban

Public Hearing Date: 10/17/2013
Public Hearing Advertised: In compliance with the Brown Act, our Regular Board Meeting Agendas are posted 72 hours before a Board Meeting. We have a routine process of posting our agenda in the following manner:
Agenda is posted outside the District Office (Display case), in the District Office Lobby, on our District website, and Ontario City Library. We also send regular copies to the local paper, city managers of Ontario & Montclair, OMSD Associations, District Managers, Department heads, and any community member that has placed a written request.

Local Board Approval Date: 10/17/2013

Community Council Reviewed By: Del Norte School Site Council
Community Council Reviewed Date: 10/3/2013
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Robert Gallagher
Position: Director II: State and Federal Programs
E-mail: robert.gallagher@omsd.net
Telephone: 909-459-6562
Fax:

Bargaining Unit Date: 09/20/2013
Name: Ontario-Montclair Teacher's Association
Representative: Amy Tompkins
Title: President
Position: Neutral
Comments:

Waiver Number: 8-10-2013 **Period of Request:** July 1, 2014 to June 30, 2015
Period Recommended: July 1, 2014, to June 30, 2015
Euclid Elementary School **CDS Code**: 36 67819 6036255
Ontario-Montclair School District

Local Educational Agency Request:

Ontario-Montclair School District (SD) is an urban district located in San Bernardino County with a student population of approximately 22,735 students. Euclid Elementary School (ES) serves 564 students in kindergarten and grades one through six. Monitoring performed by the San Bernardino County Office of Education indicates that the class size reduction (CSR) requirements of the Quality Education Investment Act (QEIA) were fully met by Euclid ES in school year 2012–13 through a previous waiver. That waiver granted the district one of the two years requested and now the district is requesting a continuance of that waiver. The school's current QEIA CSR targets approved by the 2013 waiver for core classes of English, mathematics, history-social science, and science are 25.0 in kindergarten and grades one through three, and an average of 25.0 in grades four through six. The original QEIA CSR targets were 20.44 in kindergarten and grades one through three, and an average of 25.0, 24.8, and 25.0 in grades four through six, respectively.

Ontario-Montclair SD states that approval of this waiver would allow the newly established QEIA ratios of 25 to 1 in kindergarten and grades one through three, and grade five to continue for the final year of the grant. The district further states that the previous waiver has allowed the Euclid ES to be more flexible in enrolling neighborhood students in the 2013–14 school year. Without the waiver, the district states, the penalties for having even one student above the strict CSR target would necessitate the disruption of students' education by having to transfer some to other non-home schools in different neighborhoods away from their friends, family, and possibly other siblings who may still attend the home school. Further, the district states that other disruptions would involve moving students mid-year to another teacher once the students and teacher have developed a strong bond, reorganizing classroom teacher assignments mid-year to create combos in conjunction with moving students to a new teacher, and finally, hiring new staff mid-year in conjunction with moving students to new teachers.

Ontario-Montclair SD requests a waiver of the QEIA CSR targets for kindergarten and grades one through three, and grade five at Euclid ES for school year 2014–15, and the continuance of the alternative CSR targets of 25.0 students per class in core classes in kindergarten and grades one through three, and 25.0 students on average in core classes in grade five.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports Ontario-Montclair SD's request to increase its QEIA CSR targets for kindergarten and grades one through three, and grade five at Euclid ES for school year 2014–15.

The CDE recommends approval with the following conditions: (1) Applies only to kindergarten and grades one through three, and grade five at Euclid ES for school year 2014–15; (2) Euclid ES continues its enrollment of 25.0 students per class in core classes in kindergarten and grades one through three, and 25.0 students on average in core classes

in grade five; (3) No core class in grades four through six may exceed 27 students per classroom regardless of the average classroom size; and (4) Within 30 days of approval of this waiver, Ontario-Montclair SD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the CSR requirement.

Reviewed by Euclid ES Schoolsite Council on September 19, 2013.

Neutral position taken by Ontario-Montclair Teachers Association, September 20, 2013.

Local Board Approval: October 17, 2013.

California Department of Education
WAIVER SUBMISSION - General

CD Code: 3667819 Waiver Number: 8-10-2013 Active Year: 2013

Date In: 10/18/2013 12:09:41 PM

Local Education Agency: Ontario-Montclair School District
Address: 950 West D St.
Ontario, CA 91762

Start: 7/1/2014 End: 6/30/2015

Waiver Renewal: Y
Previous Waiver Number: 77-1-2013-W-24 Previous SBE Approval Date: 5/8/2013

Waiver Topic: Quality Education Investment Act
Ed Code Title: Class Size Reduction Requirements
Ed Code Section: 52055.740.(a)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: 52055.740.(a) For each funded school, the county superintendent of schools for the county in which the school is located shall annually review the school and its data to determine if the school has met all of the following program requirements by the school by the end of the third full year of funding:
(1) Meet all of the following class size requirements:
[(A) For kindergarten and grades 1 to 3, inclusive, no more than 20 pupils per class, as set forth in the Class Size Reduction Program (Chapter 6.10 (commencing with Section 52120)).]
(B) For self-contained classrooms in grades 4 to 8, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:
[(i) At least five pupils fewer per classroom than was the average in 2006-07.]
(ii) An average of 25 pupils per classroom.
[(iii) For purposes of this subparagraph, average classroom size shall be calculated at the grade level based on the number of self-contained classrooms in that grade at the schoolsite. If the self-contained classrooms at the school averaged fewer than 25 pupils per classroom during the 2005-06 school year, that lower average shall be used as the "average in 2006-07" for purposes of this subparagraph.] A school that receives funding under this article shall not have a self-contained classroom in grades 4 to 8, inclusive, with more than 27 pupils regardless of its average classroom size.

Outcome Rationale: The Ontario-Montclair School District, on behalf of the Euclid School, requests a one year waiver renewal for the 2014-2015 school year in regards to Education Code 52055.740 (a): QEIA Class Size Reduction. Approval of this renewal waiver would allow the newly established QEIA ratios of 25 to 1 at all Transitional Kindergarten/Kindergarten through 5th grade classrooms to continue for the final year of the grant.

Grade	***From***	***13-14 Waiver / 14-15 Waiver***
TK/K-3	20 to 1	25 to 1
4	25 to 1	25 to 1 (Status Quo)
5	24.8 to 1	25 to 1
6	25 to 1	25 to 1 (Status Quo)

Without the waiver, the penalties for having even one student above the strict student to teacher ratios has necessitated the disruption of students' education by:

- Transferring of students to other non- home schools often in different neighborhoods, away from their friends, family, and possibly other siblings who may still attend their home school of residence.

- Moving students midyear to another teacher at the same site once the students and teacher have developed a strong bond.

- Reorganizing classroom teacher assignments midyear to create combos in conjunction with moving students to a new teacher.

- Hiring new staff midyear in conjunction with moving students to a new teacher.

This waiver has allowed the site to be more flexible in enrolling neighborhood students this year.

Student Population: 564

City Type: Urban

Public Hearing Date: 10/17/2013
Public Hearing Advertised: In compliance with the Brown Act, our Regular Board Meeting Agendas are posted 72 hours before a Board Meeting. We have a routine process of posting our agenda in the following manner:
Agenda is posted outside the District Office (Display case), in the District Office Lobby, on our District website, and Ontario City Library. We also send regular copies to the local paper, city managers of Ontario & Montclair, OMSD Associations, District Managers, Department heads, and any community member that has placed a written request.

Local Board Approval Date: 10/17/2013

Community Council Reviewed By: Euclid School Site Council
Community Council Reviewed Date: 9/19/2013
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Robert Gallagher
Position: Director II: State and Federal Programs
E-mail: robert.gallagher@omsd.net
Telephone: 909-459-6562
Fax:

Bargaining Unit Date: 09/20/2013
Name: Ontario-Montclair Teacher's Association
Representative: Amy Tompkins
Title: President
Position: Neutral
Comments:

Waiver Number: 9-10-2013 **Period of Request:** July 1, 2014, to June 30, 2015
Period Recommended: July 1, 2014, to June 30, 2015
Mariposa Elementary School **CDS Code**: 36 67819 6036347
Ontario-Montclair School District

Local Educational Agency Request:

Ontario-Montclair School District (SD) is an urban district located in San Bernardino County with a student population of approximately 22,735 students. Mariposa Elementary School (ES) serves 720 students in kindergarten and grades one through six. Monitoring performed by the San Bernardino County Office of Education indicates that the class size reduction (CSR) requirements of the Quality Education Investment Act (QEIA) were fully met by Mariposa ES in school year 2012–13 through a previous waiver. That waiver granted the district one of the two years requested and now the district is requesting a continuance of that waiver. The school's current QEIA CSR targets approved by the 2013 waiver for core classes of English, mathematics, history-social science, and science are 25.0 in kindergarten and grades one through three, and an average of 25.0 in grades four through six. The original QEIA CSR targets were 20.44 in kindergarten and grades one through three, and an average of 24.0, 25.0, and 24.3 in grades four through six, respectively.

Ontario-Montclair SD states that approval of this waiver would allow the newly established QEIA ratios of 25 to 1 in kindergarten and grades one through three, and grades four and six to continue for the final year of the grant. The district further states that the previous waiver has allowed the Mariposa ES to be more flexible in enrolling neighborhood students in the 2013–14 school year. Without the waiver, the district states, the penalties for having even one student above the strict CSR target would necessitate the disruption of students' education by having to transfer some to other non-home schools in different neighborhoods away from their friends, family, and possibly other siblings who may still attend the home school. Further, the district states that other disruptions would involve moving students mid-year to another teacher once the students and teacher have developed a strong bond, reorganizing classroom teacher assignments mid-year to create combos in conjunction with moving students to a new teacher, and finally, hiring new staff mid-year in conjunction with moving students to new teachers.

Ontario-Montclair SD requests a waiver of the QEIA CSR targets for kindergarten and grades one through three, and grades four and six at Mariposa ES for school year 2014–15, and the continuance of the alternative CSR targets of 25.0 students per class in core classes in kindergarten and grades one through three, and 25.0 students on average in core classes in grades four and six.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports Ontario-Montclair SD's request to increase its QEIA CSR targets for kindergarten and grades one through three, and grades four and six at Mariposa ES for school year 2014–15.

The CDE recommends approval with the following conditions: (1) Applies only to kindergarten and grades one through three, and grades four and six at Mariposa ES for school year 2014–15; (2) Mariposa ES continues its enrollment of 25.0 students per class in core classes in kindergarten and grades one through three, and 25.0 students on average

in core classes in grades four and six; (3) No core class in grades four through six may exceed 27 students per classroom regardless of the average classroom size; and (4) Within 30 days of approval of this waiver, Ontario-Montclair SD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the CSR requirement.

Reviewed by Mariposa ES Schoolsite Council on September 11, 2013.

Neutral position taken by Ontario-Montclair Teachers Association, September 20, 2013.

Local Board Approval: October 17, 2013.

California Department of Education
WAIVER SUBMISSION - General

CD Code: 3667819 Waiver Number: 9-10-2013 Active Year: 2013

Date In: 10/18/2013 12:17:56 PM

Local Education Agency: Ontario-Montclair School District
Address: 950 West D St.
Ontario, CA 91762

Start: 7/1/2014 End: 6/30/2015

Waiver Renewal: Y
Previous Waiver Number: 78-1-2013-W-24 Previous SBE Approval Date: 5/8/2013

Waiver Topic: Quality Education Investment Act
Ed Code Title: Class Size Reduction Requirements
Ed Code Section: 52055.740.(a)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: 52055.740.(a) For each funded school, the county superintendent of schools for the county in which the school is located shall annually review the school and its data to determine if the school has met all of the following program requirements by the school by the end of the third full year of funding:
(1) Meet all of the following class size requirements:
[(A) For kindergarten and grades 1 to 3, inclusive, no more than 20 pupils per class, as set forth in the Class Size Reduction Program (Chapter 6.10 (commencing with Section 52120)).]
(B) For self-contained classrooms in grades 4 to 8, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:
[(i) At least five pupils fewer per classroom than was the average in 2006-07.]
(ii) An average of 25 pupils per classroom.
[(iii) For purposes of this subparagraph, average classroom size shall be calculated at the grade level based on the number of self-contained classrooms in that grade at the schoolsite. If the self-contained classrooms at the school averaged fewer than 25 pupils per classroom during the 2005-06 school year, that lower average shall be used as the "average in 2006-07" for purposes of this subparagraph.] A school that receives funding under this article shall not have a self-contained classroom in grades 4 to 8, inclusive, with more than 27 pupils regardless of its average classroom size.

Outcome Rationale: The Ontario-Montclair School District, on behalf of the Mariposa School, requests a one year waiver renewal for the 2014-2015 school year in regards to Education Code 52055.740 (a): QEIA Class Size Reduction. Approval of this renewal waiver would allow the newly established QEIA ratios of 25 to 1 at all Transitional Kindergarten/Kindergarten through 5th grade classrooms to continue for the final year of the grant.

Grade	***From***	***13-14 Waiver / 14-15 Waiver***
TK/ K-3	20 to 1	25 to 1
4	24 to 1	25 to 1
5	25 to 1	25 to 1 (Status Quo)
6	24.3 to 1	25 to 1

Without the waiver, the penalties for having even one student above the strict student to teacher ratios has necessitated the disruption of students' education by:

- Transferring of students to other non- home schools often in different neighborhoods, away from their friends, family, and possibly other siblings who may still attend their home school of residence.

- Moving students midyear to another teacher at the same site once the students and teacher have developed a strong bond.

- Reorganizing classroom teacher assignments midyear to create combos in conjunction with moving students to a new teacher.

- Hiring new staff midyear in conjunction with moving students to a new teacher.

This waiver has allowed the site to be more flexible in enrolling neighborhood students this year.

Student Population: 720

City Type: Urban

Public Hearing Date: 10/17/2013
Public Hearing Advertised: In compliance with the Brown Act, our Regular Board Meeting Agendas are posted 72 hours before a Board Meeting. We have a routine process of posting our agenda in the following manner:
Agenda is posted outside the District Office (Display case), in the District Office Lobby, on our District website, and Ontario City Library. We also send regular copies to the local paper, city managers of Ontario & Montclair, OMSD Associations, District Managers, Department heads, and any community member that has placed a written request.

Local Board Approval Date: 10/17/2013

Community Council Reviewed By: Mariposa School Site Council
Community Council Reviewed Date: 9/11/2013
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Robert Gallagher
Position: Director II: State and Federal Programs
E-mail: robert.gallagher@omsd.net
Telephone: 909-459-6562
Fax:

Bargaining Unit Date: 09/20/2013
Name: Ontario-Montclair Teacher's Association
Representative: Amy Tompkins
Title: President
Position: Neutral
Comments:

California State Board of Education

Meeting Agenda Items for January 15-16, 2014

WAIVER ITEM W-15

ITEM #W-15

CALIFORNIA STATE BOARD OF EDUCATION

JANUARY 2014 AGENDA

☒ **General Waiver**

SUBJECT	
Request by **Richland Union Elementary School District** to waive portions of California *Education Code* Section 52055.740(a), regarding the Teacher Experience Index under the Quality Education Investment Act. Waiver Number: 12-9-2013	☒ **Action** ☒ **Consent**

SUMMARY OF THE ISSUES

See Attachment 1 for details.

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

RECOMMENDATION

☐ **Approval** ☒ **Approval with conditions** ☐ **Denial**

See Attachment 1 for details.

SUMMARY OF KEY ISSUES

Teacher Experience Index

Schools participating in the Quality Education Investment Act (QEIA) program were monitored by their county offices of education for compliance with program requirements for the first time at the end of the 2008–09 school year. At that time, local educational agencies (LEAs) were required to demonstrate one-third progress toward full implementation of program requirements. Monitoring for compliance with second-year program requirements was completed to ensure that schools made two-thirds progress toward full implementation in the 2009–10 school year. QEIA schools were required to demonstrate full compliance with all program requirements at the end of the 2010–11 school year.

QEIA schools are required to include an index based on the 2005–06 California Basic Educational Data System Professional Assignment Information Form as the base-reporting year to evaluate annual improvements of funded schools toward balancing the index of teacher experience. Approved by the district superintendent, the index is an aggregate indicator of the teaching experience on a scale of one to ten. QEIA schools are required to have a Teacher Experience Index (TEI) equal to or exceeding the average for the school district for this type of school and maintain or exceed this

experience level for the duration of funding.

If an LEA requests a waiver of the TEI, the California Department of Education (CDE) reviews a range of information regarding the unique circumstances of the school and the LEA when formulating a recommendation to the State Board of Education (SBE).

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

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The CDE Waiver Office has previously presented requests to waive the TEI target as defined by QEIA to the SBE. All TEI waivers previously presented have been approved by the SBE.

FISCAL ANALYSIS (AS APPROPRIATE)

There are no statewide costs as a result of waiver approval. If the waiver is denied, the school must implement the TEI targets based on statute requirements to stay in the program. Any school in the program not meeting those targets will risk the loss of future funding. The QEIA statute calls for any undistributed annual QEIA funding to be redistributed to other schools currently in the program (no new schools are funded).

ATTACHMENT(S)

Attachment 1: Richland Union Elementary School District Request 12-9-2013 for a Quality Education Investment Act Teacher Experience Index Waiver (2 Pages)

Attachment 2: Richland Union Elementary School District General Waiver Request 12-9-2013 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Waiver Number: 12-9-2013 **Period of Request:** July 1, 2013, to June 30, 2015
Period Recommended: July 1, 2013, to June 29, 2015
Richland Junior High School **CDS Code:** 15 63578 6010003
Richland Union Elementary School District

Local Educational Agency Request:

Richland Union Elementary School District (UESD) is a rural school district located in Kern County and has a student population of approximately 3,374 students. Richland Junior High School (JHS) serves 702 students in grades seven and eight. Richland UESD provided teacher experience information from 2005–06, the base year upon which Quality Education Investment Act (QEIA) Teacher Experience Index (TEI) targets are calculated, showing that the average Richland UESD middle school TEI is 7.2. Richland UESD's average TEI for 2013–14 for this type of school is 8.2.

Richland UESD states that Richland JHS, the sole junior high school in the district, had seven veteran teachers retire in school year 2012–13 with a collective experience of 55 years. The district further states that these teachers were replaced by 8 teachers with a collective experience of 9 years.

Richland UESD requests a waiver of the QEIA TEI target for Richland JHS and establishment of an alternative TEI target of 7.0 for school years 2013–14 and 2014–15.

Additional Local Educational Agency and School Information for Consideration:

School Locale Code	23*
LEA Average Daily Attendance (ADA)	3,374
School ADA	702
Grade Span	7–8
Total Number Of Schools With Similar Grade Span	Only School
2005–06 TEI (Baseline Calculation)	7.2
2011–12 QEIA School TEI	7.7
2012–13 QEIA School TEI	8.2
2013–14 QEIA School TEI	7.0
2011–12 Similar Type School TEI	N/A
2012–13 Similar Type School TEI	N/A
2013–14 Similar Type School TEI	N/A
Percent of Similar Type School (2011–12 Data)	N/A
Made API Growth Target?	Yes
Made AYP?	No

*Suburb, Small: Territory outside a principal city and inside an urbanized area with population less than 100,000.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports Richland UESD's request to reduce its TEI target for Richland JHS for school years 2013–14 and 2014–15.

The CDE recommends approval with the following conditions: (1) Applies only to teachers at Richland JHS; (2) For the period of July 1, 2013, through June 29, 2015, the alternate

TEI target of 7.0 shall be established at Richland JHS; and (3) Within 30 days of approval of this waiver, Richland UESD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the TEI requirement.

Reviewed by Richland JHS Schoolsite Council on September 19, 2013.

Supported by Richland Teacher's Association, September 17, 2013.

Local Board Approval: September 9, 2013.

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1563578 Waiver Number: 12-9-2013 Active Year: 2013

Date In: 9/20/2013 9:16:39 AM

Local Education Agency: Richland Union Elementary School District
Address: 300 N. Valley
Shafter, CA 93263

Start: 7/1/2013 End: 6/30/2015

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

Waiver Topic: Quality Education Investment Act
Ed Code Title: Teacher Experience Index
Ed Code Section: 52055.740 (a)(4)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: *Education Code* 52055.740 (a) For each funded school, the county superintendent of schools for the county in which the school is located shall annually review the school and its data to determine if the school has met all of the following program requirements by the school by the end of the third full year of funding:
[(4) Using the index established under Section 52055.730, have an average experience of classroom teachers in the school equal to or exceeding the average for the school district for this type of school.]

Outcome Rationale: Richland Junior High School is the sole junior high school in the Richland School District. Student achievement has increased dramatically since 2008 as shown below:

API BASE	2008	2009	2010	2011	2012	2013
RJHS	619	636	637	664	710	722*

* Growth

Being a QEIA school has been a key factor in this growth. We have diligently met the QEIA annual requirements in all areas. The 2013-2014 will be the first exception. Our baseline Teacher Experience Index (TEI) was established at 7.2. The 2012-13 TEI was 8.2. The 2013-14 TEI for RJHS is calculated to be 7.0. At the end of the 2012-13 academic year we saw a large number of our veteran teachers retire. We lost a total of 7 teachers with a collective experience of 55 years. Note: the maximum number of years that will count in the TEI calculation is 10 for any teacher. These 7 teachers were replaced in the 2013-14 school year with 8 teachers with fewer years of collective experience. In fact, these teachers had a total of 9 years collective experience. Needless to say, this lowered the average experience of the faculty. The 2013-14 TEI calculation is at 7.0 years which is just short of the required 7.2 years.

Richland Junior High has continues to make outstanding progress and has consistently met all QEIA requirements. There is a tremendous amount of support for new teachers including the addition of two instructional coaches and a host of in-district professional development.

We feel we have represented the integrity of the QEIA program goals throughout and respectfully request a TEI baseline target of 7.0 for two years.

Student Population: 702

City Type: Rural

Public Hearing Date: 9/9/2013
Public Hearing Advertised: Sent to local newspaper, notice sent to all RJH parents, and posted at all school sites, correspondence to advisory groups and teachers association.

Local Board Approval Date: 9/9/2013

Community Council Reviewed By: Richland Junior High School Site Council
Community Council Reviewed Date: 9/19/2013
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Dr. Kenneth Bergevin
Position: Superintendent
E-mail: kbergevin@richland.k12.ca.us
Telephone: 661-746-8603
Fax: 661-746-8614

Bargaining Unit Date: 09/17/2013
Name: Richland Teachers Association
Representative: Nancy Thompson
Title: President
Position: Support
Comments:

California State Board of Education

Meeting Agenda Items for January 15-16, 2014

ITEM 14

CALIFORNIA STATE BOARD OF EDUCATION

JANUARY 2014 AGENDA

SUBJECT	
California Assessment of Student Performance and Progress: Approval of 2014 School District Apportionment Amounts.	☒ Action ☒ Information ☐ Public Hearing

SUMMARY OF THE ISSUE(S)

California *Education Code* (*EC*) Section 60640(l)(1) specifies that the State Superintendent of Public Instruction shall apportion funds to local educational agencies (LEAs) to enable LEAs to administer the tests within the California's assessment system. Assembly Bill 484 (Bonilla) established the Measurement of Academic Performance and Progress that is hereafter referred to in this item as the California Assessment of Student Performance and Progress (CAASPP). This new assessment system replaces the Standardized Testing and Reporting (STAR) program.

EC Section 60640(l)(B)(2) states that the State Board of Education (SBE) shall annually establish the amount of funding to be apportioned to LEAs for each test administered within the new assessment system and that the SBE take into account changes to LEA test administration activities under the new assessment system, including, but not limited to, the number, type of tests administered, and changes in computerized test registration and administration procedures when establishing the amount of funding to be apportioned.

RECOMMENDATION

The California Department of Education (CDE) recommends that the SBE approve the following LEA apportionment amounts for tests administered as part of the CAASPP assessment system during the 2013–14 school year:

- $3.00 per student administered any portion of the Smarter Balanced summative assessment field test, including students participating in the scientific sample

- $2.52 per student for the completion of demographic information and administration of any portion of the California Standards Test (CSTs) or California Modified Assessment (CMA) in science

- $5.00 per student for the completion of demographic information and administration of any portion of the California Alternate Performance Assessment (CAPA)

- $2.52 per student for the completion of demographic information and administration of any portion of the CSTs used for the Early Assessment Program (EAP)

- $2.52 per eligible English learner student administered the Standards-based Tests in Spanish (STS) for reading/language arts

- $0.38 for the completion of demographic information for each student not tested with any portion of the required assessments

BRIEF HISTORY OF KEY ISSUES

Signed into law on October 2, 2013, AB 484 (Bonilla) establishes the new assessment system. For the 2013–14 school year, the CAASPP assessment system is comprised of the following:

- Field test of the Smarter Balanced consortium summative assessment for English–language arts (ELA) and mathematics in grades three through eight and grade eleven.

- Grade-level science assessments, including the CSTs, CAPA, and the CMA, in grades five, eight, and ten

- CAPA for ELA and mathematics in grades two through eleven

- Voluntary for grade eleven students, the EAP in ELA and mathematics

- Optional for LEAs to administer, the STS for reading/language arts to Spanish-speaking English learner students in grades two through eleven who either receives instruction in his or her primary language or has been rolled in a school in the United States for less than 12 months

The Smarter Balanced field test will be fully computer-based utilizing a variety of item types and test modalities. As LEAs implement this new assessment system it is anticipated that LEA test administration costs will decrease in some areas and increase in others. As a result of the field test, information will be gained about the utilization of computerized testing, changes in test administration procedures, and overall outcomes of the field test process. This will inform the CDE and the SBE in recommending and approving future apportionment rates for the full implementation of the Smarter Balanced operational test in 2014–15.

The CSTs, CMA, EAP, and STS are administered as paper and pencil tests. The apportionment rate includes a reimbursement for the completion of demographic

information for the paper and pencil tests either through pre-identification services charged by the contractor or for the hand-gridding of the information on answer documents. The CAPA is administered individually to students with significant disabilities by a certificated or licensed member of the LEA staff.

Apportionments are provided at a per pupil rate, not per individual subject tested. For example, if a pupil in grade five takes the Smarter Balanced field test in one subject and the CST for science, the LEA will receive only $3.00 for that pupil not $2.52 for the CST in addition. However, if that same pupil is an eligible English learner and the LEA chooses to administer the STS as a second test, the LEA will receive an additional $2.52 for that same pupil.

The assessment apportionment funds are unrestricted funds to reimburse LEAs for the following costs:

1. All staffing costs, including the district coordinator and the test site coordinators, staff training, and other staff expenses related to testing

2. All expenses incurred at the school district level and test site level related to testing

3. All transportation costs for delivering and retrieving tests and test materials within the school district

4. All costs associated with the collection and submission of student demographic information intended to provide the complete and accurate data required for subgroup reporting per state regulations

Previous STAR Program assessments that are not a part of the new assessment system will be available for use by LEAs at their own cost. LEAs will not receive an apportionment for those tests.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

This is the first of what will be an ongoing annual item for the CAASPP assessment system apportionments.

From 1997 through 2013, the SBE annually approved the amount of funding to be apportioned for the previous STAR Program.

FISCAL ANALYSIS (AS APPROPRIATE)

The CDE has provided the Department of Finance estimated costs for statewide assessment apportionments to be administered in 2013–14, including approximately $12 million for the new assessment system, for development of a proposed 2014–15 budget. The amount needed to pay the projected 2013–14 assessment apportionment costs, including the CAASPP assessment system, is anticipated to be funded in the

2014–15 Budget Act and approved by July 2014. Assessment apportionments are not distributed until the following fiscal year when all testing for the previous year has been completed (i.e., LEAs will be reimbursed in 2014-15 for testing that occurs in 2013-14).

Historically, approximately $12.4 million had been appropriated annually for STAR Program apportionments. The proposed per pupil rates for the CSTs, CMA, STS, and CAPA are the same rates approved for those assessments when they were part of the STAR Program.

The projected apportionment costs are based on the estimates in the following table:

Estimated Apportionment Costs for 2013–14 Testing

Assessment	Grades	Per Pupil Rate	Estimated Student Population	Estimated Apportionment for 2013–14 Testing
Smarter Balanced field test	3–8 and 11[2]	$3.00	3,200,000	$9,600,000
CSTs or CMA in science[1]	5, 8 and10[1]	$2.52	445,000	$1,121,400
CAPA	2–11	$5.00	48,500	$242,500
CSTs for EAP[2]	11	$2.52	390,000	$982,800
STS	2–11	$2.52	40,000	$100,800
			Total:	**$12,047,500**

[1]The apportionment estimates for CSTs or CMA for science are based on the number of students tested annually in grade ten only. LEAs would already receive an apportionment for students in grades five and eight tested with the Smarter Balanced field tests.

[2]All students in grade eleven may participate in the Smarter Balanced field test, but only those selected for the scientific sample are required to participate. Please note that all grade eleven students, including those who participate in the FT, may participate in the EAP.

ATTACHMENT(S)

None.

California State Board of Education

Meeting Agenda Items for January 15-16, 2014

ITEM 15

CALIFORNIA STATE BOARD OF EDUCATION

JANUARY 2014 AGENDA

SUBJECT	
English Language Arts/English Language Development Instructional Materials Adoption – Approve Commencement of the Rulemaking Process for Amendments to the *California Code of Regulations*, Title 5, Section 9517.3.	☒ Action ☒ Information ☐ Public Hearing

SUMMARY OF THE ISSUE(S)

In order for the California Department of Education (CDE) and State Board of Education (SBE) to conduct an adoption of instructional materials for English language arts/ English language development (ELA/ELD) as set forth in California *Education Code* (*EC*) Section 60211, as established by Senate Bill 201 (Liu), Statutes of 2013, the attached proposed regulations must be adopted.

RECOMMENDATION

The CDE recommends the SBE take the following actions:

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

BRIEF HISTORY OF KEY ISSUES

On October 2, 2013, Governor Brown signed into law SB 201 (Liu), Statutes of 2013, which authorized a new statewide ELA/ELD instructional materials adoption with final

SBE action no later than November 30, 2015. This bill created *EC* Section 60211 which requires the CDE to assess participating publishers a fee. While *EC* Section 60200 and the *California Code of Regulations*, Title 5, (5 *CCR*) sections 9510 through 9525 fully establish the process by which the CDE and the SBE conduct instructional materials adoptions, the 5 *CCR* does not address the process for collecting the fee for this ELA/ELD adoption, as specified in the new law, nor the amount of the fee. These proposed new regulations will address these issues. These regulations will allow the CDE and the SBE to conduct the new ELA/ELD instructional materials adoption and provide to local educational agencies (LEAs) and the public a list of approved and recommended kindergarten through grade eight instructional materials aligned to the *California Common Core State Standards* (*CA CCSS*) for ELA/ELD.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The California Constitution, Article 9, Section 7.5, establishes that the SBE shall adopt instructional materials for use in grades one through eight (and, pursuant to *EC* Section 60200, kindergarten).

