California State Board of Education

Meeting Agenda Items for May 7-8, 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

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

SBE Agenda for May 2014

Agenda for the California State Board of Education (SBE) meeting on May 7-8, 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

Schedule of Meeting	Location
Wednesday, May 7, 2014 8:30 a.m. Pacific Time ± STATE BOARD OF EDUCATION **Public Session, adjourn to Closed Session – IF NECESSARY.**	**California Department of Education** 1430 N Street, Room 1101 Sacramento, California 95814 916-319-0827

As stated above, the meeting will be held at the California Department of Education, 1430 N Street, Room 1101, Sacramento, CA 95814. However, pursuant to *Government Code* Section 11123, one member will attend via teleconference and will be participating from 835 Lathrop Drive, Stanford, California 94305. Members of the public can appear at the teleconference location. Agendas will be posted at the teleconference location and the meeting at that location will be conducted in a manner that protects the rights of any party or member of the public appearing before the State Board of Education.

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

Schedule of Meeting	Location
Thursday,May 8, 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

As stated above, the meeting will be held at the California Department of Education, 1430 N Street, Room 1101, Sacramento, California 95814. However, pursuant to *Government Code* Section 11123, one member will attend via teleconference and will be participating from 835 Lathrop Drive, Stanford, California 94305. Members of the public can appear at the teleconference location. Agendas will be posted at the teleconference location and the meeting will be conducted at that location in a manner that protects the rights of any party or member of the public appearing before the State Board of Education.

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.

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
- *Nevada City School District and the Board of Trustees of the Nevada City School District v. California Department of Education, State Superintendent of Instruction Tom Torlakson, State Board of Education,* Nevada County Superior Court Case No. CU14-080329
- *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
- *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

May 7, 2014

Wednesday, May 7, 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: 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 2 (DOC)

Subject: *English Language Arts/English Language Development Framework for California Public Schools: Kindergarten Through Grade Twelve*, 2014 Revision: Update on the Revision of the Framework.

Type of Action: Information

- Presentation from the Instructional Quality Commission, May 2014 (PDF)
  2014 Revision of the English Language Arts/English Language Development Framework presentation slides.

Item 3 (DOC)

Subject: Update on California Assessment of Student Performance and Progress Activities, Including, but not limited to, the Spring 2014 Smarter Balanced Field Test and National Center and State Collaborative Activities.

Type of Action: Information

Item 4 (DOC)

Subject: California Assessment of Student Performance and Progress: Approve Commencement of a 15-Day Public Comment Period for Amendments to the *California Code of Regulations*, Title 5, Sections 850 – 868.

Type of Action: Action, Information

- Item 4 Attachment 1 (DOC; 1MB; **Posted** 29-Apr-2014)
- Item 4 Attachment 2 (DOC; **Posted** 29-Apr-2014)
- Item 4 Attachment 3 (DOC; **Posted** 29-Apr-2014)

Item 5 (DOC)

Subject: First draft reading of the State Implementation Plan for California Next Generation Science Standards for Public Schools, Grades Kindergarten through Grade Twelve as required in *EC* Section 60605.85 (b).

Type of Action: Information

Item 6 (DOC)

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

Type of Action: Action, Information

PUBLIC HEARINGS

Public Hearings on the following agenda items will commence no earlier than 1:00 p.m. on May 7, 2014. The Public Hearings will be held as close to 1:00p.m. as the business of the State Board permits.

Item 7 (DOC)

Subject: Renewal Petition for the Establishment of a Charter School Under the Oversight of the State Board of Education: Consideration of the Anahuacalmecac International University Preparatory High School which was denied by the Los Angeles Unified School District and the Los Angeles County Office of Education.

Type of Action: Action, Information, Hearing

Item 8 (DOC)

Subject: Lifeline Education Charter School: Consider a Material Revision of the Charter to Change from Grades Six Through Twelve to Kindergarten Through Grade Twelve**.**

Type of Action: Action, Information, Hearing

Item 9 (DOC)

Subject: Petition for Establishment of a Charter School Under the Oversight of the State Board of Education: Consideration of the Magnolia Science Academy—Santa Ana, which was denied by the Santa Ana Unified School District and the Orange County Office of Education.

Type of Action: Action, Information, Hearing

END OF PUBLIC HEARINGS

ADJOURNMENT OF DAY'S SESSION

FULL BOARD AGENDA
Public Session

May 8, 2014

Thursday, May 8, 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 10 (DOC; 5MB)

Subject: Local Control Funding Formula: Update on California's Local Educational Agency and School Planning and Accountability System.

Type of Action: Action, Information

Item 11 (DOC; 1MB)

Subject: Local Control Funding Formula: Recommendation of the California Collaborative for Educational Excellence Fiscal Agent.

Type of Action: Action, Information

Item 12 (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 Cohort 3 Fiscal Year 2013 Grant Award Notification.

Type of Action: Action, Information

- Item 12 Attachment 1 (PDF)
- Accessible Alternative Version of Item 12 Attachment 1

Item 13 (DOC)

Subject: Elementary and Secondary Education Act: School Improvement Grant: Approval of Funding for Local Educational Agencies and Schools for the Fiscal Year 2013 School Improvement Grant Sub-Grants Under Section 1003(g) of the Elementary and Secondary Education Act.

Type of Action: Action, Information

Item 14 (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

WAIVERS / ACTION AND CONSENT ITEMS

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

Federal Program Waiver (Carl D. Perkins Career and Technical Education Improvement Act)

Item W-01 (DOC)

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

Waiver Number:

- Fed-1-2014

(Recommended for APPROVAL)

Independent Study Program (Pupil Teacher Ratio)

Item W-02 (DOC)

Subject: Request by one district and one county office of education for renewals 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). The district renewal is related to charter school independent study pupil-to-teacher ratio to allow an increase from 25:1 to a 27.5:1. The county office requests continuing an increase of independent study pupil-to-teacher ratio of 35:1.

Waiver Numbers:

- Orange County Department of Education 1-2-2014
- Ripon Unified School District 34-1-2014

(Recommended for APPROVAL WITH CONDITIONS)

Open Enrollment (Removal From the List of LEAs)

Item W-03 (DOC)

Subject: Request by four school districts to waive California *Education Code* Section 48352(a) and *California Code of Regulations,* Title 5, Section 4701, to remove seven schools from the Open Enrollment List of "low-achieving schools" for the 2014–15 school year.

Waiver Numbers:

- Covina-Valley Unified School District 40-1-2014
- Covina-Valley Unified School District 41-1-2014
- Goleta Union Elementary School District 85-2-2014
- Savanna Elementary School District 129-2-2014
- Tustin Unified School District 6-2-2014
- Tustin Unified School District 7-2-2014
- Tustin Unified School District 8-2-2014

(Recommended for APPROVAL WITH CONDITIONS)

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

Item W-04 (DOC)

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

Waiver Numbers:

- Anderson Union High School District 1-1-2014
- Butte County Office of Education 89-2-2014
- Chula Vista Elementary School District 30-1-2014
- Cuyama Joint Unified School District 4-4-2014
- Imperial County Office of Education 90-2-2014
- National Elementary School District 110-2-2014
- Oroville City Elementary School District 43-1-2014
- San Diego County Office of Education 37-1-2014
- South Bay Union School District 18-1-2014
- Tehama County Office of Education 108-2-2014

(Recommended for APPROVAL WITH CONDITIONS)

Special Education Program (Resource Teacher Caseload)

Item W-05 (DOC)

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

Waiver Number:

- 31-1-2014

(Recommended for APPROVAL WITH CONDITIONS)

State Testing Apportionment Report

Item W-06 (DOC)

Subject: Request by five 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:

- Lodi Unified School District 86-2-2014
- Northern Humboldt Union High School District 88-2-2014
- Placentia-Yorba Linda Unified School District 82-2-2014
- Robla Elementary School District 94-2-2014
- Stony Creek Joint Unified School District 91-2-2014

(Recommended for APPROVAL)

Out-of-State Use of Funds and Transportation Allowances

Item W-07 (DOC)

Subject: Request by Butteville Union Elementary School District to waive a portion of California *Education Code* Section 35330(b)(3) to authorize expenditure of school district funds for students to travel to Oregon to attend economically prudent curricular and extracurricular trips/events and competitions.

Waiver Number:

- 4-2-2014

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

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

Item W-08 (DOC)

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

Waiver Numbers:

- Orcutt Union Elementary School District, 99-2-2014
- Poway Unified School District, 7-3-2014
- San Diego Unified School District, 26-1-2014

(Recommended for APPROVAL WITH CONDITIONS)

School Construction Bonds (Bond Indebtedness Limit - Non-Unified after 2000)

Item W-09 (DOC)

Subject: Request by Dehesa Elementary School District to waive California *Education Code* sections 15102 and 15268 related to bonded indebtedness limits. Total bonded indebtedness may not exceed 1.25 percent of the taxable assessed valuation of property for elementary and high school districts. Proposition 39 bonds limit the tax rate levy authorized in each election to $30 per $100,000 of assessed value for elementary and high school districts. The district is requesting 1.58 percent bonded indebtedness limit.

Waiver Number:

- 84-2-2014

(Recommended for APPROVAL WITH CONDITIONS)

School Construction Bonds (Citizens Oversight Committee - Term Limits)

Item W-10 (DOC)

Subject: Request by two school districts to waive California *Education Code* Section 15282(a), relating to term limits for members of a Citizens' Oversight Committee for all construction bonds in the district.

Waiver Numbers:

- Oxnard Unified School District 25-1-2014
- Saddleback Valley Unified School District 3-2-2014
- Saddleback Valley Unified School District 2-2-2014

(Recommended for APPROVAL WITH CONDITIONS)

School District Reorganization (Election Requirements and Speed Transfer Process)

Item W-11 (DOC)

Subject: Request by Riverside County Office of Education to waive portions of California *Education Code* Section 4009, that require the term of each member of the county committee shall be for four years.

Waiver Number:

- 115-2-2014

(Recommended for APPROVAL WITH CONDITIONS)

School District Reorganization (Elimination of Election Requirement)

Item W-12 (DOC)

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

Waiver Numbers:

- Anaheim Union High School District 33-1-2014
- Corona-Norco Unified School District 38-1-2014
- Riverbank Unified School District 4-3-2014
- Stony Creek Joint Unified School District 119-2-2013

(Recommended for APPROVAL)

School District Reorganization (Elimination of Election Requirement)

Item W-13 (DOC)

Subject: Request by San Diego County Office of Education to waive California *Education Code* Section 5020, and portions of sections 5019, 5021, and 5030, that require a districtwide election to establish a by-trustee-area method of election.

Waiver Number:

- 13-3-2014

(Recommended for APPROVAL)

School District Reorganization (Elimination of Election Requirement)

Item W-14 (DOC)

Subject: Request by two school districts to waive California *Education Code* Section 35103 that requires the election for the initial governing board of a newly formed school district to be held in March.

Waiver Numbers:

- Pleasant Valley Elementary 117-2-2014
- Ready Springs Union Elementary 118-2-2014

(Recommended for APPROVAL)

School District Reorganization (Size of Governing Board)

Item W-15 (DOC)

Subject: Request by Humboldt County Office of Education to waive California *Education Code* Section1004 that requires an election to reduce the number of governing board members from seven to five.

Waiver Number:

- 23-1-2014

(Recommended for APPROVAL)

Schoolsite Council Statute (Number and Composition of Members)

Item W-16 (DOC)

Subject: Request by 10 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:

- Briggs Elementary School District 3-1-2014
- Butte County Office of Education 95-2-2014
- Columbia Elementary School District 102-2-2014
- Del Norte County Office of Education 96-2-2014
- Del Norte County Unified School District 97-2-2014
- Del Norte County Unified School District 98-2-2014
- Hornbrook Elementary School District 32-1-2014
- Maple Creek Elementary School District 2-1-2014
- Potter Valley Community Unified School District 5-2-2014
- Sierra-Plumas Joint Unified School District 29-1-2014
- Weed Union Elementary School District 27-1-2014

(Recommended for APPROVAL WITH CONDITIONS)

State Meal Mandate (Summer School Session)

Item W-17 (DOC)

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

Waiver Numbers:

- Eastern Sierra Unified School District 44-1-2014
- Liberty Elementary School District 109-2-2014
- McCabe Union Elementary School District 87-2-2014
- Sierra-Plumas Joint Unified School District 111-2-2014
- Snowline Joint Unified School District 9-3-2014
- Wiseburn Elementary School District 52-1-2014

(Recommended for APPROVAL)

Teacher Evaluation and Assessment (Probationary Status)

Item W-18 (DOC)

Subject: Request by San Jose Unified School District to waive California *Education Code* Section 44929.21(b), to enable both the granting of permanent status after the first year of probationary status and the granting of a third year of probationary status as deemed necessary.

Waiver Number:

- 39-1-2014

(Recommended for DENIAL)

Quality Education Investment Act (Class Size Reduction Requirements)

Item W-19 (DOC)

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

Waiver Numbers:

- 9-2-2014

- 10-2-2014
- 11-2-2014 -- **Waiver Withdrawn by District as of April 28, 2014**
- 12-2-2014
- 13-2-2014
- 14-2-2014
- 16-2-2014
- 17-2-2014
- 18-2-2014
- 19-2-2014
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- 78-2-2014
- 79-2-2014
- 80-2-2014

(Recommended for APPROVAL WITH CONDITIONS)

Quality Education Investment Act (Class Size Reduction Requirements)

Item W-20 (DOC)

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

Waiver Numbers:

- Azusa Unified School District 104-2-2014
- Azusa Unified School District 105-2-2014
- Azusa Unified School District 106-2-2014
- Banning Unified School District 128-2-2014
- Chualar Union School District 124-2-2014
- Del Norte County Unified School District 28-1-2014
- Los Nietos School District 126-2-2014
- Romoland Elementary School District 83-2-2014
- San Diego Unified School District 50-1-2014
- San Diego Unified School District 51-1-2014
- San Jose Unified School District 93-2-2014
- Ukiah Unified School District 53-1-2014

(Recommended for APPROVAL WITH CONDITIONS)

Quality Education Investment Act (Highly Qualified Teachers)

Item W-21 (DOC)

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

Waiver Numbers:

- San Diego Unified School District 45-1-2014
- San Diego Unified School District 48-1-2014
- Sweetwater Union High School District 20-3-2014
- West Contra Costa Unified School District 120-2-2014

(Recommended for APPROVAL WITH CONDITIONS)

Quality Education Investment Act (Teacher Experience Index)

Item W-22 (DOC)

Subject: Request by San Diego Unified 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:

- 49-1-2014

(Recommended for APPROVAL WITH CONDITIONS)

Quality Education Investment Act (Class Size Reduction Requirements)

Item W-23 (DOC; **Revised** 30-Apr-2014)

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

Waiver Numbers:

- Banning Unified School District 127-2-2014
- Chualar Union School District 123-2-2014
- Los Nietos School District 125-2-2014

(Recommended for DENIAL)

Special Education Program (Algebra I Requirement for Graduation)

Item W-24 (DOC)

Subject: Request by Willits Unified School District to waive California *Education Code* Section 51224.5(b), the requirement that all students graduating in the 2013–14 school year be required to complete a course in Algebra I (or equivalent) to be given a diploma of graduation for one special education student based on *Education Code* Section 56101, the special education waiver authority.

Waiver Number:

- 122-2-2014

(Recommended for APPROVAL WITH CONDITIONS)

EQUITY LENGTH OF TIME

Item W-25 (DOC)

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

Waiver Numbers:

- Milpitas Unified School District 21-3-2014
- San Diego Unified School District 116-2-2014

(Recommended for APPROVAL WITH CONDITIONS)

END OF WAIVERS

Item 15 (DOC)

Subject: GENERAL PUBLIC COMMENT

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

Type of Action: Information

Item 16 (DOC)

Subject: English Language Arts/English Language Development Instructional Materials Adoption–Adopt Proposed *California Code of Regulations,* Title 5, Section 9517.3.

Type of Action: Action, Information

- Item 16 Attachment 3 (PDF)
- Accessible Alternative Version of Item 16 Attachment 3

Item 17 (DOC)

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

Type of Action: Action, Information

Item 18 (DOC)

Subject: Reconsideration of Requests for Determination of Funding as Required for Nonclassroom-based Charter Schools Pursuant to California *Education Code* Sections 47612.5 and 47634.2, *California Code of Regulations* Section 11963.6(g), and Associated *California Code of Regulations*, Title 5.

Type of Action: Action, Information

Item 19 (DOC)

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

Type of Action: Action, Information

Item 20 (DOC)

Subject: Approval of 2013–14 Consolidated Applications.

Type of Action: Action, Information

Item 21 (DOC)

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

Type of Action: Action, Information

Item 22 (DOC)

Subject: Elementary and Secondary Education Act: Supplemental Educational Services Providers: Approval of Additional Providers, Including Local Educational Agencies Identified for Improvement as Providers Based on a Waiver Granted Under Title I, Part A Section 9401 of the Elementary and Secondary Education Act to the 2014–16 State Board of Education-Approved Supplemental Educational Services Provider List.

Type of Action: Action, Information

ADJOURNMENT OF MEETING

This agenda is posted on the State Board of Education's Web site [http://www.cde.ca.gov/be/ag/]. For more information concerning this agenda, please contact the State Board of Education at 1430 N Street, Room 5111, Sacramento, CA, 95814; telephone 916-319-0827; 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, May 2, 2014, the Friday prior to the meeting.

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

California State Board of Education

Meeting Agenda Items for May 7-8, 2014

ITEM 01

CALIFORNIA STATE BOARD OF EDUCATION

MAY 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 eighteenth 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-March 2014: 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: March–April 2014 (4 Pages)

Attachment 2: Common Core State Standards Implementation Outreach: California State Board of Education and California Department of Education Activities (12 Pages)

Common Core State Standards Systems Implementation Plan Highlights: March–April 2014

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.

- California Department of Education (CDE) staff participated in the 39th Annual Conference of the California Association for Bilingual Education (CABE) in Anaheim, California on April 2–5, 2014. Approximately 600 teachers, administrators, para-educators, and parents of English learners participated in presentations and workshops designed to share the most current information for English learners through the Common Core State Standards (CCSS), the new California English Language Development (CA ELD) standards, and technology and the arts. During the conference, the CDE offered a one-day Institute to share information regarding the following topics: ELD Standards in the era of CCSS, implementing state assessments with a focus on English Learners, the English Language Arts/English Language Development (ELA/ELD) curriculum framework, resources for implementing the CA ELD Standards, and ELD implementation planning. In addition, the Institute included multiple opportunities for participants to engage in facilitated discussions to share information regarding their local implementation efforts.

- The CDE Special Education Division (SED) sponsored the second in-person meeting and live broadcast CCSS Symposium for Special Educators on March 21, 2014. Approximately 2,000 special education and general education administrators, teachers, and parents in California and across 26 states who are part of the National Center and State Collaborative (NCSC) participated in the training. The interactive symposium, Diving Deeper into Aligning the Individualized Education Program (IEP) to the CCSS, was presented by Kevin Schaefer, Assistant Director of Special Programs, WestEd. To view archived materials from both CDE CCSS Symposiums for Special Educators, please visit the CDE CCSS SED Web page at http://www.cde.ca.gov/sp/se/cc/.

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

- An update regarding the 2014 revision of the *English Language Arts/English Language Development Framework for California Public Schools: Kindergarten Through Grade Twelve* will be presented in Item 2.

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 California Assessment of Student Performance and Progress Program activities including, but not limited to, the spring 2014 Smarter Balanced Field Test and National Center and State Collaborative Phase I pilot testing will be provided in Item 3.

4. Collaborate with parents, guardians and the early childhood and extended learning communities to integrate the CCSS into programs and activities beyond the K–12 school setting.

- CDE staff participated in the Best of Out of School Time (BOOST) conference in Palm Springs April 30–May 2, 2014. The BOOST conference is the largest, most recognized national conference for after school facilitators. The conference focused on how to effectively use out-of-school time to advance youth education through resource development and promising practices. Several workshops were directly related to the CCSS: Exploring Curriculum Activities, Elementary Math Games For Teaching the Common Core – Engaging Your After School Students, Mastering the Literacy Habits of Mind & LIAS Principles, Common Core Comes to Life, Common Core LA Style, Social Justice Education: Using Common Core and Project Based Learning to Create a Better World, and many others that provide instruction in bringing classroom standards to after school programs in a creative environment.

  During the conference, State Superintendent of Public Instruction (SSPI) Tom Torlakson received an award for his long standing support of expanded learning programs and his leadership as chair of the Summer Matters Campaign. CDE staff also presented the State of Expanded Learning in California as part of the BOOST Nation Town Hall series.

- On March 8 and March 22, 2014, CDE staff presented information regarding the CCSS and the Smarter Balanced assessment system to more than 300 parents whose children are engaged with College Bound. College Bound is a program in Southern California, established in 1990, that provides comprehensive programs and services that prepare students for admission into and graduation from accredited four-year institutions of higher education. The program provides Saturday School, career awareness resources, academic and college advising, and summer enrichment classes.

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

- As directed by Assembly Bill 86 of 2013, the CDE in February 2014 published a Request for Applications for the California Career Pathways Trust, nearly $250 million in one-time funding intended to establish and strengthen sustainable career pathways in grades nine through fourteen. These pathways are expected to deliver integrated curriculum aligned with both the CCSS and the Career Technical Education (CTE) Model Curriculum Standards, and work-based learning opportunities for all students. The competitively awarded grants will be available to partnerships of schools, community colleges, and business organizations for the 2014–15 fiscal year through the 2017–18 fiscal year to improve the readiness of California students for high need, high growth, and high wage employment in local or regional economies. Applicants can seek grant funding in three categories: up to $15 million per grant for a regional consortium, up to $6 million per grant for a regional or local consortium, and up to $600,000 per grant for a local consortium. During April and May 2014, the CDE is conducting eligibility reviews and content reading and scoring for 126 submitted grant applications that are requesting total grant funding of over $709 million. Grant awards will be announced on May 23, 2014, the project term will commence on July 1, 2014, and first-year grant payments equal to 50 percent of the total grant awards will be distributed by the end of September 2014.

- The California Standards for Career Ready Practice describe the fundamental knowledge and skills that students need to prepare for transition to postsecondary education, career training, or the workforce. These standards, approved by the California State Board of Education (SBE) as part of the CTE Model Curriculum Standards in January 2013, are aligned to the College and Career Readiness Anchor Standards of the CCSS. California's Standards for Career Ready Practice are also aligned to the National Career Technical Core developed with the assistance of the National State Directors for CTE and are supported by numerous national organizations and businesses. On March 3, 2014, SSPI Torlakson announced that "the Standards for Career Ready Practice are general and broad in nature, but are intended to serve as the foundation for teaching and career preparedness from kindergarten through grade twelve." He also stated that "these standards are designed to guide California's teachers as they help students achieve college and career readiness." Additional information regarding the standards and links to information regarding career and college readiness are available on the March 3, 2014 CDE News Release Web page at http://www.cde.ca.gov/nr/ne/yr14/yr14rel22.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:

	January	February	March
Listserv Subscribers	9,051	9,286	9,378
Total Web Page Hits	374,016	331,881	314,460

- 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
January 31, 2014 **Present to California Consortium for Independent Study, Sacramento, CA**	**25 workshop participants** **California Department of Education (CDE)/State Board of Education (SBE) Team:** Elena Fajardo	Present on the perfect marriage of Common Core Standards with English Language Development Standards (ELD).
February 12-15, 2014 **Present to National Association for Bilingual Education (NABE), San Diego, CA**	**800 conference participants** **CDE/SBE Team:** Karen Cadiero-Kaplan, Elena Fajardo	Participate in four-day national conference for administrators, teachers, and parents of English Learners. Present as a feature speaker and provide overview of current initiatives in California that include: State Seal of Biliteracy, ELD standards, English Language Arts/ ELD Curriculum Framework and Professional Learning Modules (PLMs) for Common Core and ELD Standards.

Dates/Events	Participants	Description
February 19-21, 2014 **Present to Curriculum Instruction Steering Committee (CISC) of the County Superintendents Monterey, CA**	**700 Educators** **CDE/SBE Team:** Tom Adams, Bryan Boyd, Karen Cadiero-Kaplan, Lupita Cortez Alcala, Kristen Cruz Allen, Elena Fajardo, Deborah Franklin, Diane Hernandez, Phil Lafontaine, Jane Liang, Carrie Roberts, Lily Roberts, Deb Sigman, Laura Watson	Participate in three-day conference for County Superintendents. Provide various session presentations on updates to the Smarter Balanced Field Tests, Next Generation Science Standards (NGSS) Implementation, English Language Arts/ ELD Curriculum Framework and Professional Learning Modules (PLMs) for Common Core and ELD Standards, and Common Core Mathematics.
February 24 and March 3, 2014 **Present to Latrobe School District Community Meeting**	**25 parents and teachers** **CDE/SBE Team:** Nancy Brownell	Provide an overview of CCSS implementation goals and resources and Smarter Balanced Assessment expectations.
February 25, 2014 **Present to California Collaborative on District Reform Symposium Irvine, CA**	**35 District and County education participants** **CDE/SBE Team:** Karen Cadiero-Kaplan, Kristen Cruz Allen, Elena Fajardo, Carrie Roberts	Provide various session presentations on updates on English Language Arts/ ELD Curriculum Framework and Professional Learning Modules (PLMs) for Common Core and ELD Standards. Focus was to understand the implementation of Common Core State Standards with English Learners.

Dates/Events	Participants	Description
February 26, 2014 **Present to California Collaborative on District Reform Symposium Oakland, CA**	**35 District and County education participants** **CDE/SBE Team:** Karen Cadiero-Kaplan, Kristen Cruz Allen, Elena Fajardo, Carrie Roberts	Provide various session presentations on updates on English Language Arts/ ELD Curriculum Framework and Professional Learning Modules (PLMs) for Common Core and ELD Standards. Focus was to understand the implementation of Common Core State Standards with English Learners.
February 27, 2014 **Present to Community Forum on CCSS in Santa Rosa, CA**	**100 community members and educators** **CDE/SBE Team:** Nancy Brownell	Serve on a panel with local educators to answer questions about CCSS implementation goals and expectations.
March 1, 2014 **Present to Annual California Subject Matter Project (CSMP) English Learner Institute, San Diego, CA**	**250 Administrators, teachers, and staff who work with K-12 English Learners** **CDE/SBE Team:** Karen Cadiero-Kaplan	Provided update on California ELD Standards and present strategies to make the Common Core and ELD Standards attainable for English Learner students, K-12.

Dates/Events	Participants	Description
March 2-4, 2014 **Present to Educating for Careers conference**	**320 teachers and administrators** **CDE/SBE Team:** David Militzer, Carolyn Zachry	Presentation on career readiness for the 21st century including the Standards for Career Ready Practice and the College and Career Readiness Anchor Standards. Additional sessions on seeking input on the next steps for professional development related to the Career Technical Education Model Curriculum Standards which include deliberate and incidental alignment to the CCSS, and connections of CCSS Anchor Standards and Career Ready Practices.
March 4-5, 2014 **Present to Annual California Charter Schools Conference**	**600 charter school educators** **CCDE/SBE Team:** Keric Ashley, Nancy Brownell, Diane Hernandez, Julie Russell	Provide an update on CCSS implementation resources, Smarter Balanced update and resources, and Charter School and Local Control and Accountability Plan (LCAP).
March 6, 2014 **Present to Special Education Advisory Commission**	**Special Education Advisory Commission members** **CCDE/SBE Team:** Deborah Baumgartner, Kristin Brown, Nancy Brownell, Jennifer Moreno, Sheila Self, Christine Swenson	Provide on update on CCSS implementation resources and the National Center State Collaborative (NCSC) on assessment, update on current legislation, Smarter Balanced Assessment Field Test, and Local Control Funding Formula (LCFF).

Dates/Events	Participants	Description
March 7, 2014 **Present to Mendocino County Annual Counselors and Advisors Conference**	**40 high school and community college advisors** **CCDE/SBE Team:** Nancy Brownell	Provide an overview of CCSS resources, timelines and implementation goals and the role of counselors in communicating with parents and students on college and career readiness.
March 8, and 22 2014 **Present to College Bound program parents in Claremont, CA**	**300 parents of students in the program** **CCDE/SBE Team:** Nancy Brownell, Gina Koency	Provide an overview of CCSS implementation goals, expectations for college and career readiness by students, and goals and overview of the Smarter Balanced Assessment system.
March 10, 2014 **Present to Career Readiness Speakers Series**	**30 Participants including CDE staff and others on-line** **CDE/SBE Team:** Joe Radding, Carolyn Zachry	Presentation on the Standards for Career Ready Practice and the College and Career Readiness Anchor Standards and the Pathways Trust Grant.
March 14, 2014 **Present to Joint Higher Education Symposium Fresno State**	**60 symposium participants** **CDE/SBE Team:** Karen Cadiero-Kaplan	Present an introduction to the Common Core Standards and 2012 California ELD Standards.
March 14, 2014 **Present to Santa Barbara COE Curriculum Council Meeting**	**60 participants** **CDE/SBE Team:** Kathy Caric, Senior Assessment Fellow	Provide an overview of Field Test preparation expectations and priorities, and accessibility tools for English Learners.

Dates/Events	Participants	Description
March 14, 2014 **Present at Common Core and Beyond: A Practicum on Literacy in the Content Areas, Mathematics, Instructional Strategies and Assessments**	**700 educators** **CDE/SBE Team:** Deborah Baumgartner Kristen Cruz-Allen, Deborah Franklin, Stacey Greer, Jane Liang, Barbara Murchison	Provide workshops on various elements of the CCSS system, including using the new mathematics curriculum framework, instructional resources, assessments, the professional learning modules, and resources available from the CDE in partnership with California Teachers Association, the California Comprehensive Center at West Ed and the Secondary Literacy Partnership.
March 15, 2014 **Present to Annual Cesar Chavez Dual Language Conference at Fresno State**	**200 teachers from Fresno and Madera Counties** **CDE/SBE Team:** Karen Cadiero-Kaplan	Keynote speaker for conference. Present on transitioning to the 2012 California ELD Standards.
March 17, 2014 **Present to PACE/CCSESA Implementation of CCSS in San Bernardino, CA**	**80 teachers and administrators from the county** **CDE/SBE Team:** Nancy Brownell	Provide an update on CCSS implementation communication strategies and tools.
March 17, 2014 **Present to Special Education Task Force Meeting**	**50 participants** **CDE/SBE Team:** Keric Ashley, Diane Hernandez	Provide an overview of Changing Assessment and Accountability Systems.

Dates/Events	Participants	Description
March 18, 2014 **Present to 4th District PTA Leadership**	**80 parent leaders** **CDE/SBE Team:** Deborah Baumgartner, Nancy Brownell, Tom Herman, Elisa Wynne, Carolyn Zachry	Provide an update on CCSS implementation, Smarter Balanced Assessment System, School Climate considerations, LCAP Overview, and Career Technical Standards.
March 20, 2014 **Present to CISC General Membership**	**80 ELA and ELD Curriculum Leaders from County Offices of Education** **CDE/SBE Team:** Nancy Brownell, Karen Cadiero-Kaplan	Present via video conference. Provide session presentation on Common Core and the ELD framework, ELD and Biliteracy framework, shifts of ELA and ELD, implementation resources, and the role of assessment in ELA/ELD.
March 20, 2014 **Present to ACSA Secondary Leadership Council**	**40 secondary administrators** **CDE/SBE Team:** Keric Ashley, Deborah Baumgartner, Nancy Brownell, Jenny Sing	Provide an update on CCSS implementation and Smarter Balanced Assessment System, and Accountability System changes.
March 21, 2014 **Present to Special Education Symposium on CCSS Implementation**	**500 special educators from across the state** **CDE/SBE Team:** Fred Balcom, Nancy Brownell	Provide an update on CCSS implementation and resources for special education educators.

Dates/Events	Participants	Description
March 21, 2014 **Present to CA Federation of Teachers Council Meeting**	**40 educators** **CDE/SBE Team:** Gina Koency, Senior Assessment Fellow	Provide an overview of Field Test expectations and resources.
March 21, 2014 **Present to CA Federation of Teachers Convention**	**200 educators** **CDE/SBE Team:** Diane Hernandez, Cindy Kazanis	Provide an overview of Smarter Balanced Field Test preparation, resources and updates.
March 22, 2014 **Present to Alameda/Contra Costa Math Council**	**80 educators** **CDE/SBE Team:** Jane Liang	Provide an overview of Smarter Balanced mathematics assessment resources.
March 24-26, 2014 **Present to Annual Title I Conference**	**600 conference participants** **CDE/SBE Team:** Tom Adams, Keric Ashley, Elena Fajardo**,** Deborah Franklin, Diane Hernandez, John Merris-Coots, Barbara Murchison, Deb Sigman, Carolyn Zachry	Present at three day conference. Provide various session presentations on updates on CCSS and the ELD Standards, Career Technical Education, Smarter Balanced Assessments, and accountability.
March 25, 2014 **Present to PACE/CCSESA Implementation of CCSS in Los Angeles, CA**	**80 teachers and administrators from the county** **CDE/SBE Team:** Gina Koency	Provide an update on CCSS implementation communication strategies and tools.

Dates/Events	Participants	Description
March 27- 28, 2014 **Present to Bilingual Coordinators Network (BCN), Sacramento, CA**	**90 County coordinators, LEA Administrators, and Technical Assistance providers** **CDE/SBE Team:** Aileen Alisson-Zarea, Nancy Brownell, Karen Cadiero-Kaplan, Kristen Cruz Allen, Elena Fajardo, Barbara Murchison, Shobhana Rishi, Carrie Roberts, Lily Roberts	Participate in two day network meeting. Provide various session presentations on updates on English Language Arts/ ELD Curriculum Framework, Professional Learning Modules (PLMs) for Common Core and ELD Standards, Common Core and ELD Standards, and updates on the ELD test.
March 27, 2014 **Present to Community College Committee on College & Career Readiness and the Common Core**	**15 Community College Faculty and Chancellor's staff** **CDE/SBE Team:** Nancy Brownell, Deb Sigman	Provide overview of Smarter Balanced Field Test and higher education messaging strategies related to support for CCSS.
March 27, 2014 **Present to Solano County District Curriculum Directors**	**30 district administrators** **CDE/SBE Team:** Mary Tribbey, Senior Assessment Fellow	Provide an overview of district preparation priorities for Field Test.

Dates/Events	Participants	Description
April 3, 2014 **Present at ACSA Middle School Council**	**35 educators** **CDE/SBE Team:** Shobhana Rishi	Provide an update on Smarter Balanced Field Test accommodations and modifications resources.
April 5, 2014 **Present at California Association of Bilingual Educators (CABE) conference**	**200 educators** **CDE/SBE Team:** Tom Adams, Karen Cadiero-Kaplan, Sandra Covarrubias, Kristen Cruz Allen, Elena Fajardo, Barbara Murchison, Lillian Perez, Carrie Roberts, Lily Roberts	Provide an overview of resources related to CCSS implementation, ELD standards, and ELA/ELD Framework development.
April 5, 2014 **Present at California Transcribers and Educators of the Blind/Visually Impaired Conference**	**40 educators** **CDE/SBE Team:** Barbara Murchison, Jonn Paris-Salb	Presentation on the content and structure of the CCSS and California's implementation of the CCSS system.

Dates/Events	Participants	Description
April 5, 2014 **Present at Common Core and Beyond: A Practicum on Literacy in the Content Areas, Mathematics, Instructional Strategies and Assessments**	**500 educators** **CDE/SBE Team:** Tom Adams, Deborah Franklin, Jane Liang, Barbara Murchison, Shobhana Rishi, Carrie Roberts	Provide workshops on various elements of the CCSS system, including using the new mathematics curriculum framework, instructional resources, assessments, the professional learning modules, and resources available from the CDE in partnership with California Teachers Association, the California Comprehensive Center at West Ed and the Secondary Literacy Partnership.
April 8, 2014 **Present to Kern County Alternative Education staff**	**700 educators** **CDE/SBE Team:** Kathy Caric, Senior Assessment Fellow	Provide an overview of Smarter Balanced Field Test preparation and resources.
April 8, 2014 **Present to Parlier Unified staff**	**15 disrict staff** **CDE/SBE Team:** Kathy Caric, Senior Assessment Fellow	Provide an overview of Smarter Balanced Field Test preparation and resources.
April 12, 2014 **Present to 4th Annual Community Forum on Public Education, Glendale PTA**	**100 PTA and community representatives** **CDE/SBE Team:** Nancy Brownell	Present an overview of CCSS and Smarter Balanced Field Test.

Dates/Events	Participants	Description
April 14, 2014 **Present at the CDE Special Education Division's State Performance Plan Division Day, Focus for Improvement: California CCSS breakout session**	**30 Participants** **CDE/SBE Team:** Renzo Bernales, Jessica Gray, Joy Kessel, Carolyn Zachry	Presentations to CDE staff in the Special Education Division and SELPA and parent representatives regarding statewide CCSS implementation activities.
April 15, 2014 **Present to Public School Accountability Advisory Council**	**40 Participants** **CDE/SBE Team:** Joe Radding, Carolyn Zachry	Presentation on the Standards for Career Ready Practice and indicators of performance to be included in the API.

California State Board of Education

Meeting Agenda Items for May 7-8, 2014

ITEM 02

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2014 AGENDA

SUBJECT	
English Language Arts/English Language Development Framework for California Public Schools: Kindergarten Through Grade Twelve, 2014 Revision: Update on the Revision of the Framework.	☐ Action ☒ Information ☐ Public Hearing

SUMMARY OF THE ISSUE(S)

California *Education Code* (*EC*) Section 60207 requires the State Board of Education (SBE) to adopt a revised "English Language Arts/English Language Development (ELA/ELD) Curriculum Framework and Evaluation Criteria" for the adoption of ELA/ELD instructional materials aligned to both the *California Common Core State Standards for English Language Arts and Literacy in History/Social Studies, Science, and Technical Subjects* (*CA CCSS for ELA/Literacy*) and the *California English Language Development* (*CA ELD*) *Standards*. *EC* Section 60204 calls for the Instructional Quality Commission (IQC) to recommend curriculum frameworks to the SBE. This item is the third in a series of items regarding the 2014 revision of the *English Language Arts/English Language Development Framework for California Public Schools: Kindergarten Through Grade Twelve* (*ELA/ELD Framework*).

RECOMMENDATION

The California Department of Education (CDE) is not seeking SBE action and has no recommendation on this item. The revision of the *ELA/ELD Framework* is available on the CDE Curriculum Frameworks English Language Arts Web page at http://www.cde.ca.gov/ci/rl/cf/ and it will be on the July 2014 agenda for action.

BRIEF HISTORY OF KEY ISSUES

Framework Development Process

The development of a curriculum framework is a multi-step process with many opportunities for public involvement. In May and June 2012, four regional focus groups were convened to receive input from the field on how to revise the *ELA/ELD Framework*. The comments received at the focus group meetings informed the SBE-adopted "Curriculum Framework and Evaluation Criteria Committee Guidelines" for the 2014 Revision of the *English Language Arts/English Language Development Framework for California Public Schools, Kindergarten Through Grade Twelve,* which

was the guiding document for the work of the "English Language Arts/English Language Development Curriculum Framework and Evaluation Criteria" Committee (ELA/ELD CFCC). The guidelines are available on the CDE ELA/ELD Curriculum Revision Guidelines Web page at http://www.cde.ca.gov/ci/rl/cf/elaeldfwguidelines.asp. The ELA/ELD CFCC met six times from February to September 2013 and developed an initial draft *ELA/ELD Framework*.

In November 2013, the IQC reviewed and edited the ELA/ELD CFCC's initial draft *ELA/ELD Framework* and approved it for posting and distribution for the first of two 60-day public review and comment periods. The draft *ELA/ELD Framework* was posted from December 12, 2013, through February 13, 2014, with an online survey to facilitate public comment. In February and March the IQC considered public comments from the online survey, individuals, and organizations. On March 28, 2014, the IQC made further edits to the draft *ELA/ELD Framework* based on the comments received. At their meeting, the IQC took action to (1) recommend that the SBE adopt the draft *ELA/ELD Framework* and (2) post and distribute the draft *ELA/ELD Framework* for the second required 60-day public review and comment period.

In July 2014, the IQC will formally present the draft *ELA/ELD Framework* to the SBE for adoption. The SBE will convene a public hearing on the draft *ELA/ELD Framework* before taking action. The SBE may make additional edits to the draft *ELA/ELD Framework* that will be incorporated into the document by CDE staff before it is published.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

March 2013: The SBE adopted the "Career and College Readiness Anchor Standards" to the *CA CCSS for ELA/Literacy* and approved resolution of technical issues.

November 2012: The SBE: (1) approved the "Curriculum Framework and Evaluation Criteria Committee Guidelines" for the 2014 Revision of the *English Language Arts/English Language Development Framework for California Public Schools, Kindergarten Through Grade Twelve,* as recommended by the IQC, and (2) appointed 20 members to the ELA/ELD CFCC, as recommended by the IQC.

May 2012: The SBE approved the timeline and ELA/ELD CFCC application form for the 2014 revision of the *ELA/ELD Framework*. The ELA/ELD CFCC application was available online from May 14 through August 16, 2012.

August 2010: The SBE adopted the academic content standards in English language arts and literacy as proposed by the California Academic Content Standards Commission (ACSC); the standards include the *CA CCSS for ELA/Literacy* and specific additional standards that the ACSC had deemed necessary to maintain the integrity and rigor of California's already high standards.

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

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

April 2006: The SBE adopted the *Reading/Language Arts Framework for California Public Schools: Kindergarten Through Grade Twelve* and the criteria for evaluating instructional materials submitted for the 2008 Reading/Language Arts Primary Adoption.

FISCAL ANALYSIS (AS APPROPRIATE)

Because no action is necessary, there are no costs associated with this item.