In 2012 Governor Brown signed into law AB 1246 (Brownley), Statutes of 2012, which authorized the SBE to take action on a new statewide mathematics instructional materials adoption no later than March 30, 2014; and in January 2013, the SBE approved regulations specific to that adoption which these proposed ELA/ELD regulations closely resemble.

FISCAL ANALYSIS (AS APPROPRIATE)

These regulations will not result in any additional costs or savings to LEAs, state agencies, or federal funding to the State. The process will be self-funded by fees from participating publishers. Further, pursuant to law, LEAs will be under no obligation to purchase or implement the instructional materials approved in the adoption process.

A Fiscal Impact Statement is provided as Attachment 4.

ATTACHMENT(S)

Attachment 1: Notice of Proposed Rulemaking (5 pages)

Attachment 2: Initial Statement of Reasons (4 pages)

Attachment 3: Proposed Regulations (2 pages)

Attachment 4: Economic and Fiscal Impact Statement (STD. 399) (4 pages). The Economic and Fiscal Impact Statement is available for viewing at the State Board of Education office.

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

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

1430 N Street Sacramento, CA 95814-5901

NOTICE OF PROPOSED RULEMAKING

AMENDMENT TO CALIFORNIA CODE OF REGULATIONS, TITLE 5, REGARDING ENGLISH LANGUAGE ARTS/ENGLISH LANGUAGE DEVELOPMENT INSTRUCTIONAL MATERIALS ADOPTION

[Notice published January 31, 2014]

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

PUBLIC HEARING

California Department of Education (CDE) staff, on behalf of the SBE, will hold a public hearing at 9:30 a.m. on March 18, 2014, at 1430 N Street, Room 1801, Sacramento, California. The room is wheelchair accessible. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the Informative Digest. The SBE requests, but does not require, that persons who make oral comments at the public hearing also submit a written summary of their statements. No oral statements will be accepted subsequent to this public hearing.

WRITTEN COMMENT PERIOD

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

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

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

Comments must be received by the Regulations Coordinator prior to 5:00 p.m. on March 18, 2014. All written comments received by CDE staff during the public comment period are subject to disclosure under the Public Records Act.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

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

AUTHORITY AND REFERENCE

Authority: Sections 33031 and 60206, Education Code.

References: Sections 60200, 60207 and 60211, Education Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

On October 2, 2013, Governor Brown signed into law Senate Bill 201 (Liu), Statutes of 2013, which authorized a new statewide English language arts/English language development (ELA/ELD) instructional materials adoption with final SBE action no later than November 30, 2015. This bill created Education Code section 60211 which requires the CDE to assess participating publishers a fee. While Education Code section 60200 and the California Code of Regulations, Title 5, sections 9510 through 9525 establish the process by which the CDE and the SBE conduct instructional materials adoptions, Title 5 does not address the process for collecting the fee for this ELA/ELD adoption as specified in the new law nor the amount of the fee. These proposed new regulations will address this fee and the CDE's collection process. These regulations will allow the CDE and the SBE to conduct the new ELA/ELD instructional materials adoption and provide to local educational agencies and the public a list of approved and recommended kindergarten through grade eight instructional materials aligned to the California Common Core State Standards (CCSS) for ELA/ELD.

The CDE reviewed all state regulations relating to instructional materials and found that none exist that are inconsistent or incompatible with these regulations regarding kindergarten through grade eight instructional materials that are aligned to the California ELA/ELD. The proposed regulations add an element of detail specific to one adoption process as set forth in new law.

DISCLOSURES REGARDING THE PROPOSED ACTION/ FISCAL IMPACT

The SBE has made the following initial determinations:

There are no other matters as are prescribed by statute applicable to the specific state agency or to any specific regulations or class of regulations.
The proposed regulations do not require a report to be made.

Mandate on local agencies and school districts: None

Cost or savings to any state agency: None

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

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

Costs or savings in federal funding to the state: None

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

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

Effect on housing costs: None

Effect on small businesses: The proposed regulations would not have an effect on any small business because small business may request a reduced participation fee. Education Code section 60211(b) stipulates that “before incurring substantial costs” for the ELA/ELD adoption, the CDE “shall assess a fee” from publishers who have declared their intent to submit instructional materials for consideration of SBE adoption. The law allows the SBE to reduce the fee for a small publisher, defined as “an independently owned or operated publisher or manufacturer that is not dominant in its field of operation and that, together with its affiliates, has 100 or fewer employees, and has average annual gross receipts of ten million dollars ($10,000,000) or less over the previous three years.”

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

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

The fiscal impact of the publisher fee on business is offset by the potential gains. While these regulations will enact a $5,000 per grade level per program publisher participation fee, publishers whose instructional materials are adopted by the SBE will benefit from

extensive marketing exposure and recognition by school districts that the materials have been thoroughly vetted.

CONSIDERATION OF ALTERNATIVES

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

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

CONTACT PERSONS

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

David Almquist, Education Programs Consultant
Curriculum Framework & Instructional Resources Division
California Department of Education
1430 N Street, Suite 3207
Sacramento, CA 95814
Telephone: 916-319-0444
E-mail: dalmquis@cde.ca.gov

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

INITIAL STATEMENT OF REASONS AND INFORMATION

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

TEXT OF PROPOSED REGULATION AND CORRESPONDING DOCUMENTS

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

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

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

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

REASONABLE ACCOMMODATION FOR ANY INDIVIDUAL WITH A DISABILITY

Pursuant to the *Rehabilitation Act of 1973,* the *Americans with Disabilities Act of 1990,* and the *Unruh Civil Rights Act,* any individual with a disability who requires reasonable accommodation to attend or participate in a public hearing on proposed regulations, may request assistance by contacting David Almquist, Curriculum Frameworks & Instructional Resources Division, 1430 N Street, Suite 3207, Sacramento, CA, 95814; telephone, 916-319-0881. Please request assistance at least two weeks prior to the hearing.

INITIAL STATEMENT OF REASONS

Publisher Fee for English Language Arts/English Language Development Instructional Materials Adoption

INTRODUCTION

The California Department of Education (CDE) is proposing these regulations in order to facilitate a State Board of Education (SBE) adoption of instructional materials as set forth in California Education Code section 60211, established by Senate Bill (SB) 201 (Liu), Statutes of 2013. This law stipulates that the SBE may adopt new English language arts/English language development (ELA/ELD) instructional materials no later than November 30, 2015. This law requires the CDE to assess participating publishers a fee, while providing “small publishers” a reduction in the fee. In order to assess the required fee, the State requires these new regulations.

The proposed amendments to regulations would create California Code of Regulations, Title 5, section 9517.3.

PROBLEM AGENCY INTENDS TO ADDRESS

Education Code section 60211(b) stipulates that “before incurring substantial costs” for the ELA/ELD adoption, the CDE “shall assess a fee” from publishers who have declared their intent to submit instructional materials for consideration of SBE adoption. Additional provisions of the law require that the fee be reasonable relative to the cost of conducting the adoption, be payable even if the publisher withdraws from the process, and that the publisher must submit the fee prior to the review of their materials. The law allows the SBE to reduce the fee for a small publisher, defined as “an independently owned or operated publisher or manufacturer that is not dominant in its field of operation and that, together with its affiliates, has 100 or fewer employees, and has average annual gross receipts of ten million dollars ($10,000,000) or less over the previous three years.”

While Education Code section 60200 and sections 9510 through 9525 of Title 5 establish the process by which the CDE and the SBE conduct instructional materials adoptions, Title 5 does not address the process for collecting the fee as specified in the new law nor the amount of the fee. These proposed new regulations will address this fee and the CDE’s collection process. These regulations will allow the CDE and the SBE to conduct the ELA/ELD instructional materials adoption and provide to school districts and the public a list of approved and recommended kindergarten through grade eight instructional materials aligned to the California Common Core State Standards (CCSS) for ELA/ELD.

The CDE reviewed all state regulations relating to instructional materials and found that none exist that are inconsistent or incompatible with these regulations regarding kindergarten through grade eight instructional materials that are aligned to the California

ELA/ELD. The proposed regulations add an element of detail specific to one adoption process as set forth in new law.

In order for the CDE to comply with the requirements of Education Code section 60211, these proposed regulations must be established to provide both the details and mechanism for implementation.

BENEFITS ANTICIPATED FROM REGULATORY ACTION

The benefit of the proposed amendment to Title 5 will be the implementation of a State ELA/ELD instructional materials adoption in compliance with State law.

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

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

Proposed section 9517.3(a) is added to recognize the SBE ELA/ELD instructional materials adoption and introduce the itemization of detailed requirements.

Proposed section 9517.3(a)(1) is added to identify the documents that the CDE must present to the SBE in a public meeting for approval. These documents include a schedule of significant events and a notice of intent conduct the ELA/ELD adoption. The purpose of these documents is to inform the public.

Proposed section 9517.3(a)(2) is added to stipulate the distribution of the notice to conduct the ELA/ELD adoption and its contents. The contents of the notice shall include the schedule of significant events and a statement that the CDE will be charged a participation fee. The purpose of distribution is to inform the public.

Proposed section 9517.3(a)(3) is added to stipulate that each publisher desiring to participate in the ELA/ELD adoption shall submit to the CDE a timely statement of intent which shall indicate the number of programs and grade levels of their participation. This publisher submission represents a commitment of participation, serving to inform the CDE, SBE, and the public. The CDE uses this information to set up training sessions and create appropriate review panels.

Proposed section 9517.3(a)(4) is added to stipulate that based on the information a publisher submits, the CDE shall assess a participation fee of $5,000 per grade level for each program submitted for review. This section also stipulates that the fee is payable even if the publisher withdraws from the review process. The amount of the fee is consistent with the fee the CDE assessed publishers participating specifically in the 2014 Mathematics Instructional Materials Adoption.

Proposed section 9517.3(a)(5) is added to stipulate that a “small publisher,” as defined in Education Code section 60211(b)(6)(B), may request a reduction in the CDE-assessed adoption participation fee by submitting documentation of their small business status. This documentation must include a statement of earnings for the most recent three fiscal years, verification of independent ownership or operation, and a statement indicating the publisher is not dominant in the marketplace of ELA/ELD instructional materials. The SBE will utilize this information in considering a participation fee reduction.

Proposed section 9517.3(b) is added to stipulate that the ELA/ELD adoption shall follow all other procedures of relevant regulations.

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

In 2010, the SBE adopted the CCSS. These standards covered the subjects of mathematics and English language arts. In 2014, California will begin implementing new statewide standardized assessments based upon the new standards. In 2013-14, the CDE and SBE conducted adoption process for new mathematics instructional materials aligned to the CCSS. Education Code section 60211, established by SB 201 (Liu), Statutes of 2013, authorizes an adoption of new ELA/ELD instructional materials aligned to the CCSS. School districts across the state are very anxious to implement these new materials in order to be prepared for new statewide standardized assessments. While school districts are no longer mandated to purchase SBE-adopted instructional materials, most districts will continue to utilize the list of SBE-adopted materials as they have already been extensively reviewed by trained reviewers using a rigorous SBE-adopted evaluation criteria. These proposed regulations utilize the same details and fee structure as was utilized by the recent mathematics adoption.

The implementation of this publisher participation fee will fully fund the ELA/ELD adoption—just as the fees during the mathematics adoption fully funded that activity. These fees elevate pressure from the state general fund.

The fiscal impact of the publisher fee on business is offset by the potential gains. While these regulations will enact a $5,000 per grade level per program publisher participation fee, publishers whose instructional materials are adopted by the SBE will benefit from extensive marketing exposure and recognition by school districts that the materials have been thoroughly vetted.

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

OTHER REQUIRED SHOWINGS

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

The SBE did not rely upon any technical, theoretical, or empirical studies, reports, or documents in proposing the adoption of these regulations.

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

No other alternatives were presented to or considered by the SBE. The existing regulations must be adopted in order for the SBE to implement new state law.

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

Education Code section 60211 includes provisions to lessen the impact on small businesses. The law stipulates that upon request, the SBE may reduce the required participation fee.

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

The proposed regulations will expand or create opportunities in California for business by facilitating an instructional material adoption which will stimulate the sale of instructional materials. The only businesses required to pay the fee are those that choose to participate in the adoption process. The available information does not indicate that this instructional materials adoption and associated fee will harm any existing small businesses, but rather it may create new business opportunities for small businesses that wish to participate.

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

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

The proposed regulations are necessary in order for the CDE to conduct the instructional materials adoption pursuant to the stipulations of the law.

11-13-13 [California Department of Education]

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

Title 5. EDUCATION

Division 1. California Department of Education

Chapter 9. Instructional Materials

Subchapter 1. Elementary Instructional Materials

Article 2. Adoption of Curriculum Frameworks, Evaluation Criteria and Instructional Materials–Procedures

§ 9517.3. English Language Arts/English Language Development ~~Mathematics~~ Instructional Materials Adoption.

(a) The State Board of Education (SBE) adoption of basic instructional materials for English language arts/English language development (ELA/ELD) scheduled to occur no later than November 30, 2015, shall be conducted according to the following requirements:

(1) CDE staff shall prepare the following documents for review and approval of the SBE at a public meeting:

(A) A Schedule of Significant Events specific to the ELA/ELD adoption;

(B) A notice of intent to hold the ELA/ELD adoption with the information specified in section 9517.3(a)(2)(A) and (B);

(2) A notice of intent to hold the ELA/ELD adoption shall be posted on the CDE Web site, shall be mailed to all publishers who have participated in prior adoptions, shall be mailed to all publishers known to produce basic instructional materials in that subject, and shall be made available upon request.

The notice shall include:

(A) A Schedule of Significant Events.

(B) A statement that each publisher choosing to participate will be charged a fee as described in section 9517.3(a)(4).

(3) Each publisher shall provide a statement of intent to submit to the CDE in accordance with the dates set forth in the Schedule of Significant Events that specifies the following:

(A) Number of programs that the publisher will submit.

(B) Number of grade levels covered by each program.

(4) Based on the information included in a publisher's statement of intent to submit, the CDE shall assess a fee of $5,000 per grade level for each program submitted for review. The fee shall be payable by the publisher even if the publisher subsequently chooses to withdraw a program or reduce the number of grade levels submitted for review.

(5) A “small publisher” as defined in Education Code section 60211(b)(6)(B), may request a reduction of the fee by submitting documentation in accordance with the date set forth in the Schedule of Significant Events, that includes the following:

(A) A statement of earnings for the most recent three fiscal years.

(B) A statement verifying the number of full-time employees excluding contracted employees.

(C) A statement verifying that the small publisher is independently owned or operated and is not dominant in its field for the subject matter being submitted.

(b) The ELA/ELD adoption shall follow all other procedures set forth in this article.

NOTE: Authority cited: Sections 33031 and 60206, Education Code. Reference: Sections 60200, 60207 and ~~60209~~ 60211, Education Code.

11-13-13 [California Department of Education]

California State Board of Education

Meeting Agenda Items for January 15-16, 2014

ITEM 16

CALIFORNIA STATE BOARD OF EDUCATION

JANUARY 2014 AGENDA

SUBJECT	
Science Framework for California Public Schools, Kindergarten Through Grade Twelve, 2016 Revision: Approval of the Timeline of Significant Events and the Curriculum Framework and Evaluation Criteria Committee Application Form.	☒ Action ☒ Information ☐ Public Hearing

SUMMARY OF THE ISSUE(S)

California *Education Code* (*EC*) Section 60200.9 requires the State Board of Education (SBE) to adopt a revised *Science Framework for California Public Schools, Kindergarten Through Grade Twelve* (*Science Framework*) on or before January 31, 2016. *California Code of Regulations*, Title 5 (5 *CCR*) Section 9511 allows the SBE to establish a Curriculum Framework and Evaluation Criteria Committee (CFCC) to assist in the development of curriculum frameworks and evaluation criteria, and lists the requirements regarding the recruitment process and qualifications for members of the CFCC. This item is the first in what will be a series of items regarding the 2016 revision of the *Science Framework.*

RECOMMENDATION

The California Department of Education (CDE) recommends that the SBE approve the Timeline of Significant Events and the CFCC application form for the 2016 revision of the *Science Framework*.

BRIEF HISTORY OF KEY ISSUES

When the SBE adopted the *Next Generation Science Standards for California Public Schools, Kindergarten through Grade Twelve* (*CA NGSS*) in September 2013, these standards became the current subject-matter standards in science. The full implementation of these standards will occur over several years. Revising the *Science Framework* to align with the *CA NGSS* is an important component in that implementation.

The *Science Framework* revision will also provide guidance in implementing the C*ommon Core State Standards*, *English Language Arts & Literacy in History/Social Studies, Science, and Technical Subjects* and give direction for applying the new Engineering domain of the *CA NGSS*.

The revision of the *Science Framework* is a multi-step process. It involves educators, content experts, and other stakeholders participating in the focus group meetings and as members of the CFCC. Throughout the revision process, there are opportunities for public input at focus group, CFCC, Instructional Quality Commission (IQC), and SBE meetings and during two 60-day public review periods. Attachment 1 outlines the major steps in the framework revision process.

The framework revision process requires action by the SBE at key points, including the approval of a Timeline of Significant Events (Attachment 2) and the CFCC application form (Attachment 3) as first steps in the process. In January 2016, the SBE will take action on the IQC recommendation regarding adoption of the revised *Science Framework*.

The Curriculum Frameworks and Instructional Resources Division and a professional writing team will be supporting the framework revision.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

September 2013: Pursuant to SB 300 (2011), the SBE adopted the *Next Generation Science Standards for California Public Schools, Kindergarten through Grade Twelve*

November 2013: The SBE took action on the middle grades learning progressions.

FISCAL ANALYSIS (AS APPROPRIATE)

The cost to revise the Science Framework is anticipated to be $1.3 million. This includes the expenses of the focus groups, the CFCC, and the meetings of the IQC and Science Subject Matter Committee, the costs of a contracted Science Framework writing team, ($289,700) and CDE staff costs ($1,014,577).

ATTACHMENT(S)

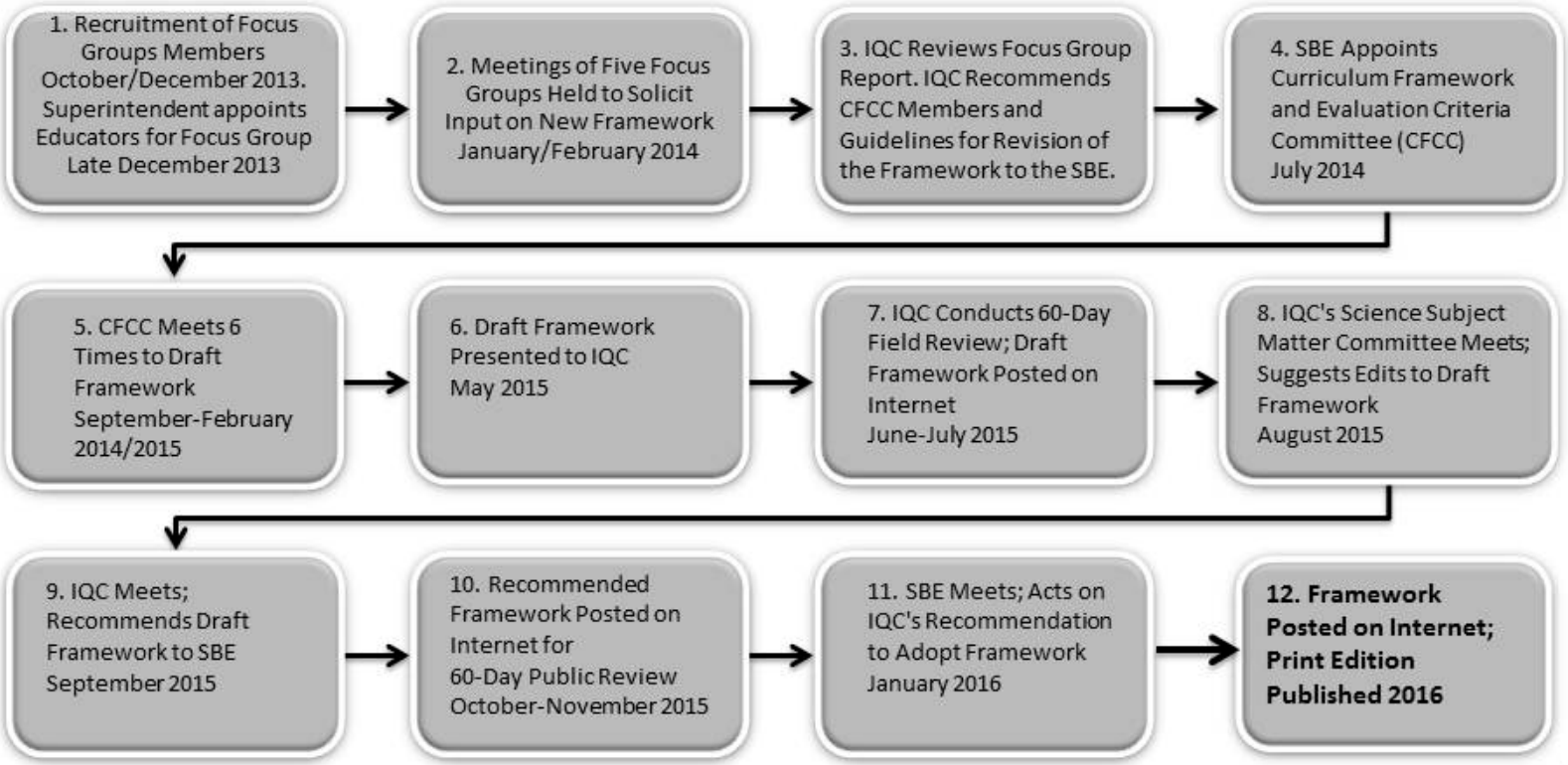
Attachment 1: California Department of Education *Science Framework* Development Process (1 Page)

Attachment 2: Draft Timeline of Significant Events for the 2016 Revision of the *Science Framework for California Public Schools, Kindergarten Through Grade Twelve* (2 Pages)

Attachment 3: Draft Application for Appointment to the Science Curriculum Framework and Evaluation Criteria Committee (8 Pages)

CALIFORNIA DEPARTMENT OF EDUCATION
The Science Framework Development Process
(Per SBE Approval January 2014)

This chart shows the major steps of the curriculum framework development process.
All meetings are open to the public.



Schedule of Significant Events for the 2016 Revision of the *Science Framework for California Public Schools, Kindergarten Through Grade Twelve*

Event	Schedule
State Board of Education (SBE) Approved *CA NGSS*, K–12	September 4, 2013
Governor Brown signed Senate Bill 300 into law	October 2, 2013
Focus Group recruitment letter and application distributed to Local Educational Agencies (LEAs), scientists and stakeholder organizations, and institutes of higher education	October 2013
Recruitment of Focus Group members, pursuant 5 *CCR*, §9511(c) and *Education Code* Section 44013(a)	October–December 2013
SBE action on middle grades learning progressions	November 6–7, 2013
Instructional Quality Commission (IQC) Approves Schedule of Significant Events, Curriculum Framework and Evaluation Criteria Committee (CFCC) Application	November 21–22, 2013
Superintendent appoints Focus Group members	December 2013
SBE action on a timeline and CFCC application form	January 15–16, 2014
CFCC recruitment letter and application published/released online for LEAs, Science stakeholder organizations, and institutes of higher education	January 2014
Focus Group Meeting Locations, pursuant to 5 *CCR*, §9511(c): *Exploratorium, San Francisco Saturday, January 25, 2014, 10 a.m.–noon *San Diego County Office of Education Thursday, January 30, 2014, 5–7 p.m. *Orange County Department of Education, Friday, January 31, 2014, 4:30–6:30 p.m. *CDE, Sacramento Tuesday, February 4, 2014, 4–6 p.m. *Video Conference Included (Siskiyou, Shasta, Humboldt)* *Fresno County Office of Education Tuesday, February 11, 2014, 4–6 p.m.	January–February 2014
Recruitment of CFCC members (at least 90 days pursuant to 5 *CCR*, §9513)	January–April 2014

Event	Schedule
IQC meets, establishes Science Subject Matter Committee (Science SMC), reviews Focus Group Report, and recommends CFCC members and guidance for revision of the framework to the SBE	May 15–16, 2014
SBE appoints CFCC members, receives Focus Group Report, and approves guidance for revision of the framework	July 9–10, 2014
CFCC Meetings, 6 Meetings The CFCC meetings are schedule for the following dates: * September 9–10, 2014 (Tuesday and Wednesday) * October 9–10, 2014 (Thursday and Friday) * November 5–6, 2014 (Wednesday and Thursday) @ 900 N Street * December 11–12, 2014 (Thursday and Friday) * January 22–23, 2015 (Thursday and Friday) * February 26–27, 2015 (Thursday and Friday)	September 2014– February 2015
Science SMC reviews draft *Science Framework* in preparation for full IQC review	Early April 2015
IQC approves draft *Science Framework* for initial 60-day public review period	May 2015
60-day public review period prior to IQC recommendation to SBE, pursuant to 5 *CCR*, §9515(a)(3)	June–July 2015
Science SMC reviews public review results and staff recommendations for edits to draft *Science Framework*	August 2015
IQC analyzes public review results and revises draft *Science Framework,* approves draft *Science Framework* for second 60-day public review period	September 2015
Required 60-day public review and comment on IQC's recommended *Science Framework* Section §95159(c)	October–November 2015
SBE action on IQC's recommended *Science Framework* includes public hearing	January 31, 2016 Statutory Deadline Per SB 300

Application for Appointment to the Science Curriculum Framework and Evaluation Criteria Committee

Applications must be received by 3 p.m., April 16, 2014

The State Board of Education (SBE) is recruiting members for the Science Curriculum Framework and Evaluation Criteria Committee (CFCC). The CFCC will play a significant role in the revision of the *Science Framework for California Public Schools, Kindergarten Through Grade Twelve* (*Science Framework*). The *Science Framework* will be revised to incorporate and support the *Next Generation Science Standards for California Public Schools*, *Kindergarten through Grade Twelve* (*CA NGSS*), adopted by the SBE in September 2013, and to reflect current research in science instruction. The CFCC provides input into the initial draft of the revised framework in accordance with guidelines approved by the SBE.

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

Serving on the CFCC represents a significant commitment of time and personal energy. Between September 2014 and February 2015, CFCC members will participate in up to six meetings (two days each) in Sacramento and spend a considerable amount of time between meetings reviewing or researching portions of framework drafts. Travel and per diem costs are reimbursed at standard state rates; however, no stipend or substitute pay is provided.

Instructions:

- Answer all of the questions. An asterisk (*) denotes a required field.
- After answering all of the questions on a page, select the “Next” button
- You must submit a résumé with your application.
- On the last page of the Application, select the “Preview” button.
- **On the next screen, review all of the responses, and then select the “Submit” button on the bottom of the screen.**
- After you have submitted the Application, save your Confirmation ID given on the next page. Select the “Print” button to obtain a hard copy. Select the “Download Application in pdf” button to download a pdf version of your application.

Personal Information

First Name:

Last Name:

MI:

Home Street Address:

Home City:

Home State:

Home Zip Code:

Home Phone:

Business Phone:

E-mail:

Employer's Business Name:

Position Title:

Business Street Address:

Business City:

Business State:

Business Zip Code:

Areas of Expertise:

Check all that apply.

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

Grade Levels of Expertise:

Check all that apply.

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

Subjects Taught:

Check all that apply.

- o Integrated Science
- o Earth Science
- o Life Science
- o Physical Science
- o Engineering
- o Chemistry
- o Physics
- o Biology
- o Other subject not mentioned above:

Years Teaching:

Experience Teaching English Learners:

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

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

Highest Degrees/Certifications:
List your four highest academic degrees and/or certifications earned and the awarding institution. List your highest achievement first.

Degree/Certification #1:
Institution #1:

Degree/Certification #2:
Institution #2:

Degree/Certification #3:
Institution #3:

Degree/Certification #4:
Institution #4:

Knowledge of the *Next Generation Science Standards*:
Describe how the *CA NGSS*, adopted in September 2013, will impact instruction and student learning. Use 2,000 characters or less.

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

Areas of Expertise and Leadership:
Describe how your education and experience prepare you to participate in the CFCC to revise the *Science Framework*. As part of your response, please describe your knowledge and use of the *NGSS* and your experience providing effective instruction to a diverse student population, which helps them explore and understand the scientific practices included in the *NGSS*, developing curriculum or assessments, and serving as an instructional leader. Use 2,000 characters or less.

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

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

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

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

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

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

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

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

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

Language 1:

Skill for Language 1:

- o Speak
- o Read
- o Write

Language 2:

Skill for Language 2:

- o Speak
- o Read
- o Write

Gender:

- o Male
- o Female

Ethnicity (optional):

Please select all that apply from below:

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

Applicant Acknowledgement/Certification

- o I understand that this application becomes public information when submitted. The answers to the questions under Relationship to Publisher: Conflict of Interest Disclosure Statement are true and correct to the best of my knowledge and belief. My supervisor and I are aware that while travel and per diem costs will be reimbursed at standard state rates, no stipend is provided to IMRs. I have discussed this application with my supervisor and have received approval for release time to participate in all related activities.

Supervisor/Employer Information

First Name:
Last Name:
Position Title:
Phone:
E-mail: (generates e-mail message to employer)

When you submit your application form, a message will be automatically sent to the employer's email address you enter above.

[sent from scienceframework@cde.ca.gov]

Dear <First Name> <Last Name>,

This message is being sent to notify you that <First Name> <Last Name> (<e-mail address>), a member of your staff, has submitted an application to participate as a Science Curriculum Framework and Evaluation Criteria Committee Member for the revision of the 2016 Science Framework. If appointed by the State Board of Education (SBE), the candidate is committing to attend a sequence of meetings and to support the revision of the Science Framework. Panel members will attend six meetings at the

California Department of Education in Sacramento from September 2014 to February 2015 (One meeting per month and each meeting will last two days). Travel and per

diem costs are reimbursed at standard state rates; however, no stipend or substitute pay is provided.

Professional References

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

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

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

First Name:
Last Name:
Position Title:
Institution:
Street Address:
City:
State:
Zip Code:

Phone:

E-mail:

Upload a Résumé

Note: Please attach a current résumé as it relates to your educational background and experience in science education in kindergarten through grade twelve and/or higher education. If you are a classroom teacher, list the classes you are currently teaching and the grade level(s). Also, please indicate any specialized training you have had in science instruction in the past five years. Please limit your résumé to two or three pages and include your name on each page.

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

California State Board of Education

Meeting Agenda Items for January 15-16, 2014

ITEM 17

CALIFORNIA STATE BOARD OF EDUCATION

JANUARY 2014 AGENDA

SUBJECT	
Approval of the Charter School Numbers Assigned to Newly Established Charter Schools.	☒ Action ☒ Information ☐ Public Hearing

SUMMARY OF THE ISSUE(S)

The State Board of Education (SBE) is responsible for assigning a number to each approved charter petition. The California Department of Education (CDE) staff presents this routine request for assignment of charter numbers as a standard action item.