ATTACHMENT(S)

None

2014 Revision of the *English Language Arts/English Language Development Framework*

Report from the Instructional Quality Commission

May 2014

State Board of Education

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

2014 Revision of the *ELA/ELD Framework*

TOM TORLAKSON
State Superintendent
of Public Instruction

Presenters:

- Tom Adams, Director, Curriculum Frameworks and Instructional Resources Division
- Bill Honig, Chair, Instructional Quality Commission
- Jo Ann Isken, Chair, ELA/ELD Subject Matter Committee
- Becky Sullivan, Co-Chair, ELA/ELD Curriculum Framework & Evaluation Criteria Committee
- Martha Hernandez, Co-Chair, ELA/ELD Curriculum Framework & Evaluation Criteria Committee

TOM TORLAKSON
State Superintendent
of Public Instruction

2014 Revision of the *ELA/ELD Framework*

Today:
Hear an update on the revision of the *ELA/ELD Framework*

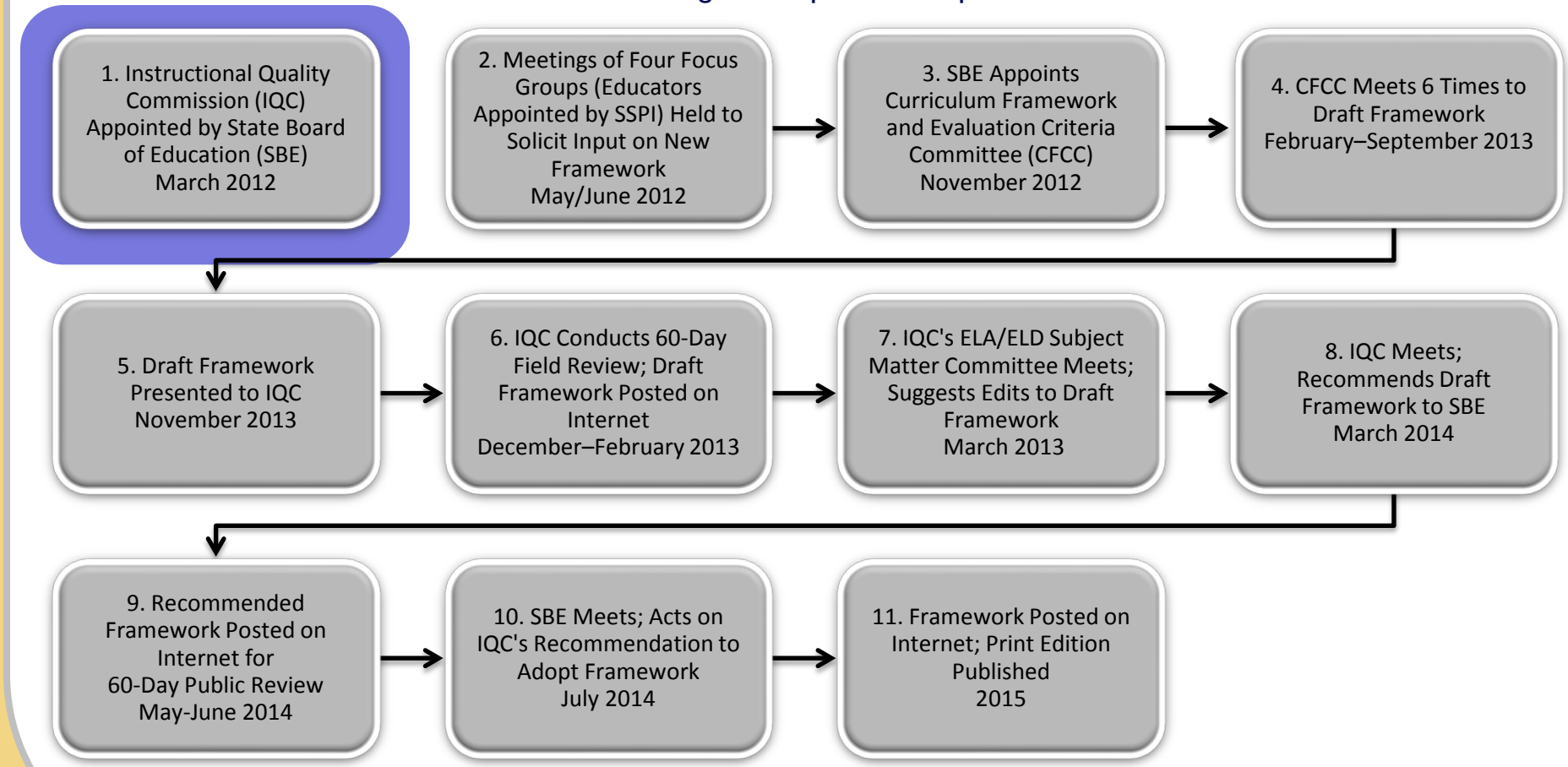
Next Step:
State Board of Education Action to adopt the revised *ELA/ELD Framework* in July 2014

CALIFORNIA DEPARTMENT OF EDUCATION

English Language Arts/English Language Development Framework
Development Process

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

All meetings are open to the public.



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State Superintendent
of Public Instruction

Who contributed to the draft *ELA/ELD Framework*?

- Focus Group members—all educators in California K−12 public schools, four regional meetings
- ELA/ELD CFCC members—over half teachers (most with experience teaching English learners and students with disabilities), other educators and county office administrators, and a professor
- IQC—one-half teachers
- Expert ELA and ELD Writers—Nancy Brynelson, Hallie Yopp Slowik, Pam Spycher, Rachel Lagunoff, Marcia Kosanovich, Sarah Feldman
- Staff of the Curriculum Frameworks and Instructional Resources Division

TOM TORLAKSON
State Superintendent
of Public Instruction

Who contributed to the draft *ELA/ELD Framework*? (cont.)

- The field—provided comments and completed the survey
- County Offices of Education—some held discussion forums on the 1st draft
- English language arts authors and experts Carol Jago, John Shefelbine, and Louisa Moats
- Professional/state organizations—ACSA, CEEL, CABE/Californian's Together, CSTA, TF on Civic Learning, CA Subject Matter Projects, Education Trust West, Child Nutrition Advisory Council
- Staff from CDE Divisions—Language Policy and Leadership, Special Education, Professional Learning Support, Child Development, After School, Assessment Development and Administration

TOM TORLAKSON
State Superintendent
of Public Instruction

What Guided the Organization and Content of the *ELA/ELD Framework*?

- State Board of Education guidelines
- Dynamic document
- Focus on key themes of CA CCSS for ELA/Literacy in grade spans and individual grade levels
- Integration of CA ELD standards
- Emerging research and instructional practices

TOM TORLAKSON
State Superintendent
of Public Instruction

What Guided the Revision of the *ELA/ELD Framework*?

Three Key Shifts in Instruction:

1. Complexity: Regular practice with complex text (and its academic language)
2. Evidence: Reading, writing, and speaking grounded in evidence from text
3. Knowledge: Building knowledge through content-rich informational texts

TOM TORLAKSON
State Superintendent
of Public Instruction

What are New Features of *ELA/ELD Framework*?

- Use of snapshots and vignettes in all chapters to demonstrate integration of ELA and ELD, examples of implementation of standards in the classroom, and demonstration of different types of assessment
- Links to resources and Web sites for additional support
- Organizational design around key themes

TOM TORLAKSON
State Superintendent
of Public Instruction

Key Themes of ELA/Literacy and ELD Instruction

1. **Meaning Making-** focuses on the reading standards, analyzing and comprehending text.
2. **Language Development**– Connects to the language and reading standards, highlighting the development of academic and domain-specific vocabulary, syntax, and text structures.
3. **Effective Expression** – includes writing, discussions and presentations, and language conventions.
4. **Content Knowledge** – Connects to informational text and development of the standards related to research and other contents.
5. **Foundational Skills** – depending on the grade-span, this looks at print concepts and phonological awareness in the beginning grades, and phonics, word recognition, and fluency up to grade 5. Also addressed in 6−12.

TOM TORLAKSON
State Superintendent
of Public Instruction

Introduction to the Framework

- Vision and goals for California's children and youth
- Key Principles guiding the Framework development
- The special emphasis on English Learners in the Framework

TOM TORLAKSON
State Superintendent
of Public Instruction

Chapter 1
Overview of the Standards

CA CCSS for ELA/Literacy

- Includes background, intent, nature, and organization/structure

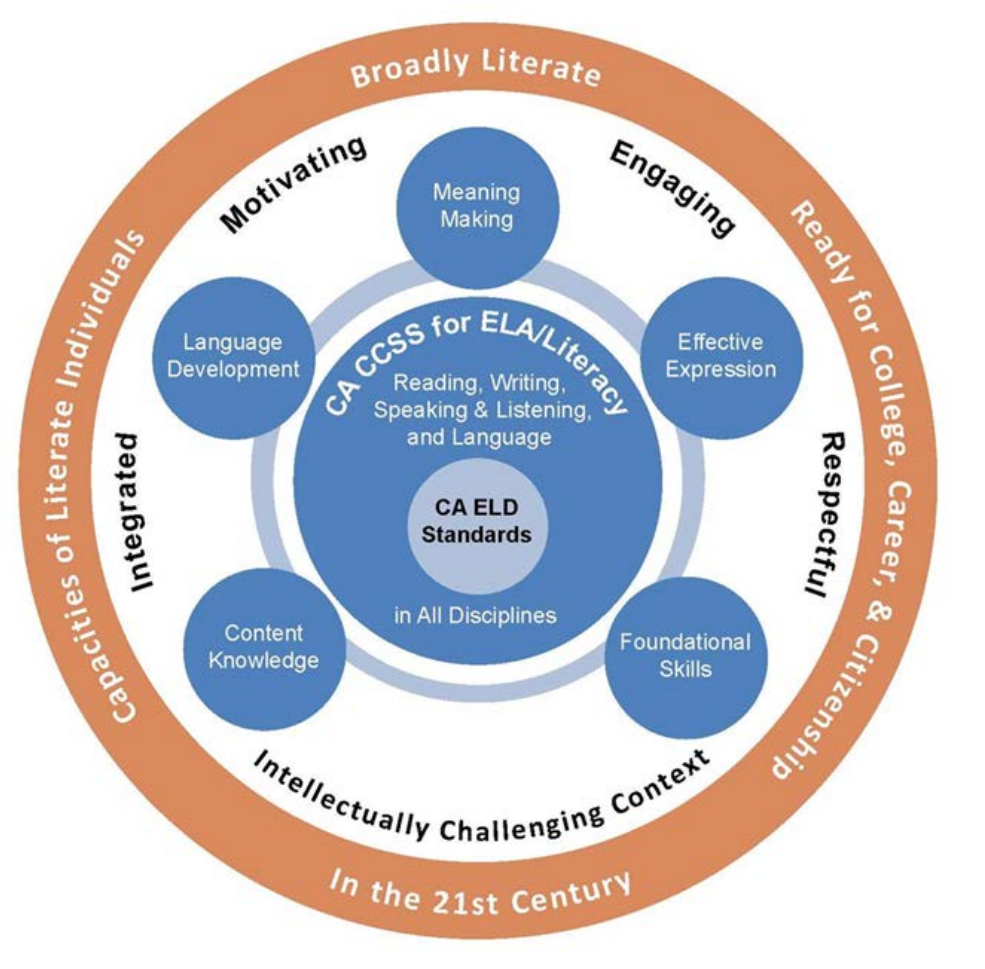
CA ELD Standards

- Includes background, intent, nature, and organization/structure

- Interrelationship of the CA CCSS for ELA/Literacy and the CA ELD Standards

TOM TORLAKSON
State Superintendent
of Public Instruction

Goals, Themes, and Contexts for Implementation of the CA CCSS for ELA/Literacy and the CA ELD Standards



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State Superintendent
of Public Instruction

The CA ELD Standards **AMPLIFY** the CA CCSS for ELA/Literacy.

CA ELD Standards

Using English Purposefully:
Describing, explaining, persuading, informing, justifying, negotiating, entertaining, retelling, etc.

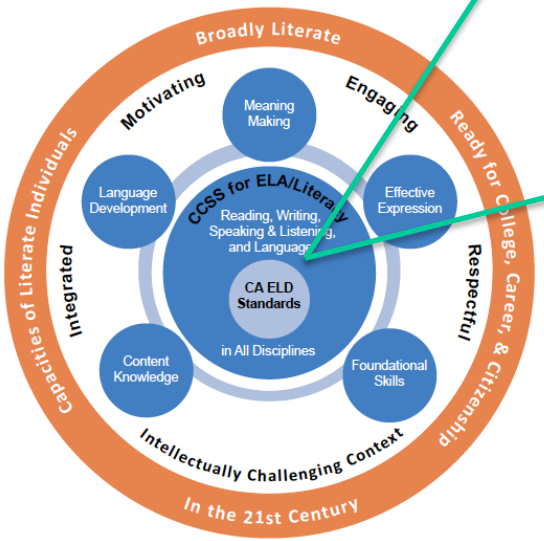
Meaningful Interaction:
- Collaborating with others
- Interpreting meaning
- Producing meaningful messages

Knowledge of Language:
- Structuring cohesive texts
- Expanding and enriching ideas
- Combining and condensing ideas

The Why: Purposes

The How: Processes

The What: Resources



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State Superintendent
of Public Instruction

Chapter 2
Key Considerations for ELA/Literacy and ELD Curriculum, Instruction, and Assessment

- Context Considerations
- Key Themes and Practices for ELA/Literacy and ELD Instruction

  (Meaning Making, Language Development, Effective Expression, Content Knowledge, Foundational Skills; Crosscutting Practices in Instruction)
- Approaches to Teaching and Learning
- English Language Development

TOM TORLAKSON
State Superintendent
of Public Instruction

Integrated & Designated ELD: Working in Tandem

Integrated ELD:

All teachers with ELs in their classrooms use the CA ELD Standards *in tandem with* the CA CCSS for ELA/Literacy and other content standards.

Designated ELD: A protected time during the school day when teachers use the CA ELD Standards as the focal standards in ways that build *into and from content instruction*.

TOM TORLAKSON
State Superintendent
of Public Instruction

Grade-Span Chapters 3–7 At-A-Glance

Grade-Span Overview → **Grade-Level Sections**

- Integrated and Interdisciplinary Approach
- Key Themes of ELA/Literacy and ELD Instruction
- ELD in the Grade Span
- Grade-Level Content and Practice

TOM TORLAKSON
State Superintendent
of Public Instruction

Chapter 8
Assessment

- Purpose and types of assessments
- Assessment cycles, highlighting the use of formative assessment to guide instruction
- Information on student involvement
- Assessment for intervention
- Mandated California assessments and Smarter Balanced Assessment System
- Technical quality of assessments

TOM TORLAKSON
State Superintendent
of Public Instruction

Chapter 9
Equity and Access

- California's student diversity, including
  - Standard English learners
  - English learners
    - Instructional programs and services for ELs
  - Biliterate learners
  - Deaf students bilingual in ASL and printed English
  - Students with disabilities
- Planning and support for range of leaners using Universal Design for Learning (UDL) and Multi-Tiered Systems of Supports (MTSS)
- Instructional practices for supporting students experiencing difficulty reading

TOM TORLAKSON
State Superintendent
of Public Instruction

Chapter 10
Learning in the 21st Century

- Defines 21st century skills and standards
- Instructional practices for developing 21st century learning
- Equitable access to learning and technology
- Professional learning and teacher support
- Highlights future directions

TOM TORLAKSON
State Superintendent
of Public Instruction

Chapter 11
Implementing High-Quality ELA/Literacy and ELD Instruction: Professional Learning, Leadership, and Program Supports

- Implementing within a collaborative culture
- Professional learning, including sources, research, and critical content
- Leadership and professional collaboration
- Other programs of support (e.g., libraries, extended learning, parents and families)

TOM TORLAKSON
State Superintendent
of Public Instruction

Chapter 12
Criteria for Evaluating Instructional Materials

- Program 1: English Language Arts Basic Program, K–8
- Program 2: English Language Arts/English Language Development Basic Program, K–8
- Program 3: Biliteracy Language Arts/English Language Development Basic Program, K–8
- Program 4: Intensive Intervention Program in English Language Arts, 4–8
- Program 5: Specialized Designated English Language Development Program, 4–8

TOM TORLAKSON
State Superintendent
of Public Instruction

What are the next steps for *ELA/ELD Framework*?

- SBE action in July 2014
- Begin ELA/ELD Instructional Materials adoption, including appointment of reviewers by the SBE in November 2014
- Devise roll out plan and guidance for districts and the field

TOM TORLAKSON
State Superintendent
of Public Instruction

Where can I find the draft *ELA/ELD Framework*?

- ELA/ELD Framework: http://www.cde.ca.gov/ci/rl/cf/

- CA CCSS for ELA/Literacy Standards: http://www.cde.ca.gov/be/st/ss/documents/finalelaccssstandards.pdf

- CA ELD Standards: http://www.cde.ca.gov/sp/el/er/eldstandards.asp

TOM TORLAKSON
State Superintendent
of Public Instruction

Questions on the *ELA/ELD Framework*?

Cynthia Gunderson
916-319-0451
cgunderson@cde.ca.gov

Kristen Cruz Allen
916-323-4867
kcruzallen@cde.ca.gov

Tom Adams
916-319-0881
tadams@cde.ca.gov

California State Board of Education

Meeting Agenda Items for May 7-8, 2014

ITEM 03

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2014 AGENDA

SUBJECT	
Update on California Assessment of Student Performance and Progress Activities, Including, but not limited to, the Spring 2014 Smarter Balanced Field Test and National Center and State Collaborative Activities.	☐ Action ☒ Information ☐ Public Hearing

SUMMARY OF THE ISSUE(S)

This item reflects the collaboration among the Assessment Development and Administration Division (ADAD), the Education Data Management Division (EDMD), and the Special Education Division (SED) of the California Department of Education (CDE).

California Assessment of Student Performance and Progress

The California Assessment of Student Performance and Progress (CAASPP) assessment system is the new student assessment system. The CAASPP system includes Smarter Balanced computer-based assessments that are aligned to the Common Core State Standards (CCSS), specified state-developed paper-pencil assessments that were previously administered through the Standardized Testing and Reporting (STAR) program, and new assessments to be recommended by the CDE with stakeholder input and approved by the State Board of Education (SBE).

This item provides an update on CAASPP assessment development activities, including the Smarter Balanced Field Test administration, an update on the Smarter Balanced Digital Library, the availability of the Smarter Balanced Online Reporting System (ORS), and an update on National Center and State Collaborative (NCSC) Pilot Test.

Smarter Balanced Field Test Update

Over 3 million students across California will participate in the Smarter Balanced Field Test. In California, each student participating in the Field Test takes more than one test. The initial response from local educational agencies (LEAs) regarding the Smarter Balanced Field Testing has been positive. Students are engaged during the field testing and the test delivery system is operating as expected.

Window One: March 25–April 4, 2014

Approximately 2,600 schools in 300 LEAs started field testing in Window One (i.e., English–language Arts (ELA), mathematics, and performance task). Over 228,500 students started and 143,900 completed testing. Approximately 624,500 tests were started and 561,300 completed in Window One. The Smarter Balanced Field Test administration was originally set to begin on March 18, 2014 and end on June 6, 2014. In order for Smarter Balanced to ensure that all necessary steps that would lead to a productive experience have been taken, the start of the Field Test window was adjusted by one week to March 25. This adjustment did not affect the remaining windows.

Remaining Windows:

Window Two opened on April 7 and ran through April 25. Window Three started on April 28 and will end on May 16. Window Four is scheduled to run from May 19 through June 6, 2014. Details regarding completion rates and concurrent use for these remaining windows will be included in Attachment 1. In addition, one or more Senior Assessment Fellows will give an update on the types of assistance provided to LEAs, including charter schools.

Practice and Training Tests

The Smarter Balanced has made available two very important resources, the Practice and Training Tests, for teachers, administrators, students, parents, and the public to access prior to the Field Test.

The Practice Tests provide students with a grade-specific experience that is similar in structure and format to the Field Test. Each practice test has approximately 30 items in ELA and 30 items in mathematics and one ELA performance task and one mathematics performance task. Items on the Practice Test have available a limited number of embedded universal tools, designated supports, and accommodations. Practice test items are not scored; however, scoring rubrics are available on the California Smarter Balanced Practice and Training Test Resources and Documentation Web page at http://sbac.portal.airast.org/ca/practice-test-ca/resources/.

The Training Tests provide students with an opportunity to become familiar with the software and interface features of the Smarter Balanced tests. Training Tests include new item types (i.e., matching tables, evidence-based selected response, and matching tables) and all universal tools, designated supports, and accommodations that are included on the Field Test. The Training Tests are available for each of the grade bands three through five, six through eight, and high school, and offer six to nine items per grade band in each content area (i.e., ELA and mathematics). There are no performance tasks include in the Training Tests and items are not scored. CDE staff will briefly demonstrate the Smarter Balanced Training Test. The Practice and Training Tests can be taken as a guest on any Internet-connected computer using a current Web browser including: Mozilla Firefox, Google Chrome, Microsoft Internet Explorer 10, or

Apple Safari at
https://login3.cloud1.tds.airast.org/student/V31/Pages/LoginShell.aspx?c=California_PT.

Smarter Balanced Digital Library

The purpose of the digital library is to provide teachers with access to classroom-based, formative assessment strategies and practices that enhance day-to-day instruction. Also included in the digital library will be resources to interpret and make use of the data and reports from the Smarter Balanced summative and interim assessments.

California's State Network of Educators (SNE) has been actively engaged in the development of the Digital Library. The 100+ educators throughout California have reviewed over 500 resources submitted to the Library from educators across the Smarter Balanced states. They have also submitted over 200 resources to the Digital Library to be vetted and approved through the Quality Criteria process. A preview of the Digital Library is slated for spring, 2014.