RECOMMENDATION

The California Department of Education (CDE) recommends that the State Board of Education (SBE) assign charter numbers to the charter schools identified on the attached list.

BRIEF HISTORY OF KEY ISSUES

Since the charter school law was enacted in 1992, the SBE has assigned numbers to 1,612 charter schools, including some approved by the SBE after denial by local educational agencies. Separate from that numbering system, eight all-charter districts that currently serve a total of 18 school sites, have been jointly approved by the State Superintendent of Public Instruction and the SBE.

California *Education Code (EC)* Section 47602 requires the SBE to assign a number to each charter school that has been approved by a local entity in the chronological order in which it was received. This numbering ensures that the state stays within a statutory cap on the total number of charter schools authorized to operate. The cumulative statutory cap of the fiscal year 2013–14 is 1,750. The statutory cap is not subject to waiver.

The charter schools listed in Attachment 1 were recently approved by local boards of education as noted. Copies of the charter petitions are on file in the Charter Schools Division.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SBE is responsible for assigning a number to each approved charter petition. CDE staff presents this routine request for assignment of charter numbers as a standard action item.

FISCAL ANALYSIS (AS APPROPRIATE)

There is no fiscal impact to the state resulting from the assignment of numbers to recently authorized charter schools.

ATTACHMENT(S)

Attachment 1: Assignment of Numbers for Charter School Petitions (2 pages)

Assignment of Numbers for Charter School Petitions

Number	Charter Name	County	Authorizing Entity	Charter School Contact
1613	Fenton Academy for Social and Emotional Learning (FASEL)	Los Angeles	Los Angeles Unified School District (USD)	Barbara Aragon 11828 Gian Street Lake View Terrace, CA 91342
1614	The Academy for Enriched Sciences and Magnet Charter	Los Angeles	Los Angeles USD	Renee Christian-Cofield 6170 Lockhurst Drive Woodland Hills, CA 91367
1615	Summit Preparatory Charter School	Los Angeles	Los Angeles USD	Arianna Haut 2111 South Mansfield Avenue Los Angeles, CA 90016
1616	Stream Charter School	Butte	Oroville City Elementary School District (SD)	Don Phillips P.O. Box 2706 Oroville, CA 95965
1617	Method Schools	San Diego	Dehesa SD	Jessica Venezia 2196 Foothill Drive Vista, CA 92084
1618	Alpha Middle School 2	Santa Clara	Santa Clara County Office of Education (COE)	Holly Smith P.O. Box 21366 San Jose, CA 95151
1619	Foothill Leadership Academy	Tuolumne	Tuolumne COE	Ian McVey P.O. Box 5384 Sonora, CA 95370
1620	East Bay Innovation Academy	Alameda	Oakland USD	Rochelle (Shelley) Benning 774 Calmar Avenue Oakland, CA 94610
1621	Dual Language Charter Academy of Monterey	Monterey	Monterey Peninsula USD	Tom Vanheukelem 225 Normandy Road Seaside, CA 93955
1622	Caliber Beta Academy	Contra Costa	Contra Costa COE	Tracy Hanna P.O. Box 5282 Richmond, CA 94805
1623	Downtown College Preparatory Middle School	Santa Clara	San Jose USD	Ruth Wamuyu Schriver 1400 Parkmoor Avenue, Suite 206 San Jose, CA 95126
1624	Animo Avalon Charter Middle School	Los Angeles	Los Angeles USD	Marco Petruzzi 1149 South Hill Street Suite 600 Los Angeles, CA 90015

Number	Charter Name	County	Authorizing Entity	Charter School Contact
1625	Math and Science College Preparatory-East	Los Angeles	Los Angeles USD	Emilio Pack 3183 Wilshire Blvd., #196-K21 Los Angeles, CA 90010
1626	PUC Inspire Charter Academy	Los Angeles	Los Angeles USD	Manuel Ponce 1405 N. San Fernando Blvd. Burbank, CA 91504
1627	Westside Innovative School House Secondary Charter (WISH)	Los Angeles	Los Angeles USD	Shawna Draxton 6550 W. 80th Street Los Angeles, CA 90045
1628	County Collaborative Charter School	San Diego	Mountain Empire USD	Steve Van Zant 330 A Street, Suite 189 San Diego, CA 92101
1629	Rocketship Nine Elementary School	Santa Clara	Santa Clara COE	Jessica Garcia-Kohl 2001 Gateway Place, Suite 230E San Jose, CA 95110
1630	Rocketship Fourteen Elementary School	Santa Clara	Santa Clara COE	Jessica Garcia-Kohl 2001 Gateway Place, Suite 230E San Jose, CA 95110

California State Board of Education

Meeting Agenda Items for January 15-16, 2014

ITEM 18

CALIFORNIA STATE BOARD OF EDUCATION

JANUARY 2014 AGENDA

SUBJECT	
Elementary and Secondary Education Act: Approval of Local Educational Agency Plans, Title I, Section 1112.	☒ Action ☒ Information ☐ Public Hearing

SUMMARY OF THE ISSUE(S)

The Elementary and Secondary Education Act (ESEA) provides federal funding that may be available to local educational agencies (LEAs) (defined as districts, county offices of education, and direct-funded charter schools) for a variety of programs. Currently, 10 direct-funded charter schools submitted an LEA Plan as part of the application for ESEA funding. California Department of Education (CDE) program staff review LEA Plans for compliance with the requirements of ESEA before recommending approval to the State Board of Education (SBE).

RECOMMENDATION

The CDE recommends that the SBE approve 10 direct-funded charter school LEA Plans, listed in Attachment 1.

BRIEF HISTORY OF KEY ISSUES

The federal ESEA Section 1112(e)(2) states that the state educational agency (SEA) shall approve an LEA's Plan if the SEA determines that the LEA's Plan is designed to enable its schools to substantially help children meet the academic standards expected for all children. As a requirement for receiving federal funding sub-grants for ESEA programs, the local school board and the SBE must approve the original LEA Plan. Subsequent approval of revisions to LEA Plans is made by the local school board and kept on file with the original LEA Plan. The LEA Plan includes specific descriptions and assurances as outlined in the provisions included in ESEA.

The purpose of the LEA Plan is to develop an integrated, coordinated set of actions that LEAs will take to ensure that they meet certain programmatic requirements, including student academic services designed to increase student achievement and performance, coordination of services, needs assessments, consultations, school choice, supplemental services, services to homeless students, and others as required.

CDE program staff review LEA Plans for compliance with the requirements of the ESEA including evaluation of goals and activities designed to improve student performance in reading and mathematics; improve programs for English learner students; improve professional development and ensure the provision of highly qualified teachers; ensure that school environments are safe, drug-free, and conducive to learning; and promote efforts regarding graduation rates, dropout prevention, and advanced placement. If an LEA Plan lacks the required information, CDE program staff works with the LEA to ensure the necessary information is included in the LEA Plan before recommending approval.

Following initial CDE review and SBE approval, all LEAs are expected to annually review their Plans and update them as necessary. Any changes to the LEA Plan must be approved by an LEA's local governing board.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Since the current LEA Plan process was developed in July 2003 as a requirement of the ESEA, the SBE has approved 1,705 LEA Plans.

FISCAL ANALYSIS (AS APPROPRIATE)

There is no fiscal impact to state operations.

ATTACHMENT(S)

Attachment 1: Direct-Funded Charter Schools Recommended for State Board of Education Approval (1 Page)

Attachment 2: Academic Performance for Direct-Funded Charter Schools Recommended for State Board of Education Approval of Local Educational Agency Plans (5 Pages)

Direct-Funded Charter Schools Recommended for State Board of Education Approval

Local Educational Agency Name	County-District-School Code	Academic Performance Data
The Academy	30-10306-0126037	None available; opened in August 2013
Camino Nuevo Charter High School #2	19-64733-0127910	Non available; opened in August 2013
Excel Preparatory Charter School–IE	33-67157-0125666	See Attachment 2
KIPP San Francisco College Preparatory	38-68478-0127530	None available; opened in July 2013
Long Valley Charter School	18-64162-6010763	None available; opened in July 2013
Manzanita Charter Middle School	07-61796-6118368	See Attachment 2
Math and Science College Preparatory	19-64733-0126136	None available; opened in August 2013
San Diego Global Vision Academy Middle School	37-68338-0125583	See Attachment 2
Urban Montessori Charter School	01-10017-0125567	See Attachment 2
Yuba Environmental Science Charter Academy	58-10587-0117242	See Attachment 2

Academic Performance for Direct-Funded Charter Schools Recommended for State Board of Education Approval of Local Educational Agency Plans

LEA Name: Excel Preparatory Charter School—IE CDS CODE: 33-67157-0125666	Met All Adequate Yearly Progress (AYP) Criteria	English-Language Arts		Mathematics		Academic Performance Index (API)		
		Percent At or Above Proficient (89.2%)	Met 2013 AYP Criteria?	Percent At or Above Proficient (89.5%)	Met 2013 AYP Criteria?	2012 Base API	2013 Growth API	Met 2012–13 Growth API Targets***
Schoolwide	**No, met 6 of 13**	**40.3**	**No**	**39.0**	**No**		**716**	**No**
African American or Black (not of Hispanic origin)		27.0	No	27.4	No			
American Indian or Alaska Native		**	**	**	**			
Asian		**	**	**	**			
Filipino		--	--	--	--			
Hispanic or Latino		40.5	No	41.9	No			
Native Hawaiian or Pacific Islander		**	**	**	**			
White (not of Hispanic origin)		57.6	**	51.5	**			
Two or More Races		38.1	**	33.3	**			
Socioeconomically Disadvantaged		26.3	**	36.8	**			
English Learners		37.0	**	40.7	**			
Students with Disabilities		**	**	**	**			

-- Indicates no data are available.
** Indicates AYP criteria are not applied because there are too few students in this subgroup to be numerically significant.
***Growth targets are 5 percent difference between the Base API and statewide target of 800. The 2013 API criteria for meeting federal AYP: a minimum “2013 Growth API” score of 740 OR “2012–13 Growth” of at least one point.

Academic Performance for Direct-Funded Charter Schools Recommended for State Board of Education Approval of Local Educational Agency Plans

LEA Name: Manzanita Charter Middle School CDS CODE: 07-61796-6118368	Met All Adequate Yearly Progress (AYP) Criteria	**English-Language Arts**		**Mathematics**		**Academic Performance Index (API)**		
		Percent At or Above Proficient (89.2%)	Met 2013 AYP Criteria?	Percent At or Above Proficient (89.5%)	Met 2013 AYP Criteria?	2012 Base API	2013 Growth API	Met 2012–13 Growth API Targets***
Schoolwide	**No, met 15 of 17**	**39.2**	**Yes (SH)**	**25.7**	**Yes (SH)**	**657**	**720**	**Yes**
African American or Black (not of Hispanic origin)		50.0	**	16.7	**			
American Indian or Alaska Native		--	--	--	--			
Asian		**	**	**	**			
Filipino		--	--	--	--			
Hispanic or Latino		34.2	Yes (SH)	22.3	Yes (SH)			
Native Hawaiian or Pacific Islander		--	--	--	--			
White (not of Hispanic origin)		**	**	**	**			
Two or More Races		**	**	**	**			
Socioeconomically Disadvantaged		35.5	Yes (SH)	23.8	Yes (SH)			
English Learners		18.3	No	12.5	No			
Students with Disabilities		26.7	**	12.5	**			

-- Indicates no data are available.

** Indicates AYP criteria are not applied because there are too few students in this subgroup to be numerically significant.

***Growth targets are 5 percent difference between the Base API and statewide target of 800. The 2013 API criteria for meeting federal AYP: a minimum “2013 Growth API” score of 740 OR “2012–13 Growth” of at least one point.

SH = Passed by safe harbor**:** The school, LEA, or student group met the criteria for safe harbor, which is an alternate method of meeting the percent proficient (AMO) if a school, an LEA, or a student group shows progress in moving students from scoring at the below proficient level to the proficient level.

Academic Performance for Direct-Funded Charter Schools Recommended for State Board of Education Approval of Local Educational Agency Plans

LEA Name: San Diego Global Vision Academy Middle School CDS CODE: 37-68338-0125583	Met All Adequate Yearly Progress (AYP) Criteria	**English-Language Arts**		**Mathematics**		**Academic Performance Index (API)**		
		Percent At or Above Proficient (89.2%)	Met 2013 AYP Criteria?	Percent At or Above Proficient (89.5%)	Met 2013 AYP Criteria?	2012 Base API	2013 Growth API	Met 2012–13 Growth API Targets***
Schoolwide	**No, met 2 of 4**	**65.8**	**No**	**52.6**	**No**			**N/A+**
African American or Black (not of Hispanic origin)		52.6	**	42.1	**			
American Indian or Alaska Native		--	--	--	--			
Asian		--	--	--	--			
Filipino		--	--	--	--			
Hispanic or Latino		**	**	**	**			
Native Hawaiian or Pacific Islander		--	--	--	--			
White (not of Hispanic origin)		**	**	**	**			
Two or More Races		**	**	**	**			
Socioeconomically Disadvantaged		68.8	**	53.1	**			
English Learners		**	**	**	**			
Students with Disabilities		**	**	**	**			

-- Indicates no data are available.
** Indicates AYP criteria are not applied because there are too few students in this subgroup to be numerically significant.
***Growth targets are 5 percent difference between the Base API and statewide target of 800. The 2013 API criteria for meeting federal AYP: a minimum “2013 Growth API” score of 740 OR “2012–13 Growth” of at least one point.
+N/A means the data were not applicable, i.e., the school or LEA had fewer than 50 valid scores.
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Academic Performance for Direct-Funded Charter Schools Recommended for State Board of Education Approval of Local Educational Agency Plans

LEA Name: Urban Montessori Charter School CDS CODE: 01-10017-0125567	Met All Adequate Yearly Progress (AYP) Criteria	**English-Language Arts**		**Mathematics**		**Academic Performance Index (API)**		
		Percent At or Above Proficient (89.2%)	Met 2013 AYP Criteria?	Percent At or Above Proficient (89.5%)	Met 2013 AYP Criteria?	2012 Base API	2013 Growth API	Met 2012–13 Growth API Targets***
Schoolwide	**No, met 2 of 4**	**46.5**	**No**	**23.3**	**No**			**N/A+**
African American or Black (not of Hispanic origin)		27.3	**	0.0	**			
American Indian or Alaska Native		--	--	--	--			
Asian		**	**	**	**			
Filipino		--	--	--	--			
Hispanic or Latino		26.7	**	6.7	**			
Native Hawaiian or Pacific Islander		**	**	**	**			
White (not of Hispanic origin)		83.3	**	58.3	**			
Two or More Races		**	**	**	**			
Socioeconomically Disadvantaged		15.0	**	5.0	**			
English Learners		9.1	**	9.1	**			
Students with Disabilities		**	**	**	**			

-- Indicates no data are available.
** Indicates AYP criteria are not applied because there are too few students in this subgroup to be numerically significant.
***Growth targets are 5 percent difference between the Base API and statewide target of 800. The 2013 API criteria for meeting federal AYP: a minimum “2013 Growth API” score of 740 OR “2012–13 Growth” of at least one point.
+N/A means the data were not applicable, i.e., the school or LEA had fewer than 50 valid scores.

Academic Performance for Direct-Funded Charter Schools Recommended for State Board of Education Approval of Local Educational Agency Plans

LEA Name: Yuba Environmental Science Charter Academy CDS CODE: 58-10587-0117242	Met All Adequate Yearly Progress (AYP) Criteria	**English-Language Arts**		**Mathematics**		**Academic Performance Index (API)**		
		Percent At or Above Proficient (89.2%)	Met 2013 AYP Criteria?	Percent At or Above Proficient (89.5%)	Met 2013 AYP Criteria?	2012 Base API	2013 Growth API	Met 2012–13 Growth API Targets***
Schoolwide	**No, met 4 of 5**	**43.9**	**No**	**55.4**	**Yes (SH)**	**744**	**753**	**Yes**
African American or Black (not of Hispanic origin)		--	--	--	--			
American Indian or Alaska Native		**	**	**	**			
Asian		--	--	--	--			
Filipino		--	--	--	--			
Hispanic or Latino		**	**	**	**			
Native Hawaiian or Pacific Islander		--	--	--	--			
White (not of Hispanic origin)		45.5	**	62.5	**			
Two or More Races		47.1	**	52.9	**			
Socioeconomically Disadvantaged		39.5	**	48.6	**			
English Learners		**	**	**	**			
Students with Disabilities		**	**	**	**			

-- Indicates no data are available.

** Indicates AYP criteria are not applied because there are too few students in this subgroup to be numerically significant.

***Growth targets are 5 percent difference between the Base API and statewide target of 800. The 2013 API criteria for meeting federal AYP: a minimum “2013 Growth API” score of 740 OR “2012–13 Growth” of at least one point.

SH = Passed by safe harbor**:** The school, LEA, or student group met the criteria for safe harbor, which is an alternate method of meeting the percent proficient (AMO) if a school, an LEA, or a student group shows progress in moving students from scoring at the below proficient level to the proficient level.

California State Board of Education

Meeting Agenda Items for January 15-16, 2014

ITEM 19

CALIFORNIA STATE BOARD OF EDUCATION

JANUARY 2014 AGENDA

SUBJECT	
Civic Center Act: Approve Commencement of a 15-Day Public Comment Period for Proposed Amendments to *California Code of Regulations,* Title 5, sections 14037-14042.	☒ Action ☒ Information ☐ Public Hearing

SUMMARY OF THE ISSUE(S)

Senate Bill (SB) 1404 (2012) expands, until January 1, 2020, the definition of direct costs that a school district governing board may charge for the use of school facilities or grounds pursuant to *Education Code* (*EC*) Section 38134 (the Civic Center Act).

These regulations are proposed, as required by *EC* Section 38134(h), to be used by a school district in determining the proportionate share and the specific allowable costs that a school district may include as direct costs for the use of its school facilities or grounds.

The regulations establish a consistent method by which school districts will calculate fees for the use of school facilities or grounds by outside entities. The calculated fees will represent the maximum amount a school district is authorized to charge, which does not preclude a school district from electing to charge less, or to assess no fee at all.

RECOMMENDATION

The California Department of Education (CDE) recommends the State Board of Education (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 CDE is directed to complete the rulemaking package and resubmit 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 2014 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.

BRIEF HISTORY OF KEY ISSUES

Under existing law known as the Civic Center Act (*EC* Section 38130 et seq.), every public school facility is considered a civic center where citizens, school-community councils, and clubs, as well as, senior, recreation, education, political, artistic, and other organizations may meet. The school district may grant the use of school facilities and grounds upon certain terms and conditions deemed proper by the governing board and subject to specified limitations, requirements, and restrictions set forth within the law.

With recent amendments to the Civic Center Act (SB 1404, Chapter 764, Statutes of 2012), the California Legislature expanded, until January 1, 2020, the definition of direct costs that a school district governing board may charge pursuant to this section to include a share of the operating and maintenance costs and a share of the maintenance, repair, restoration, and refurbishment costs of the school facilities or grounds, proportional to an entity's use of the school facilities or grounds.

The Legislature has taken this step to encourage school districts to maximize opportunities to make public school facilities and grounds available and accessible to their communities as civic centers. Recognizing that the costs to maintain facilities or grounds exceed just the operational costs associated with an entity's use of school facilities and grounds, the goal of the amendments to the Civic Center Act is to authorize school districts to recoup all of the direct costs associated with an entity's use of school facilities or grounds.

EC Section 38134(h) requires that the State Superintendent of Public Instruction develop, and the State Board adopt, by December 31, 2013, regulations to be used by a school district in determining the proportionate share and the specific allowable costs that a school district may include as direct costs for the use of its school facilities or grounds.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

On September 4, 2013, the SBE approved the commencement of the rulemaking process.

The 45-day public comment period ran from September 21, 2013, through November 4, 2013. A public hearing was held on November 4, 2013, in accordance with the Administrative Procedure Act.

FISCAL ANALYSIS (AS APPROPRIATE)

A Fiscal Impact Statement is provided as Attachment 4.

ATTACHMENT(S)

Attachment 1: 15-Day Notice of Modifications (2 pages)

Attachment 2: Proposed Regulations (4 pages)

Attachment 3: Final Statement of Reasons (4 pages)

Attachment 4: Economic and Fiscal Impact Statement (STD 399) (4 pages)

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

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

1430 N Street Sacramento, CA 95814-5901

January 17, 2014

15-DAY NOTICE OF MODIFICATIONS TO TEXT OF PROPOSED REGULATIONS THE CIVIC CENTER ACT

Pursuant to the requirements of Government Code section 11346.8(c), and California Code of Regulations, title 1, section 44, the State Board of Education (SBE) is providing notice of changes made to the above-referenced proposed regulation text which was the subject of a regulatory hearing on November 4, 2013.

Changes to the text:

SECTION 14037(b)(1)(B)(1) is added to clarify that after school classroom-based programs are those in which participants spend at least 50 percent of operational hours in a classroom. After school programs that meet this requirement are exempt from capital direct costs even if they use nonclassroom space.

SECTION 14037(b)(2) is amended to include “contracted workers” as an eligible operational cost because school districts may use contracted services rather than school district employees to perform required maintenance on school facilities and grounds. Additionally, it is amended to include “benefits” to clarify that the cost of school district employee salaries includes benefits, and for consistency with section 14040.

SECTION 14038(a)(1) is amended to delete “or operated” to clarify applicant use.

SECTION 14041(a) is amended to delete “assess” and replace it with “charge” to clarify that the fees charged to applicants are not a tax.

COMMENTS

If you have any comments regarding the proposed changes that are the topic of this 15-Day Notice, the SBE will accept written comments between January 18, 2014 and February 3, 2014, inclusive. All written comments must be submitted to the Regulations Coordinator via facsimile at 916-319-0155; email at regcomments@cde.ca.gov or mailed and received at the following address by close of business at 5:00 p.m. on February 3, 2014 and addressed to:

Debra Thacker, Regulations Coordinator
Legal, Audits and Compliance Branch
Administrative Supports and Regulations Adoption Unit
California Department of Education
1430 N Street, Suite 5319
Sacramento, CA 95814

All written comments received by 5:00 p.m. on February 3, 2014, which pertain to the indicated changes will be reviewed and responded to by CDE staff as part of the compilation of the rulemaking file. Written comments received by the CDE staff during the public comment period are subject to viewing under the Public Records Act. Please limit your comments to the modifications to the 15-day text.

- The State Board of Education has illustrated changes to the original text in the following manner: text originally proposed to be added is underlined; text proposed to be deleted is displayed in ~~strikeout~~.
- The 15-day text proposed to be added is in "**bold underline**", deleted text is displayed in "~~**bold strikeout**~~".

TITLE 5. EDUCATION

Division 1. California Department of Education

Chapter 13. School Facilities and Equipment

Subchapter 1.5. Civic Center Act

Article 1. Proportionate Direct Costs for Use of School Facilities and Grounds.

§ 14037. ~~Integrate Facilities~~ Definitions.

(a) "Applicant" means the direct cost fee payer requesting use of school facilities or grounds under the Civic Center Act (Education Code section 38130, et seq).

(b) "Direct costs" are the estimated costs identified by a school district as follows:

(1) "Capital direct costs" includes the estimated costs for maintenance, repair, restoration, and refurbishment, for use of the school facilities or grounds under the Civic Center Act.

(A) For purposes of estimating capital direct costs, "school facilities" shall be limited to nonclassroom space, but may apply to specialty teaching spaces including but not limited to, dance studios, music practice or performance spaces and theaters.

(B) Capital direct costs do not apply to classroom-based programs that operate after school hours, including, but not limited to, after school programs, tutoring programs, or child care programs.

1. A program is defined as classroom-based for purposes of this subdivision if participants spend at least 50 percent of operational hours in a classroom.

(C) Capital direct costs do not apply to organizations retained by the school or school district to provide instruction or instructional activities to pupils during school hours.

(2) "Operational direct costs" includes the estimated costs of supplies, utilities, janitorial services, services of school district employees, **and/or contracted workers** and salaries **and benefits** paid to school district employees directly associated with the administration of the Civic Center Act to operate and maintain school facilities or

grounds.

(c) The term “school grounds” shall include, but not be limited to, playing fields, athletic fields, track and field venues, tennis courts, and outdoor basketball courts.

NOTE: Authority cited: Sections 33031 and 38134, Education Code. Reference: Sections 38131 and 38134, Education Code.

§ 14038. Determining Proportionate Share.

School districts electing to charge applicants for all direct costs, or either capital direct costs or operational direct costs shall do the following:

(a) Calculate the proportionate share, as a percent, that each school facility or grounds is available for use by applicants as follows:

(1) Estimate the total annual hours a facility or grounds is expected to be used ~~**or operated**~~ by applicants.

(2) Estimate the total annual hours a facility or grounds is expected to be used by anyone, including applicants and **the** school district~~**s**~~.

(3) Divide the number of hours in subdivision (a)(1) by the number of hours in subdivision (a)(2).

(b) In the alternative, school districts may elect to determine proportionate share by categorizing like facilities or grounds (e.g., all high school football fields, all gymnasiums) and performing the same calculation as outlined in subdivisions (a)(1) through (a)(3).

NOTE: Authority cited: Sections 33031 and 38134, Education Code. Reference: Sections 38131 and 38134, Education Code.

§ 14039. Determining Specific Allowable Capital Direct Costs.

Specific to each school facility and grounds (or like facilities and grounds as described in section 14038(b)), the school district shall quantify annual capital direct costs as follows:

(a) Determine the useful life in years from the initial date of occupancy or use.

(b) Estimate the expected cost to repair, restore, or refurbish the facility or grounds at the end of its useful life. Substitute the estimated cost to replace a facility or grounds when maintenance, repair, restoration or refurbishment would not be practicable or cost

effective.

(c) Divide the cost in subdivision (b) over the number of years in subdivision (a) to reflect the annual cost.

NOTE: Authority cited: Sections 33031 and 38134, Education Code. Reference: Sections 38131 and 38134, Education Code.

§14040. ~~Scope of Article~~ Determining Specific Allowable Operational Direct Costs.

Specific to each school facility and grounds (or like facilities and grounds as described in section 14038(b)), the school district shall quantify annual operational direct costs by estimating the following costs:

(a) The annual cost of salaries and benefits for all school district employee labor or contracted services required to operate, clean, and maintain the facility or grounds, which may include janitorial services, setup and teardown time, and security.

(b) The annual cost of supplies required to operate and maintain the facility or grounds, including all school district equipment used by applicants.

(c) The annual cost of utilities required to operate the facility or grounds, including any school district or applicant-provided equipment.

(d) The prorated annual salaries and benefits paid to school district employees directly associated with the administration of direct cost user fees for time spent administering such fees authorized under this Article.

NOTE: Authority cited: Sections 33031 and 38134, Education Code. Reference: Sections 38131 and 38134, Education Code.

§14041. ~~Plans~~ Establishing a Fee Schedule.

(a) When electing to **~~assess~~ charge** fees pursuant to the Civic Center Act, a school district governing board shall adopt a fee schedule that includes the hourly fee for each specific facility and grounds (or like facilities and grounds as described in section 14038(b)), calculated as follows:

(1) If charging for capital direct costs only, multiply the capital direct costs quantified in section 14039(c) by the proportionate share as determined in section 14038(a)(3). Divide the product by the total number of hours of applicant use as set forth in section 14038(a)(1) to arrive at the hourly rate.

(2) If charging for operational costs only, add the operational costs identified in sections 14040(a) through (c) and multiply the sum by the proportionate share as determined in section 14038(a)(3). Divide the product by the total number of hours of applicant use as set forth in section 14038(a)(1) to arrive at an hourly rate. Add to this amount the hourly rate to administer direct cost user fees calculated by dividing the cost identified in section 14040(d) by the total number of hours of applicant use set forth in section 14038(a)(1).

(3) If charging for all direct costs, add the hourly rates calculated in subdivisions (a)(1) and (a)(2).

(b) A school district governing board may elect to discount direct cost fees charged pursuant to the Civic Center Act based on the type or category of applicant, **~~such as~~ including, but not limited to,** those with tax-exempt status. All such discounts shall be contained in the adopted fee schedule.

NOTE: Authority cited: Sections 33031 and 38134, Education Code. Reference: Sections 38131 and 38134, Education Code.

§ 14042. ~~Justification Procedure~~ Expending Capital Fees.

Funds collected by a school district as capital direct costs shall be deposited into a special fund that shall only be used for capital maintenance, repair, restoration, and refurbishment.

NOTE: Authority cited: Sections 33031 and 38134, Education Code. Reference: Sections 38131 and 38134, Education Code.

FINAL STATEMENT OF REASONS
Civic Center Act

UPDATE OF INITIAL STATEMENT OF REASONS

The original proposed text was made available for public comment for at least 45 days from September 21, 2013 through November 4, 2013. Four individuals provided comments during the 45-day comment period.

A public hearing was held at 1:30 p.m. on November 4, 2013, at the California Department of Education. Three individuals attended the public hearing.

SUMMARY AND RESPONSE TO COMMENTS RECEIVED DURING THE INITIAL NOTICE PERIOD OFSEPTEMBER 21, 2013 THROUGH NOVEMBER 4, 2013.

Richard W. Raushenbush, President, Piedmont Unified School District Board of Education
Comment: PUSD suggests that the proposed regulations section 14037(b)(2) be amended as follows: "includes the estimated costs of supplies, utilities, janitorial services, contracted services…to operate and maintain school facilities or grounds."
Accept: The State Board of Education (SBE) recognizes that school districts may use contracted services rather than school district employees to perform required maintenance on school facilities and grounds. The proposed regulations are amended accordingly.
Comment: PUSD suggests that the provided example, "high school football fields," might be misconstrued to mean that "like" facilities must be for the exact same sport at the exact same school level. PUSD suggests that section 14038(b) be amended to refer to "(e.g., all play fields, all gymnasiums)."
Reject: The given description of "like facilities or grounds" provides sufficient flexibility for a school district to decide which facilities and grounds are grouped together.

Kelly R. Barnes, Counsel, Orange County Department of Education
Comment: Related to section 14037(b)(1)(B): SBE might consider that many after school programs use both classroom and nonclassroom space, which could be helpful to include here.
Accept in part: The proposed regulations are amended to define after school classroom-based programs as those in which participants spend at least 50 percent of operational hours in a classroom. After school programs that meet this requirement are exempt from capital direct costs even if they use nonclassroom space.
Comment: Related to section 14037(b)(2): "Operate" needs to be clarified. For example, does this language include the staff processing the applications?
Reject: A district could not administer the Civic Center Act without processing applications for facilities use; therefore, those costs are included in operational direct costs.
Comment: Related to section 14038(a)(1): "Expected" is unclear and may appear to require figuring out how often in the past a particular facility or grounds were used, which would be infeasible. Since many districts, by policy or AR, set hours for

applicants, perhaps “available for use by applicants” would be clearer and more operationally sound.
Reject: A good faith estimate of the hours of expected applicant use results in an accurate determination of applicant “proportionate share.” Hours a facility or grounds is available but unused should not be part of the applicant proportionate share.
Comment: Facilities or grounds are used, not operated by, applicants. The word “operated” should be deleted from section 14038(a)(1) to avoid any ownership or control issues.
Accept: Applicant use is adequately captured with the suggested language. The proposed regulations are amended accordingly.
Comment: Clarify “operate” in section 14040(a).
Reject: “Operate” in section 14040(a) means the human power required to make a facility or grounds usable by applicants, and by the school district, following applicant use. Staff processing of applications is included in section 14040(d).
Comment: Section 14040(d) fees should be referenced in earlier sections.
Reject: Costs related to the administration of the Civic Center Act are included in section 14037(b)(2).
Comment: The word “assess” should not be used in section 14041(a), but rather “charge.” Using “charge” is consistent with the authorizing statute and does not connote a tax as “assess” may.
Accept: No form of taxation is implied; therefore, the proposed regulations are amended accordingly.

Eric Bakke, Legislative Advocate, Los Angeles Unified School District
Comment: LAUSD expresses a position of Support for the proposed regulations.
NO RESPONSE REQUIRED

Catherine Barankin, Director of Public Policy, CA State Alliance of YMCAs
Comment: The commenter believes that the inclusion of proposed section 14037(b)(1)(A) exceeds the State Board’s authority given by SB 1404 to describe the extent of “nonclassroom space.”
Reject: The purpose of this proposed section is to reflect that teaching may occur in specialty spaces that are not traditional classrooms (e.g., dance taught in a large studio, music taught on a stage, or drama taught in a theater). These spaces may be used by applicants pursuant to the Civic Center Act. The SBE believes the intent of SB 1404 was to exclude <u>traditional</u> classroom space from capital direct costs. Existing Education Code does not define nonclassroom space for purposes of this section; therefore, it is the SBE’s interpretation via the proposed regulations that certain specialty teaching spaces should be treated as nonclassroom facilities (akin to a multipurpose room) for purposes of this section.
Comment: The commenter recommends that the proposed regulations include language specifying the types of youth groups that should be allowed to use school facilities and mention that schools do not have to charge these groups for use of school facilities and grounds.
Reject: The proposed regulations clearly state that school districts may choose whether to charge direct costs to applicants (see sections 14038, 14041(a)) as well as whether to discount actual costs to a category of applicants (see section 14041(b)). It is not necessary to specify examples of youth groups that may be applicants for the use of

facilities and grounds; these groups are specified in Education Code section 38134(a)(1).
Comment: Related to section 14038(a)(1): The commenter states that expected hours of use should be based on actual rather than estimated usage.
Reject: Pursuant to this section, the school district shall provide a good faith estimate of the expected hours of use for a particular school facility or grounds. An estimate may be required for new facilities (on- or off-site), changes in program, and/or other conditions. The estimate is subject to public disclosure and review at a public meeting of the school district governing board pursuant to section 14041(a).
Comment: The commenter states that the calculations performed in sections 14039(a) and (b) should use existing deferred maintenance figures or be subject to independent verification and/or appeal by the applicant.
Reject: The fee schedule and calculations adopted by a school district governing board are subject to public review and comment at the local level.
Comment: Related to section 14040: The commenter states that the costs identified in subparagraphs (a) through (d) should be actual costs rather than estimates.
Reject: The SBE expects that some estimation would be required on the part of the school district to determine how whole purchases and/or salaries are distributed across individual sites and facilities. This estimation, as part of the fee schedule considered by the school district governing board, would be subject to public review and comment at the local level.

PUBLIC HEARING – NOVEMBER 4, 2013 – Three Commenters

Cheryl A. McElhany, Ed.D., President, Extended Day Child Care, Inc.
Comment: The commenter suggests adding the example, “school districts may not charge such programs [child care] a monthly or annual fee for playground use” to section 14037(b)(1)(B). The commenter believes such additional wording would reinforce the exemption of child care programs and avoid any sort of misinterpretation by school districts and their legal counsel.
Accept in part: It is the SBE’s understanding that the legislative intent of Senate Bill 1404, reflected by Education Code section 38134(g)(1)(B)(ii)(I), is to exempt all classroom-based programs from capital direct costs. The exemption would extend to classroom-based programs with incidental or periodic use of nonclassroom facilities or grounds. The proposed regulations are amended accordingly.
Comment: The commenter asks that the SBE consider making the provisions of the regulations very clear to the professional organizations such as CASBO and CSBA which are heavily relied upon by school district administrators and School Boards.
Reject: While the California Department of Education (CDE), on behalf of the SBE, expects to provide outreach and technical assistance relating to the proposed regulations, these efforts are outside the scope of the regulations themselves.

Eric Bakke, Legislative Advocate, Los Angeles Unified School District
Comment: No new comments received. Mr. Bakke reiterated LAUSD’s support for the proposed regulations.
NO RESPONSE REQUIRED
Mike Patton, Maintenance Connect Pro

Comment: Relating to section 14037(b)(1)(A): The commenter states it is unclear whether this section applies to classrooms and/or affects the potential use of classroom space by applicants.
Reject: The referenced section states clearly that capital direct costs do not apply to classroom space. Neither SB 1404 nor the proposed regulations change existing law relating to the use of classrooms by applicants pursuant to the Civic Center Act.
Comment: The commenter requests a worksheet that school districts may use to document the development of their fee schedules.
Reject: While the CDE, on behalf of the SBE, may develop a template worksheet or calculator for use by school districts, these efforts are outside the scope of the regulations themselves.

After the 45-day comment period, the following changes were made to the proposed text of the regulations and sent out for a 15-Day comment period:

SECTION 14037(b)(1)(B)(1.) is added to clarify that after school classroom-based programs are those in which participants spend at least 50 percent of operational hours in a classroom. After school programs that meet this requirement are exempt from capital direct costs even if they use nonclassroom space.

SECTION 14037(b)(2) is amended to include “contracted workers” as an eligible operational cost because school districts may use contracted services rather than school district employees to perform required maintenance on school facilities and grounds. Additionally, it is amended to include “benefits” to clarify that the cost of school district employee salaries includes benefits, and for consistency with section 14040.

SECTION 14038(a)(1) is amended to delete “or operated” to clarify applicant use.

SECTION 14041(a) is amended to delete “assess” and replace it with “charge” to clarify that the fees charged to applicants are not a tax.

ALTERNATIVES DETERMINATION

The SBE has determined that no alternative would be more effective in carrying out the purpose for which the regulation is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

No alternatives have been brought to the CDE’s attention.

LOCAL MANDATE DETERMINATION

The proposed regulations do not impose any mandate on local agencies or school districts.

11-21-13 [California Department of Education]

STATE OF CALIFORNIA — DEPARTMENT OF FINANCE

ECONOMIC AND FISCAL IMPACT STATEMENT

(REGULATIONS AND ORDERS)

STD. 399 (REV. 12/2008)

See SAM Section 6601 - 6616 for Instructions and Code Citations

DEPARTMENT NAME	CONTACT PERSON	TELEPHONE NUMBER
Education	Amy Tang-Paterno	322-6630
DESCRIPTIVE TITLE FROM NOTICE REGISTER OR FORM 400		NOTICE FILE NUMBER
Civic Center Act (version dated 11/21/13)		Z

ECONOMIC IMPACT STATEMENT

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

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

- ☐ a. Impacts businesses and/or employees
- ☐ b. Impacts small businesses
- ☐ c. Impacts jobs or occupations
- ☐ d. Impacts California competitiveness
- ☐ e. Imposes reporting requirements
- ☐ f. Imposes prescriptive instead of performance
- ☐ g. Impacts individuals
- ☑ h. None of the above (Explain below. Complete the Fiscal Impact Statement as appropriate.)

h. (cont.) The regulations would not impose any additional costs to the private sector.

(If any box in Items 1 a through g is checked, complete this Economic Impact Statement.)

2. Enter the total number of businesses impacted: _____ Describe the types of businesses (Include nonprofits.): _____

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

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

Explain: _____

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

5. Enter the number of jobs created: _____ or eliminated: _____ Describe the types of jobs or occupations impacted: _____

6. Will the regulation affect the ability of California businesses to compete with other states by making it more costly to produce goods or services here?

☐ Yes ☐ No If yes, explain briefly: _____

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

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

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

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

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

d. Describe other economic costs that may occur: _____

ECONOMIC AND FISCAL IMPACT STATEMENT cont. (STD. 399, Rev. 12/2008)

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

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

4. Will this regulation directly impact housing costs? ☐ Yes ☐ No If yes, enter the annual dollar cost per housing unit: _____ and the number of units: _____

5. Are there comparable Federal regulations? ☐ Yes ☐ No Explain the need for State regulation given the existence or absence of Federal regulations: _____

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

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

1. Briefly summarize the benefits that may result from this regulation and who will benefit: _____

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

Explain: _____

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

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

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

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

Regulation:	Benefit: $_____	Cost: $_____
Alternative 1:	Benefit: $_____	Cost: $_____
Alternative 2:	Benefit: $_____	Cost: $_____

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

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

Explain: _____

E. MAJOR REGULATIONS (Include calculations and assumptions in the rulemaking record.) Cal/EPA boards, offices, and departments are subject to the following additional requirements per Health and Safety Code section 57005.

ECONOMIC AND FISCAL IMPACT STATEMENT cont. (STD. 399, Rev. 12/2008)

1. Will the estimated costs of this regulation to California business enterprises exceed $10 million ? ☐ Yes ☐ No (If No, skip the rest of this section.)

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

   Alternative 1: _____

   Alternative 2: _____

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

Regulation:	$ _____	Cost-effectiveness ratio: $ _____
Alternative 1:	$ _____	Cost-effectiveness ratio: $ _____
Alternative 2:	$ _____	Cost-effectiveness ratio: $ _____

FISCAL IMPACT STATEMENT

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

☐ 1. Additional expenditures of approximately $ _____ in the current State Fiscal Year which are reimbursable by the State pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code. Funding for this reimbursement:

   ☐ a. is provided in _____, Budget Act of _____ or Chapter _____, Statutes of _____

   ☐ b. will be requested in the _____ (FISCAL YEAR) Governor's Budget for appropriation in Budget Act of _____

☐ 2. Additional expenditures of approximately $ _____ in the current State Fiscal Year which are not reimbursable by the State pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code because this regulation:

   ☐ a. implements the Federal mandate contained in _____

   ☐ b. implements the court mandate set forth by the _____

   court in the case of _____ vs. _____

   ☐ c. implements a mandate of the people of this State expressed in their approval of Proposition No. _____ at the _____ (DATE) election;

   ☐ d. is issued only in response to a specific request from the _____

   _____, which is/are the only local entity(s) affected;

   ☐ e. will be fully financed from the _____ (FEES, REVENUE, ETC.) authorized by Section

   _____ of the _____ Code;

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

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

☐ 3. Savings of approximately $ _____ annually.

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

ECONOMIC AND FISCAL IMPACT STATEMENT cont. (STD. 399, Rev. 12/2008)

☑ 5. No fiscal impact exists because this regulation does not affect any local entity or program.

☐ 6. Other.

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

☐ 1 . Additional expenditures of approximately $ _____ in the current State Fiscal Year. It is anticipated that State agencies will:

☐ a. be able to absorb these additional costs within their existing budgets and resources.

☐ b. request an increase in the currently authorized budget level for the _____ fiscal year.

☐ 2. Savings of approximately $ _____ in the current State Fiscal Year.

☑ 3. No fiscal impact exists because this regulation does not affect any State agency or program.

☐ 4. Other.

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

☐ 1 . Additional expenditures of approximately $ _____ in the current State Fiscal Year.

☐ 2. Savings of of approximately $ _____ in the current State Fiscal Year.

☑ 3. No fiscal impact exists because this regulation does not affect any federally funded State agency or program.

☐ 4. Other.

FISCAL OFFICER SIGNATURE		DATE 12/4/2013
AGENCY SECRETARY [1] APPROVAL/CONCURRENCE	Jeannie Owyoya PROGRAM BUDGET MANAGER	DATE 12/5/13
DEPARTMENT OF FINANCE [2] APPROVAL/CONCURRENCE		DATE

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

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

AAV of Item 19 Attachment 4

Accessible Alternative Version (AAV) of Item 16 Attachment 4 for the January 2014 SBE Meeting Agenda.

This page is the Accessible Alternative Version (AAV) of Item 19 Attachment 4 from the California State Board of Education (SBE) Meeting Agenda for January 2014. The scanned Item 19 Attachment 4 (PDF) version is considered to be the official version of the document.

Economic and Fiscal Impact Statement

(REGULATIONS AND ORDERS). *User entries from the STD. 399 (REV. 12/2008) Form.*

Department Name: Education

Contact Person: Amy Tang-Paterno

Telephone Number: 916-322-6630

Descriptive Title From Notice Register Or From 400: Civic Center Act (version dated November 21, 2013)

Notice File Number: Z

Economic Impact Statement

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

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

- Selected option is H: None of the above (Explain below. Complete the Fiscal Impact Statement as appropriate)
- Option H explanation: The regulations would not impose any additional costs to the private sector.

Fiscal Impact Statement

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

- Selected option is 5: No fiscal impact exists because this regulation does not affect any local entity or program.

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

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

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

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

Fiscal Officer: Signed by Amy Tang-Paterno dated December 4, 2013

Agency Secretary1 Approval / Concurrence: Signed by Jeannie Oropeza dated December 5, 2013

Department of Finance2 Approval / Concurrence Signature: No signature.

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1. *The signature attests that the agency has completed the STD.399 according to the instructions in the State Administrative Manual (SAM) sections 6601-6616, and understands the impacts of the proposed rulemaking. State boards, offices, or department not under an Agency Secretary must have the form signed by the highest ranking official in the organization.*
2. *Finance approval and signature is required when SAM sections 6601-6616 require completion of Fiscal Impact Statement in the STD. 399.*

California State Board of Education

Meeting Agenda Items for January 15-16, 2014

ITEM 20

CALIFORNIA STATE BOARD OF EDUCATION

JANUARY 2014 AGENDA

SUBJECT	
Local Control Funding Formula Spending Requirements (LCFF) and Local Control and Accountability Plan (LCAP) – Approve the Finding of Emergency and Proposed Emergency Regulations for Additions to the *California Code of Regulations*, Title 5, Sections 15494-15497.	☒ Action ☒ Information ☐ Public Hearing

SUMMARY OF THE ISSUE(S)

In order for the State Board of Education (SBE) to meet the statutorily established deadlines for the adoption of the Local Control Funding Formula (LCFF) expenditure of funds regulations and the Local Control and Accountability Plan (LCAP) template, as set forth in Assembly Bill (AB) 97 (Chapter 47, Statutes of 2013) and amended by Senate Bill (SB) 97 (Chapter 357, Statutes of 2013), the attached proposed regulations must be adopted on an emergency basis. Upon approval by the SBE and provision of notice of the proposed emergency action, the Office of Administrative Law (OAL) will have 10 calendar days to review and approve the emergency regulations. Once approved by the OAL and filed with the Secretary of State, the emergency regulations will remain in effect for 180 days. During the time the emergency regulations are in effect, the SBE must conduct the regular rulemaking process in order to adopt permanent regulations. The request for the SBE to commence the regular rulemaking process is included in the January 2014 SBE Agenda Item 21.

The LCFF is intended to be an iterative, data-driven and pupil-centered local control and responsibility funding budget and program plan. Since its inception, state stakeholders, legislators, parents, teachers, superintendents, public advocates, and pupils have provided input and recommendations. At its September and November meetings, the SBE heard testimony and input from multiple stakeholders. Staff from SBE, the California Department of Education (CDE), and WestEd have met with over 40 groups since the November meeting and have been integrating new ideas and recommendations into the draft regulations and template presented to the SBE in this item.

RECOMMENDATION

It is recommended the SBE take the following actions:

- Approve the Finding of Emergency;
- Adopt the proposed Emergency Regulations;
- Direct the CDE to circulate the required notice of proposed emergency action, and then submit the Emergency Regulations to the Office of Administrative Law (OAL) for approval; and
- Authorize the CDE, in consultation with SBE staff, to take any necessary action, consistent with SBE's action, to respond to any direction or concern expressed by the OAL during its review of the Finding of Emergency and proposed emergency regulations.

BRIEF HISTORY OF KEY ISSUES

On July 1, 2013, Governor Brown signed AB 97 (Chapter 47, Statutes of 2013) to enact the historic education funding legislation called the LCFF. Subsequently amended by SB 97 (Chapter 57, Statutes of 2013), the LCFF authorizes the SBE to adopt by January 31, 2014, regulations that govern how the expenditure of funds should be managed to demonstrate compliance as specified in *Education Code* (*EC*) Section 42238.07. In addition, *EC* Section 52064 authorizes the SBE to adopt on or before March 31, 2014, the LCAP templates for use by Local Educational Agencies (LEAs) to support local adoption and annual review of the LCAP.

The LCFF is more than a new funding formula for California's schools. When fully implemented, the LCFF will result in significantly more funding for LEAs and significantly more flexibility in the use of funds. It is also anticipated that the LCFF will help address historic achievement gaps encountered by students of poverty, English learners, and foster youth.

There are several key issues that have led to the creation of the LCFF. Local school leaders, parents, teachers, advocates, pupils, and other stakeholders have noted that the revenue limit funding model is overly complex and inefficient. The goal of the LCFF is to reduce state bureaucracy and increase flexibility and accountability at the local level so those closest to the pupils can make the decisions and ensure that pupil needs are met. The formula, which primarily consists of base, supplemental, and concentration grant funding, allocates resources based on an LEA's pupil demographics and replaces most state-funded programs for LEAs. The Department of Finance estimates that the formula will be fully funded in eight years, but implementation of the LCFF begins in 2013-14. As such, LEAs are expected to begin operating under LCFF rules and requirements immediately.

In addition to changing the way that funding is provided to LEAs, the LCFF also requires LEAs to prepare an LCAP prior to the submission of LEA budgets to oversight agencies. LEAs must also provide an annual update to the LCAP. The LCAP must describe annual goals for each identified state priority, describe specific actions necessary to achieve those goals, and list and describe annual expenditures necessary to implement

the specific actions. The specific priorities are outlined in *EC* sections 52060(d), 52066(d), and 47605(b)(5)(A) and (B).

Since Governor Brown signed this historic legislation, the SBE and CDE with assistance from WestEd have initiated an iterative process to gather information to inform the development of the LCFF expenditure of funds regulations, template, and resources to support local implementation. In addition to relying on the intent of the LCFF statute and using the LCAP eight state priorities as context, the stakeholder input process was structured around the following guiding principles:

- Implementation, not advocacy, focusing on implementation of the current law and abiding by the legislative direction and intent.
- Simplicity and transparency, creating a funding mechanism that is focused on the needs of students and is equitable and easy to understand.
- Local flexibility, allowing LEAs maximum flexibility in allocating resources to meeting local needs.
- Unique contexts for implementation, differentiating as needed to support local flexibility within the unique contexts that exist for LEAs (e.g., size, type, needs, etc.).
- LEA finance, recognizing county offices of education, school districts, and charter schools as the fiscal agents, with site allocation methodologies and management practices within the purview of LEAs.
- Accountability, holding LEAs accountable for academic and fiscal outcomes.
- Stakeholder input, allowing for meaningful and purposeful stakeholder input during the development process that supports the identification of LCFF guiding principles.

From July 2013 through December 2013, the LCFF stakeholder input process included a monthly convening of an implementation working group comprised of representatives from approximately 20 statewide organizations directly involved with local implementation, conducting a series of regional stakeholder input and community forum sessions, hosting conference calls with representatives from LEAs and various education stakeholder groups, soliciting public comments at the scheduled SBE meetings, and collecting written comments from the public through the LCFF Web portal (http://lcff.wested.org/). As noted above, following the November 2013 SBE meeting, staff engaged in focused conversations on the draft regulations and template that informed the proposed regulations in Attachment 3.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

July 2013: The CDE and WestEd presented to the SBE an informational update on the implementation of the LCFF (http://www.cde.ca.gov/be/ag/ag/yr13/documents/jul13item07.doc).

September 2013: The CDE and WestEd presented to the SBE an informational update that provided an overview of the process used to guide the LCFF stakeholder engagement activities. Included was a summary of the preliminary themes that emerged from stakeholders that related to the LCFF spending regulations and LCAP templates (http://www.cde.ca.gov/be/ag/ag/yr13/documents/sep13item06.doc).

November 2013: The CDE and WestEd presented to the SBE an informational update that outlined a preliminary draft of the expenditure of funds regulations and a concept for the LCAP template. Attachment 1 presents an overview of the key issues that were identified from the public comment, the responses to these comments and the rationale for the potential changes incorporated into the regulations based on this feedback (http://www.cde.ca.gov/be/ag/ag/yr13/documents/nov13item13.doc).

FISCAL ANALYSIS (AS APPROPRIATE)

A Fiscal Impact Statement will be provided in an Item Addendum.

ATTACHMENT(S)

Attachment 1: Local Control Funding Formula Spending Regulations Comparison and Feedback and Response Chart (11 Pages)

Attachment 2: Finding of Emergency (5 Pages)

Attachment 3: Emergency Regulations (16 Pages)

Attachment 4: Local Control Funding Formula Sample Scenario (5 Pages)

Attachment 5: Notice of Proposed Emergency Action (1 Page)

Attachment 6: The Economic and Fiscal Impact Statement (STD. 399) will be provided in an Item Addendum (4 Pages) The Economic and Fiscal Impact Statement will be available for viewing at the State Board of Education office.

Local Control Funding Formula Spending Regulations Comparison and Feedback Response Chart

Overview

At the November 6-7, 2013, State Board of Education (SBE) meeting, Agenda Item 13 presented a preliminary draft of the Local Control Funding Formula (LCFF) expenditure of funds regulations pursuant to the requirements of *Education Code* (*EC*) Section 42238.07.

Following the SBE's November meeting, staff from the SBE, California Department of Education (CDE), and WestEd reached out to stakeholder groups throughout California. Parents, advocate groups, teachers, pupils and local educational agency (LEA) leadership have reviewed the proposed regulations and template and have provided hundreds of recommendations. This *Feedback Response Chart* is a summary of major recommendations received and an explanation of changes and revisions that were incorporated into the regulations. LCFF demands a high level of responsiveness, transparency, and accountability at both the state and local levels. The law is also based upon the premise that continuous improvement is necessary to improve district performance. The suggestions and input received by SBE, CDE and WestEd staff have resulted in changes to the draft regulations intended to strengthen the collective understanding relating to implementation and clarify the realized expectation of a partnership among state and local stakeholders.

After the January SBE meeting, SBE, CDE and WestEd staff will begin work on guidance materials, and it is anticipated that many of the specific examples received from LEAs will be incorporated into a document that features best practices and may also be used to inform development of the evaluation rubric as required by *EC* Section 52064.5.

Staff members responsible for facilitating the development of LCFF regulations recognize that ongoing stakeholder outreach and input will be critical. It is anticipated that the permanent rulemaking process will be on the SBE's scheduled meeting agendas through the spring, summer, and fall of 2014.

November SBE Draft Expenditure Regulations	**Summary of Comment and Feedback**	**January Proposed Regulations**
Options-Based Approach Three Options for Demonstrating Increased or Improved Services: Spend More, Provide	"Achieve More" as an option should be deleted: • The overall goal of LCFF is achievement and "achieve more" is not an appropriate measurement of	Delete "Achieve More" as an option. Clarify that LEAs must demonstrate increased or improved services by both

November SBE Draft Expenditure Regulations	Summary of Comment and Feedback	January Proposed Regulations
More, Achieve More	expenditures or proportional services. • Achievement is measured by looking backwards and cannot provide a meaningful standard for measuring expenditures. • "Achieve more" is flawed with too many loopholes since there are too many options to define what constitutes "achieve more." Combine Spend More and Provide More • The regulations should require that LEAs "spend more to provide more." Support for an Options-Based Approach • The regulations should require the LEA to articulate how it intends provide additional services, consistent with the "provide more" option. • Provide viable and meaningful options that recognize the diversity of LEAs across the state.	describing increased and improved services <u>and</u> spending in the Local Control and Accountability Plan (LCAP). See proposed *California Code of Regulations,* Title 5 (5 *CCR*) section 15496. Requirements for LEAs to Demonstrate Increased or Improved Services for Unduplicated Pupils in Proportion to the Increase in Funds Apportioned for Supplemental and Concentration Grants, located in Attachment 3. Rationale: These changes meet the requirements of statute that LEAs demonstrate increased *or* improved services.
Demonstration of Proportionality LEAs demonstrate how an increase or improvement in services is in proportion to the increase in funds apportioned on the basis of the number and concentration of unduplicated pupils.	LEAs should demonstrate proportionality in LCAP. Provide a defined standard methodology for calculation of supplemental and concentration grants received each year by having the state calculate for all LEAs both the supplemental and concentration targets that will be received at full implementation as well as the	Provide a defined standard methodology for LEAs to calculate the supplemental and concentration grants received each year until full implementation is reached. Specifically, provide a formula for LEAs to calculate proportionality that compares the services that were provided to unduplicated pupils to the services that were provided to all pupils

November SBE Draft Expenditure Regulations	Summary of Comment and Feedback	January Proposed Regulations
	amount of supplemental and concentration grant funds received each year Allow LEAs to show how they determined the amount of supplemental and concentration grant funding received in a given year for use in the proportionality calculation. Provide a formula for LEAs to calculate proportionality that compares the services that were provided to unduplicated pupils to the services that were provided to all pupils. This comparison would be proportional to the comparison of supplemental and concentration funds to base funds in a given year.	using the methodology provided in proposed 5 *CCR* section 15496. Requirements for LEAs to Demonstrate Increased or Improved Services for Unduplicated Pupils in Proportion to the Increase in Funds Apportioned for Supplemental and Concentration Grants, subdivision (a), located in Attachment 3. LEAs shall provide evidence in the LCAP to demonstrate how services for unduplicated pupils will be increased or improved in the fiscal year. (See proposed 5 CCR section 15497. Local Control and Accountability Plan and Annual Update, located in the LCAP template in Attachment 3.) Rationale: The proposed regulations are consistent with the statute which states that the proportionality standard applies to the increase in funds generated by unduplicated pupils. The regulations specify a defined and transparent approach that aligns with the details provided in the LCAP. The regulations recognize variation in local implementation context balanced with transparency by requiring a description in the LCAP as to how the requirements are being met.

November SBE Draft Expenditure Regulations	Summary of Comment and Feedback	January Proposed Regulations
		The proposed regulations include a specific formula to calculate how much supplemental and concentration grant funding is received in a year when the state is still transitioning to fully funding the LCFF (estimated to be 2020-21). Until an LEA reaches its LCFF funding target, the amount of funding it receives in a fiscal year that is attributable to supplemental and concentration grants depends on the LEA's estimated amount of expenditures in 2013-14 and the amounts expended in subsequent years that build up from that locally-estimated starting point. While the state cannot calculate this amount for an LEA, because LEAs will vary in the levels of services provided to low-income pupils, English Learners, and foster youth as compared to all pupils in 2013-14, the regulations now require a uniform method of calculating this amount. LEAs will be able to estimate their LCFF supplemental and concentration grant targets (i.e., the amount the LEA will receive when the formula is fully funded), by following the LCFF formula in statute and multiplying the number of pupils by the applicable base, supplemental, and

November SBE Draft Expenditure Regulations	Summary of Comment and Feedback	January Proposed Regulations
		concentration grant amounts. A calculator maintained by the Fiscal Crisis Management and Assistance Team is one of the tools available to LEAs to help accurately calculate this number. The statutory formula used to determine every LEA's supplemental and concentration grant target requires, among other things, the average daily attendance by grade level and accurate local enrollment data, including the total number of pupils, and unduplicated numbers of low-income pupils, English Learners and foster youth. The calculations must be done every year due to changes in local pupil populations. While every LEA will be reporting these enrollment and average daily attendance data to the CDE for the apportionment process, these data will not be available for the LCAP planning process, therefore, LEAs should use the more current and accurate local enrollment projections they have done in the spring for purposes of the calculation.
Districtwide, schoolwide, countywide, charterwide services Authorized services to be provided on a	Create an explicit threshold for consistency across LEAs: • Range of comments to create a *districtwide, countywide, or charterwide* threshold of 70%, 65%, 55%, or 40%.	Establish a specific threshold for school districts that have an enrollment of unduplicated pupils in excess of 55% of the district's total enrollment to expend funds districtwide. Establish a specific threshold

November SBE Draft Expenditure Regulations	Summary of Comment and Feedback	January Proposed Regulations
schoolwide, districtwide, countywide or charterwide basis without a specific threshold.	• Range of comments to create a *schoolwide* threshold of 70%, 55%, 40%, or 35%. Support allowing LEAs to provide services on a schoolwide, districtwide, countywide, or charterwide basis with explanation of benefit to unduplicated pupils.	for school districts that have an enrollment of unduplicated pupils in excess of 40% to expend funds schoolwide. School districts with enrollment above these thresholds would be required to identify in the LCAP the services that are being provided on that basis and describe how those services are meeting the district's goals for unduplicated pupils in the state priority areas. School districts with enrollment of unduplicated pupils below these specified thresholds would also identify services in meeting LCAP goals, and additionally describe how those services are the most effective use of the funds to meet the LCAP goals for students in need. A county office of education expending supplemental and concentration grant funds on a countywide basis or a charter school expending funds on a charterwide basis would be required to identify in the LCAP the services that are being provided on that countywide/charterwide basis and describe how those services are meeting the goals for unduplicated pupils in the state priority areas. (See proposed 5 *CCR* section 15496. Requirements for LEAs to Demonstrate

November SBE Draft Expenditure Regulations	Summary of Comment and Feedback	January Proposed Regulations
		Increased or Improved Services for Unduplicated Pupils in Proportion to the Increase in Funds apportioned for Supplemental and Concentration Grants, subdivision (b) (1)-(5), located in Attachment 3.) Rationale: It is necessary to clarify a specific threshold in order to support implementation and transparency. The 55% threshold was selected for school districts because it is consistent with the 55% threshold for the receipt of concentration grants and thus presumes a concentration of students in need across the LEA. The 40% threshold was selected for school districts because it is consistent with the schoolwide threshold in Title I statute. Allowing LEAs below the thresholds to provide services in a schoolwide, districtwide, countywide, or charterwide manner with additional justification is consistent with the statute which allocates funds at the LEA (e.g., school district, county office of education, and charter school) level.