Smarter Balanced Field Test Online Reporting System

The Smarter Balanced ORS is a web-based system that enables authorized users to view test progress information for students participating in the spring 2014 Smarter Balanced Field Test. The ORS provides information such as state-, district-, and school-level participation reports that enable users to determine which students have completed testing and which students have yet to begin. The *ORS User Guide* provides information about the ORS features that are available to authorized state, district, and school personnel and is located on the California Smarter Balanced Field Test Documentation and Resources Web page at http://sbac.portal.airast.org/ca/field-test-ca/resources/.

National Center and State Collaborative

The NCSC was funded by the Office of Special Education Programs (OSEP) at the U.S. Department of Education to develop an alternate assessments based on alternate achievement standards (AA-AAS) based on the Common Core State Standards (CCSS) through a research and development grant opportunity known as the General Supervision Enhancement Grants (GSEG).

The NCSC Phase I Pilot is set to run from April 14 through May 23, 2014 for both ELA and mathematics in grades three through eight and eleven. As of Thursday, April 17, across the consortium, 857 test administrators (TAs) have logged into the Test Administration Portal (TAP). Over 1800 TAs and students have accessed sample items in reading and mathematics in selected grades to familiarize themselves with the general format of test items. Approximately 175 Phase I pilot tests have been completed, with another 94 pilot tests in progress. California-specific completion rates will be provided in Attachment 1. Approximately 7,200 students from 428 schools and

199 districts throughout California are registered to participate in the Phase I Pilot. It is anticipated the Phase II Pilot registration will begin in May; however, the structure of the Phase II Pilot has not been finalized. The Phase II Pilot will occur beginning early October through mid-November 2014 according to the current project timeline. The operational alternate assessment is anticipated to be available in spring 2015.

The Test Administration Manual (TAM), which provides an overview of test administration procedures and processes for testing, was sent to district test coordinators on March 18, 2014. Letters were also sent to the field in March and April 2014 updating districts on the NCSC project timeline and other testing information. Other current project activities include: final review and scheduled release of the test administration training modules, and scheduled district coordinator and test administrator access to the Test Administration Portal (TAP) and the Learning Module System (LMS). The TAP is the interface that TAs use to administer the computer-based test to students. The LMS is a series of eight (8) modules used for professional development purposes to access training for district and site coordinators and TAs.

RECOMMENDATION

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

BRIEF HISTORY OF KEY ISSUES

California Assessment of Student Performance and Progress

Per California *Education Code* (*EC*) 60640, the Measurement of Academic Performance and Progress (MAPP), subsequently named and referenced in the regulations as the CAASPP succeeded the STAR Program on January 1, 2014. The new statewide assessment system supports the full implementation of CCSS.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

In March 2014, the CDE provided the SBE with an update on CAASPP activities, outreach efforts to prepare LEAs for the Smarter Balanced Field Test, the Smarter Balanced Digital Library, Spring 2014 Smarter Balanced Field Test, NCSC activities, and planning of the science assessment stakeholder meetings.

In January 2014, the CDE provided the SBE with an update on statewide assessment transition activities, including the establishment of the CAASPP assessment system, the spring 2014 Smarter Balanced Field Test preparation activities, information about the

Smarter Balanced *Usability, Accessibility, and Accommodations Guidelines*, the CDE and ETS training modules for California LEAs, and a CAASPP technology update.

In November 2013, the CDE provided the 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 with the California Longitudinal Pupil Achievement Data System, 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 English–language arts and mathematics portions of the STAR Program and the Smarter Balanced assessment system.

FISCAL ANALYSIS (AS APPROPRIATE)

EC Section 60640(f)(2) requires 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. The total costs for this 2013–14 test administration is $51,206,814, including $8,346,000 in costs to be incurred in 2014–15 and included in the Governor's proposed 2014–15 budget to complete the scoring and reporting of paper-pencil tests, the analyses of test results, special studies, and annual technical reports for the assessments administered as part of the CAASPP in the 2013–14 school year.

Funding for the CAASPP system is included in the Governor's proposed budget act. The final budget for the contract is negotiated and approved by CDE, SBE, and the Department of Finance.

ATTACHMENT(S)

Attachment 1: Smarter Balanced Field Test and National Center and State Collaborative Phase 1 Pilot Test Status Update will be provided as an Item Addendum.

California State Board of Education

Meeting Agenda Items for May 7-8, 2014

ITEM 04

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2014 AGENDA

SUBJECT	
California Assessment of Student Performance and Progress: Approve Commencement of a 15-Day Public Comment Period 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 (CAASPP) assessment system (set forth in *Education Code* [*EC*] section 60640 as the Measurement of Academic Performance and Progress or MAPP, referenced in the regulations as the CAASPP), which is governed by California *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*.

RECOMMENDATION

The CDE recommends the SBE take the following actions:

- Approve the proposed changes to the proposed regulations;
- Direct that the proposed changes be circulated for a 15-day public comment period in accordance with the Administrative Procedure Act;
- If no relevant comments to the proposed changes are received during the 15-day public comment period, the proposed regulations with changes are deemed adopted, and the 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 July 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

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

On January 15, 2014, the SBE approved the commencement of the rulemaking process.

The 45-day public comment period ran from January 31, 2014, through March 17, 2014. A public hearing was held on March 17, 2014, 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 will be provided by April 29, 2014.

Attachment 2: Proposed Regulations will be provided by April 29, 2014.

Attachment 3: Final Statement of Reasons will be provided by April 29, 2014.

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

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

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

1430 N Street Sacramento, CA 95814-5901

May 9, 2014

15-DAY NOTICE OF MODIFICATIONS TO TEXT OF PROPOSED REGULATIONS REGARDING CALIFORNIA ASSESSMENT OF STUDENT PERFORMANCE AND PROGRESS (CAASPP)

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 March 17, 2014.

General changes to the text throughout the regulations:

The following amendments occur throughout the regulations:

- Renumbering for consistency;
- "Accessibility support" has been deleted and replaced with "individualized aid." This amendment is necessary as individualized aid was deemed a more appropriate term
- Computer-based testing (CBT) in these regulations has been changed to computer-based assessments (CBA). This amendment is necessary for clarity and consistency because CBA is defined in Education Code section 60603(e).
- In sections 850(a), (k), and (o), the word "support" has been replaced with "resources." This amendment is necessary as resources is deemed a more appropriate term.

Proposed section 850(a) is amended to add the requirement that accommodations must be regularly used in the classroom for instruction and/or assessments. This amendment is necessary to conform to Smarter Balanced requirements.

Proposed section 850(b) is deleted. This deletion is necessary as "accessibility supports" is no longer a term used in these regulations.

Proposed section 850(c) adds the definition of "Adaptive engine." This definition is necessary as the term is now used in section 853(b).

Proposed section 850(d) is amended to delete the word "accommodations" and

replace it with “resources.” This amendment is necessary for clarity and consistency of terminology.

Proposed section 850(e) is amended to add a definition for “Assessment delivery system.” This is necessary as the term is now used in sections 859(d)(4)(A) and 859(d)(6).

Proposed section 850(f)(formerly (e)) is amended to change “Testing” to “Assessment.” This amendment is necessary for clarity and consistency.

Proposed section 850(i)(formerly (h)) is amended to add “its” before “test materials.” This amendment is necessary for clarity and consistency.

Former proposed section 850(i) is deleted. This deletion is necessary as the term computer-based assessments is already defined in Education Code section 60603(e) and thus that term should be utilized in the regulations.

Proposed section 850(j) is amended to add a definition for “Data Warehouse.” This amendment is necessary as the term is now used in section 850(e).

Proposed section 850(k)(formerly (j)) is amended to replace “features” with resources, and add “or specified in a pupil’s IEP or Section 504 Plan.” These amendments are necessary for clarity and consistency. In addition, this section is amended to add the requirement that resources must be regularly used in the classroom for instruction and/or assessments. This amendment is necessary to conform to Smarter Balanced requirements.

Proposed section 850(l)(formerly (k)) is amended to add “taking an assessment pursuant to Education Code section 60640.” This amendment is necessary for specificity as not all pupils in the state of California take CAASPP assessments.

Proposed section 850(o) adds the definition “Individualized aid.” This addition is necessary as the term is now used in the regulations.

Proposed section 850(p) is amended to add the statement that an LEA Superintendent, for purposes of the CAASPP regulations, includes an administrator of a direct-funded charter school. This is necessary for clarity as charter schools have administrators and not superintendents.

Proposed section 850(t) adds the definition “pupil.” This addition is necessary to acknowledge that the CAASPP statutes do not apply to students outside the public school system.

Proposed section 850(u)(formerly (r)) is amended to add “as specified in Education Code section 60603(v).” This amendment is necessary for clarification and consistency.

Proposed section 850(v) adds the definition “registration system.” This definition is necessary because the term is now used in sections 858(d) and 859(c).

Proposed section 850(w) adds the definition “resource(s).” This definition is necessary because the term is now used consistently throughout these amended proposed regulations.

Proposed section 850(x)(formerly (s)) amends “is required” to “has received training”. This is necessary to conform with consortium requirements for scribes.

Proposed section 850(aa) (formerly (v)) is amended to add “at the option of the LEA” and “or pupils enrolled in a dual immersion program that includes Spanish.” These amendments are necessary to conform to Education Code section 60640.

Proposed section 850(ab) adds the definition “streamlining.” This definition is necessary as that term has been added to section 853.5 as an embedded accommodation.

Proposed section 850(ac)(formerly (w)) has been reworded for clarification purposes and for consistency with the definition of test proctor in section (ae).

Proposed section 850(ad)(formerly (x)) is amended to delete “as part of the administration of the CAASPP tests.” This amendment is necessary to eliminate redundant and unnecessary language**.**

Proposed section 850(ae)(formerly (y)) is amended to delete “within the CAASPP assessment system.” This amendment is necessary to eliminate redundant and unnecessary language.

Proposed section 850(af)(formerly (z)) is amended to add section 853.7 since that section is added to the regulations and utilizes the term “translator.”

Proposed section 850(ag)(formerly (aa)) is amended to change “accessibility features” to “resources.” This amendment is necessary for clarity and consistency.

Proposed section 851(b) is amended to replace a “charter school which is not direct-funded pursuant to Education Code section 47651” to “a charter school which is not an LEA as defined in Education Code section 60603(o).” This amendment is necessary for clarification and to connect the regulation more directly to the statutes being implemented. It is also amended to replace “the local governing board” with the “State Board of Education.” This amendment is necessary as Education Code section 47651 (referenced in Section 60603(o)), specifically refers to Section 47605(k)(1) which permits designation of an oversight agency by the State Board of Education and not a local governing board.

Proposed section 853(a) is amended to add reference to section 853.7. This amendment is necessary because designated supports are referenced in section 853.7 for ELs.

Proposed section 853(b) is added to these regulations. This addition is necessary to emphasize the intent expressed by the Legislature in Education Code section 60602.5(a)(6).

Proposed section 853(d) is amended to delete “for use during the school year.” This amendment is necessary because during the school year is unnecessary due to year-round availability. The words “and formative assessment tools” are deleted for consistency and clarity as formative tools are provided by the State and require no scoring.

Proposed sections 853.5(a), (b), (c), and (d) are amended to delete the parenthetical phrase “(including ELs and students with disabilities).” This parenthetical, which was added at the January 2014 SBE meeting to continue the practice established in STAR regulations of highlighting in regulations supports available to the EL pupils, is no longer necessary because a stand-alone regulation has been added specifying the designated supports available for ELs. The “all pupils” language is inclusive of all pupils, including ELs and students with disabilities.

Subdivision (c) is amended to delete “unless otherwise indicated.” This is necessary as this language is superfluous.

Subdivision (c)(3) is also amended to add “reading” before “passages.” This amendment is necessary for clarity and consistency.

Subdivisions (c) and (d) are also amended by adding “or specified in a pupil’s IEP or Section 504 Plan.” This is necessary to clarify that a group of educators includes an IEP or Section 504 Plan team. Subdivisions (c) and (d) are also amended to add the word “but” before “not reading passages.” These amendments are necessary for consistency and clarity.

Proposed section 853.5(d)(9) is amended to strike reading, writing, listening and mathematics. The amendment is necessary because these resources are available in all CAASSP tests.

Proposed section 853.5(d)(10) is amended to eliminate science and primary language tests, and to clarify for which languages a glossary is available in mathematics. This amendment is necessary because Smarter Balanced provides glossaries only in the languages it supports. LEAs cannot develop additional glossaries for mathematics.

Proposed section 853.5(d)(13) is added to include LEA developed translation glossaries for science and primary language. This amendment is necessary to differentiate between LEA-developed glossaries and those provided by Smarter Balanced.

Proposed section 853.5(d)(14) is added to include "administration of the test at the most beneficial time of day for the pupil." This addition, which was formerly a non-embedded accommodation under section 853.5(f)(14), is necessary because it is more appropriate that the resource is deemed a designated support.

Proposed section 853.5(e)(5) is added to include streamlining for reading, writing, listening and mathematics. This addition is necessary to conform to the resources permitted by the Smarter Balanced consortium.

Proposed section 853.5(f)(13) is deleted because section 853.5(d)(9) has been amended to include separate setting for all CAASPP tests.

Proposed section 853.5(f)(14) is deleted and moved to section 853.5(d)(14) because it is a more appropriate designation for this resource.

Proposed section 853.5(i) is added to specify that if a consortium in which California participates approves of a universal tool, designated support and/or accommodation(s) not listed in the regulations, the CDE shall allow its use. This addition is necessary because the CDE wants to make sure that pupils are permitted to use all appropriate resources provided by a consortium in which California participates.

Proposed section 853.7 is added as a “stand-alone” section to highlight the designated supports available to ELs and to emphasize that parent and guardian input may be sought. This addition is included in response to comments from the stakeholders.

Proposed section 855(b)(3) is amended to remove “as these tests.” This amendment is necessary for clarity.

Proposed sections 857(b) and 858(a) are amended to change the date from September 29 to September 30. These amendments are necessary to be consistent with the date in section 857(a).

Proposed section 858(d) is added to specify that it is the CAASPP test site coordinator who is responsible for ensuring that all designated supports and accommodations are correctly entered into the registration system and provided to the pupil identified to receive the designated supports and/or accommodations. This addition is necessary to help ensure that pupils receive the resources they should be receiving under these regulations.

Proposed section 859(b)(6) is amended to replace “the CAPA test” with “an alternate assessment (CAPA or its successor alternate assessment).” This amendment is necessary because the CDE is working to replace the CAPA test with another alternate assessment so these regulations will continue to apply in the event that a new alternate assessment is introduced.

Proposed section 859(c) is amended to add “LEA CAASPP coordinator and CAASPP test site coordinators” for consistency with section 859(b)(2). It is also amended to add “platform” to assessment technology and “registration system, adaptive engine.” These amendments are to clarify all of the parts that comprise the CBA.

Proposed section 859(d)(4)(A) is amended to add “Other than the pupil to whom the information pertains for the purpose of logging on to the assessment delivery system.” This amendment is necessary to ensure that a pupil, and only that pupil, can receive his/her own information for purposes of logging into the system.

Proposed section 859(d)(4)(D) is deleted. This deletion is necessary as it is covered by section 859(d)(4)(A).

Proposed section 859(d)(6) is amended to change “computer system” to “assessment delivery system.” This amendment is necessary for clarity and consistency.

Proposed section 859(d)(10) is amended to replace reference to “CAPA” with a reference to “an alternate assessment (CAPA or its successor alternate assessment).” This amendment is necessary because the CDE is working to replace the CAPA test with another alternate assessment so these regulations will continue to apply in the event that a new alternate assessment is introduced.

Proposed section 859(d)(11) is amended to add “paper-pencil” to provide clarity of the type of test. It is also amended to delete “embedded and/or” because these resources are only available in the CBA. “Individualized aids” is added to the list of resources available on the “paper-pencil” tests because an IEP and/or Section 504 Plan team may identify an unlisted resource as necessary.

Proposed section 859(d)(12) is added to these regulations. This addition is necessary to ensure active supervision and to ensure that appropriate assessments are given in the correct order.

Proposed section 861(b)(2) is amended to add “if a pupil used a designated support.” This amendment is necessary for purposes of required data reporting.

Proposed section 861(b)(3) is amended to add “if a pupil used an individualized aid.” This amendment is necessary for purposes of required data reporting.

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 May 10, 2014, and May 27, 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 May 27, 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 May 27, 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 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**~~ **resources** documented in a pupil's individualized education program (IEP) or Section 504 Plan **which the pupil regularly uses in the classroom for instruction and/or assessments(s) and** that are **either** utilized in the assessment environment or consist of changes in procedures or materials that increase equitable access during the assessment**.** ~~**and that do not**~~ **Accommodations cannot** 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).**~~

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

(c) "Adaptive engine" refers to the mechanism utilized in a computer-adaptive assessment that adjusts the difficulty of grade-level test questions throughout

an assessment based on student responses.

(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**~~ **resources**.

(e) "Assessment delivery system" means a set of web applications that manage the registration of pupils for tests, the delivery of those tests to the pupils, scoring of test items, integration of item scores into an overall test score, and delivery of scores to the Data Warehouse.

(f)~~**(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**~~ **Assessment** technology includes, but is not limited to, computing devices, testing software applications, network hardware, and other technology required to administer the tests.

(g)~~**(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.

(h)~~**(g)**~~ "California Modified Assessment (CMA)" is the alternate assessment and its test materials for science based on modified achievement standards.

(i)~~**(h)**~~ "California Standards Tests (CSTs)" is the assessment and **its** 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) "Data Warehouse" means a comprehensive storehouse of all Smarter Balanced test registrations and results and a system to generate reports on, or extracts of, that data.

(k)~~**(j)**~~ "Designated supports" are ~~**features**~~ **resources which the pupil regularly**

uses in the classroom for instruction and/or assessment(s) and that are available for use by any pupil for whom the need has been indicated, prior to the assessment administration, by an educator or group of educators **or specified in a pupil's IEP or Section 504 Plan**.

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

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

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

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

(m)~~(l)~~ "Embedded" means a ~~**support**~~ **resource**, whether a universal tool, designated support, or accommodation, that is part of the assessment technology platform for the computer-**based** ~~**administered**~~ CAASPP tests.

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

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

(p)~~(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. **LEA superintendent, for purposes of these regulations, includes an administrator of a direct-funded charter school.**

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

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

(s)~~(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).

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

(u)~~(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 **as specified in Education Code section 60603(v)**.

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

(w) "Resource(s)" refers to a universal tool, designated support, accommodation, and/or an individualized aid.

(x)~~(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**~~ **has received training** ~~**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.

(y)~~(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.

(z)~~(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.

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

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

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

(ad)~~(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**~~.

(ae)~~(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**~~.

(af)~~(z)~~ "Translator" is a person who has been assigned to translate the test directions into the pupil's primary language pursuant to section**s** 853.5 **and 853.7**, 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.

(ag)~~**(aa)**~~ "Universal tools" are **resources** ~~**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 **306**, 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 **an LEA as defined in** ~~**direct-funded pursuant to**~~ Education Code section **60603(o)** ~~**47651**~~ shall test with, **and** dependent on, the LEA that granted the charter or was designated the oversight agency by the ~~**local governing board**~~ **State Board of Education (SBE)**.

(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**s** 853.5 **and 853.7**. The procedures shall include,

but are not limited to, those designed to ensure the uniform and standardized administration, and scoring of the tests to pupils, the security and integrity of the test content and test items, and the timely provision of all required pupil and school level information.

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

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

(d)~~**(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**~~ **i**s the responsibility of the LEA.

NOTE: Authority cited: Sections ~~12001,~~ 33031 and 60640 ~~60605~~, Education Code. Reference: Sections **60602.5,** 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) All pupils ~~**(including English learners and students with disabilities)**~~ shall be permitted 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) All pupils ~~**(including English learners and students with disabilities)**~~ shall be permitted 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) All pupils ~~**(including English learners and students with disabilities)**~~ shall be permitted the following embedded designated supports, ~~**unless otherwise designated,**~~ when determined for use by an educator or group of educators **or specified in a pupil's IEP or Section 504 Plan** 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 **but** not **reading** 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) All pupils ~~**(including English learners and students with disabilities)**~~ shall be permitted the following non-embedded designated supports when determined for use by an educator or a group of educators~~,~~ **or specified in a pupil's IEP or Section 504 Plan** 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 **but** 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**~~; **(only for consortium-provided glossaries that correspond to the embedded designated supports in subdivision (c)).**

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

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

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

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

(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**; or**

(5) streamlining for reading, writing, listening, and mathematics.

(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; **or**

(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**~~ **individualized aid**. The LEA CAASPP coordinator or the CAASPP test site coordinator shall make the request on behalf of the LEA ten business days prior to the pupil's first day of CAASPP testing. The CDE shall respond to the request within four business days from the date of receipt of the written request. Written requests must include:

(1) LEA name and CDS code;

(2) school/test site and school code;

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

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

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

(6) school/test site testing window dates;

(7) SSID(s) for the pupil(s) for which the **~~accessibility support~~ individualized aid** is being requested;

(8) CAASPP test and grade; and

(9) the **~~accessibility support~~ individualized aid** being requested.