November SBE Draft Local Control and Accountability Plan Template	Summary of Comment and Feedback	January Proposed Regulations

November SBE Draft Local Control and Accountability Plan Template	**Summary of Comment and Feedback**	**January Proposed Regulations**
Demonstrate how LEAs are meeting the expenditure regulations in the LCAP.	Support for the demonstration of proportionality in the template. Template should have a section to require LEAs to demonstrate which services, if any, are being provided on a schoolwide or districtwide/countywide, or charterwide basis. Require LEAs to show an accounting of all LCFF funds broken out by base, supplemental, and concentration dollars for the LEA and for each school site in the LEA.	Continue to include a means to demonstrate that the LEA is meeting the expenditure regulations in the template. (See proposed 5 *CCR* section 15497. Local Control and Accountability Plan and Annual Update Template, Section 3 Actions, Services, and Expenditures, subparts (C) and (D) of the LCAP template located in Attachment 3.) Require LEAs to identify how additional supplemental and concentration funds are being used on a schoolwide, districtwide, countywide, or charterwide basis in the template. (See proposed 5 *CCR* section 15497. Local Control and Accountability Plan and Annual Update Template, Section 3 Actions, Services, and Expenditures, subparts (C) and (D) of the LCAP template located in Attachment 3.) Rationale: *EC* Section 42238.07 requires LEAs to increase or improve services in proportion to the increase in supplemental and concentration grant funds received in a fiscal year. The statute does not require LEAs to continue to address the supplemental and concentration funds used in a prior year, except when demonstrating how services are being increased or improved in the current year. The LCFF statute does not require school site expenditure data, and such a requirement was deleted from the final version of the

November SBE Draft Local Control and Accountability Plan Template	**Summary of Comment and Feedback**	**January Proposed Regulations**
		legislation; however, LEAs may include such information if useful.
Require LEAs to include a needs analysis and identify data used.	Provide common definitions of data elements to allow for comparison across all LEAs. An independent needs analysis is not supported by statute. Any needs analysis should be explicitly linked to the goals in the plan.	Included a needs analysis and identified metric in the "Goals and Progress Indicators" section to allow for more explanation of the rationale for a goal and to identify metrics the LEA will use to measure progress toward a goal. Also included applicable Education Code sections that require that specific data be used to evaluate state priorities. (See proposed 5 *CCR* section 15497. Local Control and Accountability Plan and Annual Update Template, Section 2 Goals and Progress Indicators, of the LCAP template in Attachment 3.) Rationale: This meets the statutory requirement and creates a transparent process when the LEA is setting its goals.
Allow an LEA to group school and subgroup goals when goals are the same for more than one school or subgroup, but identify where there is differentiation for a subgroup or school site.	Require LEAs to answer all questions for each school site and each subgroup even if the answers are the same. Include guiding questions and structure to ensure the LEA identifies actions that meet the unique needs of all subgroups (example: foster youth) Require LCAP to identify how services are closing the achievement gap for subgroups.	Strengthen language to ensure that LEAs are analyzing all subgroups and school sites individually by adding instructions regarding alignment to school goals in school plans, adding guiding questions to ensure unique needs of school sites and subgroups are addressed, and adding columns to identify applicable subgroups and affected schools for each identified goal. Continue to allow grouping of the goals if the goal is applicable to more than one subgroup or school site. (See proposed 5 *CCR* section 15497. Local Control and

November SBE Draft Local Control and Accountability Plan Template	Summary of Comment and Feedback	January Proposed Regulations
		Accountability Template and Annual Update, Section 2 Goals and Progress Indicators, located in Attachment 3). Amend guiding questions and create separate section in the "Actions, Services, and Expenditures" tables to ensure unique needs of subgroups are met. (See proposed 5 *CCR* section 15497. Local Control and Accountability Template and Annual Update Template, Section 3, Actions Services, and Expenditures of the LCAP template in Attachment 3.) Rationale: These changes meet the requirements of statute that the LCAP include goals for all subgroups and school sites, but also retain the principle of simplicity and transparency. These changes are also consistent with the statute, which allocates funds to the LEA, not to school sites. Requiring each data point for every subgroup and school site could result in a template that is overly complex and lengthy; for example, large districts could have over 1,000,000 data points. The goal is for the LCAP to be a dynamic planning tool for the LEA and an understandable document for parents and community members.
Other	Delay the adoption of the template until March so there is more time for public input.	Since the November meeting, SBE staff conducted multiple meetings with over 40 diverse stakeholder groups. Prior to these meetings,

November SBE Draft Local Control and Accountability Plan Template	Summary of Comment and Feedback	January Proposed Regulations
	Clarify in the template the unique requirements that are applicable to charter schools and county offices of education. Combine Section 2 (Goals and Progress Indicators) and Section 3 (Actions, Services, and Expenditures) of the template to better align goals and expenditures. Create an electronic format of the LCAP to facilitate ease of use. Require electronic reporting of state priority data. Create a set timeline for the SBE to review and adjust the LCAP template as necessary.	the groups were provided a draft template and given an opportunity to comment. A revised draft template, in Spanish and English, was posted on the WestEd website on December 12, 2013. Education Code sections are listed and descriptions included in those cases where different requirements apply. Based upon feedback and experience from the field, additional changes to the template will be considered in the permanent rulemaking process and in subsequent years SBE staff will work with CDE to pursue the creation of an electronic template for future LCAP submissions. The SBE is committed to receiving regular LCFF updates and making adjustments to the template as necessary. In the future, this process may be standardized. Rationale: These suggestions further the creation of an operational template. Other suggestions, such as providing a forecast of LCFF funding, are outside the scope of statute and the SBE's authority.

FINDING OF EMERGENCY

LOCAL CONTROL FUNDING FORMULA SPENDING REQUIREMENTS FOR SUPPLEMENTAL AND CONCENTRATION GRANTS AND LOCAL CONTROL AND ACCOUNTABILITY PLAN TEMPLATE

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

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

Overview

The proposed regulations must be adopted on an emergency basis in order for the SBE to meet the statutorily-established deadlines for adoption of regulations. Assembly Bill (AB) 97 (Chapter 47, Statutes of 2013), as amended by Senate Bill (SB) 97 (Chapter 357, Statutes of 2013), enacted the Local Control Funding Formula (LCFF). Education Code section 42238.07, as added by AB 97, requires the SBE to adopt regulations by January 31, 2014, that govern the expenditure of funds apportioned on the basis of the number and concentration of unduplicated pupils pursuant to Education Code sections 2574, 2575, 42238.02, and 42238.03. The legislation authorizes the SBE to adopt emergency regulations for purposes of the section.

In addition, Education Code section 52064, as added by AB 97 and amended by SB 97, requires the SBE to adopt a template by March 31, 2014, for the Local Control and Accountability Plan (LCAP) and annual update. Education Code section 52064 requires that the template be adopted pursuant to the Administrative Procedure Act and authorizes the SBE to adopt emergency regulations for purposes of implementing the section.

Background

AB 97 (Chapter 47, Statutes of 2013), as amended by SB 97 (Chapter 357, Statutes of 2013), enacted the LCFF. According to the California Department of Finance (DOF), the LCFF is designed to address funding inequities and to reform the overly complex and inequitable revenue limit system that allocated state funding to California's local educational agencies (LEAs) - school districts, county offices of education, and charter schools. The goal of the LCFF is to reduce state bureaucracy and increase flexibility and accountability at the local level so those closest to the pupils can make the decisions and ensure that pupil needs are met. The formula primarily consists of base, supplemental, and concentration grant funding that allocates resources based on an LEA's pupil demographics.

The passage of LCFF replaces most state funded programs for LEAs. The DOF estimates that the formula will be fully funded in eight years, but implementation of LCFF begins in 2013-14. As such, LEAs are expected to begin operating under LCFF rules and requirements immediately.

The funding formula associated with LCFF calls for providing state funding to LEAs based on an equal amount per pupil, with two adjustments, or weights. The first adjustment is based on the grade level of the pupil. The rate for pupils in Kindergarten through grade 3 includes additional funding for grade span adjustments that require, upon full implementation, that LEAs reduce class sizes in such grades to an average of no more than 24 pupils. In addition, the formula is adjusted for pupils in grades 9-12 to reflect higher operating costs as well as a focus on college and career readiness. The second adjustment is based on demographics. The formula provides additional funding in the form of supplemental and concentration amounts based on the unduplicated count of low-income, English learner, and foster youth enrolled by the LEA (unduplicated pupils). For school districts, the formula provides an additional 20 percent of the base amount for each unduplicated pupil; and, when the number of unduplicated pupils exceeds 55 percent of a school district's enrollment, an additional 50 percent of the base amount for each unduplicated pupil that exceeds 55 percent of enrollment. Different formulas are provided for county offices of education and charter schools. All LEAs are required to increase or improve services to these unduplicated pupils in proportion to the increase in funds apportioned on that basis.

In addition to changing the way that funding is provided to LEAs, LCFF also requires LEAs to prepare an LCAP prior to the submission of LEA budgets to oversight agencies. LEAs must also provide an annual update to the LCAP. The LCAP must describe annual goals for each identified state priority, describe specific actions necessary to achieve those goals, and list and describe annual expenditures implementing the specific actions. The specific priorities are outlined in Education Code sections 52060(d), 52066(d), or 47605(b)(5)(B) for LEAs.

Specific Basis for the Finding of Emergency

The LCFF is intended to provide a funding mechanism that is simple and transparent and focused on "unduplicated pupils," while allowing LEAs maximum flexibility in allocating resources to meet locally-determined needs. Education Code sections 2574 and 42238.02 define an unduplicated pupil as a pupil who is classified as an English learner, is eligible for a free or reduced-price meal, or is a foster youth. The Legislature directed the SBE to adopt emergency regulations in two key areas: (1) By January 31, 2014, the SBE must review for approval spending regulations that clarify how expenditures of funds should be managed to demonstrate compliance (Education Code section 42238.07) and (2) On or before March 31, 2014, the SBE must review for approval the LCAP template for use by LEAs to support local adoption and annual review of the LCAP (Education Code section 52064). Education Code sections 42238.07 and 52064 authorize the SBE to adopt emergency regulations for these purposes.

These emergency regulations are necessary in order for LEAs to successfully implement the LCFF. Pursuant to Education Code sections 2574 and 42238.02, in addition to the base grant, LEAs receive a supplemental grant based on its percentage of unduplicated pupils. LEAs with a specified percentage of unduplicated pupils receive an additional concentration grant. The law specifies that each LEA is required to expend its supplemental and concentration grants in accordance with the spending regulations adopted by the SBE. Thus, these emergency regulations are necessary in order for LEAs to determine appropriate expenditure of LCFF funds.

Education Code sections 52060 and 52064 require school districts and county offices of education to adopt an LCAP by July 1, 2014, using the template adopted by the SBE. Prior to adopting the local LCAP, Education Code sections 52062 and 52069 require school districts and county offices of education to present their LCAP to the parent advisory and English learner parent advisory committees, provide public notification, and hold a public hearing before the governing board or county board of education. The governing board or county board of education must then adopt the LCAP at a public meeting which must be held after the public hearing. Emergency regulations are necessary in order for LEAs to meet the statutory requirements for public participation and the July 1, 2014, deadline for adoption of the LCAP.

Extensive stakeholder input was necessary in order for the SBE to receive feedback on the spending regulations and template. Between July and October, staff from the California Department of Education and the SBE convened an implementation working group and held a series of four meetings consisting of representatives from over 20 statewide organizations. The SBE also convened three regional hearings (with video conference linkages to three additional locations) in August and partnered with the California Endowment to convene 12 regional forums across the state from September through November. Based on this public feedback, draft regulation concepts were presented to the SBE at its September and November meetings. SBE staff also continued conducting informal feedback sessions through the month of December. Concepts raised during the feedback sessions were the basis for discussions by SBE members at the September and November meetings and resulted in the regulations presented to the SBE at its January 2014 meeting.

These Issues Could Not Be Addressed Through Nonemergency Regulations

The legislation established the statutory deadlines of January 31 and March 31, 2014, for the SBE to adopt spending regulations and the LCAP template, respectively. These deadlines do not allow for sufficient time to complete the regular rulemaking process.

NON-DUPLICATION

Government Code section 11349 prohibits unnecessary duplication of state or federal statutes in regulation. In this case, duplication of certain state statutes in the proposed

emergency regulations is necessary in order to provide additional specific detail not included in state statute.

AUTHORITY AND REFERENCE

Authority: Sections 42238.07 and 52064, Education Code.

Reference: Sections 2574, 2575, 42238.01, 42238.02, 42238.03, 42238.07, 47605, 47605.5, 47606.5, 48926, 52052, 52060-52077, and 64001, Education Code; 20 U.S.C. Section 6312.

INFORMATIVE DIGEST

On June 26, 2013, Governor Brown signed AB 97 (Chapter 47, Statutes of 2013), as amended by SB 97 (Chapter 357, Statutes of 2013), which enacted the LCFF. Education Code section 42238.07, as added by AB 97, requires the SBE to adopt regulations by January 31, 2014, that govern the expenditure of funds apportioned on the basis of the number and concentration of unduplicated pupils pursuant to Education Code sections 2574, 2575, 42238.02, and 42238.03. The legislation authorizes the SBE to adopt emergency regulations for purposes of the section.

The proposed regulations must be adopted on an emergency basis in order for the SBE to meet the statutorily-established deadlines for adoption of regulations.

In addition, Education Code section 52064, as added by AB 97 and amended by SB 97, requires the SBE to adopt a template by March 31, 2014, for the LCAP. Education Code section 52064 requires that the template be adopted pursuant to the Administrative Procedure Act and authorizes the SBE to adopt emergency regulations for purposes of implementing the section.

To inform the development of the proposed regulations, extensive efforts were made to solicit public input. This included convening an implementation working group comprised of representatives from statewide organizations with diverse interests and responsibility for supporting local implementation, a series of regional input sessions held in six locations throughout the state in August 2013, and 20 community input sessions throughout the state from September through October 2013. In addition, the SBE heard extensive public testimony at its September and November 2013 meetings.

The proposed regulations are intended to support the local implementation of the LCFF.

SPECIFIC BENEFITS ANTICIPATED BY THE PROPOSED REGULATIONS

The benefit of enacting the proposed regulations will be to provide direction and definitions that LEAs can follow to support local implementation of LCFF.

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

The SBE did not consider any technical, theoretical, empirical studies, reports, or other documents in the drafting these regulations.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The proposed regulations do not impose a mandate on LEAs.

COST ESTIMATE

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

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

Title 5. EDUCATION

Division 1. California Department of Education

Chapter 14.5. Local Control Funding Formula

Subchapter 1. Local Control Funding Formula Spending Regulations for Supplemental and Concentration Grants and Local Control and Accountability Plan Template

Article 1. Local Control and Accountability Plan and Spending Requirements for Supplemental and Concentration Grants

§ 15494. Scope.

(a) This chapter applies to all local educational agencies (LEAs) as defined in section 15495(a).

(b) Funding restrictions specified in Education Code section 42238.07 apply to local control funding formula (LCFF) funds apportioned on the basis of unduplicated pupils pursuant to Education Code sections 2574, 2575, 42238.02, and 42238.03.

(c) The local control and accountability plan (LCAP) shall demonstrate how services are provided according to this chapter to meet the needs of unduplicated pupils and improve the performance of all pupils in the state priority areas.

NOTE: Authority cited: Sections 42238.07 and 52064, Education Code. Reference: Sections 2574, 2575, 42238.01, 42238.02, 42238.03, 42238.07, 47605, 47605.5, 47606.5, 48926, 52052, 52060-52077, and 64001, Education Code; 20 U.S.C. Section 6312.

§ 15495. Definitions.

In addition to those found in Education Code sections 2574, 42238.01, and 42238.02, the following definitions are provided:

(a) “Local control and accountability plan (LCAP)” means the plan created by an LEA pursuant to Education Code sections 47606.5, 52060, or 52066, and completed in conformance with the LCAP and annual update template found in section 15497.

(b) “Local educational agency (LEA)” means a school district, county office of education, or charter school.

(c) “Prior year” means one fiscal year immediately preceding the fiscal year for which an LCAP is approved.

(d) “Services” as used in Education Code section 42238.07 may include, but are not limited to, services associated with the delivery of instruction, administration, facilities, pupil support services, technology, and other general infrastructure necessary to operate and deliver educational instruction and related services.

(e) “State priority areas” means the priorities identified in Education Code sections 52060 and 52066. For charter schools, “state priority areas” means the priorities identified in Education Code section 52060 that apply for the grade levels served or the nature of the program operated by the charter school.

(f) “to improve services” means to grow services in quality.

(g) “to increase services” means to grow services in quantity.

(h) “unduplicated pupil” means any of those pupils to whom one or more of the definitions included in Education Code section 42238.01 apply, including low income, foster youth, and English learner.

NOTE: Authority cited: Sections 42238.07 and 52064, Education Code. Reference: Sections 2574, 2575, 42238.01, 42238.02, 42238.03, 42238.07, 47605, 47605.5, 47606.5, 48926, 52052, 52060-52077, and 64001, Education Code; 20 U.S.C. Section 6312.

§ 15496. Requirements for LEAs to Demonstrate Increased or Improved Services for Unduplicated Pupils in Proportion to the Increase in Funds Apportioned for Supplemental and Concentration Grants.

(a) An LEA shall provide evidence in its LCAP to demonstrate how funding apportioned on the basis of the number and concentration of unduplicated pupils, pursuant to Education Code sections 2574, 2575, 42238.02, and 42238.03 is used to

support such pupils. This funding shall be used to increase or improve services for unduplicated pupils as compared to the services provided to all pupils in proportion to the increase in funds apportioned on the basis of the number and concentration of unduplicated pupils as required by Education Code section 42238.07(a)(1). An LEA shall include in its LCAP an explanation of how expenditures of such funding meet the LEA's goals for its unduplicated pupils in the state priority areas. An LEA shall determine the percentage by which services for unduplicated pupils must be increased or improved above services provided to all pupils in the fiscal year as follows:

(1) Estimate the amount of the LCFF target attributed to the supplemental and concentration grants for the LEA calculated pursuant to Education Code sections 42238.02 and 2574 in the fiscal year for which the LCAP is adopted.

(2) Estimate the amount of LCFF funds expended by the LEA on services for unduplicated pupils in the prior year that is in addition to what was expended on services provided for all pupils. The estimated amount of funds expended in 2013-14 shall be no less than the amount of Economic Impact Aid funds the LEA expended in the 2012-13 fiscal year.

(3) Subtract subdivision (a)(2) from subdivision (a)(1).

(4) Multiply the amount in subdivision (a)(3), by the most recent percentage calculated by the Department of Finance that represents how much of the statewide funding gap between current funding and full implementation of LCFF is eliminated in the fiscal year for which the LCAP is adopted.

(5) Add subdivision (a)(4) to subdivision (a)(2).

(6) Subtract subdivision (a)(5) from the LEA's total amount of LCFF funding pursuant to Education Code sections 42238.02 and 2574, as implemented by Education Code sections 42238.03 and 2575 respectively, excluding add-ons for the Targeted Instructional Improvement Grant program and the Home to School Transportation program, in the fiscal year for which the LCAP is adopted.

(7) Divide the amount in subdivision (a)(5) by the amount in subdivision (a)(6).

(8) If the calculation in subdivision (a)(3) yields a number less than or equal to zero or when LCFF is fully implemented statewide, then an LEA shall determine its percentage for purposes of this section by dividing the amount of the LCFF target

attributed to the supplemental and concentration grant for the LEA calculated pursuant to Education Code sections 42238.02 and 2574 in the fiscal year for which the LCAP is adopted by the remainder of the LEA's LCFF funding, excluding add-ons for the Targeted Instructional Improvement Grant program and the Home to School Transportation program.

(b) This subdivision identifies the conditions under which an LEA may use funds apportioned on the basis of the number and concentration of unduplicated pupils for districtwide, schoolwide, countywide, or charterwide purposes: Pursuant to Education Code section 42238.07(a)(2), an LEA may demonstrate it has increased or improved services for unduplicated pupils under subdivision (a) of this section by using funds to upgrade the entire educational program of a school site, a school district, a charter school, or a county office of education as follows:

(1) A school district that has an enrollment of unduplicated pupils in excess of 55 percent of the district's total enrollment in the fiscal year for which an LCAP is adopted or in the prior year may expend supplemental and concentration grant funds on a districtwide basis. A school district expending funds on a districtwide basis shall do all of the following:

(A) Identify in the LCAP those services that are being provided on a districtwide basis.

(B) Describe in the LCAP how such services are directed towards meeting the district's goals for its unduplicated pupils in the state priority areas.

(2) A school district that has an enrollment of unduplicated pupils that is less than 55 percent of the district's total enrollment in the fiscal year for which an LCAP is adopted or in the prior year may expend supplemental grant funds on a districtwide basis. A school district expending funds on a districtwide basis shall do all of the following:

(A) Identify in the LCAP those services that are being provided on a districtwide basis.

(B) Describe in the LCAP how such services are directed towards meeting the district's goals for its unduplicated pupils in the state priority areas.

(C) Describe how these services are the most effective use of the funds to meet the district's goals for its unduplicated pupils in the state priority areas.

(3) A school district that has an enrollment of unduplicated pupils at a school that is in excess of 40 percent of the school's total enrollment in the fiscal year for which an LCAP is adopted or in the prior year may expend supplemental and concentration grant funds on a schoolwide basis. A school district expending funds on a schoolwide basis shall do all of the following:

(A) Identify in the LCAP those services that are being provided on a schoolwide basis.

(B) Describe in the LCAP how such services are directed towards meeting the district's goals for its unduplicated pupils in the state priority areas.

(4) A school district that has an enrollment of unduplicated pupils that is less than 40 percent of the school site's total enrollment in the fiscal year for which an LCAP is adopted or in the prior year may expend supplemental and concentration grant funds on a schoolwide basis. A school district expending funds on a schoolwide basis shall do all of the following:

(A) Identify in the LCAP those services that are being provided on a schoolwide basis.

(B) Describe in the LCAP how such services are directed towards meeting the district's goals for its unduplicated pupils in the state priority areas.

(C) Describe how these services are the most effective use of the funds to meet the district's goals for its unduplicated pupils in the state priority areas.

(5) A county office of education expending supplemental and concentration grant funds on a countywide basis or a charter school expending supplemental and concentration grant funds on a charterwide basis shall do all of the following:

(A) Identify in the LCAP those services that are being provided on a countywide or charterwide basis.

(B) Describe in the LCAP how such services are directed towards meeting the county office of education's or charter school's goals for its unduplicated pupils in the state priority areas.

(c) County superintendent of schools oversight of demonstration of proportionality: In making the determinations required under Education Code section 52070(d)(3), the county superintendent of schools shall review any descriptions provided under

subdivisions (b)(2)(B) and (b)(2)(C) or subdivisions (b)(4)(B) and (b)(4)(C) when determining whether the LEA has fully demonstrated that it will increase or improve services for unduplicated pupils under subdivision (a). If a county superintendent of schools does not approve an LCAP because the LEA has failed to meet its proportionality requirement as specified in this section, it shall provide technical assistance to the LEA in meeting that requirement pursuant to Education Code section 52071.

NOTE: Authority cited: Sections 42238.07 and 52064, Education Code. Reference: Sections 2574, 2575, 42238.01, 42238.02, 42238.03, 42238.07, 47605, 47605.5, 47606.5, 48926, 52052, 52060-52077, and 64001, Education Code; 20 U.S.C. Section 6312.

1-2-14 [California Department of Education]

§ 15497. Local Control and Accountability Plan and Annual Update Template.

Introduction:

LEA: _____ Contact (Name, Title, Email, Phone Number):_____ LCAP Year:_____

Local Control and Accountability Plan and Annual Update Template

The Local Control and Accountability Plan (LCAP) and annual update template shall be used to provide details regarding local educational agencies' (LEAs) actions and expenditures to support pupil outcomes and overall performance pursuant to Education Code sections 52060, 52066, 47605, 47605.5, and 47606.5.

For school districts, pursuant to Education Code section 52060, the LCAP must describe, for the school district and each school within the district, goals and specific actions to achieve those goals for all pupils and each subgroup of pupils identified in Education Code section 52052, including pupils with disabilities, for each of the state priorities and any locally identified priorities.

For county offices of education, pursuant to Education Code section 52066, the LCAP must describe, for each county office of education-operated school and program, goals and specific actions to achieve those goals for all pupils and each subgroup of pupils identified in Education Code section 52052, including pupils with disabilities, who are funded through the county office of education Local Control Funding Formula as identified in Education Code section 2574 (pupils attending juvenile court schools, on probation or parole, or mandatorily expelled) for each of the state priorities and any locally identified priorities. School districts and county offices of education may additionally coordinate and describe in their LCAPs services provided to pupils funded by a school district but attending county-operated schools and programs, including special education programs.

Charter schools, pursuant to Education Code sections 47605, 47605.5, and 47606.5, must describe goals and specific actions to achieve those goals for all pupils and each subgroup of pupils identified in Education Code section 52052, including pupils with disabilities, for each of the state priorities as applicable and any locally identified priorities. For charter schools, the inclusion and description of goals for state priorities in the LCAP may be modified to meet the grade levels served and the nature of the programs provided, including modifications to reflect only the statutory requirements explicitly applicable to charter schools in the Education Code.

The LCAP is intended to be a comprehensive planning tool. LEAs may reference and describe actions and expenditures in other plans and funded by a variety of other fund sources when detailing goals, actions, and expenditures related to the state and local priorities. LCAPs must be consistent with school plans submitted pursuant to Education Code section 64001. The information contained in the LCAP, or annual update, may be supplemented by information contained in other plans (including the LEA plan pursuant to Section 1112 of Subpart 1 of Part A of Title I of Public Law 107-110) that are incorporated or referenced as relevant in this document.

For each section of the template, LEAs should comply with instructions and use the guiding questions as prompts (but not limits) for completing the information as required by statute. Guiding questions do not require separate narrative responses. Data referenced in the LCAP must be consistent with the school accountability report card where appropriate. LEAs may resize pages or attach additional pages as necessary to facilitate completion of the LCAP.

State Priorities

The state priorities listed in Education Code sections 52060 and 52066 can be categorized as specified below for planning purposes, however, school districts and county offices of education must address each of the state priorities in their LCAP. Charter schools must address the priorities in Education Code section 52060(d) that apply to the grade levels served, or the nature of the program operated, by the charter school.

A. Conditions of Learning:

***Basic**: degree to which teachers are appropriately assigned pursuant to Education Code section 44258.9, and fully credentialed in the subject areas and for the pupils they are teaching; pupils have access to standards-aligned instructional materials pursuant to Education Code section 60119; and school facilities are maintained in good repair pursuant to Education Code section 17002(d). (Priority 1)*

***Implementation of State Standards**: implementation of academic content and performance standards adopted by the state board for all pupils, including English learners. (Priority 2)*

***Course access:** pupil enrollment in a broad course of study that includes all of the subject areas described in Education Code section 51210 and subdivisions (a) to (i), inclusive, of Section 51220, as applicable. (Priority 7)*

***Expelled pupils (for county offices of education only)**: coordination of instruction of expelled pupils pursuant to Education Code section 48926. (Priority 9)*

***Foster youth (for county offices of education only)**: coordination of services, including working with the county child welfare agency to share information, responding to the needs of the juvenile court system, and ensuring transfer of health and education records. (Priority 10)*

B. Pupil Outcomes:

***Pupil achievement**: performance on standardized tests, score on Academic Performance Index, share of pupils that are college and career ready, share of English learners that become English proficient, English learner reclassification rate, share of pupils that pass Advanced Placement exams with 3 or higher, share of pupils determined prepared for college by the Early Assessment Program. (Priority 4)*

Other pupil outcomes*: pupil outcomes in the subject areas described in Education Code section 51210 and subdivisions (a) to (i), inclusive, of Education Code section 51220, as applicable. (Priority 8)*

C. Engagement:

Parent involvement*: efforts to seek parent input in decision making, promotion of parent participation in programs for unduplicated pupils and special need subgroups. (Priority 3)*

Pupil engagement*: school attendance rates, chronic absenteeism rates, middle school dropout rates, high school dropout rates, high school graduations rates. (Priority 5)*

School climate*: pupil suspension rates, pupil expulsion rates, other local measures including surveys of pupils, parents and teachers on the sense of safety and school connectedness. (Priority 6)*

Section 1: Stakeholder Engagement

Meaningful engagement of parents, pupils, and other stakeholders, including those representing the subgroups identified in Education Code section 52052, is critical to the LCAP and budget process. Education Code sections 52062 and 52063 specify the minimum requirements for school districts; Education Code sections 52068 and 52069 specify the minimum requirements for county offices of education, and Education Code section 47606.5 specifies the minimum requirements for charter schools. In addition, Education Code section 48985 specifies the requirements for translation of documents.

Instructions: Describe the process used to engage parents, pupils, and the community and how this engagement contributed to development of the LCAP or annual update. Note that the LEA's goals related to the state priority of parental involvement are to be described separately in Section 2, and the related actions and expenditures are to be described in Section 3.

Guiding Questions:

1) How have parents, community members, pupils, local bargaining units, and other stakeholders (e.g., LEA personnel, county child welfare agencies, county office of education foster youth services programs, court-appointed special advocates, foster youth, foster parents, education rights holders and other foster youth stakeholders, English learner parents, community organizations representing English learners, and others as appropriate) been engaged and involved in developing, reviewing, and supporting implementation of the LCAP?
2) How have stakeholders been included in the LEA's process in a timely manner to allow for engagement in the development of the LCAP?

3) What information (e.g., quantitative and qualitative data/metrics) was made available to stakeholders related to the state priorities and used by the LEA to inform the LCAP goal setting process?
4) What changes, if any, were made in the LCAP prior to adoption as a result of written comments or other feedback received by the LEA through any of the LEA's engagement processes?
5) What specific actions were taken to meet statutory requirements for stakeholder engagement pursuant to Education Code sections 52062, 52068, and 47606.5, including engagement with representative parents of pupils identified in Education Code section 42238.01?
6) In the annual update, how has the involvement of these stakeholders supported improved outcomes for pupils related to the state priorities?

Involvement Process	**Impact on LCAP**

Section 2: Goals and Progress Indicators

For school districts, Education Code sections 52060 and 52061, for county offices of education, Education Code sections 52066 and 52067, and for charter schools, Education Code section 47606.5 require(s) the LCAP to include a description of the annual goals, for all pupils and each subgroup of pupils, for ***each*** *state priority and any local priorities and require the annual update to include a review of progress towards the goals and describe any changes to the goals.*

Instructions: Describe annual goals and expected and actual progress toward meeting goals. This section must include specifics projected for the applicable term of the LCAP, and in each annual update year, a review of progress made in the past fiscal year based on an identified metric. Charter schools may adjust the chart below to align with the term of the charter school's budget that is submitted to the school's authorizer pursuant to Education Code section 47604.33. The metrics may be quantitative or qualitative, although LEAs must, at minimum, use the specific metrics that statute explicitly references as required elements for measuring progress within a particular state priority area. Goals must address each of the state priorities and any additional local priorities; however, one goal may address multiple priorities. The LEA may identify which school sites and subgroups have the same goals, and group and describe those goals together. The LEA may also indicate those goals that are not

applicable to a specific subgroup or school site. The goals must reflect outcomes for all pupils and include specific goals for school sites and specific subgroups, including pupils with disabilities, both at the LEA level and, where applicable, at the school site level. To facilitate alignment between the LCAP and school plans, the LCAP shall identify and incorporate school-specific goals related to the state and local priorities from the school plans submitted pursuant to Education Code section 64001. Furthermore, the LCAP should be shared with, and input requested from, school site-level advisory groups (e.g., school site councils, English Learner Advisory Councils, pupil advisory groups, etc.) to facilitate alignment between school-site and district-level goals and actions. An LEA may incorporate or reference actions described in other plans that are being undertaken to meet the goal.

Guiding Questions:

1) What are the LEA's goal(s) to address state priorities related to "Conditions of Learning"?
2) What are the LEA's goal(s) to address state priorities related to "Pupil Outcomes"?
3) What are the LEA's goal(s) to address state priorities related to "Engagement" (e.g., pupil and parent)?
4) What are the LEA's goal(s) to address locally-identified priorities?
5) How have the unique needs of individual school sites been evaluated to inform the development of meaningful district and/or individual school site goals (e.g., input from site level advisory groups, staff, parents, community, pupils; review of school level plans; in-depth school level data analysis, etc.)?
6) What are the unique goals for subgroups as defined in Education Code sections 42238.01 and 52052 that are different from the LEA's goals for all pupils?
7) What are the specific predicted outcomes/metrics/noticeable changes associated with each of the goals annually and over the term of the LCAP?
8) What information (e.g., quantitative and qualitative data/metrics) was considered/reviewed to develop goals to address each state or local priority and/or to review progress toward goals in the annual update?
9) What information was considered/reviewed for individual school sites?
10) What information was considered/reviewed for subgroups identified in Education Code section 52052?
11) In the annual update, what changes/progress have been realized and how do these compare to changes/progress predicted? What modifications are being made to the LCAP as a result of this comparison?

Identified Need and Metric (What needs have been identified and what metrics are used to measure progress?)	**Goals**			**Annual Update: Analysis of Progress**	**What will be different/improved for students? (based on identified metric)**			**Related State and Local Priorities** (Identify specific state priority. For districts and COEs, all priorities in statute must be included and identified; each goal may be linked to more than one priority if appropriate.)
	Description of Goal	**Applicable Pupil Subgroup(s)** (Identify applicable subgroups (as defined in EC 52052) or indicate "all" for all pupils.)	**School(s) Affected** (Indicate "all" if the goal applies to all schools in the LEA, or alternatively, all high schools, for example.)		**LCAP YEAR Year 1: 20XX-XX**	**Year 2: 20XX-XX**	**Year 3: 20XX-XX**	

Section 3: Actions, Services, and Expenditures

For school districts, Education Code sections 52060 and 52061, for county offices of education, Education Code sections 52066 and 52067, and for charter schools, Education Code section 47606.5 require the LCAP to include a description of the specific actions an LEA will take to meet the goals identified. Additionally Education Code section 52604 requires a listing and description of the expenditures required to implement the specific actions.

Instructions: Identify annual actions to be performed to meet the goals described in Section 2, and describe expenditures to implement each action, and where these expenditures can be found in the LEA's budget. Actions may describe a group of services that are implemented to achieve identified goals. The actions and expenditures must reflect details within a goal for the specific subgroups identified in Education Code section 52052, including pupils with disabilities, and for specific school sites as applicable. In describing the actions and expenditures that will serve low-income, English learner, and/or foster youth pupils as defined in Education Code section 42238.01, the LEA must identify whether supplemental and concentration funds are used in a districtwide, schoolwide, countywide, or charterwide manner. In the annual update, the LEA must describe any changes to actions as a result of a review of progress. The LEA must reference all fund sources used to support actions and services. Expenditures must be classified using the California School Accounting Manual as required by Education Code sections 52061, 52067, and 47606.5.

Guiding Questions:

1) What actions/services will be provided to all pupils, to subgroups of pupils identified pursuant to Education Code section 52052, to specific school sites, to English learners, to low-income pupils, and/or to foster youth to achieve goals identified in the LCAP?
2) How do these actions/services link to identified goals and performance indicators?
3) What expenditures support changes to actions/services as a result of the goal identified? Where can these expenditures be found in the LEA's budget?
4) In the annual update, how have the actions/services addressed the needs of all pupils and did the provisions of those services result in the desired outcomes?
5) In the annual update, how have the actions/services addressed the needs of all subgroups of pupils identified pursuant to Education Code section 52052, including, but not limited to, English learners, low-income pupils, and foster youth; and did the provision of those actions/services result in the desired outcomes?

6) In the annual update, how have the actions/services addressed the identified needs and goals of specific school sites and did the provision of those actions/services result in the desired outcomes?
7) In the annual update, what changes in actions, services, and expenditures have been made as a result of reviewing past progress and/or changes to goals?

A. What annual actions, and the LEA may include any services that support these actions, are to be performed to meet the goals described in Section 2 for ALL pupils and the goals specifically for subgroups of pupils identified in Education Code section 52052 but not listed in Table 3B below (e.g., Ethnic subgroups and pupils with disabilities)? List and describe expenditures for each fiscal year implementing these actions, including where these expenditures can be found in the LEA's budget.

Goal (Include and identify all goals from Section 2)	**Related State and Local Priorities** (from Section 2)	**Actions and Services**	**Level of Service** (Indicate if school-wide or LEA-wide)	**Annual Update: Review of actions/ services**	**What actions are performed or services provided in each year (and are projected to be provided in years 2 and 3)? What are the anticipated expenditures for each action (including funding source)?**		
					LCAP Year Year 1: 20XX-XX	**Year 2: 20XX-XX**	**Year 3: 20XX-XX**

B. Identify additional annual actions, and the LEA may include any services that support these actions, above what is provided for all pupils that will serve low-income, English learner, and/or foster youth pupils as defined in Education Code section 42238.01 and pupils redesignated as fluent English proficient. The identified actions must include, but are not limited to, those actions that are to be performed to meet the targeted goals described in Section 2 for low-income pupils, English learners, foster youth and/or pupils

redesignated as fluent English proficient (e.g., not listed in Table 3A above). List and describe expenditures for each fiscal year implementing these actions, including where those expenditures can be found in the LEA's budget.

Goal (Include and identify all goals from Section 2, if applicable)	**Related State and Local Priorities** (from Section 2)	**Actions and Services**	**Level of Service** (Indicate if school-wide or LEA-wide)	**Annual Update: Review of actions/ services**	**What actions are performed or services provided in each year (and are projected to be provided in years 2 and 3)? What are the anticipated expenditures for each action (including funding source)?**		
					LCAP Year Year 1: 20XX-XX	**Year 2: 20XX-XX**	**Year 3: 20XX-XX**
		For low income pupils:					
		For English learners:					
		For foster youth:					
		For redesignated fluent English proficient pupils:					

C. Describe the LEA's increase in funds in the LCAP year calculated on the basis of the number and concentration of low income, foster youth, and English learner pupils as determined pursuant to 5 CCR 15496(a)(5). Describe how the LEA is expending these funds in the LCAP year. Include a description of, and justification for, the use of any funds in a districtwide, schoolwide, countywide, or charterwide manner as specified in 5 CCR 15496. For school districts with below 55 percent of enrollment of unduplicated pupils in the district or below 40 percent of enrollment of unduplicated pupils at a school site in the LCAP year, when using supplemental and concentration funds in a districtwide or schoolwide manner, the school district must additionally describe how the services provided are the most effective use of funds to meet the district's goals for unduplicated pupils in the state priority areas. (See 5 CCR 15496(b) for guidance.)

D. Consistent with the requirements of 5 CCR 15496, demonstrate how the services provided in the LCAP year for low income pupils, foster youth, and English learners provide for increased or improved services for these pupils in proportion to the increase in funding provided for such pupils in that year as calculated pursuant to 5 CCR 15496(a)(7). Identify the percentage by which services for unduplicated pupils must be increased or improved as compared to the services provided to all pupils in the LCAP year as calculated pursuant to 5 CCR 15496(a). An LEA shall describe how the proportionality percentage is met using a quantitative and/or qualitative description of the increased and/or improved services for unduplicated pupils as compared to the services provided to all pupils.

NOTE: Authority cited: Sections 42238.07 and 52064, Education Code. Reference: Sections 2574, 2575, 42238.01, 42238.02, 42238.03, 42238.07, 47605, 47605.5, 47606.5, 48926, 52052, 52060-52077, and 64001, Education Code; 20 U.S.C. Section 6312.

LOCAL CONTROL FUNDING FORMULA SAMPLE SCENARIO

The Local Control Funding Formula (LCFF) requires the State Board of Education to adopt spending regulations that require local educational agencies (LEAs) to increase or improve services for low-income students, English Learners, and foster youth ("unduplicated pupils") in proportion to the increase in funds apportioned for supplemental and concentration grants. The following sample scenario illustrates how a hypothetical school district would demonstrate increased or improved services under proposed Title 5 *California Code of Regulations (*5 *CCR)* section 15496. (See Attachment 3).

Sample Unified School District (USD)

68.83% of the students in Sample USD are low-income students, English Learners and/or foster youth.

2013-14 Total LCFF Funding	$113,658,945
2014-15 Total LCFF Funding	$120,009,636
Full Implementation:	
Sample USD's LCFF Funding Target	$ 167,569,262
Sample USD's Supplemental/Concentration Target Total	$ 27,862,406

Calculation of Proportionality Percentage

To determine the proportionality percentage for its budget and initial Local Control and Accountability Plan (LCAP) in 2014-15, Sample USD will follow these steps:

(References to "estimated supplemental and concentration grant funding" below are intended to refer to funds apportioned on the basis of the number and concentration of unduplicated pupils.)

1. **Determine the district's target supplemental and concentration grant funding, 5 *CCR* section 15496(a)(1):** Estimate how much of Sample USD's total LCFF funding when it reaches its LCFF target at full implementation will be attributed to supplemental and concentration grants.
   $27,862,406

2. **Determine prior year expenditures to support unduplicated pupils, 5 *CCR* section 15496(a)(2):** Estimate Sample USD's expenditures in 2013-14 on services for low-income pupils, English Learners, and foster youth that are in addition to expenditures on services provided to all pupils. The estimated amount should be no less than the amount of Economic Impact Aid funds Sample USD expended in the 2012-13 fiscal year.
   $5,000,000

3. **Calculate the gap between prior year expenditures and target supplemental and concentration grant funding, 5 *CCR* section 15496(a)(3):** Subtract the estimated 2013-14 expenditures on additional services for low-income pupils, English Learners and foster youth from Sample USD's supplemental and concentration grant target. This calculation will result in a figure that is Sample USD's approximate supplemental and concentration funding gap.
   $27,862,406 - $5,000,000 = $22,862,406

4. **Calculate the increase in estimated supplemental and concentration grant funding in the LCAP year, 5 *CCR* section 15496(a)(4):** Estimate Sample USD's increase in estimated supplemental and concentration grant funding in 2014-15 by multiplying the gap figure in step 3 by the estimated percentage of the remaining statewide funding gap between current funding and full implementation of LCFF that is eliminated in the fiscal year for which the LCAP is adopted as calculated by the Department of Finance. For purposes of this hypothetical, assume the Department of Finance has calculated that the total LCFF funding gap is reduced by 11.8% in 2014-15.
   $22,862,406 x 11.8% = $2,697,764

5. **Calculate the district's total estimated supplemental and concentration grant funding in the LCAP year, 5 *CCR* Section 15496(a)(5):** Calculate Sample USD's estimated supplemental and concentration grant funding in 2014-15 by adding the gap reduction figure above to the past year expenditure total from step 2. (Note: this amount will appear in Section 3C of Sample USD's 2014-15 LCAP. (See Attachment 3.)
   $2,697,764 + $5,000,000 = $7,697,764

6. **Calculate the district's base funding in the LCAP year, 5 *CCR* Section 15496(a)(6):** Estimate the amount of funding attributable to base grants in 2014-15 by subtracting the amount calculated pursuant to Step 5 above from Sample USD's total amount of LCFF funding in 2014-15.
   $120,009,636 - $7,697,764 = $112,311,872

7. **Calculate the minimum proportionality percentage, 5 *CCR* Section 15496(a)(7):** Divide the approximate amount of supplemental and concentration grant funds by the approximate amount of base grant funds in 2014-15. This calculation will result in the percentage by which services for low-income pupils, English Learners and foster youth must be increased or improved as compared to the services provided to all pupils.
   $7,697,764/ $112,311,872 = 6.9%

Overview of the Steps to Calculate the Proportionality Percentage

Step 1 – Step 2 = Step 3 (**$27,862,406 - $5,000,000 = $22,862,406)**

Step 3 x Percentage by which state has closed LCFF funding gap = Step 4 (**$22,862,406 x 11.8% = $2,697,764)**

Step 4 + Step 2 = Step 5 **($2,697,764 + $5,000,000 = $7,697,764)**

Total amount of LCFF funding in LCAP year – Step 5 = Step 6 (**$120,009,636 - $7,697,764 = $112,311,872)**

Step 5 / Step 6 = Step 7 (**$7,697,764/ $112,311,872 = 6.9%)**

Availability of Data for Use in the Calculation

In Step 1, LEAs will be able to estimate their LCFF supplemental and concentration grant targets, or what the LEA would receive if the formula was fully funded, by following the LCFF formula in statute and multiplying the number of pupils by the applicable base, supplemental, and concentration grant amounts. A calculator maintained by the Fiscal Crisis Management and Assistance Team is one of the tools available to LEAs to help accurately calculate this number.

The statutory formula used to determine every LEA's supplemental and concentration grant target requires the average daily attendance data by grade level and accurate local enrollment data, including the total number of pupils, and unduplicated numbers of low-income pupils, English Learners and foster youth. The calculations must be done every year due to changes in local pupil populations. While every LEA will be reporting enrollment data to the CDE for the apportionment process, this data will not be available for the LCAP planning process, therefore LEAs should use the more current and accurate local enrollment projections they have done in the spring for purposes of the calculation in Step 1 above and for purposes of the local LCAP adoption process.

Until an LEA reaches its LCFF funding target, for the purposes of *Education Code* (*EC*) Section 42238.07, the amount of funding it receives in a fiscal year that is attributable to supplemental and concentration grants depends on the LEA's estimated amount of expenditures in Step 2 for 2013-14 and the amounts expended in subsequent years that build up from that locally-estimated starting point. LEAs will vary in the levels of services provided in 2013-14 to low-income pupils, English Learners, and foster youth as compared to all pupils, and therefore the amounts in Step 2 must be locally estimated consistent with the expenditure regulations.

Steps 3 through 5 in the regulations use this local estimate of services provided in the prior year as the basis for calculating an LEA's estimated supplemental and concentration grant funding in the LCAP year. Specifically the regulations require an LEA to compare the prior year expenditures identified in Step 2 with how much more the LEA will receive in supplemental and concentration grant funding at full implementation, and make an incremental increase towards closing this gap each year, based on the amount of new funding the state provides in that year.

Once LCFF is fully implemented, the estimated supplemental and concentration grant funding will be more easily identifiable. In the meantime, the regulations not only provide a consistent formula for all LEAs to make this estimation but also require significant explanation and description by the LEA in the LCAP.

Demonstration of Proportionally Increased or Improved Services in the LCAP

Sample USD has calculated a 6.9% proportionality percentage for 2014-15. In its LCAP, the district will identify this percentage and demonstrate how services for low income pupils, English Learners and foster youth will be increased or improved by at least 6.9% as compared to the services provided to all pupils.

The actions Sample USD will take to serve low-income pupils, English Learners, foster youth, and pupils redesignated as fluent English proficient will be listed and described in Section 3 Actions, Services, and Expenditures, subpart (B)of the LCAP. The descriptions will include the expenditures necessary to implement these actions and the related services. Section 3 Actions, Services, and Expenditures, subpart (C) of the LCAP will describe Sample USD's minimum funding target for additional or improved services for low-income pupils, English Learners and foster youth in 2014-15 (see Step 5 above) and describe how these funds will be spent, with references to actions and services listed in Section 3 Actions, Services, and Expenditures, subpart (B) of the LCAP.

If Sample USD plans to use some of these funds for schoolwide or districtwide purposes, these expenditures will be identified and the LCAP, pursuant to proposed 5 *CCR* 15496(b), will describe how the funded services are directed towards meeting the district's goals for its low-income pupils, English Learners, and foster youth in the state priority areas. If the district plans to provide schoolwide services in a school where low-income pupils, English Learners, and foster youth account for less than 40 percent of enrollment, Sample USD must additionally describe how the services provided are the most effective use of funds to meet the district's goals for low-income pupils, English Learners, and foster youth in the state priority areas.

Finally, in Section 3 Actions, Services, and Expenditures, subpart (D) of the LCAP, in conjunction with the calculated proportionality percentage, Sample USD

will demonstrate how services provided for low income pupils, English learners, and foster youth in 2014-15 will be increased or improved by 6.9% as compared to the services provided to all pupils. The description of how the proportionality percentage standard is met may include quantitative and/or qualitative descriptions of the increased and/or improved services for unduplicated pupils as compared to the services provided to all pupils.

SAMPLE UNIFIED SCHOOL DISTRCT

	2013-14	**2014-15***	**2015-16****	**Repeat for 2016-17 – 2019-20*****	**2020-21**
Estimated Total LCFF Funding	$113,658,945	$120,009,636	$125,621,700	….	$167,569,262
Estimated Base Grant	N/A	$112,311,872	$115,544,510	….	$139,706,856
Estimated Total of Supplemental and Concentration Grants	N/A	$7,697,764	$10,077,190	….	$27,862,406
Proportional increase or improvement in services for low income/English learner/foster youth pupils as compared to the services provided to all pupils in that fiscal year	**N/A**	**6.9%**	**8.7%**	**….**	**20%**

*** Assuming, for purposes of this hypothetical, that 11.8% of the remaining statewide funding gap between current funding and full implementation of LCFF is eliminated by additional funding provided in 2014-15.**
**** While the percentage of the remaining statewide funding gap that is eliminated each year will likely vary, this column again assumes the percentage is 11.8% for 2015-16 and that Sample USD expended the minimum amount for additional services for LI/EL/FY pupils in 2014-15 (the estimated total of supplemental and concentration grant funds for that year).**
*****Assuming annual LCFF funding that allows the state to reach full implementation in 2020-21.**

1-03-14 [California Department of Education]

CALIFORNIA DEPARTMENT OF EDUCATION
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1430 N Street Sacramento, CA 95814-5901

January 16, 2014

NOTICE OF PROPOSED EMERGENCY ACTION

Local Control Funding Formula (LCFF) Spending Requirements For Supplemental And Concentration Grants And Local Control And Accountability Plan Template

Pursuant to the requirements of Government Code section 11346.1(a)(1), the State Board of Education (SBE) is providing notice of proposed emergency action with regards to the above-entitled emergency regulation.

SUBMISSION OF COMMENTS

Government Code section 11346.1(a)(2) requires that, at least five working days prior to submission of the proposed emergency action to the Office of Administrative Law (OAL), the adopting agency provide a Notice of the Proposed Emergency Action to every person who has filed a request for notice of regulatory action with the agency. After submission of the proposed emergency to the OAL, the OAL shall allow interested persons five calendar days to submit comments on the proposed emergency regulations as set forth in Government Code section 11349.6.

Any interested person may present statements, arguments or contentions, in writing, submitted via U.S. mail, e-mail or fax, relevant to the proposed emergency regulatory action. Written comments must be received at the OAL and the California Department of Education within five days after the SBE submits the emergency regulations to the OAL for review.

Please reference submitted comments as regarding “LCFF Spending Requirements and Local Control and Accountability Plan Template” addressed to:

Mailing Address:	Reference Attorney Office of Administrative Law 300 Capitol Mall, Suite 1250 Sacramento, CA 95814	Debra Thacker, Reg Coordinator California Department of Education Administrative Support & Regulations Adoption 1430 N Street, Suite 5319 Sacramento, CA 95814
E-mail Address:	staff@oal.ca.gov	regcomments@cde.ca.gov
Fax No.:	916-323-6826	916-319-0155

For the status of the SBE submittal to the OAL for review, and the end of the five-day written submittal period, please consult the Web site of the OAL at http://www.oal.ca.gov under the heading “Emergency Regulations.”

California State Board of Education

Meeting Agenda Items for January 15-16, 2014

ITEM 21

CALIFORNIA STATE BOARD OF EDUCATION

JANUARY 2014 AGENDA

SUBJECT	
Local Control Funding Formula Spending Requirements (LCFF) and Local Control and Accountability Plan (LCAP) – Approve Commencement of the Rulemaking Process for Additions to *California Code of Regulations*, Title 5, Sections 15494-15497.	☒ Action ☒ Information ☐ Public Hearing

SUMMARY OF THE ISSUE(S)

Assembly Bill (AB) 97 (Chapter 47, Statutes of 2013), as amended by Senate Bill (SB) 91 (Chapter 49, Statutes of 2013) and by SB 97 (Chapter 357, Statutes of 2013), enacted the Local Control Funding Formula (LCFF).

These regulations are proposed, as required by *Education Code* (*EC*) Section 42238.07, to be used by local educational agencies (LEAs) to determine how expenditures of LCFF funds should be managed to demonstrate compliance. In addition, *EC* Section 52064 authorizes the development of local control and accountability plan (LCAP) templates for use by LEAs to support local adoption and annual review of the LCAP.

In addition to approving the emergency regulations (See January 2014 Agenda Item 20), it is recommended that the SBE commence the regular rulemaking process. This process is required to adopt permanent regulations and provides a period of 45 days for written comments, followed by a public hearing to receive verbal and written testimony (See Attachment 2). It is anticipated that this process will solicit additional comments from stakeholders and the public that will continue to inform the development of the regulations

The LCFF is intended to be an iterative, data-driven and pupil-centered local control and responsibility funding budget and program plan. Since its inception, state stakeholders, legislators, parents, teachers, superintendents, public advocates, and pupils have provided input and recommendations. At its September and November meetings, the SBE heard testimony and input from multiple stakeholders. Staff from the SBE, California Department of Education (CDE), and WestEd have met with over 40 groups since the November meeting and have been integrating new ideas and recommendations into the draft regulations and template presented to the SBE in this item.

RECOMMENDATION

It is recommended the State Board of Education (SBE) take the following actions:

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

BRIEF HISTORY OF KEY ISSUES

On July 1, 2013, Governor Brown signed AB 97 (Chapter 47, Statutes of 2013) to enact the historic education funding legislation called the LCFF. Subsequently amended by SB 97 (Chapter 57, Statutes of 2013), the LCFF authorizes the SBE to adopt by January 31, 2014, regulations that govern how the expenditure of funds should be managed to demonstrate compliance as specified in *EC* Section 42238.07. In addition, *EC* Section 52064 authorizes the SBE to adopt on or before March 31, 2014, the LCAPs templates for use by LEAs to support local adoption and annual review of the LCAP.

The LCFF is more than a new funding formula for California's schools. When fully implemented, the LCFF will result in significantly more funding for LEAs and significantly more flexibility in the use of funds. It is also anticipated that the LCFF will help address historic achievement gaps encountered by pupils of poverty, English learners, and foster youth.

There are several key issues that have led to the creation of the LCFF. Local school leaders, parents, teachers, advocates, pupils, and other stakeholders have noted that the revenue limit funding model is overly complex and inefficient. The goal of the LCFF is to reduce state bureaucracy and increase flexibility and accountability at the local level so those closest to the pupils can make the decisions and ensure that pupils needs are met. The formula, which primarily consists of base, supplemental, and concentration grant funding, allocates resources based on an LEA's pupil demographics and replaces most state-funded programs for LEAs. The Department of Finance estimates that the formula will be fully funded in eight years, but implementation of the LCFF begins in 2013-14. As such, LEAs are expected to begin operating under LCFF rules and requirements immediately.

In addition to changing the way that funding is provided to LEAs, the LCFF also requires LEAs to prepare an LCAP prior to the submission of LEA budgets to oversight agencies.

LEAs must also provide an annual update to the LCAP. The LCAP must describe annual goals for each identified state priority, describe specific actions necessary to achieve those goals, and list and describe annual expenditures necessary to implement the specific actions. The specific priorities are outlined in *EC* sections 52060(d), 52066(d), or 47605(b) (5) (A) and (B).

Since Governor Brown signed this historic legislation, the SBE and CDE with assistance from WestEd have initiated an iterative process to gather information to inform the development of the LCFF expenditure of funds regulations, template, and resources to support local implementation. In addition to relying on the intent of the LCFF statute and using the LCAP eight state priorities as context, the stakeholder input process was structured around the following guiding principles:

- Implementation, not advocacy, focusing on implementation of the current law and abiding by the legislative direction and intent.

- Simplicity and transparency, creating a funding mechanism that is focused on the needs of pupils and is equitable and easy to understand.

- Local flexibility, allowing LEAs maximum flexibility in allocating resources to meeting local needs.

- Unique contexts for implementation, differentiating as needed to support local flexibility within the unique contexts that exist for LEAs (e.g., size, type, needs, etc.).

- LEA finance, recognizing county offices of education, school districts, and charter schools as the fiscal agents, with site allocation methodologies and management practices within the purview of LEAs.

- Accountability, holding LEAs accountable for academic and fiscal outcomes.

- Stakeholder input, allowing for meaningful and purposeful stakeholder input during the development process that supports the identification of LCFF guiding principles.

From July 2013 through December 2013, the LCFF stakeholder input process included a monthly convening of an implementation working group comprised of representatives from approximately 20 statewide organizations directly involved with local implementation, conducting a series of regional stakeholder input and community forum sessions, hosting conference calls with representatives from local educational agencies and various education stakeholder groups, soliciting public comments at the scheduled SBE meetings, and collecting written comments from the public through the LCFF Web portal (http://lcff.wested.org/). As noted above, following the November 2013 SBE meeting, staff engaged in focused conversations on the draft regulations and template that informed the proposed regulations in Attachment 3.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

July 2013: The CDE and WestEd presented to the SBE an informational update on the implementation of the LCFF (http://www.cde.ca.gov/be/ag/ag/yr13/documents/jul13item07.doc).

September 2013: The CDE and WestEd presented to the SBE an informational update that provided an overview of the process used to guide the LCFF stakeholder engagement activities. Included was a summary of the preliminary themes that emerged from stakeholders that related to the LCFF spending regulations and LCAP templates (http://www.cde.ca.gov/be/ag/ag/yr13/documents/sep13item06.doc).

November 2013: The CDE and WestEd presented to the SBE an informational update that outlined a preliminary draft of the expenditure of funds regulations and a concept for the LCAP template. Attachment 1 presents an overview of the key issues that were identified from the public comment, the responses to these comments and the rationale for the potential changes incorporated into the regulations based on this feedback (http://www.cde.ca.gov/be/ag/ag/yr13/documents/nov13item13.doc).

FISCAL ANALYSIS (AS APPROPRIATE)

A Fiscal Impact Statement will be provided in an Item Addendum.

ATTACHMENT(S)

Attachment 1: Local Control Funding Formula Spending Regulations Comparison and Feedback and Response Chart (11 Pages)

Attachment 2: Notice of Proposed Rulemaking (5 Pages)

Attachment 3: Text of Proposed Regulations (16 Pages)

Attachment 4: Local Control Funding Formula Sample Scenario (5 Pages)

Attachment 5: Initial Statement of Reasons (5 Pages)

Attachment 6: The Economic and Fiscal Impact Statement (STD. 399) will be provided in an Item Addendum (4 Pages) The Economic and Fiscal Impact Statement will be available for viewing at the State Board of Education office.

Local Control Funding Formula Spending Regulations Comparison and Feedback Response Chart

Overview

At the November 6-7, 2013, State Board of Education (SBE) meeting, Agenda Item 13 presented a preliminary draft of the Local Control Funding Formula (LCFF) expenditure of funds regulations pursuant to the requirements of *Education Code* (*EC*) Section 42238.07.

Following the SBE's November meeting, staff from the SBE, California Department of Education (CDE), and WestEd reached out to stakeholder groups throughout California. Parents, advocate groups, teachers, pupils and local educational agency (LEA) leadership have reviewed the proposed regulations and template and have provided hundreds of recommendations. This *Feedback Response Chart* is a summary of major recommendations received and an explanation of changes and revisions that were incorporated into the regulations. LCFF demands a high level of responsiveness, transparency, and accountability at both the state and local levels. The law is also based upon the premise that continuous improvement is necessary to improve district performance. The suggestions and input received by SBE, CDE and WestEd staff have resulted in changes to the draft regulations intended to strengthen the collective understanding relating to implementation and clarify the realized expectation of a partnership among state and local stakeholders.

After the January SBE meeting, SBE, CDE and WestEd staff will begin work on guidance materials, and it is anticipated that many of the specific examples received from LEAs will be incorporated into a document that features best practices and may also be used to inform development of the evaluation rubric as required by *EC* Section 52064.5.

Staff members responsible for facilitating the development of LCFF regulations recognize that ongoing stakeholder outreach and input will be critical. It is anticipated that the permanent rulemaking process will be on the SBE's scheduled meeting agendas through the spring, summer, and fall of 2014.