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

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

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

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

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

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

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

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

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

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

(10) multiplication table for mathematics in grade 3.

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

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).

§ 853.7. Use of Designated Supports for English Learners.

(a) An English learner (EL) shall be permitted the following embedded designated supports, when determined for use by an educator or group of educators, who may seek input from a parent(s) or guardian(s), 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, but 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.

(b) An EL shall be permitted the following non-embedded designated supports when determined for use by an educator or a group of educators, who may seek input from a parent(s) or guardian(s), 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 but not reading passages;

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

(9) separate setting;

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

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

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

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

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

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

§ 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**~~ **the** 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**(s)** with pupils unable to access the **CBA** ~~**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 **CBA** ~~**CBT**~~ version of a CAASPP test.

(b) The LEA CAASPP coordinator, or the LEA superintendent, shall be available through September ~~**29**~~ **30** 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~~ **30** 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.

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

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 **an alternate assessment (CAPA or its successor alternate assessment)** ~~**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, **LEA CAASPP coordinators and CAASPP test site coordinators,** and any other persons having access to any of the tests and test materials, assessment technology **platform, registration system, adaptive engine**, or tests administered pursuant to Education Code section 60640, shall acknowledge the limited purpose of their access to the 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 site 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 **other than the pupil to whom the information pertains for the purpose of logging on to the assessment delivery system**.

(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**~~ **assessment delivery system**.

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

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

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

(10) If I will administer and/or observe the administration of **an alternate assessment (CAPA or its successor alternate assessment)** ~~**CAPA**~~, which means that I am a certificated or a licensed LEA employee and a trained ~~**CAPA**~~ ~~**E**~~**e**xaminer, I will keep all the **alternate assessment (CAPA or its successor alternate assessment)** ~~**CAPA**~~ materials in a securely locked room, and, when possible, in a locked storage cabinet within that room except when I am preparing for the

administration, administering or observing the administration of the assessment to pupils.

(11) I will actively supervise pupils throughout the **paper-pencil** testing session to ~~**make**~~ **en**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/o**~~r non-embedded universal tools, designated supports, ~~**or**~~ accommodations**, or individualized aids**) needed for the test being administered.

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

(13)~~**(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.

(14)~~**(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 a designated support;

(3) if a pupil used an individualized aid;

(4)~~**(2)**~~ if a pupil used an accommodation(s);

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

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

(7)~~**(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 ~~designated~~ 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 ~~district 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~~ with the pupil's permanent school records or for entering the scores into electronic pupil records, and for forwarding or transmitting the results to schools to which pupils matriculate or transfer. Schools may annotate the scores when the scores may not accurately reflect pupils' achievement due to illness or testing irregularities.

NOTE: Authority cited: Sections 33031, ~~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. [REPEALED]

~~(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.

4/25/14 [California Department of Education]

FINAL STATEMENT OF REASONS

California Assessment of Academic Performance and Progress (CAASPP)

UPDATE OF INITIAL STATEMENT OF REASONS

The original proposed text was made available for public comment for at least 45 days from February 1, 2014 through March 17, 2014. Five individuals submitted comments during the 45-day comment period.

A public hearing was held at 1:30 p.m. on March 17, 2014, at the California Department of Education (CDE). Four individuals attended the public hearing and provided input.

SUMMARY AND RESPONSE TO COMMENTS RECEIVED DURING THE INITIAL NOTICE PERIOD OF FEBRUARY 1, 2014 THROUGH MARCH 17, 2014.

GABRIELLE JACKSON, Teacher – 4th Grade - Abraham Lincoln Elem. School
Comment: Commenter states opposition to the legislation establishing the CAASPP as the main assessment required by students "on the grounds that it is harmful to children and young people and it disrupts the normal teaching and learning relationship between a teacher and her pupils."
Response: The comment does not address the proposed regulations and therefore no response is required.

Comment: Commenter states that according to Education Code it is the intent of the Legislature that parents, classroom teachers, and other educators, pupil representatives, institutions of higher education, business community members, and the public be involved, in an active and ongoing basis, in the design and implementation of the statewide pupil assessment system and the development of assessment instruments and this has not been done. Commenter also states "We teachers have been told we will not be able to actually see the questions on the field test this year."
Response: The comment does not address the proposed regulations and therefore no response is required.

Comment: Commenter states "The ed code also says its intent is to minimize instructional time devoted to the test. We have been told we need to spend much instructional time practicing for the test."
Response: The comment does not address the proposed regulations and therefore no response is required.

Comment: Commenter states, "Teachers should be able to develop tests which are appropriate for her students, not have them made by a private company for profit. It also states in the ed code tests should be suited to local communities, that is completely the opposite of what CAASPP does."
Response: The comment does not address the proposed regulations and therefore no response is required.

Comment: Commenter strongly urges reconsideration of "this harmful and inappropriate test" and states "it is also strongly biased against students who are impoverished since it tests computer skills as much as anything else, and children with a computer at home will do better than those who do not have one."
Response: The comment does not address the proposed regulations and therefore no response is required.

SHELLY SPIEGEL COLEMAN, EXEC. DIR., CALIFORNIANS TOGETHER
Comment: Commenter proposes in Recommendation 1 that the permanent regulations have a "stand-alone section" within section 853.5[1] clearly identifying the variations (now designated supports) that are available to ELs. This stand-alone section should clearly identify the supports available to ELs and the process by which parents/guardians are assured their children will receive those supports.
Accept: The comment is accepted insofar as the CDE has added section 853.7 to the regulations so that there will be a "stand alone" section pertaining to the designated supports available to ELs and that this section will specify that LEAs may consider parental or guardian input in determining appropriate designated supports. The comment is also accepted insofar as section 858(d) has been added which designates a particular person to be responsible for ensuring that all designated supports, appropriate accommodations, and pre-approved individualized aids are entered into the registration system and provided to the proper pupil.

Comment: Commenter proposes in Recommendation 2 that the CDE provide a clear and consistent statewide process for educators to follow in determining whether designated supports should be made available to a pupil. Specifically, commenter believes that the determination about whether embedded and non-embedded designated supports should be provided to an EL pupil should be made by an educator or group of educators familiar with the student and the designated supports available, the parents or guardian and the student. The determination should be made according to a consistent process that considers the supports the student receives in the classroom and for other assessments, in order to maximize the performance of these students.
Accept in Part and Reject In Part: The CDE accepts the comment in part in that the new section 853.7 specifically provides that the LEA may seek parent or guardian input in determining designated supports. The comment is rejected in that the decision as to whether or not a pupil should receive a designated support, and the process for making that decision, is best left to the local level.

Comment: Commenter proposes in Recommendation 3 adding a new section which would require that LEAs make a determination with respect to every EL pupil whether or not the pupil could use a designated support. Specifically, the commenter recommends

[1] The comment refers to section "835" but, there is no section 835 in Title 5 regulations and, based on the content of the comments, it appears to be merely a typo and that the commenter was commenting on section 853.5.

adding the following subdivision (e) to section 853.5[2]:

> "An LEA shall determine for each of its pupils identified as English learners whether one or more of the designated supports in subdivisions (c) and (d) of this section are appropriate for use on any of the CAASPP tests. This determination shall include input from the student and the student's parent/guardian and shall consider supports regularly used in the classroom and for other assessments."

Reject: Sections 853.5 and 853.7 do not preclude an EL pupil from receiving any designated supports that an educator, or a group of educators, feels is appropriate so long as the resource is identified prior to testing and is a resource regularly used in the classroom for instruction and/or assessment(s). The intent is to provide the LEA with flexibility to provide all pupils, which includes EL pupils, as well as others, necessary resources for participating in assessments. Mandating that LEAs make affirmative determinations concerning the appropriateness of a designated support(s) for all ELs would create an unfunded mandate and there is nothing in the CAASPP law allowing for the creation of a state mandate. The process by which an LEA determines whether a pupil needs a designated support is best left to the local level.

Comment: Commenter proposes in Recommendation 4 "that the permanent regulation include language that would require the provision of data to the CDE as to the number of English Learner students who requested designated support(s), and the number and type of designated support(s) that was actually provided."
Reject: The addition is unnecessary as the data compilation requested in this regulation is already required to be compiled and reported by the CDE pursuant to Education Code section 60643(b)(7)(F) and (G) and 20 U.S.C. 6311(b)(2)(C)(v) and (b)(3)(C)(xiii).

DOUGLAS J. McRAE, EDUCATIONAL MEASUREMENT SPECIALIST
Comment: Commenter contends that the interim assessments that will be available mirror the summative assessments and believes that these interim tools are unethical means of "teaching to the test." He recommends the deletion of section 853(c) which reads, "Use of interim assessments and formative assessment tools shall not be considered advanced preparation for CAASPP test as defined in Education Code section 60611."
Reject: The CDE disagrees with the commenter that the use of interim assessments should be prohibited. The Legislature has specifically expressed its intent that interim assessments be available for use by LEAs at no cost pursuant to Education Code section 60642.6.

Comment: Commenter recommends repealing sections 855(a), which requires LEAs to administer the Smarter Balanced Field Tests for ELA and mathematics in 2013-14 and also the CST, CMA and CAPA for certain subjects and grades. Commenter also

[2] Again, the comment refers to section "835.5" and there is no section 835.5 in Title 5 regulations. Based on the content of the comments, it appears to be merely a typo and that the commenter was commenting on section 853.5.

recommends bringing back section 854, deleted from the current version of the regulations, with some minor revisions, so that section would read as follows:

(a) 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 standards-based achievement tests, or primary language tests, if any. No administration or use of an alternate or parallel form should 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 tests, if any, for the limited purpose of familiarizing pupils with computerized formats of test items are not subject to the prohibition of subdivision (a).

The commenter notes that the recommended language would ban the use of the interim assessments that mirror Smarter Balanced summative assessments but would not ban practice tests provided by Smarter Balanced for the limited purpose of familiarizing pupils with the tests.
Reject: As to the comment regarding the elimination of section 855(a), commenter does not give reasons why it should be repealed and thus the comment is rejected. As to the commenter's proposed addition of former section 854 for the purpose of banning the use of interim assessments, such an amendment would be inconsistent with Education Code sections 60603(n) and 60642.6 which expressly permit the availability and use of interim assessments.

Comment: Commenter recommends the deletion of section 854(b)(1) in its entirety. That section prescribes a 12-week window for testing. The commenter instead recommends much shorter testing windows be established. The commenter further recommends modifying section 854(b)(2). That section establishes a separate 7-week testing window for grade 11 Smarter Balanced assessments and CAASPP assessments after January 2015. The commenter recommends that section be amended by replacing "For the grade11" with "For grades 3-8 and grade 11." The commenter believes that, for grades 3-8 and grade 11, the testing window should last just five weeks with the last two weeks available for emergency make-up testing. Together, the commenter believes that shortening these testing spans will provide a sound educational measurement testing window for large scale standards-based tests, balancing the need for test security and for comparability of scores.
Reject: Education Code section 60640(c)(5) provides for the SBE to approve "testing periods" or windows. The testing periods or windows chosen reflect the test windows established by the consortium.

Comment: Commenter recommends the deletion of Article 2, section 855(c), stating that if the K-12 High Speed Network does not have the capacity to allow LEAs and schools to test when they judge best within the windows, the state needs to delay initiation of statewide computer-administered tests until the state provides adequate technology capacity.
Reject: The CDE needs the flexibility so if there is an excessive load on the K-12 High Speed Network it can request of the SBE President or designee (with cause) temporary

limitations on the administration of interim assessments (a draw on the K-12 High Speed Network) and require LEAs to more effectively spread out their pupil testing across a wider span of the testing window thereby reducing the load on the network. Delaying the computer-based testing until another year, as commenter suggests, would conflict with the CAASPP statutes.

Comment: Commenter recommends deleting section 857(d)[3] and replacing it with the language below. The commenter reasons that section 857(d) is absurd as CAASPP coordinators don't have authority to ensure compliance as authority is vested with the local school board. Commenter believes the following suggested language is more appropriate:

> The LEA CAASPP coordinator shall ascertain the LEA's compliance with the minimum technology specifications as identified by the CAASPP's contractor(s) or consortium on an annual basis, and if the LEA's compliance does not meet those specifications, the LEA CAASPP coordinator shall recommend to the LEA Superintendent, the LEA School Board, and the CDE that the LEA utilize paper-and-pencil tests rather than computer-administered tests for the current school year.

Reject: The suggested replacement language is rejected as it is the Legislature's intent, as stated in Education Code section 60602.5(a)(6), that the assessments be administered, where feasible, via technology.

Comment: Commenter recommends additional language in section 861 regarding the information that must be entered into the "test information engine," specifically adding all Special Education accommodations and designated supports as well as all English Language Learner's designated supports.
Accept in Part and Reject in Part*:* Accept in that section 861 will be amended to add to the required data to be reported, if a pupil used a designated support and if a pupil used an approved individualized aid. The comment is rejected insofar as requiring the data to be disaggregated by subgroups in these regulations is unnecessary as those data will be compiled and reported pursuant to Education Code section 60643(b)(7)(F) and (G) and 20 U.S.C. sections 6311(b)(2)(C)(v) and (b)(3)(C)(xiii).

LAUREN GIARDINA, STAFF ATTORNEY, DISABILITY RIGHTS CALIFORNIA
Comment: Commenter states that they are troubled that section 853.5(d) does not automatically grant supports to students who have accommodations or modifications already written into their IEP or 504 plans.
Accept: The comment is accepted in that, for additional clarity, the phrase, "or specified in a pupil's IEP or Section 504 Plan" shall be added after the phrase "educator or group of educators" to sections 853.5(d) and 850(i) to make it clear that any non-embedded designated supports contained in an IEP or Section 504 Plan will be provided to a pupil. This phrase will also be added to section 853.5(c) to clarify that any embedded

[3] The CDE assumes that the comment, which referred to section 847(d) was a typo and was meant to refer to 857(d) as there is no section 847(d) in the proposed regulations.

designated supports contained in an IEP or Section 504 Plan will also be provided to a pupil.

Comment: Commenter is also concerned about section 853.5(d) in that this section does not specify a timeline or procedure for requesting designated supports or an appeal of denials of those supports. Without such timelines or appeals specified, commenter feels it is possible that a student may not receive their denial in a timely manner and may be forced to take the exam without the necessary accommodations, which may impact the validity of the test results.
Reject: As proposed, section 850(j) would define designated supports to be, "resources 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 and which the pupil regularly uses in the classroom for instruction and/or assessment(s)." The definition provides the LEA the timeline and the CDE defers to the LEA on how to best implement the timeline and address any appeals of denial of a particular designated support. Concerns about a designated support(s) for a pupil with an IEP or Section 504 Plan should be addressed through those processes.

Comment*:* Commenter is also concerned with sections 853.5(e) and (f). The commenter states that they are concerned that students who require accommodations, modifications or supports that do not have an IEP or Section 504 plan will not be able to receive testing support. Second, commenter is concerned that those with an IEP or Section 504 Plan may not have all of the necessary supports listed in their IEP or Section 504 Plans. The commenter recommends that the "regulations specify a procedure for requesting accommodations that are not in the IEP and for appealing denials of such requests."
Reject: As to the first concern, students who require resources but do not have an IEP or Section 504 Plan can still receive any and all universal tools as well as any designated supports that have been determined for use by an educator or a group of educators. In addition, the LEA can seek approval of any individualized aid not otherwise enumerated in the regulations on behalf of the student pursuant to section 853.5(g). As to the second concern, that students with an IEP or Section 504 Plan may require a resource that is not listed in their IEP or Section 504 Plans, such a resource will be provided if it is a universal tool available to all students, a designated support determined for that pupil's use by an educator or a group of educators or an individualized aid if the LEA has sought and received approval for its use by the CDE pursuant to sections 853.5(g).

Comment: Commenter states that the supports enumerated in the regulations in Sections 853.5(a)-(f), "are not exhaustive" and that there may be supports included in a pupil's IEP or Section 504 Plan that are not listed in the regulations. Commenter suggests that the CDE consider "providing any testing accommodations listed in an IEP or 504 automatically and not just limit the provision of such accommodations to those listed in these sections."
Reject: It is not possible to develop a comprehensive listing of all the possible testing resources for students with every type of disability for all different tests or test items. Section 853.5(g) provides a mechanism to seek approval for the use of a resource that

is included in a pupil's IEP or Section 504 Plan but that is not included in the list of universal tools, designated supports or accommodations in these regulations.

BILL LUCIA, PRESIDENT AND CEO, EdVOICE
Comment: Commenter states that section 851(b) "conflicts with current law" and exceeds the SBE's authority. Commenter states that section 851(b) restricts the flexibility granted all charter schools and that Education code section 47651 includes no provision that establishes the authority to adopt the language of this regulation. Commenter further states that while Education Code section 60603(o) includes direct-funded charter schools in the definition of a "local educational agency" for purposes of assessments, it does not define what a locally-funded charter school is for purposes of the assessments and that "without any explicit mention of locally-funded charter schools, these regulations mandate new levels of oversight from a local governing board."
Accept in Part and Reject in Part: The comment is accepted in that section 851(b) has been amended for purposes of clarification and to connect the regulation more directly to the statutes being implemented. The comment is rejected in that the SBE has neither exceeded its authority nor created new levels of oversight. Education Code section 47651(a) addresses the distinction between a charter school that receives funding directly from the State of California and a charter school that receives funding through the LEA that granted its charter or was designated the oversight agency by the SBE pursuant to Education Code section 47605(k)(1). The former type of charter school is a "direct-funded" charter school and the latter charter school is a "locally-funded" charter school. All SBE-authorized charters and statewide benefit charters are direct-funded charters. Education Code section 60603(o) explicitly states, for the first time, that direct-funded charter schools are "LEAs" at least for purposes of the administering CAASPP assessments. As an LEA, a direct-funded charter school would be directly responsible for the administration and scoring of CAASPP assessments. The SBE is charged with implementing the CAASPP statutory scheme and must clarify and make specific how charter schools that are not LEAs are to administer CAASPP assessments. Pursuant to Government Code section 11342.2, regulations propounded by state agencies are automatically valid when there is express authority for the agency to adopt regulations to implement statutes [which there is pursuant to Education Code section 60640(q)], the regulations are necessary to implement, interpret, make specific or otherwise carryout the provisions of the statute, the regulations are not inconsistent or in conflict with any statute and the regulations are reasonably necessary to effectuate the purpose of the statute. The proposed amended regulation meets this standard.

RIGEL MASSARO, POLICY AND LEGAL ADVOCATE, PUBLIC ADVOCATES, INC.
Comment: Commenter recommends "that 1) a determination about designated supports be made for every EL; 2) this determination be made by educators familiar with the EL, and include the ELs' parent/guardian and the EL student; and 3) that this determination consider the supports the EL uses in the classroom and for other assessments."
Accept in Part and Reject in Part: The comment is accepted in that the regulations have been amended to add section 853.7 to specify that in determining whether an EL should have a designated support, input of a parent or guardian may be sought. The

comment is rejected in that the regulations already allow for ELs to receive any and all designated supports listed in the regulation and allows an LEA to consider the resources that the EL uses in the classroom and for assessments. The SBE does not believe additional mandates are necessary and that the LEAs are in the best position to identify and determine the need of all students, including ELs.

Comment: Commenter states that "'when determined' suggests that individual determinations are optional" and that "While determination about designated supports is appropriately optional for most English only students, this determination should be mandatory for all ELs." The Commenter goes on to suggest that "a mandatory and individualized determination is consistent with federal law, which states that state assessments 'shall' provide for "…the inclusion of limited English proficient students, who shall be assessed in a valid and reliable manner and provided reasonable accommodations on assessments administered to such students under this paragraph, including, to the extent practicable, assessments in the language and form most likely to yield accurate data on what such students know and can do in academic content areas, until such students have achieved English language proficiency as determined under paragraph (7);" 20. U.S.C. 6311(b)(3)(C)(ix)(III).
Reject: Sections 853.5 and 853.7 do not preclude an EL pupil from receiving any designated supports that an educator, or a group of educators, feels is appropriate so long as the support is identified prior to testing and is a support regularly used in the classroom for instruction and/or assessment(s). Mandating in the regulations that LEAs make an affirmative determination concerning every ELs need for a designated support(s) is not required by federal law and would create an unfunded mandate when there is nothing in the CAASPP law creating a state mandate. The process by which an LEA determines whether a pupil needs a designated support is best left to the local level.

Comment: Commenter states that the manuals "must include reference to the process by which the educator(s)" "determination of whether a student needs a designated support is communicated to the LEA CAASPP Coordinator or Test Site Coordinator."
Accept in Part and Reject in Part: The comment is accepted in that the regulations propose to designate the person to be responsible for correctly processing designated supports and accommodations into the registration system. Subdivision (d) proposes changing section 858 as follows:

> The CAASPP test site coordinator shall be responsible for ensuring that all designated supports and accommodations are correctly entered into the registration system and provided to the pupil(s) identified to receive the designated supports and/or accommodations.

The comment is rejected in that the regulations should not specifically dictate what is to be included in the contractor's manual.

Comment: Commenter states "We suggest that the proposed permanent regulations amend the designated supports to include the variations previously allowed to ELs" under the Standardized Testing and Reporting (STAR) program.