November SBE Draft Expenditure Regulations	**Summary of Comment and Feedback**	**January Proposed Regulations**
Options-Based Approach Three Options for Demonstrating Increased or Improved Services: Spend More, Provide	"Achieve More" as an option should be deleted: • The overall goal of LCFF is achievement and "achieve more" is not an appropriate measurement of	Delete "Achieve More" as an option. Clarify that LEAs must demonstrate increased or improved services by both

November SBE Draft Expenditure Regulations	Summary of Comment and Feedback	January Proposed Regulations
More, Achieve More	expenditures or proportional services. • Achievement is measured by looking backwards and cannot provide a meaningful standard for measuring expenditures. • "Achieve more" is flawed with too many loopholes since there are too many options to define what constitutes "achieve more." Combine Spend More and Provide More • The regulations should require that LEAs "spend more to provide more." Support for an Options-Based Approach • The regulations should require the LEA to articulate how it intends provide additional services, consistent with the "provide more" option. • Provide viable and meaningful options that recognize the diversity of LEAs across the state.	describing increased and improved services <u>and</u> spending in the Local Control and Accountability Plan (LCAP). See proposed *California Code of Regulations,* Title 5 (5 *CCR*) section 15496. Requirements for LEAs to Demonstrate Increased or Improved Services for Unduplicated Pupils in Proportion to the Increase in Funds Apportioned for Supplemental and Concentration Grants, located in Attachment 3. Rationale: These changes meet the requirements of statute that LEAs demonstrate increased *or* improved services.
Demonstration of Proportionality LEAs demonstrate how an increase or improvement in services is in proportion to the increase in funds apportioned on the basis of the number and concentration of unduplicated pupils.	LEAs should demonstrate proportionality in LCAP. Provide a defined standard methodology for calculation of supplemental and concentration grants received each year by having the state calculate for all LEAs both the supplemental and concentration targets that will be received at full implementation as well as the	Provide a defined standard methodology for LEAs to calculate the supplemental and concentration grants received each year until full implementation is reached. Specifically, provide a formula for LEAs to calculate proportionality that compares the services that were provided to unduplicated pupils to the services that were provided to all pupils

November SBE Draft Expenditure Regulations	Summary of Comment and Feedback	January Proposed Regulations
	amount of supplemental and concentration grant funds received each year Allow LEAs to show how they determined the amount of supplemental and concentration grant funding received in a given year for use in the proportionality calculation. Provide a formula for LEAs to calculate proportionality that compares the services that were provided to unduplicated pupils to the services that were provided to all pupils. This comparison would be proportional to the comparison of supplemental and concentration funds to base funds in a given year.	using the methodology provided in proposed 5 *CCR* section 15496. Requirements for LEAs to Demonstrate Increased or Improved Services for Unduplicated Pupils in Proportion to the Increase in Funds Apportioned for Supplemental and Concentration Grants, subdivision (a), located in Attachment 3. LEAs shall provide evidence in the LCAP to demonstrate how services for unduplicated pupils will be increased or improved in the fiscal year. (See proposed 5 CCR section 15497. Local Control and Accountability Plan and Annual Update, located in the LCAP template in Attachment 3.) Rationale: The proposed regulations are consistent with the statute which states that the proportionality standard applies to the increase in funds generated by unduplicated pupils. The regulations specify a defined and transparent approach that aligns with the details provided in the LCAP. The regulations recognize variation in local implementation context balanced with transparency by requiring a description in the LCAP as to how the requirements are being met.

November SBE Draft Expenditure Regulations	Summary of Comment and Feedback	January Proposed Regulations
		The proposed regulations include a specific formula to calculate how much supplemental and concentration grant funding is received in a year when the state is still transitioning to fully funding the LCFF (estimated to be 2020-21). Until an LEA reaches its LCFF funding target, the amount of funding it receives in a fiscal year that is attributable to supplemental and concentration grants depends on the LEA's estimated amount of expenditures in 2013-14 and the amounts expended in subsequent years that build up from that locally-estimated starting point. While the state cannot calculate this amount for an LEA, because LEAs will vary in the levels of services provided to low-income pupils, English Learners, and foster youth as compared to all pupils in 2013-14, the regulations now require a uniform method of calculating this amount. LEAs will be able to estimate their LCFF supplemental and concentration grant targets (i.e., the amount the LEA will receive when the formula is fully funded), by following the LCFF formula in statute and multiplying the number of pupils by the applicable base, supplemental, and

November SBE Draft Expenditure Regulations	Summary of Comment and Feedback	January Proposed Regulations
		concentration grant amounts. A calculator maintained by the Fiscal Crisis Management and Assistance Team is one of the tools available to LEAs to help accurately calculate this number. The statutory formula used to determine every LEA's supplemental and concentration grant target requires, among other things, the average daily attendance by grade level and accurate local enrollment data, including the total number of pupils, and unduplicated numbers of low-income pupils, English Learners and foster youth. The calculations must be done every year due to changes in local pupil populations. While every LEA will be reporting these enrollment and average daily attendance data to the CDE for the apportionment process, these data will not be available for the LCAP planning process, therefore, LEAs should use the more current and accurate local enrollment projections they have done in the spring for purposes of the calculation.
Districtwide, schoolwide, countywide, charterwide services Authorized services to be provided on a	Create an explicit threshold for consistency across LEAs: • Range of comments to create a *districtwide, countywide, or charterwide* threshold of 70%, 65%, 55%, or 40%.	Establish a specific threshold for school districts that have an enrollment of unduplicated pupils in excess of 55% of the district's total enrollment to expend funds districtwide. Establish a specific threshold

November SBE Draft Expenditure Regulations	Summary of Comment and Feedback	January Proposed Regulations
schoolwide, districtwide, countywide or charterwide basis without a specific threshold.	• Range of comments to create a *schoolwide* threshold of 70%, 55%, 40%, or 35%. Support allowing LEAs to provide services on a schoolwide, districtwide, countywide, or charterwide basis with explanation of benefit to unduplicated pupils.	for school districts that have an enrollment of unduplicated pupils in excess of 40% to expend funds schoolwide. School districts with enrollment above these thresholds would be required to identify in the LCAP the services that are being provided on that basis and describe how those services are meeting the district's goals for unduplicated pupils in the state priority areas. School districts with enrollment of unduplicated pupils below these specified thresholds would also identify services in meeting LCAP goals, and additionally describe how those services are the most effective use of the funds to meet the LCAP goals for students in need. A county office of education expending supplemental and concentration grant funds on a countywide basis or a charter school expending funds on a charterwide basis would be required to identify in the LCAP the services that are being provided on that countywide/charterwide basis and describe how those services are meeting the goals for unduplicated pupils in the state priority areas. (See proposed 5 *CCR* section 15496. Requirements for LEAs to Demonstrate

November SBE Draft Expenditure Regulations	Summary of Comment and Feedback	January Proposed Regulations
		Increased or Improved Services for Unduplicated Pupils in Proportion to the Increase in Funds apportioned for Supplemental and Concentration Grants, subdivision (b) (1)-(5), located in Attachment 3.) Rationale: It is necessary to clarify a specific threshold in order to support implementation and transparency. The 55% threshold was selected for school districts because it is consistent with the 55% threshold for the receipt of concentration grants and thus presumes a concentration of students in need across the LEA. The 40% threshold was selected for school districts because it is consistent with the schoolwide threshold in Title I statute. Allowing LEAs below the thresholds to provide services in a schoolwide, districtwide, countywide, or charterwide manner with additional justification is consistent with the statute which allocates funds at the LEA (e.g., school district, county office of education, and charter school) level.

November SBE Draft Local Control and Accountability Plan Template	Summary of Comment and Feedback	January Proposed Regulations

November SBE Draft Local Control and Accountability Plan Template	**Summary of Comment and Feedback**	**January Proposed Regulations**
Demonstrate how LEAs are meeting the expenditure regulations in the LCAP.	Support for the demonstration of proportionality in the template. Template should have a section to require LEAs to demonstrate which services, if any, are being provided on a schoolwide or districtwide/countywide, or charterwide basis. Require LEAs to show an accounting of all LCFF funds broken out by base, supplemental, and concentration dollars for the LEA and for each school site in the LEA.	Continue to include a means to demonstrate that the LEA is meeting the expenditure regulations in the template. (See proposed 5 *CCR* section 15497. Local Control and Accountability Plan and Annual Update Template, Section 3 Actions, Services, and Expenditures, subparts (C) and (D) of the LCAP template located in Attachment 3.) Require LEAs to identify how additional supplemental and concentration funds are being used on a schoolwide, districtwide, countywide, or charterwide basis in the template. (See proposed 5 *CCR* section 15497. Local Control and Accountability Plan and Annual Update Template, Section 3 Actions, Services, and Expenditures, subparts (C) and (D) of the LCAP template located in Attachment 3.) Rationale: *EC* Section 42238.07 requires LEAs to increase or improve services in proportion to the increase in supplemental and concentration grant funds received in a fiscal year. The statute does not require LEAs to continue to address the supplemental and concentration funds used in a prior year, except when demonstrating how services are being increased or improved in the current year. The LCFF statute does not require school site expenditure data, and such a requirement was deleted from the final version of the

November SBE Draft Local Control and Accountability Plan Template	**Summary of Comment and Feedback**	**January Proposed Regulations**
		legislation; however, LEAs may include such information if useful.
Require LEAs to include a needs analysis and identify data used.	Provide common definitions of data elements to allow for comparison across all LEAs. An independent needs analysis is not supported by statute. Any needs analysis should be explicitly linked to the goals in the plan.	Included a needs analysis and identified metric in the "Goals and Progress Indicators" section to allow for more explanation of the rationale for a goal and to identify metrics the LEA will use to measure progress toward a goal. Also included applicable Education Code sections that require that specific data be used to evaluate state priorities. (See proposed 5 *CCR* section 15497. Local Control and Accountability Plan and Annual Update Template, Section 2 Goals and Progress Indicators, of the LCAP template in Attachment 3.) Rationale: This meets the statutory requirement and creates a transparent process when the LEA is setting its goals.
Allow an LEA to group school and subgroup goals when goals are the same for more than one school or subgroup, but identify where there is differentiation for a subgroup or school site.	Require LEAs to answer all questions for each school site and each subgroup even if the answers are the same. Include guiding questions and structure to ensure the LEA identifies actions that meet the unique needs of all subgroups (example: foster youth) Require LCAP to identify how services are closing the achievement gap for subgroups.	Strengthen language to ensure that LEAs are analyzing all subgroups and school sites individually by adding instructions regarding alignment to school goals in school plans, adding guiding questions to ensure unique needs of school sites and subgroups are addressed, and adding columns to identify applicable subgroups and affected schools for each identified goal. Continue to allow grouping of the goals if the goal is applicable to more than one subgroup or school site. (See proposed 5 *CCR* section 15497. Local Control and

November SBE Draft Local Control and Accountability Plan Template	**Summary of Comment and Feedback**	**January Proposed Regulations**
		Accountability Template and Annual Update, Section 2 Goals and Progress Indicators, located in Attachment 3). Amend guiding questions and create separate section in the "Actions, Services, and Expenditures" tables to ensure unique needs of subgroups are met. (See proposed 5 *CCR* section 15497. Local Control and Accountability Template and Annual Update Template, Section 3, Actions Services, and Expenditures of the LCAP template in Attachment 3.) Rationale: These changes meet the requirements of statute that the LCAP include goals for all subgroups and school sites, but also retain the principle of simplicity and transparency. These changes are also consistent with the statute, which allocates funds to the LEA, not to school sites. Requiring each data point for every subgroup and school site could result in a template that is overly complex and lengthy; for example, large districts could have over 1,000,000 data points. The goal is for the LCAP to be a dynamic planning tool for the LEA and an understandable document for parents and community members.
Other	Delay the adoption of the template until March so there is more time for public input.	Since the November meeting, SBE staff conducted multiple meetings with over 40 diverse stakeholder groups. Prior to these meetings,

November SBE Draft Local Control and Accountability Plan Template	Summary of Comment and Feedback	January Proposed Regulations
	Clarify in the template the unique requirements that are applicable to charter schools and county offices of education. Combine Section 2 (Goals and Progress Indicators) and Section 3 (Actions, Services, and Expenditures) of the template to better align goals and expenditures. Create an electronic format of the LCAP to facilitate ease of use. Require electronic reporting of state priority data. Create a set timeline for the SBE to review and adjust the LCAP template as necessary.	the groups were provided a draft template and given an opportunity to comment. A revised draft template, in Spanish and English, was posted on the WestEd website on December 12, 2013. Education Code sections are listed and descriptions included in those cases where different requirements apply. Based upon feedback and experience from the field, additional changes to the template will be considered in the permanent rulemaking process and in subsequent years SBE staff will work with CDE to pursue the creation of an electronic template for future LCAP submissions. The SBE is committed to receiving regular LCFF updates and making adjustments to the template as necessary. In the future, this process may be standardized. Rationale: These suggestions further the creation of an operational template. Other suggestions, such as providing a forecast of LCFF funding, are outside the scope of statute and the SBE's authority.

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NOTICE OF PROPOSED RULEMAKING

AMENDMENT TO CALIFORNIA CODE OF REGULATIONS, TITLE 5, REGARDING LOCAL CONTROL FUNDING FORMULA SPENDING REQUIREMENTS FOR SUPPLEMENTAL AND CONCENTRATION GRANTS AND LOCAL CONTROL AND ACCOUNTABILITY PLAN TEMPLATE

[Notice published January 31, 2014]

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

PUBLIC HEARING

California Department of Education (CDE) staff, on behalf of the SBE, will hold a public hearing at 10:00 a.m. on March 17, 2014, at 1430 N Street, Room 1101, Sacramento, California. The room is wheelchair accessible. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the Informative Digest. The SBE requests, but does not require, that persons who make oral comments at the public hearing also submit a written summary of their statements. No oral statements will be accepted subsequent to this public hearing.

WRITTEN COMMENT PERIOD

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

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

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

Comments must be received by the Regulations Coordinator prior to 5:00 p.m. on March 17, 2014. All written comments received by CDE staff during the public comment period are subject to disclosure under the Public Records Act.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

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

AUTHORITY AND REFERENCE

Authority: Sections 42238.07 and 52064, Education Code.

Reference: Sections 2574, 2575, 42238.01, 42238.02, 42238.03, 42238.07, 47605, 47605.5, 47606.5, 48926, 52052, 52060-52077, and 64001, Education Code; 20 U.S.C. Section 6312.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

On July 1, 2013, Governor Brown signed AB 97 (Chapter 47, Statutes of 2013), as amended by SB 97 (Chapter 357, Statutes of 2013), which enacted the Local Control Funding Formula (LCFF). The LCFF is a new funding formula for school districts, county offices of education, and charter schools (local educational agencies [“LEAs”]). The LCFF replaces most state funded programs for LEAs. The Department of Finance estimates that the formula will be fully funded in eight years, but implementation begins in 2103-2014. When fully implemented, the LCFF will result in significantly more funding for LEAs, provide more flexibility in the use of funds, and help address historic achievement gaps encountered by students of poverty, English learners, and foster youth.

The LCFF calls for state funding to LEAs to be based on an equal amount per pupil, with two adjustments. The first adjustment is based upon the grade level of the pupils. The rate for pupils in Kindergarten through grade 3 includes additional funding for grade span adjustments that require, upon full implementation, that LEAs reduce class sizes in these grades to an average of no more than 24 pupils. In addition, the formula is adjusted for pupils in grades 9-12 to reflect higher operating costs and a focus on college and career readiness.

The second adjustment to the LCFF formula is based on pupil demographics. The formula provides additional funding in the form of supplemental and concentration

amounts based on the unduplicated counts of low income, English learners and foster youth pupils. For school districts, the LCFF formula provides an additional 20 percent of the base amount for each unduplicated pupil. When the number of unduplicated pupils exceeds 55 percent of a school district's enrollment, the LCFF formula provides an additional 50 percent of the base amount for each unduplicated pupil that exceeds the 55 percent enrollment. Different formulas are provided for county offices of education and charter schools. Education Code section 2574(b) and Education Code section 42238.02(b) define an unduplicated pupil for these purposes

Education Code section 42238.07, as added by AB 97, requires the SBE to adopt regulations by January 31, 2014, that govern the expenditure of funds apportioned on the basis of the number and concentration of unduplicated pupils pursuant to Education Code sections 2574, 2575, 42238.02, and 42238.03.

In addition, Education Code section 52064, as added by AB 97 and amended by SB 97, requires the SBE to adopt a template by March 31, 2014, for LEAs to use for the required local control accountability plan (LCAP) and annual updates to the plan. The LCAP and updates must describe annual goals for each state priority, describe specific actions necessary to achieve those goals, and list and describe annual expenditures implementing the specific actions. The applicable specific priorities for LEAs are outlined in Education Code sections 52060(d), 520566(d), or 47605(b)(5)(B). Education Code section 52064 requires that the template be adopted pursuant to the Administrative Procedure Act and authorizes the SBE to adopt regulations for purposes of implementing the section.

The proposed regulations are intended to support the local implementation of the LCFF.

The CDE reviewed all state regulations relating to the LCFF requirements for supplemental and concentration grants and found that none exist that are inconsistent or incompatible with these regulations.

DISCLOSURES REGARDING THE PROPOSED ACTION/ FISCAL IMPACT

The SBE has made the following initial determinations:

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

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

Mandate on local agencies and school districts: None

Cost or savings to any state agency: None

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

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

Costs or savings in federal funding to the state: None

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

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

Effect on housing costs: None

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

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

The benefits of the proposed regulations is to provide instruction to LEAs regarding the expenditure of funds allocated under the LCFF and provide a template for use by LEAs to complete a local control and accountability plan. This regulatory action is required by Education Code sections 42238.07 and 52064, as added by AB 97 (Chapter 47, Statutes of 2013), effective July 1, 2013, and as amended by SB 97 (Chapter 357, Statutes of 2013), effective January 1, 2014.

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

CONSIDERATION OF ALTERNATIVES

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

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

CONTACT PERSONS

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

Elisa Wynne, Project Manager
Local Control Funding Formula
California State Board of Education
1430 N Street, Room 5111
Sacramento, CA 95814
Telephone: 916-319-0827
E-mail: ewynne@cde.ca.gov

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

INITIAL STATEMENT OF REASONS AND INFORMATION

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

TEXT OF PROPOSED REGULATION AND CORRESPONDING DOCUMENTS

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

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

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

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

REASONABLE ACCOMMODATION FOR ANY INDIVIDUAL WITH A DISABILITY

Pursuant to the *Rehabilitation Act of 1973,* the *Americans with Disabilities Act of 1990,* and the *Unruh Civil Rights Act,* any individual with a disability who requires reasonable accommodation to attend or participate in a public hearing on proposed regulations, may request assistance by contacting Elisa Wynne, Project Manager, Local Control Funding Formula, State Board of Education, 1430 N Street, Room 5111, Sacramento, CA, 95814; telephone, 916-319-0827. It is recommended that assistance be requested at least two weeks prior to the hearing.

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

Title 5. EDUCATION

Division 1. California Department of Education

Chapter 14.5. Local Control Funding Formula

Subchapter 1. Local Control Funding Formula Spending Regulations for Supplemental and Concentration Grants and Local Control and Accountability Plan Template

Article 1. Local Control and Accountability Plan and Spending Requirements for Supplemental and Concentration Grants

§ 15494. Scope.

(a) This chapter applies to all local educational agencies (LEAs) as defined in section 15495(a).

(b) Funding restrictions specified in Education Code section 42238.07 apply to local control funding formula (LCFF) funds apportioned on the basis of unduplicated pupils pursuant to Education Code sections 2574, 2575, 42238.02, and 42238.03.

(c) The local control and accountability plan (LCAP) shall demonstrate how services are provided according to this chapter to meet the needs of unduplicated pupils and improve the performance of all pupils in the state priority areas.

NOTE: Authority cited: Sections 42238.07 and 52064, Education Code. Reference: Sections 2574, 2575, 42238.01, 42238.02, 42238.03, 42238.07, 47605, 47605.5, 47606.5, 48926, 52052, 52060-52077, and 64001, Education Code; 20 U.S.C. Section 6312.

§ 15495. Definitions.

In addition to those found in Education Code sections 2574, 42238.01, and 42238.02, the following definitions are provided:

(a) “Local control and accountability plan (LCAP)” means the plan created by an LEA pursuant to Education Code sections 47606.5, 52060, or 52066, and completed in conformance with the LCAP and annual update template found in section 15497.

(b) “Local educational agency (LEA)” means a school district, county office of education, or charter school.

(c) “Prior year” means one fiscal year immediately preceding the fiscal year for which an LCAP is approved.

(d) “Services” as used in Education Code section 42238.07 may include, but are not limited to, services associated with the delivery of instruction, administration, facilities, pupil support services, technology, and other general infrastructure necessary to operate and deliver educational instruction and related services.

(e) “State priority areas” means the priorities identified in Education Code sections 52060 and 52066. For charter schools, “state priority areas” means the priorities identified in Education Code section 52060 that apply for the grade levels served or the nature of the program operated by the charter school.

(f) “to improve services” means to grow services in quality.

(g) “to increase services” means to grow services in quantity.

(h) “unduplicated pupil” means any of those pupils to whom one or more of the definitions included in Education Code section 42238.01 apply, including low income, foster youth, and English learner.

NOTE: Authority cited: Sections 42238.07 and 52064, Education Code. Reference: Sections 2574, 2575, 42238.01, 42238.02, 42238.03, 42238.07, 47605, 47605.5, 47606.5, 48926, 52052, 52060-52077, and 64001, Education Code; 20 U.S.C. Section 6312.

§ 15496. Requirements for LEAs to Demonstrate Increased or Improved Services for Unduplicated Pupils in Proportion to the Increase in Funds Apportioned for Supplemental and Concentration Grants.

(a) An LEA shall provide evidence in its LCAP to demonstrate how funding apportioned on the basis of the number and concentration of unduplicated pupils, pursuant to Education Code sections 2574, 2575, 42238.02, and 42238.03 is used to

support such pupils. This funding shall be used to increase or improve services for unduplicated pupils as compared to the services provided to all pupils in proportion to the increase in funds apportioned on the basis of the number and concentration of unduplicated pupils as required by Education Code section 42238.07(a)(1). An LEA shall include in its LCAP an explanation of how expenditures of such funding meet the LEA's goals for its unduplicated pupils in the state priority areas. An LEA shall determine the percentage by which services for unduplicated pupils must be increased or improved above services provided to all pupils in the fiscal year as follows:

(1) Estimate the amount of the LCFF target attributed to the supplemental and concentration grants for the LEA calculated pursuant to Education Code sections 42238.02 and 2574 in the fiscal year for which the LCAP is adopted.

(2) Estimate the amount of LCFF funds expended by the LEA on services for unduplicated pupils in the prior year that is in addition to what was expended on services provided for all pupils. The estimated amount of funds expended in 2013-14 shall be no less than the amount of Economic Impact Aid funds the LEA expended in the 2012-13 fiscal year.

(3) Subtract subdivision (a)(2) from subdivision (a)(1).

(4) Multiply the amount in subdivision (a)(3), by the most recent percentage calculated by the Department of Finance that represents how much of the statewide funding gap between current funding and full implementation of LCFF is eliminated in the fiscal year for which the LCAP is adopted.

(5) Add subdivision (a)(4) to subdivision (a)(2).

(6) Subtract subdivision (a)(5) from the LEA's total amount of LCFF funding pursuant to Education Code sections 42238.02 and 2574, as implemented by Education Code sections 42238.03 and 2575 respectively, excluding add-ons for the Targeted Instructional Improvement Grant program and the Home to School Transportation program, in the fiscal year for which the LCAP is adopted.

(7) Divide the amount in subdivision (a)(5) by the amount in subdivision (a)(6).

(8) If the calculation in subdivision (a)(3) yields a number less than or equal to zero or when LCFF is fully implemented statewide, then an LEA shall determine its percentage for purposes of this section by dividing the amount of the LCFF target

attributed to the supplemental and concentration grant for the LEA calculated pursuant to Education Code sections 42238.02 and 2574 in the fiscal year for which the LCAP is adopted by the remainder of the LEA's LCFF funding, excluding add-ons for the Targeted Instructional Improvement Grant program and the Home to School Transportation program.

(b) This subdivision identifies the conditions under which an LEA may use funds apportioned on the basis of the number and concentration of unduplicated pupils for districtwide, schoolwide, countywide, or charterwide purposes: Pursuant to Education Code section 42238.07(a)(2), an LEA may demonstrate it has increased or improved services for unduplicated pupils under subdivision (a) of this section by using funds to upgrade the entire educational program of a school site, a school district, a charter school, or a county office of education as follows:

(1) A school district that has an enrollment of unduplicated pupils in excess of 55 percent of the district's total enrollment in the fiscal year for which an LCAP is adopted or in the prior year may expend supplemental and concentration grant funds on a districtwide basis. A school district expending funds on a districtwide basis shall do all of the following:

(A) Identify in the LCAP those services that are being provided on a districtwide basis.

(B) Describe in the LCAP how such services are directed towards meeting the district's goals for its unduplicated pupils in the state priority areas.

(2) A school district that has an enrollment of unduplicated pupils that is less than 55 percent of the district's total enrollment in the fiscal year for which an LCAP is adopted or in the prior year may expend supplemental grant funds on a districtwide basis. A school district expending funds on a districtwide basis shall do all of the following:

(A) Identify in the LCAP those services that are being provided on a districtwide basis.

(B) Describe in the LCAP how such services are directed towards meeting the district's goals for its unduplicated pupils in the state priority areas.

(C) Describe how these services are the most effective use of the funds to meet the district's goals for its unduplicated pupils in the state priority areas.

(3) A school district that has an enrollment of unduplicated pupils at a school that is in excess of 40 percent of the school's total enrollment in the fiscal year for which an LCAP is adopted or in the prior year may expend supplemental and concentration grant funds on a schoolwide basis. A school district expending funds on a schoolwide basis shall do all of the following:

(A) Identify in the LCAP those services that are being provided on a schoolwide basis.

(B) Describe in the LCAP how such services are directed towards meeting the district's goals for its unduplicated pupils in the state priority areas.

(4) A school district that has an enrollment of unduplicated pupils that is less than 40 percent of the school site's total enrollment in the fiscal year for which an LCAP is adopted or in the prior year may expend supplemental and concentration grant funds on a schoolwide basis. A school district expending funds on a schoolwide basis shall do all of the following:

(A) Identify in the LCAP those services that are being provided on a schoolwide basis.

(B) Describe in the LCAP how such services are directed towards meeting the district's goals for its unduplicated pupils in the state priority areas.

(C) Describe how these services are the most effective use of the funds to meet the district's goals for its unduplicated pupils in the state priority areas.

(5) A county office of education expending supplemental and concentration grant funds on a countywide basis or a charter school expending supplemental and concentration grant funds on a charterwide basis shall do all of the following:

(A) Identify in the LCAP those services that are being provided on a countywide or charterwide basis.

(B) Describe in the LCAP how such services are directed towards meeting the county office of education's or charter school's goals for its unduplicated pupils in the state priority areas.

(c) County superintendent of schools oversight of demonstration of proportionality: In making the determinations required under Education Code section 52070(d)(3), the county superintendent of schools shall review any descriptions provided under

subdivisions (b)(2)(B) and (b)(2)(C) or subdivisions (b)(4)(B) and (b)(4)(C) when determining whether the LEA has fully demonstrated that it will increase or improve services for unduplicated pupils under subdivision (a). If a county superintendent of schools does not approve an LCAP because the LEA has failed to meet its proportionality requirement as specified in this section, it shall provide technical assistance to the LEA in meeting that requirement pursuant to Education Code section 52071.

NOTE: Authority cited: Sections 42238.07 and 52064, Education Code. Reference: Sections 2574, 2575, 42238.01, 42238.02, 42238.03, 42238.07, 47605, 47605.5, 47606.5, 48926, 52052, 52060-52077, and 64001, Education Code; 20 U.S.C. Section 6312.

1-2-14 [California Department of Education]

§ 15497. Local Control and Accountability Plan and Annual Update Template.

Introduction:

LEA: _____ Contact (Name, Title, Email, Phone Number):_____ LCAP Year:_____

Local Control and Accountability Plan and Annual Update Template

The Local Control and Accountability Plan (LCAP) and annual update template shall be used to provide details regarding local educational agencies' (LEAs) actions and expenditures to support pupil outcomes and overall performance pursuant to Education Code sections 52060, 52066, 47605, 47605.5, and 47606.5.

For school districts, pursuant to Education Code section 52060, the LCAP must describe, for the school district and each school within the district, goals and specific actions to achieve those goals for all pupils and each subgroup of pupils identified in Education Code section 52052, including pupils with disabilities, for each of the state priorities and any locally identified priorities.

For county offices of education, pursuant to Education Code section 52066, the LCAP must describe, for each county office of education-operated school and program, goals and specific actions to achieve those goals for all pupils and each subgroup of pupils identified in Education Code section 52052, including pupils with disabilities, who are funded through the county office of education Local Control Funding Formula as identified in Education Code section 2574 (pupils attending juvenile court schools, on probation or parole, or mandatorily expelled) for each of the state priorities and any locally identified priorities. School districts and county offices of education may additionally coordinate and describe in their LCAPs services provided to pupils funded by a school district but attending county-operated schools and programs, including special education programs.

Charter schools, pursuant to Education Code sections 47605, 47605.5, and 47606.5, must describe goals and specific actions to achieve those goals for all pupils and each subgroup of pupils identified in Education Code section 52052, including pupils with disabilities, for each of the state priorities as applicable and any locally identified priorities. For charter schools, the inclusion and description of goals for state priorities in the LCAP may be modified to meet the grade levels served and the nature of the programs provided, including modifications to reflect only the statutory requirements explicitly applicable to charter schools in the Education Code.

The LCAP is intended to be a comprehensive planning tool. LEAs may reference and describe actions and expenditures in other plans and funded by a variety of other fund sources when detailing goals, actions, and expenditures related to the state and local priorities. LCAPs must be consistent with school plans submitted pursuant to Education Code section 64001. The information contained in the LCAP, or annual update, may be supplemented by information contained in other plans (including the LEA plan pursuant to Section 1112 of Subpart 1 of Part A of Title I of Public Law 107-110) that are incorporated or referenced as relevant in this document.

For each section of the template, LEAs should comply with instructions and use the guiding questions as prompts (but not limits) for completing the information as required by statute. Guiding questions do not require separate narrative responses. Data referenced in the LCAP must be consistent with the school accountability report card where appropriate. LEAs may resize pages or attach additional pages as necessary to facilitate completion of the LCAP.

State Priorities

The state priorities listed in Education Code sections 52060 and 52066 can be categorized as specified below for planning purposes, however, school districts and county offices of education must address each of the state priorities in their LCAP. Charter schools must address the priorities in Education Code section 52060(d) that apply to the grade levels served, or the nature of the program operated, by the charter school.

A. Conditions of Learning:

***Basic**: degree to which teachers are appropriately assigned pursuant to Education Code section 44258.9, and fully credentialed in the subject areas and for the pupils they are teaching; pupils have access to standards-aligned instructional materials pursuant to Education Code section 60119; and school facilities are maintained in good repair pursuant to Education Code section 17002(d). (Priority 1)*

***Implementation of State Standards**: implementation of academic content and performance standards adopted by the state board for all pupils, including English learners. (Priority 2)*

***Course access:** pupil enrollment in a broad course of study that includes all of the subject areas described in Education Code section 51210 and subdivisions (a) to (i), inclusive, of Section 51220, as applicable. (Priority 7)*

***Expelled pupils (for county offices of education only)**: coordination of instruction of expelled pupils pursuant to Education Code section 48926. (Priority 9)*

***Foster youth (for county offices of education only)**: coordination of services, including working with the county child welfare agency to share information, responding to the needs of the juvenile court system, and ensuring transfer of health and education records. (Priority 10)*

B. Pupil Outcomes:

***Pupil achievement**: performance on standardized tests, score on Academic Performance Index, share of pupils that are college and career ready, share of English learners that become English proficient, English learner reclassification rate, share of pupils that pass Advanced Placement exams with 3 or higher, share of pupils determined prepared for college by the Early Assessment Program. (Priority 4)*

Other pupil outcomes*: pupil outcomes in the subject areas described in Education Code section 51210 and subdivisions (a) to (i), inclusive, of Education Code section 51220, as applicable. (Priority 8)*

C. Engagement:

Parent involvement*: efforts to seek parent input in decision making, promotion of parent participation in programs for unduplicated pupils and special need subgroups. (Priority 3)*

Pupil engagement*: school attendance rates, chronic absenteeism rates, middle school dropout rates, high school dropout rates, high school graduations rates. (Priority 5)*

School climate*: pupil suspension rates, pupil expulsion rates, other local measures including surveys of pupils, parents and teachers on the sense of safety and school connectedness. (Priority 6)*

Section 1: Stakeholder Engagement

Meaningful engagement of parents, pupils, and other stakeholders, including those representing the subgroups identified in Education Code section 52052, is critical to the LCAP and budget process. Education Code sections 52062 and 52063 specify the minimum requirements for school districts; Education Code sections 52068 and 52069 specify the minimum requirements for county offices of education, and Education Code section 47606.5 specifies the minimum requirements for charter schools. In addition, Education Code section 48985 specifies the requirements for translation of documents.