The four EL testing variations, previously allowed under STAR regulations at sections 853.5(g)(1)-(4) are rejected from inclusion in the amended regulations for the following reasons:

Subcomment 1: Section 853.5(g)(1): Tested in a separate room with other EL learners provided that an employee of the school, school district or nonpublic school, who has signed the Test Security Affidavit, directly supervises the pupil.
Reject: Addition of this specific variation as a designated support is unnecessary. Sections 853.5(d)(9) and 853.7(b)(9) provide as a non-embedded designated support "separate setting." LEAs may provide this non-embedded designated support to any pupil, including any and all ELs, if it is determined appropriate by an educator or group of educators and, under the proposed regulations, an educator or group of educators may determine that ELs should be placed together in a separate setting.

Subcomment 2: Section 853.5(g)(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 "STOP" at the end of it.
Reject: Addition of this section is unnecessary as sections 853.5(a)(1) and (b)(1) provide for "breaks" (or a pause) for all pupils, which includes ELs.

Subcomment 3: Section 853.5(g)(3): The test directions printed in the test administration manual may be translated into an ELs primary language. ELs shall have the opportunity to ask clarifying questions about any test directions presented orally in their primary language.
Reject: Smarter Balanced does not include clarifying questions about test directions in a student's primary language among the list of resources. Any pupil may request such resources pursuant to the mechanism in section 853.5(g).

Subcomment 4: Section 853.5(g)(4): Access to translation glossaries/word lists for the standard 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.
Reject: Smarter Balanced does not include these as among the list of resources. Any pupil may request such resources pursuant to the mechanism in section 853.5(g).

PUBLIC HEARING, MARCH 17, 2014

Four individuals were present at the public hearing: Martha Diaz, representing Californians Together (Shelly Spiegel Coleman) also submitted written comments (addressed above); Doug McRae, also submitted written comments (addressed above); Marge Crawford and Jordan White, Rocklin Unified School District staff, provided oral comments listed below.

MARGE CRAWFORD, ASST. SUPT., ROCKLIN UNIFIED SCHOOL DISTRICT

Comment: Commenter voiced support for the Smarter Balanced assessments.

Response: No response required.

JORDAN WHITE, ROCKLIN UNIFIED SCHOOL DISTRICT
Comment: Commenter voiced support for the Smarter Balanced assessments.
Response: No response required.

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:

The following amendments occur throughout the regulations:

- Renumbering for consistency;
- "Accessibility support" has been deleted and replaced with "individualized aid." This amendment is necessary as individualized aid was deemed a more appropriate term
- Computer-based testing (CBT) in these regulations has been changed to computer-based assessments (CBA). This amendment is necessary for clarity and consistency because CBA is defined in Education Code section 60603(e).
- In sections 850(a), (k), and (o), the word "support" has been replaced with "resources." This amendment is necessary as resources is deemed a more appropriate term.

Proposed section 850(a) is amended to add the requirement that accommodations must be regularly used in the classroom for instruction and/or assessments. This amendment is necessary to conform to Smarter Balanced requirements.

Proposed section 850(b) is deleted. This deletion is necessary as "accessibility supports" is no longer a term used in these regulations.

Proposed section 850(c) adds the definition of "Adaptive engine." This definition is necessary as the term is now used in section 853(b).

Proposed section 850(d) is amended to delete the word "accommodations" and replace it with "resources." This amendment is necessary for clarity and consistency of terminology.

Proposed section 850(e) is amended to add a definition for "Assessment delivery system." This is necessary as the term is now used in sections 859(d)(4)(A) and 859(d)(6).

Proposed section 850(f)(formerly (e)) is amended to change "Testing" to "Assessment." This amendment is necessary for clarity and consistency.

Proposed section 850(i)(formerly (h)) is amended to add "its" before "test materials." This amendment is necessary for clarity and consistency.

Former proposed section 850(i) is deleted. This deletion is necessary as the term computer-based assessments is already defined in Education Code section 60603(e) and thus that term should be utilized in the regulations.

Proposed section 850(j) is amended to add a definition for “Data Warehouse.” This amendment is necessary as the term is now used in section 850(e).

Proposed section 850(k)(formerly (j)) is amended to replace “features” with resources, and add “or specified in a pupil’s IEP or Section 504 Plan.” These amendments are necessary for clarity and consistency. In addition, this section is amended to add the requirement that resources must be regularly used in the classroom for instruction and/or assessments. This amendment is necessary to conform to Smarter Balanced requirements.

Proposed section 850(l)(formerly (k)) is amended to add “taking an assessment pursuant to Education Code section 60640.” This amendment is necessary for specificity as not all pupils in the state of California take CAASPP assessments.

Proposed section 850(o) adds the definition “Individualized aid.” This addition is necessary as the term is now used in the regulations.

Proposed section 850(p) is amended to add the statement that an LEA Superintendent, for purposes of the CAASPP regulations, includes an administrator of a direct-funded charter school. This is necessary for clarity as charter schools have administrators and not superintendents.

Proposed section 850(t) adds the definition “pupil.” This addition is necessary to acknowledge that the CAASPP statutes do not apply to students outside the public school system.

Proposed section 850(u)(formerly (r)) is amended to add “as specified in Education Code section 60603(v).” This amendment is necessary for clarification and consistency.

Proposed section 850(v) adds the definition “registration system.” This definition is necessary because the term is now used in sections 858(d) and 859(c).

Proposed section 850(w) adds the definition “resource(s).” This definition is necessary because the term is now used consistently throughout these amended proposed regulations.

Proposed section 850(x)(formerly (s)) amends “is required” to “has received training”. This is necessary to conform with consortium requirements for scribes.

Proposed section 850(aa) (formerly (v)) is amended to add “at the option of the LEA” and “or pupils enrolled in a dual immersion program that includes Spanish.” These amendments are necessary to conform to Education Code section 60640.

Proposed section 850(ab) adds the definition “streamlining.” This definition is necessary as that term has been added to section 853.5 as an embedded accommodation.

Proposed section 850(ac)(formerly (w)) has been reworded for clarification purposes and for consistency with the definition of test proctor in section (ae).

Proposed section 850(ad)(formerly (x)) is amended to delete “as part of the administration of the CAASPP tests.” This amendment is necessary to eliminate redundant and unnecessary language**.**

Proposed section 850(ae)(formerly (y)) is amended to delete “within the CAASPP assessment system.” This amendment is necessary to eliminate redundant and unnecessary language.

Proposed section 850(af)(formerly (z)) is amended to add section 853.7 since that section is added to the regulations and utilizes the term “translator.”

Proposed section 850(ag)(formerly (aa)) is amended to change “accessibility features” to “resources.” This amendment is necessary for clarity and consistency.

Proposed section 851(b) is amended to replace a “charter school which is not direct-funded pursuant to Education Code section 47651” to “a charter school which is not an LEA as defined in Education Code section 60603(o).” This amendment is necessary for clarification and to connect the regulation more directly to the statutes being implemented. It is also amended to replace “the local governing board” with the “State Board of Education.” This amendment is necessary as Education Code section 47651 (referenced in Section 60603(o)), specifically refers to Section 47605(k)(1) which permits designation of an oversight agency by the State Board of Education and not a local governing board.

Proposed section 853(a) is amended to add reference to section 853.7. This amendment is necessary because designated supports are referenced in section 853.7 for ELs.

Proposed section 853(b) is added to these regulations. This addition is necessary to emphasize the intent expressed by the Legislature in Education Code section 60602.5(a)(6).

Proposed section 853(d) is amended to delete “for use during the school year.” This amendment is necessary because during the school year is unnecessary due to year-round availability. The words “and formative assessment tools” are deleted for consistency and clarity as formative tools are provided by the State and require no scoring.

Proposed sections 853.5(a), (b), (c), and (d) are amended to delete the parenthetical phrase “(including ELs and students with disabilities).” This parenthetical, which was

added at the January 2014 SBE meeting to continue the practice established in STAR regulations of highlighting in regulations supports available to the EL pupils, is no longer necessary because a stand-alone regulation has been added specifying the designated supports available for ELs. The “all pupils” language is inclusive of all pupils, including ELs and students with disabilities.

Subdivision (c) is amended to delete “unless otherwise indicated.” This is necessary as this language is superfluous.

Subdivision (c)(3) is also amended to add “reading” before “passages.” This amendment is necessary for clarity and consistency.

Subdivisions (c) and (d) are also amended by adding “or specified in a pupil’s IEP or Section 504 Plan.” This is necessary to clarify that a group of educators includes an IEP or Section 504 Plan team. Subdivisions (c) and (d) are also amended to add the word “but” before “not reading passages.” These amendments are necessary for consistency and clarity.

Proposed section 853.5(d)(9) is amended to strike reading, writing, listening and mathematics. The amendment is necessary because these resources are available in all CAASSP tests.

Proposed section 853.5(d)(10) is amended to eliminate science and primary language tests, and to clarify for which languages a glossary is available in mathematics. This amendment is necessary because Smarter Balanced provides glossaries only in the languages it supports. LEAs cannot develop additional glossaries for mathematics.

Proposed section 853.5(d)(13) is added to include LEA developed translation glossaries for science and primary language. This amendment is necessary to differentiate between LEA-developed glossaries and those provided by Smarter Balanced.

Proposed section 853.5(d)(14) is added to include "administration of the test at the most beneficial time of day for the pupil.” This addition, which was formerly a non-embedded accommodation under section 853.5(f)(14), is necessary because it is more appropriate that the resource is deemed a designated support.

Proposed section 853.5(e)(5) is added to include streamlining for reading, writing, listening and mathematics. This addition is necessary to conform to the resources permitted by the Smarter Balanced consortium.

Proposed section 853.5(f)(13) is deleted because section 853.5(d)(9) has been amended to include separate setting for all CAASPP tests.

Proposed section 853.5(f)(14) is deleted and moved to section 853.5(d)(14) because it is a more appropriate designation for this resource.

Proposed section 853.5(i) is added to specify that if a consortium in which California participates approves of a universal tool, designated support and/or accommodation(s) not listed in the regulations, the CDE shall allow its use. This addition is necessary because the CDE wants to make sure that pupils are permitted to use all appropriate resources provided by a consortium in which California participates.

Proposed section 853.7 is added as a "stand-alone" section to highlight the designated supports available to ELs and to emphasize that parent and guardian input may be sought. This addition is included in response to comments from the stakeholders.

Proposed section 855(b)(3) is amended to remove "as these tests." This amendment is necessary for clarity.

Proposed sections 857(b) and 858(a) are amended to change the date from September 29 to September 30. These amendments are necessary to be consistent with the date in section 857(a).

Proposed section 858(d) is added to specify that it is the CAASPP test site coordinator who is responsible for ensuring that all designated supports and accommodations are correctly entered into the registration system and provided to the pupil identified to receive the designated supports and/or accommodations. This addition is necessary to help ensure that pupils receive the resources they should be receiving under these regulations.

Proposed section 859(b)(6) is amended to replace "the CAPA test" with "an alternate assessment (CAPA or its successor alternate assessment)." This amendment is necessary because the CDE is working to replace the CAPA test with another alternate assessment so these regulations will continue to apply in the event that a new alternate assessment is introduced.

Proposed section 859(c) is amended to add "LEA CAASPP coordinator and CAASPP test site coordinators" for consistency with section 859(b)(2). It is also amended to add "platform" to assessment technology and "registration system, adaptive engine." These amendments are to clarify all of the parts that comprise the CBA.

Proposed section 859(d)(4)(A) is amended to add "Other than the pupil to whom the information pertains for the purpose of logging on to the assessment delivery system." This amendment is necessary to ensure that a pupil, and only that pupil, can receive his/her own information for purposes of logging into the system.

Proposed section 859(d)(4)(D) is deleted. This deletion is necessary as it is covered by section 859(d)(4)(A).

Proposed section 859(d)(6) is amended to change "computer system" to "assessment delivery system." This amendment is necessary for clarity and consistency.

Proposed section 859(d)(10) is amended to replace reference to “CAPA” with a reference to “an alternate assessment (CAPA or its successor alternate assessment).” This amendment is necessary because the CDE is working to replace the CAPA test with another alternate assessment so these regulations will continue to apply in the event that a new alternate assessment is introduced.

Proposed section 859(d)(11) is amended to add “paper-pencil” to provide clarity of the type of test. It is also amended to delete “embedded and/or” because these resources are only available in the CBA. “Individualized aids” is added to the list of resources available on the “paper-pencil” tests because an IEP and/or Section 504 Plan team may identify an unlisted resource as necessary.

Proposed section 859(d)(12) is added to these regulations. This addition is necessary to ensure active supervision and to ensure that appropriate assessments are given in the correct order.

Proposed section 861(b)(2) is amended to add “if a pupil used a designated support.” This amendment is necessary for purposes of required data reporting.

Proposed section 861(b)(3) is amended to add “if a pupil used an individualized aid.” This amendment is necessary for purposes of required data reporting.

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 SBE or CDE’s attention and given the underlying statutory requirements; the SBE has been unable to come up with any reasonable alternatives.

LOCAL MANDATE DETERMINATION

The proposed regulations do not impose any mandate on local agencies or school districts.
04-25-14 [California Department of Education]

California State Board of Education

Meeting Agenda Items for May 7-8, 2014

ITEM 05

CALIFORNIA STATE BOARD OF EDUCATION

May 2014 AGENDA

SUBJECT	
First draft reading of the State Implementation Plan for California Next Generation Science Standards for Public Schools, Grades Kindergarten through Grade Twelve as required in *EC* Section 60605.85 (b).	☐ Action ☒ Information ☐ Public Hearing

SUMMARY OF THE ISSUE(S)

As required by *EC* Section 60605.85 (b), the SSPI and the SBE will present a schedule and implementation plan for integrating the adopted science content standards into the state educational system.

The process for developing the California State Implementation Plan for the Next Generation Science Standards (NGSS) encompasses several steps involving the convening of a Strategic Leadership Team (SLT) comprised of representatives from key education organizations, business representatives, and representatives from each level of education, pre-K–postsecondary. The SLT met in March and April and will meet again on May 20–21, 2014. The K–12 Alliance of WestEd is facilitating this process and has begun writing sections of the document as they are addressed by the SLT. Attached is a first draft of the California State Implementation Plan for the California Next Generation Science Standards for Public Schools, Grades Kindergarten through grade twelve, with a preliminary introduction and a plan for addressing the eight strategies at the state level and at the local education agency level (Attachment 1). The third level, support providers, will be addressed at the May SLT meeting. A preliminary draft will be presented to the SBE in July 2014 for discussion; a revised draft, if appropriate, based on SBE input will be presented to the SBE for approval in September 2014.

The State Implementation Plan for CA NGSS is based on the strategies utilized in developing the state's implementation plan for California Common Core Standards and the English Language Development Standards. An additional strategy was added to foster strong community coalition for and commitment for support of high quality science education in all grades, Kindergarten through grade 12. These strategies include:

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 NGSS.

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

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

4. Collaborate with parents, guardians, and the early childhood and extended learning communities to integrate the NGSS into programs and activities beyond the K–12 school setting.

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

6. Seek, create, and disseminate resources to support stakeholders as NGSS systems implementation moves forward.

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

8. Build coalitions to ensure the message of importance for science education, grades Kindergarten through grade 8 and to sustain momentum during implementation of NGSS.

RECOMMENDATION

The California Department of Education (CDE) recommends that the State Board of Education (SBE) review the preliminary documentation and take no action at this time.

BRIEF HISTORY OF KEY ISSUES

EC Section 60605.85 (a) required the State Superintendent of Public Instruction (SSPI) to submit a set of revised *Science Content Standards for California Public Schools, Kindergarten through Grade Twelve* to the State Board of Education (SBE) by July 31, 2013, and the adoption, rejection, or modification of those standards by November 30, 2013. The revised science standards for California must be based upon the nationally developed Next Generation Science Standards (NGSS). These Standards were adopted by the SBE on September 4, 2013 with action on the Middle School options adopted in November 2013. The Standards as well as additional information is available on the NGSS Web site at http://www.nextgenscience.org/ and on the CDE website at http://www.cde.ca.gov/pd/ca/sc/ngssintrod.asp .

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

An SBE Memorandum was provided to the SBE and the public in April 2014 providing information on the plan for the development of the California State Implementation Plan for NGSS.

FISCAL ANALYSIS (AS APPROPRIATE)

N/A

ATTACHMENT(S)

Attachment 1: The California Next Generation Science Standards Systems Implementation Plan for California Progress Update, May 2014 (4 Pages)

Attachment 2: California Next Generation Science Standards: Implementation Plan Timeline (2 Pages)

The California Next Generation Science Standards Systems Implementation Plan for California Progress Update, May 2014

The Purpose of This Document

The *Next Generation Science Standards* (NGSS) for California (CA NGSS) have the potential to revolutionize science education in California (as well as the rest of the nation) because they require "a different way of thinking about teaching and learning." What differentiates the CA NGSS from former California science standards is the way they weave together three dimensions (Disciplinary Core Ideas; Science and Engineering Practices; and Crosscutting Concepts) across four scientific disciplines (Life, Earth and Space, Physical sciences with Engineering, Technology, and practical applications of science). The NGSS for California also correlate and align to the adopted Common Core State Standards in English Language Arts and Mathematics. In addition, the NGSS for California focus on "knowledge in use." Unlike the former standards, the NGSS performance expectations require students to demonstrate their understanding of science content and crosscutting concepts through the application of science and engineering. The standards neither prescribe a curriculum nor set out instructional strategies or assessments. Rather, they are intended to guide the development of all of these materials.

The California NGSS Systems Implementation Plan identifies major phases and activities in the implementation of the NGSS throughout California's educational systems. The plan describes the philosophy of and strategies for the successful integration of new kindergarten through grade twelve academic content standards that permeate both well before and far beyond these grade levels.

While it provides a pathway for activities related to implementation, this document is not designed to be an exhaustive task list or to identify or discuss the specifics of the standards themselves—many other resources produced by the CDE and its collaborative partners provide reviews and analyses of the CA NGSS.

LEAs should use this statewide plan to anticipate upcoming state policy actions and timeframes in order to develop their own specific NGSS implementation plans to meet their own local needs. LEA plans for the phased implementation of NGSS, and annual updates, should be included in their Local Control and Accountability Plans. This State Systems Implementation Plan provides LEAs with information on the NGSS alignment work of statewide programs that involve most, if not all, LEAs. It also includes information on many specific resources they may wish to utilize and implementation activities in which they may choose to participate.

Phases of Implementation

Full implementation in California of NGSS statewide systems will occur over several years and in the context of a continuous learning process. Accordingly, the plan exists within a

framework of phases of the change process. The phases are straightforward yet lightly defined because for each program and project there exists an ongoing development and progression that must evolve both at the individual elemental level and the integrated systems level.

- *The Awareness Phase* represents an introduction to the CA NGSS, the initial planning of systems implementation, and establishment of collaborations.
- *The Transition Phase* is the concentration on building foundational resources, implementing needs assessments, establishing new professional learning opportunities, and expanding collaborations between all stakeholders.
- *The Implementation Phase* expands the new professional learning support, fully aligns curriculum, instruction, and assessments, and effectively integrates these elements.

Guiding Strategies

As a structural framework for activities, and the phases into which they fall, the plan is grounded in eight guiding strategies for implementation. These strategies encompass all areas of our educational system, and while they provide focus to the work, they also reveal its highly integrated nature. The eight guiding strategies for NGSS systems implementation are:

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 NGSS.
2. Provide NGSS-aligned instructional resources designed to meet the diverse needs of all students.
3. Develop and transition to NGSS-aligned assessment systems to inform instruction, establish priorities for professional learning, and provide tools for accountability.
4. Collaborate with parents, guardians, and the early childhood and extended learning communities to integrate the NGSS into programs and activities beyond the K–12 school setting.
5. Collaborate with the postsecondary and business communities and additional stakeholders to ensure that all students are prepared for success in career and college.
6. Seek, create, and disseminate resources to support stakeholders as NGSS systems implementation moves forward.
7. Design and establish systems of effective communication among stakeholders to continuously identify areas of need and disseminate information.
8. Coalition building to ensure common messaging and to build momentum throughout the implementation.

Stakeholder Clusters

The key stakeholders responsible for implementation of CA NGSS are

- The State of California:
  - including the California Department of Education, the Legislature, and other state government agencies
- Local Education Agencies:
  - including schools, districts, and county offices of education
- Supporting Systems:
  - including all organizations and systems, outside of the traditional local education agency structure, that play a role in providing and supporting science education

Elements

For each guiding strategy, the Strategic Leadership Team is developing critical elements. These elements provide an organizing structure around which each stakeholder cluster can plan and implement strategies and activities. This is the first draft of these elements and is a work in progress.

STRATEGY	ELEMENTS
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 CA NGSS.	Policy and Legislation
	State Leadership Think Tank
	Resources to Support All Teachers
	Lighthouse Districts Network
	Administrator Training
	Teacher Leadership Academies
2. Provide CA NGSS-aligned instructional resources designed to meet the diverse needs of all students.	Instructional Resources - Investigation and Ensuring Access
	Ensuring Equity
	Understanding the Framework
	Instructional Pathways
3. Develop and transition to CA NGSS-aligned assessment systems to inform instruction, establish priorities for professional learning, and provide tools for accountability.	Development of Formative Assessments
	Development of State Summative Assessment Tools
4. Collaborate with parents, guardians, and the early childhood and extended learning communities to integrate the CA NGSS into programs and activities	Communication - All Communication is Multi-Lingual
	Products and Tools -All Products and Tools are Multi-Lingual
	Professional Development – (e.g., Parent Training)

beyond the K–12 school setting.	
	Resources and Policy
5. Collaborate with the postsecondary and business communities and additional stakeholders to ensure that all students are prepared for success in career and college.	Establish & Utilize Networks
	Communication
	College and Career Pathways
6. Seek, create, and disseminate resources to support stakeholders as CA NGSS systems implementation moves forward.	Resources- Identify the Need in Time, People, Money, and Products
	Investigation of Existing Resources
	Develop/ Create Resources
	Dissemination of Resources
7. Design and establish systems of effective communication among stakeholders to continuously identify areas of need and disseminate information.	Professional Development
	Communication Tools
	Stakeholders
	Resources
8. Build coalitions to ensure the message of importance for science education, grades Kindergarten through grade 8 and to sustain momentum during implementation of NGSS.	Coalition
	Messages/Missions
	Materials and Dissemination

CALIFORNIA NEXT GENERATION SCIENCE STANDARDS: IMPLEMENTATION PLAN TIMELINE

	Implementation Plan	Implementation Activities	Framework & Instructional Materials	Assessment
2014				
January - July			Recruitment, recommendation, and appointment of CFCC members for CA NGSS Framework	
March – May	California Next Generation Science Standards (CA NGSS) Strategic Leadership Team (SLT) recommends strategies for implementation of CA NGSS.			
April - October		Introduction to CA NGSS Rollout Workshops: • April 28-29 in Stockton • May 22-23 in Long Beach • May 27-28 in Yucaipa • October 13-14 in Fresno • October 16-17 in San Diego • October 20-21 in Oakland • October 23-24 in Red Bluff		
May - July	WestEd/K-12 Alliance develops and revises draft of CA NGSS			

	Implementation Plan document			
July	Presentation of final draft of CA NGSS Implementation Plan to State Board of Education (SBE)			Science Stakeholder Meetings
September	SSPI recommends CA NGSS Implementation Plan to SBE			
September 2014 – February 2015			CFCC Framework development meetings	
2015				
April - November 2015			Draft of Science Framework reviewed by IQC and public and revised based on feedback	Anticipated information presented to the SBE regarding the Science stakeholder meetings.
2016-17				
January 2016			SBE action on IQC's recommended Science Framework	
		Anticipated Implementation of NGSS in California Schools		Anticipated Recommendation to the SBE on Science Assessment
2017-18				
			Anticipated Instructional Materials Adoption	

California State Board of Education

Meeting Agenda Items for May 7-8, 2014

ITEM 06

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2014 AGENDA

SUBJECT	
Consideration of "Reasonable Basis"/Mitigating Circumstances Requests for Determination of Funding as Required for Nonclassroom-based Charter Schools Pursuant to California *Education Code* Sections 47612.5 and 47634.2, and Associated *California Code of Regulations*, Title 5.	☒ Action ☒ Information ☐ Public Hearing

SUMMARY OF THE ISSUE

California *Education Code* (*EC*) sections 47612.5 and 47634.2 established the eligibility requirements for apportionment funding for charter schools that offer nonclassroom-based instruction. The statutes specify that a charter school may receive apportionment funding for nonclassroom-based instruction only if a determination of funding is made by the State Board of Education (SBE). The California Department of Education (CDE) reviews a charter school's determination of funding request and presents it for consideration by the Advisory Commission on Charter Schools (ACCS), pursuant to relevant *California Code of Regulations*, Title 5 (5 *CCR*). The ACCS may include the consideration of mitigating circumstances in conjunction with a recommendation to the SBE.

RECOMMENDATION

The CDE recommends that the SBE approve a determination of funding with the consideration of mitigating circumstances, identified in Attachment 1, for charter schools that offer nonclassroom-based instruction.

Advisory Commission on Charter Schools Recommendation

The ACCS met on April 9, 2014, and voted to approve the CDE's recommendation for charter schools identified in Attachment 1, Tables 1–3. There were three schools, which are listed in Attachment 1, Tables 4A, 4B, 5A, and 5B, which the ACCS recommendation differs from the CDE's recommendation. The CDE recommendations are provided in Tables 4A and 5A. For the two schools, Mt. Lassen Charter School and Santa Rosa Academy, the CDE recommendation is not to approve mitigating circumstances and approve a determination of funding of 85 percent for four years. For one school, The Classical Academy, Inc., the CDE recommendation is not to approve mitigating circumstances and approve a determination of funding of 85 percent for five

years. The ACCS is recommending approval of the mitigating circumstances and a determination of funding of 100 percent for three years for each of these three schools.

BRIEF ANALYSIS OF THE ISSUE

The nonclassroom-based charter schools listed in Attachment 1 each submitted a request to obtain a determination of funding by the SBE with the consideration of mitigating circumstances to establish eligibility to receive apportionment funding.

Pursuant to 5 *CCR*, Section 11963.4(a), a nonclassroom-based charter school may qualify for 70 percent, 85 percent, or 100 percent funding, or may be denied. To qualify for a proposed recommendation of 100 percent funding, a nonclassroom-based charter school must meet the following criteria:

- At least 40 percent of the school's public revenues are to be spent on salaries and benefits for all employees who possess a valid teaching certificate.
- At least 80 percent of all revenues are to be spent on instruction and related services.
- The ratio of average daily attendance for independent study pupils to full-time certificated employees does not exceed a pupil-teacher ratio of 25:1.

However, 5 *CCR* Section 11963.4(e) states that the ACCS may find a "reasonable basis" (also referred to as mitigating circumstances) by which to make a recommendation other than one that results from the criteria specified in the regulations.

5 *CCR* Section 11963.6(c) specifies that a determination of funding shall be in increments of a minimum of two years and a maximum of five years in length. 5 *CCR* Section 11963.6(a) requires a determination of two years for a new charter school in its first year of operation. Additionally, *EC* Section 47612.5(d)(2) requires a determination of five years for a charter school that has achieved a rank of six or greater on the Academic Performance Index (API) for the two years immediately prior to receiving a determination of funding. When making a recommendation for a funding determination, the CDE considers the number of years a charter school has been in operation and the number of years requested by a charter school.

5 *CCR* Section 11963.4(e) provides specific examples of the types of mitigating circumstances and for the ACCS to consider well documented "one-time or unique or exceptional circumstances." Mitigating circumstances described by a charter school in the funding determination process clarify and provide guidance as to whether or not a specific charter school meets the percentage requirements for a funding determination as expressed in 5 *CCR* Section 11963.4(a).

Pursuant to 5 *CCR* Section 11963.4(e):

> A reasonable basis for the Advisory Commission on Charter Schools to make a recommendation other than one that results from the criteria specified in

> subdivision (a) may include, but not be limited to, the following: the information provided by the charter school pursuant to paragraphs (2) through (8), inclusive, of subdivision (b) of section 11963.3, documented data regarding individual circumstances of the charter school (e.g., one-time or unique or exceptional expenses for facilities, acquisition of a school bus, acquisition and installation of computer hardware not related to the instructional program, special education charges levied on the charter school by a local educational agency, restricted state, federal, or private grants of funds awarded to the charter school that cannot be expended for teacher salaries, or contracted instructional services other than those for special education), the size of the charter school, and how many years the charter school has been in operation. The Advisory Commission on Charter Schools shall give charter schools with less than a total of one hundred (100) units of prior year second period average daily attendance or that are in their first year of operation serious consideration of full funding.

There are 12 charter schools that did not meet the criteria to qualify for a proposed recommendation of 100 percent funding. Therefore, these schools submitted a request to consider mitigating circumstances. A summary of the request from each charter school is provided below and in Attachment 1.

Excel Prep Charter School - IE (#1380) is requesting a 100 percent determination of funding with the consideration of the charter school's mitigating circumstances. The charter school reported expenditures of 42.84 percent on certificated staff costs; however, it reported expenditures of 77.22 percent on instruction and related services, which qualifies the charter school for an 85 percent determination of funding. The charter school's mitigating circumstances request cites insufficient funding due to deferrals, and consideration that the charter school was in its first year of operation in FY 2012–13. As a newly operational charter school in FY 2012–13, the CDE finds that the information submitted supports the claim for mitigating circumstances, that in Excel Prep Charter School – IE's first year of operation the deferrals constrained the charter school's cash flow which limited its spending ability to meet the full-funding thresholds. The CDE recommends a determination of funding of 100 percent for two years (2014–15 through 2015–16) as noted in Table 1 of Attachment 1.

Academy of Arts & Sciences – El Cajon Middle & High School (#1453) is requesting a 100 percent determination of funding with the consideration of the charter school's mitigating circumstances. The charter school reported expenditures of 38.45 percent on certificated staff costs and expenditures of 58.92 percent on instruction and related services, which makes the charter school ineligible for a determination of funding. Based on Academy of Arts & Sciences – El Cajon Middle & High School's reported expenditure percentages, the charter school's nonclassroom-based instruction is not substantially dedicated to the instructional benefit of the students pursuant to 5 *CCR* Section 11963.4(a)(4). Under these conditions, the regulation requires the ACCS to recommend that the SBE deny the request unless there is a reasonable basis to recommend otherwise. The charter school's mitigating circumstances request cites insufficient funding due to deferrals, small school size, and consideration that the charter school was in its first year of operation in FY 2012–13. As a newly operational charter school in FY 2012–13, the CDE finds that the information submitted supports

the claim for mitigating circumstances, that in Academy of Arts & Sciences – El Cajon Middle & High School's first year of operation the deferrals constrained the charter school's cash flow which limited its spending ability to meet the full-funding thresholds. However, because the charter school failed to meet the spending thresholds for any funding determination percentage without the consideration of mitigating circumstances and has only one year of financial data available, the CDE recommends a funding determination of 100 percent for two years (2014–15 through 2015–16) instead of the five years requested by the charter school as noted in Table 1 of Attachment 1.

Academy of Arts & Sciences – Del Mar Elementary (#1452) is requesting a 100 percent determination of funding with the consideration of the charter school's mitigating circumstances. The charter school reported expenditures of 26.33 percent on certificated staff costs and expenditures of 48.28 percent on instruction and related services, which makes the charter school ineligible for a determination of funding. Based on Academy of Arts & Sciences – Del Mar Elementary's reported expenditure percentages, the charter school's nonclassroom-based instruction is not substantially dedicated to the instructional benefit of the students pursuant to 5 *CCR* Section 11963.4(a)(4). Under these conditions, the regulation requires the ACCS to recommend that the SBE deny the request unless there is a reasonable basis to recommend otherwise. The charter school's mitigating circumstances request cites insufficient funding due to deferrals, small school size, and consideration that the charter school was in its first year of operation in FY 2012–13. As a newly operational charter school in FY 2012–13, the CDE finds that the information submitted supports the claim for mitigating circumstances, that in Academy of Arts & Sciences – Del Mar Elementary's first year of operation the deferrals constrained the charter school's cash flow which limited its spending ability to meet the full-funding thresholds. However, because the charter school failed to meet the spending thresholds for any funding determination percentage without the consideration of mitigating circumstances and has only one year of financial data available, the CDE recommends a funding determination of 100 percent for two years (2014–15 through 2015–16) instead of the five years requested by the charter school as noted in Table 1 of Attachment 1.

Academy of Arts & Sciences – Del Mar Middle & High School (#1454) is requesting a 100 percent determination of funding with the consideration of the charter school's mitigating circumstances. The charter school reported expenditures of 40.85 percent on certificated staff costs and expenditures of 57.38 percent on instruction and related services, which makes the charter school ineligible for a determination of funding. Based on Academy of Arts & Sciences – Del Mar Middle & High School's reported expenditure percentages, the charter school's nonclassroom-based instruction is not substantially dedicated to the instructional benefit of the students pursuant to 5 *CCR* Section 11963.4(a)(4). Under these conditions, the regulation requires the ACCS to recommend that the SBE deny the request unless there is a reasonable basis to recommend otherwise. The charter school's mitigating circumstances request cites insufficient funding due to deferrals, small school size, and consideration that the charter school was in its first year of operation in FY 2012–13. As a newly operational charter school in FY 2012–13, the CDE finds that the information submitted supports the claim for mitigating circumstances, that in Academy of Arts & Sciences – Del Mar Middle & High School's first year of operation the deferrals constrained the charter

school's cash flow which limited its spending ability to meet the full-funding thresholds. However, because the charter school failed to meet the spending thresholds for any funding determination percentage without the consideration of mitigating circumstances and has only one year of financial data available, the CDE recommends a funding determination of 100 percent for two years (2014–15 through 2015–16) instead of the five years requested by the charter school as noted in Table 1 of Attachment 1.

Academy of Arts & Sciences – Sonoma (#1457) is requesting a 100 percent determination of funding with the consideration of the charter school's mitigating circumstances. The charter school reported expenditures of 24.41 percent on certificated staff costs and expenditures of 65.84 percent on instruction and related services, which makes the charter school ineligible for a determination of funding. Based on Academy of Arts & Sciences – Sonoma's reported expenditure percentages, the charter school's nonclassroom-based instruction is not substantially dedicated to the instructional benefit of the students pursuant to 5 *CCR* Section 11963.4(a)(4). Under these conditions, the regulation requires the ACCS to recommend that the SBE deny the request unless there is a reasonable basis to recommend otherwise. The charter school's mitigating circumstances request cites insufficient funding due to deferrals, small school size, and consideration that the charter school was in its first year of operation in FY 2012–13. As a newly operational charter school in FY 2012–13, the CDE finds that the information submitted supports the claim for mitigating circumstances, that in Academy of Arts & Sciences – Sonoma's first year of operation the deferrals constrained the charter school's cash flow which limited its spending ability to meet the full-funding thresholds. However, because the charter school failed to meet the spending thresholds for any funding determination percentage without the consideration of mitigating circumstances and has only one year of financial data available, the CDE recommends a funding determination of 100 percent for two years (2014–15 through 2015–16) instead of the five years requested by the charter school as noted in Table 1 of Attachment 1.

Academy of Arts & Sciences – Thousand Oaks (#1455) is requesting a 100 percent determination of funding with the consideration of the charter school's mitigating circumstances. The charter school reported expenditures of 30.07 percent on certificated staff costs and expenditures of 52.57 percent on instruction and related services, which makes the charter school ineligible for a determination of funding. Based on Academy of Arts & Sciences – Thousand Oak's reported expenditure percentages, the charter school's nonclassroom-based instruction is not substantially dedicated to the instructional benefit of the students pursuant to 5 *CCR* Section 11963.4(a)(4). Under these conditions, the regulation requires the ACCS to recommend that the SBE deny the request unless there is a reasonable basis to recommend otherwise. The charter school's mitigating circumstances request cites insufficient funding due to deferrals, small school size, and consideration that the charter school was in its first year of operation in FY 2012–13. As a newly operational charter school in FY 2012–13, the CDE finds that the information submitted supports the claim for mitigating circumstances, that in Academy of Arts & Sciences – Thousand Oak's first year of operation the deferrals constrained the charter school's cash flow which limited its spending ability to meet the full-funding thresholds. However, because the charter school failed to meet the spending thresholds for any funding determination percentage

without the consideration of mitigating circumstances and has only one year of financial data available, the CDE recommends a funding determination of 100 percent for two years (2014–15 through 2015–16) instead of the five years requested by the charter school as noted in Table 1 of Attachment 1.

Academy of Arts & Sciences – Oxnard (#1456) is requesting a 100 percent determination of funding with the consideration of the charter school's mitigating circumstances. The charter school reported expenditures of 35.02 percent on certificated staff costs and expenditures of 57.89 percent on instruction and related services, which makes the charter school ineligible for a determination of funding. Based on Academy of Arts & Sciences – Oxnard's reported expenditure percentages, the charter school's nonclassroom-based instruction is not substantially dedicated to the instructional benefit of the students pursuant to 5 *CCR* Section 11963.4(a)(4). Under these conditions, the regulation requires the ACCS to recommend that the SBE deny the request unless there is a reasonable basis to recommend otherwise. The charter school's mitigating circumstances request cites insufficient funding due to deferrals, small school size, and consideration that the charter school was in its first year of operation in FY 2012–13. As a newly operational charter school in FY 2012–13, the CDE finds that the information submitted supports the claim for mitigating circumstances, that in Academy of Arts & Sciences – Oxnard's first year of operation the deferrals constrained the charter school's cash flow which limited its spending ability to meet the full-funding thresholds. However, because the charter school failed to meet the spending thresholds for any funding determination percentage without the consideration of mitigating circumstances and has only one year of financial data available, the CDE recommends a funding determination of 100 percent for two years (2014–15 through 2015–16) instead of the five years requested by the charter school as noted in Table 1 of Attachment 1.

The Heights Charter (#1488) is requesting a 100 percent determination of funding with the consideration of the charter school's mitigating circumstances. The charter school reported expenditures of 44.50 percent on certificated staff costs; however, it reported expenditures of 60.70 percent on instruction and related services, which qualifies the charter school for a 70 percent determination of funding. The charter school's mitigating circumstances request cites insufficient funding due to deferrals, allocation of federal grant funds toward the end of the fiscal year, small school size, and consideration that the charter school was in its first year of operation in FY 2012–13. As a newly operational charter school in FY 2012–13, the CDE finds that the information submitted supports the claim for mitigating circumstances, that in The Heights Charter's first year of operation the deferrals constrained the charter school's cash flow which limited its spending ability to meet the full-funding thresholds. In addition, the CDE confirms that the charter school was advanced federal Public Charter Schools Grant Program funds late in the fiscal year (June 2013). The CDE recommends a determination of funding of 100 percent for three years (2014–15 through 2016–17) as noted in Table 2 of Attachment 1.

Mt. Lassen Charter School (#1185) is requesting a 100 percent determination of funding with the consideration of the charter school's mitigating circumstances. The charter school reported expenditures of 48.43 percent on certificated staff costs; however, it

reported expenditures of 77.87 percent on instruction and related services, which qualifies the charter school for an 85 percent determination of funding. The charter school's mitigating circumstances request cites that it needed to conserve cash to repay a two-year loan issued by its charter authorizer and to maintain reserves for cash flow purposes. The charter school failed to meet the regulatory requirement for a 100 percent funding determination by under spending on instruction by approximately $15,303, while ending FY 2012–13 with a fund balance of $100,897. Mt. Lassen Charter School states that the unspent portion of the instruction money increased their ending fund balance and will be used in future years for instruction purposes. However, the CDE finds that the charter school's reserves could have been used to support instruction in FY 2012–13, rather than being held for future years and recommends that the SBE deny the charter school's mitigating circumstances request. The CDE recommends a determination of funding of 85 percent for four years (2014–15 through 2017–18) as noted in Table 3 of Attachment 1.

Big Sur Charter School (#1000) is requesting a 100 percent determination of funding with the consideration of the charter school's mitigating circumstances. The charter school reported expenditures of 48.91 percent on certificated staff costs; however, it reported expenditures of 66.64 percent on instruction and related services, which qualifies the charter school for a 70 percent determination of funding. The charter school's mitigating circumstances request includes its small school size and reserves to cover special education costs during the transition period into a new SELPA. The CDE finds that the information submitted supports the claim for mitigating circumstances. The CDE recommends a determination of funding of 100 percent for four years (2014–15 through 2017–18) as noted in Table 3 of Attachment 1.

Santa Rosa Academy (#730) is requesting a 100 percent determination of funding with the consideration of the charter school's mitigating circumstances. The charter school reported expenditures of 47.05 percent on certificated staff costs; however, it reported expenditures of 79.02 percent on instruction and related services, which qualifies the charter school for an 85 percent determination of funding. The charter school failed to meet the regulatory requirement for a 100 percent funding determination by under spending on instruction by approximately $65,473, while ending FY 2012–13 with a fund balance of $3.6 million. The charter school's mitigating circumstances request cites that it needed to maintain a large reserve which was to finance a new facility that was being completed for use in FY 2013–14 and also to maintain sufficient cash to fund operations for an entire year. However, the CDE finds that the charter school's reserves could have been used to support instruction in FY 2012–13 and recommends that the SBE deny the charter school's mitigating circumstances request. The CDE recommends a determination of funding of 85 percent for four years (2014–15 through 2017–18) as noted in Table 3 of Attachment 1.

The Classical Academy, Inc. (#199) is requesting a 100 percent determination of funding with the consideration of the charter school's mitigating circumstances. The charter school reported expenditures of 42.12 percent on certificated staff costs; however, it reported expenditures of 71.97 percent on instruction and related services, which qualifies the charter school for an 85 percent determination of funding. The charter school's mitigating circumstances request cites the same reason that has

affected its program over the past twelve years which are fixed costs for the school's facility that have remained unchanged for the past decade. At its May 2010 meeting, the SBE approved a five-year 100 percent funding determination for The Classical Academy, Inc. with the consideration of the school's mitigating circumstances. The school included in that request the same reason that is in its current request which is that its underspending in instruction is almost entirely attributable to fixed costs for the school's facilities.