Instructions: Describe the process used to engage parents, pupils, and the community and how this engagement contributed to development of the LCAP or annual update. Note that the LEA's goals related to the state priority of parental involvement are to be described separately in Section 2, and the related actions and expenditures are to be described in Section 3.

Guiding Questions:

1) How have parents, community members, pupils, local bargaining units, and other stakeholders (e.g., LEA personnel, county child welfare agencies, county office of education foster youth services programs, court-appointed special advocates, foster youth, foster parents, education rights holders and other foster youth stakeholders, English learner parents, community organizations representing English learners, and others as appropriate) been engaged and involved in developing, reviewing, and supporting implementation of the LCAP?
2) How have stakeholders been included in the LEA's process in a timely manner to allow for engagement in the development of the LCAP?

3) What information (e.g., quantitative and qualitative data/metrics) was made available to stakeholders related to the state priorities and used by the LEA to inform the LCAP goal setting process?
4) What changes, if any, were made in the LCAP prior to adoption as a result of written comments or other feedback received by the LEA through any of the LEA's engagement processes?
5) What specific actions were taken to meet statutory requirements for stakeholder engagement pursuant to Education Code sections 52062, 52068, and 47606.5, including engagement with representative parents of pupils identified in Education Code section 42238.01?
6) In the annual update, how has the involvement of these stakeholders supported improved outcomes for pupils related to the state priorities?

Involvement Process	**Impact on LCAP**

Section 2: Goals and Progress Indicators

For school districts, Education Code sections 52060 and 52061, for county offices of education, Education Code sections 52066 and 52067, and for charter schools, Education Code section 47606.5 require(s) the LCAP to include a description of the annual goals, for all pupils and each subgroup of pupils, for ***each*** *state priority and any local priorities and require the annual update to include a review of progress towards the goals and describe any changes to the goals.*

Instructions: Describe annual goals and expected and actual progress toward meeting goals. This section must include specifics projected for the applicable term of the LCAP, and in each annual update year, a review of progress made in the past fiscal year based on an identified metric. Charter schools may adjust the chart below to align with the term of the charter school's budget that is submitted to the school's authorizer pursuant to Education Code section 47604.33. The metrics may be quantitative or qualitative, although LEAs must, at minimum, use the specific metrics that statute explicitly references as required elements for measuring progress within a particular state priority area. Goals must address each of the state priorities and any additional local priorities; however, one goal may address multiple priorities. The LEA may identify which school sites and subgroups have the same goals, and group and describe those goals together. The LEA may also indicate those goals that are not

applicable to a specific subgroup or school site. The goals must reflect outcomes for all pupils and include specific goals for school sites and specific subgroups, including pupils with disabilities, both at the LEA level and, where applicable, at the school site level. To facilitate alignment between the LCAP and school plans, the LCAP shall identify and incorporate school-specific goals related to the state and local priorities from the school plans submitted pursuant to Education Code section 64001. Furthermore, the LCAP should be shared with, and input requested from, school site-level advisory groups (e.g., school site councils, English Learner Advisory Councils, pupil advisory groups, etc.) to facilitate alignment between school-site and district-level goals and actions. An LEA may incorporate or reference actions described in other plans that are being undertaken to meet the goal.

Guiding Questions:

1) What are the LEA's goal(s) to address state priorities related to "Conditions of Learning"?
2) What are the LEA's goal(s) to address state priorities related to "Pupil Outcomes"?
3) What are the LEA's goal(s) to address state priorities related to "Engagement" (e.g., pupil and parent)?
4) What are the LEA's goal(s) to address locally-identified priorities?
5) How have the unique needs of individual school sites been evaluated to inform the development of meaningful district and/or individual school site goals (e.g., input from site level advisory groups, staff, parents, community, pupils; review of school level plans; in-depth school level data analysis, etc.)?
6) What are the unique goals for subgroups as defined in Education Code sections 42238.01 and 52052 that are different from the LEA's goals for all pupils?
7) What are the specific predicted outcomes/metrics/noticeable changes associated with each of the goals annually and over the term of the LCAP?
8) What information (e.g., quantitative and qualitative data/metrics) was considered/reviewed to develop goals to address each state or local priority and/or to review progress toward goals in the annual update?
9) What information was considered/reviewed for individual school sites?
10) What information was considered/reviewed for subgroups identified in Education Code section 52052?
11) In the annual update, what changes/progress have been realized and how do these compare to changes/progress predicted? What modifications are being made to the LCAP as a result of this comparison?

Identified Need and Metric (What needs have been identified and what metrics are used to measure progress?)	**Goals**			**Annual Update: Analysis of Progress**	**What will be different/improved for students? (based on identified metric)**			**Related State and Local Priorities** (Identify specific state priority. For districts and COEs, all priorities in statute must be included and identified; each goal may be linked to more than one priority if appropriate.)
	Description of Goal	**Applicable Pupil Subgroup(s)** (Identify applicable subgroups (as defined in EC 52052) or indicate "all" for all pupils.)	**School(s) Affected** (Indicate "all" if the goal applies to all schools in the LEA, or alternatively, all high schools, for example.)		**LCAP YEAR Year 1: 20XX-XX**	**Year 2: 20XX-XX**	**Year 3: 20XX-XX**	

Section 3: Actions, Services, and Expenditures

For school districts, Education Code sections 52060 and 52061, for county offices of education, Education Code sections 52066 and 52067, and for charter schools, Education Code section 47606.5 require the LCAP to include a description of the specific actions an LEA will take to meet the goals identified. Additionally Education Code section 52604 requires a listing and description of the expenditures required to implement the specific actions.

Instructions: Identify annual actions to be performed to meet the goals described in Section 2, and describe expenditures to implement each action, and where these expenditures can be found in the LEA's budget. Actions may describe a group of services that are implemented to achieve identified goals. The actions and expenditures must reflect details within a goal for the specific subgroups identified in Education Code section 52052, including pupils with disabilities, and for specific school sites as applicable. In describing the actions and expenditures that will serve low-income, English learner, and/or foster youth pupils as defined in Education Code section 42238.01, the LEA must identify whether supplemental and concentration funds are used in a districtwide, schoolwide, countywide, or charterwide manner. In the annual update, the LEA must describe any changes to actions as a result of a review of progress. The LEA must reference all fund sources used to support actions and services. Expenditures must be classified using the California School Accounting Manual as required by Education Code sections 52061, 52067, and 47606.5.

Guiding Questions:

1) What actions/services will be provided to all pupils, to subgroups of pupils identified pursuant to Education Code section 52052, to specific school sites, to English learners, to low-income pupils, and/or to foster youth to achieve goals identified in the LCAP?
2) How do these actions/services link to identified goals and performance indicators?
3) What expenditures support changes to actions/services as a result of the goal identified? Where can these expenditures be found in the LEA's budget?
4) In the annual update, how have the actions/services addressed the needs of all pupils and did the provisions of those services result in the desired outcomes?
5) In the annual update, how have the actions/services addressed the needs of all subgroups of pupils identified pursuant to Education Code section 52052, including, but not limited to, English learners, low-income pupils, and foster youth; and did the provision of those actions/services result in the desired outcomes?

6) In the annual update, how have the actions/services addressed the identified needs and goals of specific school sites and did the provision of those actions/services result in the desired outcomes?
7) In the annual update, what changes in actions, services, and expenditures have been made as a result of reviewing past progress and/or changes to goals?

A. What annual actions, and the LEA may include any services that support these actions, are to be performed to meet the goals described in Section 2 for ALL pupils and the goals specifically for subgroups of pupils identified in Education Code section 52052 but not listed in Table 3B below (e.g., Ethnic subgroups and pupils with disabilities)? List and describe expenditures for each fiscal year implementing these actions, including where these expenditures can be found in the LEA's budget.

Goal (Include and identify all goals from Section 2)	**Related State and Local Priorities** (from Section 2)	**Actions and Services**	**Level of Service** (Indicate if school-wide or LEA-wide)	**Annual Update: Review of actions/ services**	**What actions are performed or services provided in each year (and are projected to be provided in years 2 and 3)? What are the anticipated expenditures for each action (including funding source)?**		
					LCAP Year Year 1: 20XX-XX	**Year 2: 20XX-XX**	**Year 3: 20XX-XX**

B. Identify additional annual actions, and the LEA may include any services that support these actions, above what is provided for all pupils that will serve low-income, English learner, and/or foster youth pupils as defined in Education Code section 42238.01 and pupils redesignated as fluent English proficient. The identified actions must include, but are not limited to, those actions that are to be performed to meet the targeted goals described in Section 2 for low-income pupils, English learners, foster youth and/or pupils

redesignated as fluent English proficient (e.g., not listed in Table 3A above). List and describe expenditures for each fiscal year implementing these actions, including where those expenditures can be found in the LEA's budget.

Goal (Include and identify all goals from Section 2, if applicable)	**Related State and Local Priorities** (from Section 2)	**Actions and Services**	**Level of Service** (Indicate if school-wide or LEA-wide)	**Annual Update: Review of actions/ services**	**What actions are performed or services provided in each year (and are projected to be provided in years 2 and 3)? What are the anticipated expenditures for each action (including funding source)?**		
					LCAP Year Year 1: 20XX-XX	**Year 2: 20XX-XX**	**Year 3: 20XX-XX**
		For low income pupils:					
		For English learners:					
		For foster youth:					
		For redesignated fluent English proficient pupils:					

C. Describe the LEA's increase in funds in the LCAP year calculated on the basis of the number and concentration of low income, foster youth, and English learner pupils as determined pursuant to 5 CCR 15496(a)(5). Describe how the LEA is expending these funds in the LCAP year. Include a description of, and justification for, the use of any funds in a districtwide, schoolwide, countywide, or charterwide manner as specified in 5 CCR 15496. For school districts with below 55 percent of enrollment of unduplicated pupils in the district or below 40 percent of enrollment of unduplicated pupils at a school site in the LCAP year, when using supplemental and concentration funds in a districtwide or schoolwide manner, the school district must additionally describe how the services provided are the most effective use of funds to meet the district's goals for unduplicated pupils in the state priority areas. (See 5 CCR 15496(b) for guidance.)

D. Consistent with the requirements of 5 CCR 15496, demonstrate how the services provided in the LCAP year for low income pupils, foster youth, and English learners provide for increased or improved services for these pupils in proportion to the increase in funding provided for such pupils in that year as calculated pursuant to 5 CCR 15496(a)(7). Identify the percentage by which services for unduplicated pupils must be increased or improved as compared to the services provided to all pupils in the LCAP year as calculated pursuant to 5 CCR 15496(a). An LEA shall describe how the proportionality percentage is met using a quantitative and/or qualitative description of the increased and/or improved services for unduplicated pupils as compared to the services provided to all pupils.

NOTE: Authority cited: Sections 42238.07 and 52064, Education Code. Reference: Sections 2574, 2575, 42238.01, 42238.02, 42238.03, 42238.07, 47605, 47605.5, 47606.5, 48926, 52052, 52060-52077, and 64001, Education Code; 20 U.S.C. Section 6312.

LOCAL CONTROL FUNDING FORMULA SAMPLE SCENARIO

The Local Control Funding Formula (LCFF) requires the State Board of Education to adopt spending regulations that require local educational agencies (LEAs) to increase or improve services for low-income students, English Learners, and foster youth ("unduplicated pupils") in proportion to the increase in funds apportioned for supplemental and concentration grants. The following sample scenario illustrates how a hypothetical school district would demonstrate increased or improved services under proposed Title 5 *California Code of Regulations (*5 *CCR)* section 15496. (See Attachment 3).

Sample Unified School District (USD)

68.83% of the students in Sample USD are low-income students, English Learners and/or foster youth.

2013-14 Total LCFF Funding	$113,658,945
2014-15 Total LCFF Funding	$120,009,636
Full Implementation:	
Sample USD's LCFF Funding Target	$ 167,569,262
Sample USD's Supplemental/Concentration Target Total	$ 27,862,406

Calculation of Proportionality Percentage

To determine the proportionality percentage for its budget and initial Local Control and Accountability Plan (LCAP) in 2014-15, Sample USD will follow these steps:

(References to "estimated supplemental and concentration grant funding" below are intended to refer to funds apportioned on the basis of the number and concentration of unduplicated pupils.)

1. **Determine the district's target supplemental and concentration grant funding, 5 *CCR* section 15496(a)(1):** Estimate how much of Sample USD's total LCFF funding when it reaches its LCFF target at full implementation will be attributed to supplemental and concentration grants.
   $27,862,406

2. **Determine prior year expenditures to support unduplicated pupils, 5 *CCR* section 15496(a)(2):** Estimate Sample USD's expenditures in 2013-14 on services for low-income pupils, English Learners, and foster youth that are in addition to expenditures on services provided to all pupils. The estimated amount should be no less than the amount of Economic Impact Aid funds Sample USD expended in the 2012-13 fiscal year.
   $5,000,000

3. **Calculate the gap between prior year expenditures and target supplemental and concentration grant funding, 5 *CCR* section 15496(a)(3):** Subtract the estimated 2013-14 expenditures on additional services for low-income pupils, English Learners and foster youth from Sample USD's supplemental and concentration grant target. This calculation will result in a figure that is Sample USD's approximate supplemental and concentration funding gap.
   $27,862,406 - $5,000,000 = $22,862,406

4. **Calculate the increase in estimated supplemental and concentration grant funding in the LCAP year, 5 *CCR* section 15496(a)(4):** Estimate Sample USD's increase in estimated supplemental and concentration grant funding in 2014-15 by multiplying the gap figure in step 3 by the estimated percentage of the remaining statewide funding gap between current funding and full implementation of LCFF that is eliminated in the fiscal year for which the LCAP is adopted as calculated by the Department of Finance. For purposes of this hypothetical, assume the Department of Finance has calculated that the total LCFF funding gap is reduced by 11.8% in 2014-15.
   $22,862,406 x 11.8% = $2,697,764

5. **Calculate the district's total estimated supplemental and concentration grant funding in the LCAP year, 5 *CCR* Section 15496(a)(5):** Calculate Sample USD's estimated supplemental and concentration grant funding in 2014-15 by adding the gap reduction figure above to the past year expenditure total from step 2. (Note: this amount will appear in Section 3C of Sample USD's 2014-15 LCAP. (See Attachment 3.)
   $2,697,764 + $5,000,000 = $7,697,764

6. **Calculate the district's base funding in the LCAP year, 5 *CCR* Section 15496(a)(6):** Estimate the amount of funding attributable to base grants in 2014-15 by subtracting the amount calculated pursuant to Step 5 above from Sample USD's total amount of LCFF funding in 2014-15.
   $120,009,636 - $7,697,764 = $112,311,872

7. **Calculate the minimum proportionality percentage, 5 *CCR* Section 15496(a)(7):** Divide the approximate amount of supplemental and concentration grant funds by the approximate amount of base grant funds in 2014-15. This calculation will result in the percentage by which services for low-income pupils, English Learners and foster youth must be increased or improved as compared to the services provided to all pupils.
   $7,697,764/ $112,311,872 = 6.9%

Overview of the Steps to Calculate the Proportionality Percentage

Step 1 – Step 2 = Step 3 (**$27,862,406 - $5,000,000 = $22,862,406)**

Step 3 x Percentage by which state has closed LCFF funding gap = Step 4 (**$22,862,406 x 11.8% = $2,697,764)**

Step 4 + Step 2 = Step 5 **($2,697,764 + $5,000,000 = $7,697,764)**

Total amount of LCFF funding in LCAP year – Step 5 = Step 6 (**$120,009,636 - $7,697,764 = $112,311,872)**

Step 5 / Step 6 = Step 7 (**$7,697,764/ $112,311,872 = 6.9%)**

Availability of Data for Use in the Calculation

In Step 1, LEAs will be able to estimate their LCFF supplemental and concentration grant targets, or what the LEA would receive if the formula was fully funded, by following the LCFF formula in statute and multiplying the number of pupils by the applicable base, supplemental, and concentration grant amounts. A calculator maintained by the Fiscal Crisis Management and Assistance Team is one of the tools available to LEAs to help accurately calculate this number.

The statutory formula used to determine every LEA's supplemental and concentration grant target requires the average daily attendance data by grade level and accurate local enrollment data, including the total number of pupils, and unduplicated numbers of low-income pupils, English Learners and foster youth. The calculations must be done every year due to changes in local pupil populations. While every LEA will be reporting enrollment data to the CDE for the apportionment process, this data will not be available for the LCAP planning process, therefore LEAs should use the more current and accurate local enrollment projections they have done in the spring for purposes of the calculation in Step 1 above and for purposes of the local LCAP adoption process.

Until an LEA reaches its LCFF funding target, for the purposes of *Education Code* (*EC*) Section 42238.07, the amount of funding it receives in a fiscal year that is attributable to supplemental and concentration grants depends on the LEA's estimated amount of expenditures in Step 2 for 2013-14 and the amounts expended in subsequent years that build up from that locally-estimated starting point. LEAs will vary in the levels of services provided in 2013-14 to low-income pupils, English Learners, and foster youth as compared to all pupils, and therefore the amounts in Step 2 must be locally estimated consistent with the expenditure regulations.

Steps 3 through 5 in the regulations use this local estimate of services provided in the prior year as the basis for calculating an LEA's estimated supplemental and concentration grant funding in the LCAP year. Specifically the regulations require an LEA to compare the prior year expenditures identified in Step 2 with how much more the LEA will receive in supplemental and concentration grant funding at full implementation, and make an incremental increase towards closing this gap each year, based on the amount of new funding the state provides in that year.

Once LCFF is fully implemented, the estimated supplemental and concentration grant funding will be more easily identifiable. In the meantime, the regulations not only provide a consistent formula for all LEAs to make this estimation but also require significant explanation and description by the LEA in the LCAP.

Demonstration of Proportionally Increased or Improved Services in the LCAP

Sample USD has calculated a 6.9% proportionality percentage for 2014-15. In its LCAP, the district will identify this percentage and demonstrate how services for low income pupils, English Learners and foster youth will be increased or improved by at least 6.9% as compared to the services provided to all pupils.

The actions Sample USD will take to serve low-income pupils, English Learners, foster youth, and pupils redesignated as fluent English proficient will be listed and described in Section 3 Actions, Services, and Expenditures, subpart (B)of the LCAP. The descriptions will include the expenditures necessary to implement these actions and the related services. Section 3 Actions, Services, and Expenditures, subpart (C) of the LCAP will describe Sample USD's minimum funding target for additional or improved services for low-income pupils, English Learners and foster youth in 2014-15 (see Step 5 above) and describe how these funds will be spent, with references to actions and services listed in Section 3 Actions, Services, and Expenditures, subpart (B) of the LCAP.

If Sample USD plans to use some of these funds for schoolwide or districtwide purposes, these expenditures will be identified and the LCAP, pursuant to proposed 5 *CCR* 15496(b), will describe how the funded services are directed towards meeting the district's goals for its low-income pupils, English Learners, and foster youth in the state priority areas. If the district plans to provide schoolwide services in a school where low-income pupils, English Learners, and foster youth account for less than 40 percent of enrollment, Sample USD must additionally describe how the services provided are the most effective use of funds to meet the district's goals for low-income pupils, English Learners, and foster youth in the state priority areas.

Finally, in Section 3 Actions, Services, and Expenditures, subpart (D) of the LCAP, in conjunction with the calculated proportionality percentage, Sample USD

will demonstrate how services provided for low income pupils, English learners, and foster youth in 2014-15 will be increased or improved by 6.9% as compared to the services provided to all pupils. The description of how the proportionality percentage standard is met may include quantitative and/or qualitative descriptions of the increased and/or improved services for unduplicated pupils as compared to the services provided to all pupils.

SAMPLE UNIFIED SCHOOL DISTRCT

	2013-14	**2014-15***	**2015-16****	**Repeat for 2016-17 – 2019-20*****	**2020-21**
Estimated Total LCFF Funding	$113,658,945	$120,009,636	$125,621,700	….	$167,569,262
Estimated Base Grant	N/A	$112,311,872	$115,544,510	….	$139,706,856
Estimated Total of Supplemental and Concentration Grants	N/A	$7,697,764	$10,077,190	….	$27,862,406
Proportional increase or improvement in services for low income/English learner/foster youth pupils as compared to the services provided to all pupils in that fiscal year	**N/A**	**6.9%**	**8.7%**	**….**	**20%**

*** Assuming, for purposes of this hypothetical, that 11.8% of the remaining statewide funding gap between current funding and full implementation of LCFF is eliminated by additional funding provided in 2014-15.**
**** While the percentage of the remaining statewide funding gap that is eliminated each year will likely vary, this column again assumes the percentage is 11.8% for 2015-16 and that Sample USD expended the minimum amount for additional services for LI/EL/FY pupils in 2014-15 (the estimated total of supplemental and concentration grant funds for that year).**
*****Assuming annual LCFF funding that allows the state to reach full implementation in 2020-21.**

1-03-14 [California Department of Education]

INITIAL STATEMENT OF REASONS

LOCAL CONTROL FUNDING FORMULA SPENDING REQUIREMENTS FOR SUPPLEMENTAL AND CONCENTRATION GRANTS AND LOCAL CONTROL AND ACCOUNTABILITY PLAN TEMPLATE

INTRODUCTION

Assembly Bill (AB) 97 (Chapter 47, Statutes of 2013), as amended by Senate Bill (SB) 97 (Chapter 357, Statutes of 2013), enacted the Local Control Funding Formula (LCFF). According to the California Department of Finance, the LCFF was designed to address funding inequities and to reform the overly complex and inequitable revenue limit and categorical funding system that allocated state funding to California's local educational agencies (LEAs) – school districts, county offices of education, and charter schools. The goal of the LCFF is to reduce state bureaucracy and increase flexibility and accountability at the local level so those closest to the pupils can make the decisions and ensure that pupil needs are met. The formula primarily consists of base, supplemental, and concentration grant funding that focuses resources based on an LEA's pupil demographics.

The funding formula associated with LCFF calls for providing state funding to LEAs based on an equal amount per pupil, with two adjustments, or weights. The first adjustment is based on the grade level of the pupil. The rate for pupils in Kindergarten through grade 3 includes additional funding for grade span adjustments that require, upon full implementation, that LEAs reduce class sizes in such grades to an average of no more than 24 pupils. In addition, the formula is adjusted for pupils in grades 9-12 to reflect higher operating costs as well as a focus on college and career readiness. The second adjustment is based on demographics. The formula provides additional funding in the form of supplemental and concentration amounts based on the unduplicated count of low-income, English learner, and foster youth enrolled by the LEA (unduplicated pupils). For school districts, the formula provides an additional 20 percent of the base amount for each unduplicated pupil; and, when the number of unduplicated pupils exceeds 55 percent of the school district's enrollment, an additional 50 percent of the base amount for each unduplicated pupil that exceeds 55 percent of enrollment. Different formulas are provided for county offices of education and charter schools. All LEAs are required to increase or improve services to these unduplicated pupils in proportion to the increase in funds apportioned on that basis.

In addition to changing the way that funding is provided to LEAs, LCFF also requires LEAs to prepare a Local Control and Accountability Plan (LCAP) prior to the submission of LEA budgets to oversight agencies. LEAs must also prepare and submit an annual update to the LCAP. The LCAP must describe annual goals for each identified state priority, describe specific actions necessary to achieve those goals, and list and describe annual expenditures implementing the specific actions. The specific priorities are outlined in Education Code sections 52060(d), 52066(d), or 47605(b)(5)(B).

PROBLEM AGENCY INTENDS TO ADDRESS

These regulations are necessary in order for LEAs to successfully implement the LCFF. Pursuant to Education Code sections 2574 and 42238.02, in addition to the base grant, an LEA receives a supplemental grant for each unduplicated pupil enrolled. LEAs with a specified percentage of unduplicated pupils receive an additional concentration grant. The law specifies that each LEA is required to expend its supplemental and concentration grants in accordance with the spending regulations adopted by the SBE. Thus, these regulations are necessary in order for LEAs to determine appropriate expenditure of LCFF funds.

Education Code section 52064 requires the SBE to adopt an LCAP template for use by LEAs. These regulations are necessary in order for LEAs to comply with the statutory requirements for adopting the LCAP and the annual update. Education Code sections 52060 and 52064 require school districts and county offices of education to adopt an LCAP by July 1, 2014, using the template adopted by the SBE. Prior to adopting the LCAP, Education Code sections 52062 and 52069 require school districts and county offices of education to present their LCAP to the parent advisory and English learner parent advisory committees, provide public notification, and hold a public hearing before the governing board or county board of education. The governing board and county board of education must then adopt the LCAP at a public meeting which must be held after the public hearing.

Through this rulemaking process, the SBE proposes to amend the California Code of Regulations, title 5, by adding sections 15494 through 15497 to comply with the requirements of Education Code sections 2574, 42238.02, 42238.07, and 52064.

BENEFITS ANTICIPATED FROM REGULATORY ACTION

The benefit of the proposed regulations is to clarify and make specific provisions of Education Code section 42239.07, which requires an LEA to increase or improve services to unduplicated pupils in proportion to the increase of funds apportioned on the basis of the number and concentration of unduplicated pupils in the LEA.

The proposed regulations provide a template, pursuant to Education Code section 52064, for the LCAP. The template provides explicit direction for LEAs to address LCFF priorities as identified by the state in Education Code sections 52060(d), 52066(d), or 47605(b)(5)(B) for LEAs.

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

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

Proposed section 15494 is added to describe the scope of the regulation and to clarify the applicability of these regulations in support of LCFF local implementation.

Proposed section 15495 is added to define relevant terms that are necessary to provide the regulatory support to LCFF.

Proposed section 15496 is added to provide direction to LEAs regarding how to address the requirement that LEAs demonstrate increased and improved services for unduplicated pupils in proportion to the increase in funds apportioned for supplemental and concentration grants as required by Education Code section 42239.07. This is necessary to describe the methodology and manner by which LEAs will provide evidence of meeting this statutory requirement.

Proposed section 15497 is added to provide LEAs with an LCAP template and annual update template and instructions for completion to document information required in Education Code sections 52060(d), 52061(a), 52064, 52066(d), 52067(a), 47605(b)(5)(B), and 47606(a).

The Introduction Section is added to explain the legal requirements for LEAs in completing the form and to list the state priorities for the LCAP as specified in Education Code sections 52060(d) and 52066(d).

Section 1 of the template is entitled Stakeholder Engagement. This section is necessary to address Education Code sections 52062, 52068, and 47606.5, which specify minimum requirements for stakeholder engagement. Furthermore, this section also aligns to the state priorities specified in Education Code sections 52060(d) and 52066(d) related to stakeholder engagement.

Section 2 of the template is entitled Goals and Progress Indicators. This section is necessary to require the LEA, as required by Education Code sections 52060(c), 52061(a), 52066(c), 52067(a), and 47606.5(a), to describe annual goals, for all pupils and each subgroup of pupils, for each state priority: to include a review of progress towards the goals; and to describe progress anticipated under each goal. In addition, this section is necessary for the LEA to describe in its annual update a review of progress toward each goal as required by Education Code sections 52061(a), 52067(a), and 47606.5(a).

Section 3 of the template is entitled Actions, Services and Expenditures. This section is necessary for the LEA to describe the specific actions to meet the goals identified and to include a listing and description of the expenditures required to implement the specific actions, as required by Education Code sections 47606.5(a), 52060(c), 52061(a), 52064(b), 52066(c), and 52067(a). Education Code section 52064(b) specifies that the template must require the LEA to report a listing and description of the expenditures for the fiscal year to serve all and a listing and description of the expenditures for the fiscal year to serve unduplicated pupils, as defined in Education Code section 42238.01, and pupils redesignated as fluent English proficient, as detailed in Sections 3(A) and 3(B).

Sections 3(C) and 3(D) require the LEA to demonstrate that is had provided increased or improved services in proportion to the funding apportioned as required by Education Code section 42238.07 and proposed section 15496(a) of these regulations. Section 3(C) requires the LEA to calculate the increase in funds apportioned to the LEA on the basis of the number of unduplicated pupils, describe how the funds were expended, and describe the extent to which funds were expended on a districtwide, schoolwide, countywide, or charterwide basis pursuant to Education Code section 42238.07(a)(2) and proposed section 15496 of these regulations. Section 3(D) requires the LEA to demonstrate how the actions, services, and expenditures have increased or improved services to unduplicated pupils in proportion to the increase in funding apportioned for those pupils.

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

The proposed regulatory action provides instruction to LEAs regarding the expenditure of funds allocated under the LCFF and provides a template for use by LEAs to complete an LCAP and annual update. This regulatory action is required by Education Code section 42238.07 and 52064, as added by AB 97 (Chapter 47, Statutes of 2013), effective July 1, 2013, and as amended by SB 97 (Chapter 357, Statutes of 2013), effective January 1, 2014.

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

Studies, Reports, or Documents Relied Upon – Gov. Code Section 11346.2(b)(2):

The SBE did not rely upon any technical, theoretical, or empirical studies, reports, or documents in proposing the adoption of this regulation.

Reasonable Alternatives Considered Or Agency's Reasons for Rejecting Those Alternatives – Gov. Code Section 11346.2(b)(3)(A):

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

Reasonable Alternatives That Would Lessen the Impact On Small Businesses – Gov. Code Section 11346.2(b)(3)(B):

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

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

The proposed regulations would not have a significant adverse economic impact on any business.

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

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

California State Board of Education

Meeting Agenda Items for January 15-16, 2014

ITEM 22

CALIFORNIA STATE BOARD OF EDUCATION

JANUARY 2014 AGENDA

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

SUMMARY OF THE ISSUE(S)

This is a standing item on the agenda, which allows the members of the public to address the board on any matter that is not included in this meeting's agenda.

RECOMMENDATION

Listen to public comment on matters not included on the agenda.

BRIEF HISTORY OF KEY ISSUES

Not applicable.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Not applicable.

FISCAL ANALYSIS (AS APPROPRIATE)

Not applicable.

ATTACHMENT(S)

Not applicable.