The charter school failed to meet the regulatory requirement for a 100 percent funding determination by under spending on instruction by approximately $510,808, while ending FY 2012–13 with a fund balance of $2.17 million. The charter school indicates that approximately $2 million of its fund balance are reserves for a future facility acquisition. The CDE finds that the charter school's reserves could have been used to support instruction in FY 2012–13, rather than being held for future facility expenses. In addition, the CDE finds that The Classical Academy, Inc. did not take appropriate alternative actions to comply with the spending threshold for full funding. The charter school cited the same reason for underspending as a mitigating circumstance in its prior funding determination request and has had sufficient time and available funds to comply with the 5 *CCR* spending requirement to satisfy the conditions for a 100 percent determination of funding. The CDE recommends that the SBE deny the charter school's mitigating circumstances request and recommends a determination of funding of 85 percent for five years (2014–15 through 2018–19) as noted in Table 4 of Attachment 1.

The funding determination requests are provided in Attachments 2 through 14 of Agenda Item 2 on the ACCS April 9, 2014, Meeting Notice for the ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/accsnotice040914.asp.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SBE is responsible for approving a determination of funding to establish eligibility for apportionment funding for charter schools that offer nonclassroom-based instruction. The CDE notes that this request is a recurring action item for the SBE.

FISCAL ANALYSIS (AS APPROPRIATE)

If approved, the charter schools listed in Attachment 1 would receive apportionment funding under the Local Control Funding Formula model.

ATTACHMENT

Attachment 1: California Department of Education Proposed Determination of Funding Recommendation Determination (5 Pages)

California Department of Education
Proposed Determination of Funding Recommendation

Table 1: ACCS and CDE Recommendation Determination of Funding Fiscal Years 2014–15 through 2015–16

CDS Code	Charter Authorizer / County	Charter School / Charter Number	First Year of Operation	Percent Spent on Certificated Staff Compensation in Qualifying Year (2012–13)^	Percent Spent on Instruction and Related Services in Qualifying Year (2012–13)^	Funding Determination and Years Requested by Charter School With Mitigating Circumstances	Funding Determination Without Mitigating Circumstances (5 *CCR* Section 11963.4)	CDE Recommendation Funding Determination and Years	CDE Recommendation Mitigating Circumstances Provided for Qualifying Year (2012–13)
33-67157-0125666	Nuview Union / Riverside	Excel Prep Charter School – IE / 1380	2012–13	42.84%	77.22%	100% 2 Years	85%	*100% 2 Years (2014–15 through 2015–16)	Yes
37-68213-0127050	Mountain Empire Unified / San Diego	Academy of Arts & Sciences - El Cajon Middle & High School / 1453	2012–13	38.45%	58.92%	100% 5 Years	Denial	*100% 2 Years (2014–15 through 2015–16)	Yes
37-68213-0127068	Mountain Empire Unified / San Diego	Academy of Arts & Sciences - Del Mar Elementary / 1452	2012–13	26.33%	48.28%	100% 5 Years	Denial	*100% 2 Years (2014–15 through 2015–16)	Yes
37-68213-0127084	Mountain Empire Unified / San Diego	Academy of Arts & Sciences - Del Mar Middle & High School / 1454	2012–13	40.85%	57.38%	100% 5 Years	Denial	*100% 2 Years (2014–15 through 2015–16)	Yes
49-73882-0127092	Cotati-Rohnert Park Unified / Sonoma	Academy of Arts & Sciences – Sonoma / 1457	2012–13	24.41%	65.84%	100% 5 Years	Denial	*100% 2 Years (2014–15 through 2015–16)	Yes
56-72504-0127043	Mupu Elementary / Ventura	Academy of Arts & Sciences - Thousand Oaks / 1455	2012–13	30.07%	52.57%	100% 5 Years	Denial	*100% 2 Years (2014–15 through 2015–16)	Yes
56-72504-0127076	Mupu Elementary / Ventura	Academy of Arts & Sciences – Oxnard / 1456	2012–13	35.02%	57.89%	100% 5 Years	Denial	*100% 2 Years (2014–15 through 2015–16)	Yes

^Spending percentages correspond to the charter school's funding determination request as originally submitted to the California Department of Education which was based on the qualifying year, FY 2012–13, pursuant to 5 *CCR* 11963.3. However, the charter school is required to spend at the funding determination percentage level for each year approved.

*For the funding determination effective period, the CDE considers the number of years a charter school has been in operation and the number of years requested by the charter school.

California Department of Education
Proposed Determination of Funding Recommendation

Table 2: ACCS and CDE Recommendation Determination of Funding Fiscal Years 2014–15 through 2016–17

CDS Code	Charter Authorizer / County	Charter School / Charter Number	First Year of Operation	Percent Spent on Certificated Staff Compensation in Qualifying Year (2012–13)^	Percent Spent on Instruction and Related Services in Qualifying Year (2012–13)^	Funding Determination and Years Requested by Charter School With Mitigating Circumstances	Funding Determination Without Mitigating Circumstances (5 *CCR* Section 11963.4)	CDE Recommendation Funding Determination and Years	CDE Recommendation Mitigating Circumstances Provided for Qualifying Year (2012–13)
37-68049-0127118	Dehesa Elementary / San Diego	The Heights Charter / 1488	2012–13	44.50%	60.70%	100% 5 Years	70%	*100% 3 Years (2014–15 through 2016–17)	Yes

^Spending percentages correspond to the charter school's funding determination request as originally submitted to the California Department of Education which was based on the qualifying year, FY 2012–13, pursuant to 5 *CCR* 11963.3. However, the charter school is required to spend at the funding determination percentage level for each year approved.
*For the funding determination effective period, the CDE considers the number of years a charter school has been in operation and the number of years requested by the charter school.

Table 3: ACCS and CDE Recommendation Determination of Funding Fiscal Years 2014–15 through 2017–18

CDS Code	Charter Authorizer / County	Charter School / Charter Number	First Year of Operation	Percent Spent on Certificated Staff Compensation in Qualifying Year (2012–13)^	Percent Spent on Instruction and Related Services in Qualifying Year (2012–13)^	Funding Determination and Years Requested by Charter School With Mitigating Circumstances	Funding Determination Without Mitigating Circumstances (5 *CCR* Section 11963.4)	CDE Recommendation Funding Determination and Years	CDE Recommendation Mitigating Circumstances Provided for Qualifying Year (2012–13)
27-75150-0118349	Big Sur Unified / Monterey	Big Sur Charter School / 1000	2008–09	48.91%	66.64%	100% 5 Years	70%	*100% 4 Years (2014–15 through 2017–18)	Yes

^Spending percentages correspond to the charter school's funding determination request as originally submitted to the California Department of Education which was based on the qualifying year, FY 2012–13, pursuant to 5 *CCR* 11963.3. However, the charter school is required to spend at the funding determination percentage level for each year approved.
*For the funding determination effective period, the CDE considers the number of years a charter school has been in operation and the number of years requested by the charter school.

California Department of Education
Proposed Determination of Funding Recommendation

Table 4A: CDE Recommendation Determination of Funding Fiscal Years 2014–15 through 2017–18

CDS Code	Charter Authorizer / County	Charter School / Charter Number	First Year of Operation	Percent Spent on Certificated Staff Compensation in Qualifying Year (2012–13)^	Percent Spent on Instruction and Related Services in Qualifying Year (2012–13)^	Funding Determination and Years Requested by Charter School With Mitigating Circumstances	Funding Determination Without Mitigating Circumstances (5 *CCR* Section 11963.4)	CDE Recommendation Funding Determination and Years	CDE Recommendation Mitigating Circumstances Provided for Qualifying Year (2012–13)
18-75036-0121657	Fort Sage Unified / Lassen	Mt. Lassen Charter School / 1185	2010–11	48.43%	77.87%	100% 5 Years	85%	*85% 4 Years (2014–15 through 2017–18)	No
33-67116-0109843	Menifee Union Elementary / Riverside	Santa Rosa Academy / 730	2005–06	47.05%	79.02%	100% 5 Years	85%	*85% 4 Years (2014–15 through 2017–18)	No

^Spending percentages correspond to the charter school's funding determination request as originally submitted to the California Department of Education which was based on the qualifying year, FY 2012–13, pursuant to 5 *CCR* 11963.3. However, the charter school is required to spend at the funding determination percentage level for each year approved.

*For the funding determination effective period, the CDE considers the number of years a charter school has been in operation and the number of years requested by the charter school.

California Department of Education
Proposed Determination of Funding Recommendation

Table 4B: ACCS Recommendation Determination of Funding Fiscal Years 2014–15 through 2016–17

CDS Code	Charter Authorizer / County	Charter School / Charter Number	First Year of Operation	Percent Spent on Certificated Staff Compensation in Qualifying Year (2012–13)^	Percent Spent on Instruction and Related Services in Qualifying Year (2012–13)^	Funding Determination and Years Requested by Charter School With Mitigating Circumstances	Funding Determination Without Mitigating Circumstances (5 *CCR* Section 11963.4)	ACCS Recommendation Funding Determination and Years	ACCS Recommendation Mitigating Circumstances Provided for Qualifying Year (2012–13)
18-75036-0121657	Fort Sage Unified / Lassen	Mt. Lassen Charter School / 1185	2010–11	48.43%	77.87%	100% 5 Years	85%	100% 3 Years (2014–15 through 2016–17)	Yes
33-67116-0109843	Menifee Union Elementary / Riverside	Santa Rosa Academy / 730	2005–06	47.05%	79.02%	100% 5 Years	85%	100% 3 Years (2014–15 through 2016–17)	Yes

^Spending percentages correspond to the charter school's funding determination request as originally submitted to the California Department of Education which was based on the qualifying year, FY 2012–13, pursuant to 5 *CCR* 11963.3. However, the charter school is required to spend at the funding determination percentage level for each year approved.

California Department of Education
Proposed Determination of Funding Recommendation

Table 5A: CDE Recommendation Determination of Funding Fiscal Years 2014–15 through 2018–19

CDS Code	Charter Authorizer / County	Charter School / Charter Number	First Year of Operation	Percent Spent on Certificated Staff Compensation in Qualifying Year (2012–13)^	Percent Spent on Instruction and Related Services in Qualifying Year (2012–13)^	Funding Determination and Years Requested by Charter School With Mitigating Circumstances	Funding Determination Without Mitigating Circumstances (5 *CCR* Section 11963.4)	CDE Recommendation Funding Determination and Years	CDE Recommendation Mitigating Circumstances Provided for Qualifying Year (2012–13)
37-68098-6116776	Escondido Union / San Diego	The Classical Academy, Inc. / 199	1999–00	42.12%	71.97%	100% 5 Years	85%	**85% 5 Years (2014–15 through 2018–19)	No

^Spending percentages correspond to the charter school's funding determination request as originally submitted to the California Department of Education which was based on the qualifying year, FY 2012–13, pursuant to 5 *CCR* 11963.3. However, the charter school is required to spend at the funding determination percentage level for each year approved.

***EC* Section 47612.5(d)(2) requires a determination of five years for a charter school that has achieved a rank of six or greater on the API for the two years immediately prior to receiving a determination of funding.

Table 5B: ACCS Recommendation Determination of Funding Fiscal Years 2014–15 through 2016–17

CDS Code	Charter Authorizer / County	Charter School / Charter Number	First Year of Operation	Percent Spent on Certificated Staff Compensation in Qualifying Year (2012–13)^	Percent Spent on Instruction and Related Services in Qualifying Year (2012–13)^	Funding Determination and Years Requested by Charter School With Mitigating Circumstances	Funding Determination Without Mitigating Circumstances (5 *CCR* Section 11963.4)	ACCS Recommendation Funding Determination and Years	ACCS Recommendation Mitigating Circumstances Provided for Qualifying Year (2012–13)
37-68098-6116776	Escondido Union / San Diego	The Classical Academy, Inc. / 199	1999–00	42.12%	71.97%	100% 5 Years	85%	100% 3 Years (2014–15 through 2016–17)	No

^Spending percentages correspond to the charter school's funding determination request as originally submitted to the California Department of Education which was based on the qualifying year, FY 2012–13, pursuant to 5 *CCR* 11963.3. However, the charter school is required to spend at the funding determination percentage level for each year approved.

California State Board of Education

Meeting Agenda Items for May 7-8, 2014

ITEM 07

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2014 AGENDA

SUBJECT	
Renewal Petition for the Establishment of a Charter School Under the Oversight of the State Board of Education: Consideration of the Anahuacalmecac International University Preparatory High School which was denied by the Los Angeles Unified School District and the Los Angeles County Office of Education.	☒ Action ☒ Information ☒ Public Hearing

SUMMARY OF THE ISSUE(S)

Anahuacalmecac International University Preparatory High School (AIUPHS) was a Los Angeles Unified School District (LAUSD) authorized charter school, with a five-year charter term that expired on June 30, 2013. As a result of the non-renewal of AIUPHS by LAUSD the school is currently closed. According to the petitioners, the former AIUPHS students in grades nine through twelve are attending Xinaxcalmecac Academia Semillas del Pueblo, an LAUSD-authorized charter school, which is also operated by the petitioners.

At the June 18, 2013, LAUSD Board meeting the AIUPHS renewal petition was denied. On September 10, 2013, the Los Angeles County Office of Education (LACOE) made a motion to deny the renewal appeal. However, the vote was split three to three and the motion to deny did not pass. The AIUPHS petitioners submitted the renewal appeal to the State Board of Education (SBE) on January 31, 2014, too late to be heard at the February Advisory Commission on Charter Schools (ACCS) meeting.

Pursuant to California *Education Code (EC)* Section 47605(j), petitioners for a charter school that has been denied at the local level may petition the SBE for approval of the charter, subject to certain conditions.

RECOMMENDATION

The California Department of Education (CDE) received the AIUPHS petition on appeal of a denial to renew the charter school. The CDE submitted a recommendation to the ACCS to deny the petition. In support of this recommendation, the CDE provided the analyses and the findings provided by LAUSD and the LACOE as well as the CDE's review and analyses of the appeal. These analyses are also provided for the Board's consideration. However, the ACCS recommended that the SBE allow a conditional approval contingent upon supplemental information being provided to the SBE. While the CDE is unable to make a recommendation in regards to the renewal of the petition,

the CDE does recommend that the SBE review the additional information and determine if the documentation supports renewal of the charter.

Advisory Commission on Charter Schools (ACCS) Recommendation

The ACCS considered the AIUPHS petition at its April 9, 2014, meeting. The ACCS voted to recommend that the SBE approve the renewal petition with the following conditions: the petitioners submit revised enrollment numbers that reflect non-material changes that have occurred since the budget was first submitted, non-material revised financial plans, and non-material revised facility plans since the time of the initial denial by LAUSD in June 2013.

BRIEF HISTORY OF KEY ISSUES

AIUPHS, located in Los Angeles County, has been a Title I, classroom-based charter school in operation since 2008 under LAUSD authorization. As a result of the non-renewal of AIUPHS by LAUSD the school closed (school year 2013–14). When the AIUPHS charter term ended June 2013 the petitioners moved students in grades nine through twelve to Xinaxcalmecac Academia Semillas del Pueblo, which is operated by the same petitioners, authorized by LAUSD, and is located on the same city block in the Los Angeles area. Academic information about Xinaxcalmecac Academia Semillas del Pueblo is provided in Attachment 7of Agenda item 06 on the ACCS April 9, 2014, Meeting Notice for the ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-apr14item06a7.pdf.

AIUPHS proposes to continue to serve students in the EL Sereno neighborhood east of the Los Angeles River, and from Boyle Heights to the boundaries of unincorporated East Los Angeles. The mission statement in the petition states AIUPHS is to serve indigenous children by providing a globally inclusive curriculum within a positive, supportive learning environment involving students, teachers, parents, and staff. The AIUPHS petition outlines the International Baccalaureate program to support students in kindergarten through grade twelve with a proposed enrollment of 1,000 pupils by the 2015–16 school year.

On June 18, 2013, LAUSD denied the renewal petition based on the following but not limited to:

- The petitioners are demonstrably unlikely to successfully implement the program as presented in the petition.
    - The school is operating with a negative net asset of $695,336 and negative net income of $584,701.
    - AIUPHS's enrollment has fluctuated since its inception and is significantly under-enrolled compared to their proposed plan in the petition. The school currently serves 69 students in its 9–12 educational program, raising significant concerns about the role of the governing board in holding staff accountable for fulfilling the terms of the charter.

- The petition fails to provide a reasonably comprehensive description of all required elements of a charter petition.
    - The petition does not provide a clear plan for serving the needs of English learners.
    - The petition does not fully contain Special Education provisions and assurances as required for charter schools authorized by LAUSD.

On September 10, 2013, LACOE made a motion to deny the renewal appeal. With a split vote of three to three the motion to deny did not pass. However, LACOE based a recommendation to deny on the following, but not limited to:

- The petitioners are demonstrably unlikely to successfully implement the program as presented in the petition.
    - AIUPHS is under-enrolled by at least 50 percent based on the build out plan in the original charter.
    - With an enrollment of 77 students, it has been financially difficult to maintain the school's stated instructional design. The school did not submit any future plans for increasing its enrollment.
- The petition fails to provide a reasonably comprehensive description of all required elements of a charter petition.

The CDE agrees with the local district and county office of education that the petitioner describes an educational program that is not likely to be of educational benefit to the pupils who attend, specifically pupils who are classified as English learner (EL). In addition, the CDE finds the financial plan for AIUPHS is neither fiscally balanced nor sustainable with projected negative balances.

In considering the AIUPHS petition, the CDE reviewed the following:

- AIUPHS petition and Attachment 3 of Agenda Item 06 on the ACCS April 9, 2014, Meeting Notice for the ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-apr14item06a3.pdf.
- Educational and demographic data of schools where pupils would otherwise be required to attend, Attachment 2 of Agenda Item 06 on the ACCS April 9, 2014, Meeting Notice for the ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-apr14item06a2.xls.
- AIUPHS budget and financial information, Attachment 4 of Agenda Item 06 on the ACCS April 9, 2014, Meeting Notice for the ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-apr14item06a4.pdf.

- Board agendas, minutes and findings from LAUSD and LACOE regarding denial of the AIUPHS renewal petition and petitioner's response to LAUSD, Attachment 6 of Agenda Item 06 on the ACCS April 9, 2014, Meeting Notice for the ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-apr14item06a6.pdf.

- 2012–13 Accountability Progress Report for Xinaxcalmecac Academia Semillas del Pueblo, Attachment 7 of Agenda Item 06 on the ACCS April 9, 2014, Meeting Notice for the ACCS web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-apr14item06a7.pdf.

AIUPHS was not required to comply with *EC* Section 47605(b)(ii), which requires a charter petition to state the annual goals for all pupils identified pursuant to *EC* Section 52052, to be achieved in the state priorities, as described in *EC* Section 52060, because the petition was submitted to the local school district prior to the effective date of July 1, 2013. However, CDE has included a technical amendment to Element B, Measurable Pupil Outcomes, to address this requirement. Details are provided in the Charter School Petition Review Form as Attachment 1 of Agenda item 06 on the ACCS April 9, 2014, Meeting Notice for the ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-apr14item06a1.doc.

Senate Bill (SB) 1290 amended *EC* sections 47605, 47605.6, and 47607 beginning January 1, 2013. In part, this law requires that charter school authorizers consider increase in pupil academic achievement for all subgroups served by the charter school as the most important factor in determining whether to renew or revoke a charter school.

A charter school that has been in operation for at least four years shall meet at least one of five criteria outlined in *EC* Section 47607(b). AIUPHS has met two of the five criteria as follows:

Requirement 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 for the prior three years.

Met: AIUPHS has attained the API growth target in the 2012–13 school year. The 2013 API growth for AIUPHS was 4 points, the AIUPHS API was 689.

Requirement 2: Ranked in deciles 4 to 10, inclusive, on the API in the prior year or in two of the last three years.

Not Met: AIUPHS ranked 2 in 2012, 1 in 2011, and 5 in 2010.

Requirement 3: Ranked in deciles 4 to 10, inclusive, on the API for a demographically comparable school API in the prior year or in two of the last three years.

Not Applicable: API Similar Schools Rank is not available for schools with an enrollment that is less than one hundred students.

Requirement 4: The entity that granted the charter determines that the academic performance of the charter school is at least equal to the academic performance of the public schools that the charter school pupils would otherwise have been required to attend, as well as the academic performance of the schools in the school district in which the charter school is located, taking into account the composition of the pupil population that is served at the charter school.

Met: The performance of AIUPHS is at least equal to the academic performance of the public schools pupils would otherwise have been required to attend, as well as the academic performance of the schools in the school district in which the charter school is located, taking into account the composition of the pupil population that is served at the charter school.

Requirement 5: Has qualified for an alternative accountability system pursuant to subdivision (h) of *EC* Section 52052.

Not Applicable: AIUPHS does not qualify for an alternative accountability system.

The CDE has reviewed the renewal petition and finds several areas of deficiencies in the AIUPHS petition, which include the following.

Financial Capacity and Enrollment

- The three-year budget plan as Attachment 4 of Agenda Item 06 on the ACCS April 9, 2014, Meeting Notice for the ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-apr14item06a4.pdf presented to LAUSD with the renewal petition shows the following negative ending balances:

    - Year 1 (2013–14) ($582,779)
    - Year 2 (2014–15) ($346,988)
    - Year 3 (2015–16) $49,088

The petition is proposing to increase grades and enrollment; 437 students for the 2013–14 school year and up to 1,000 students over the five-year term in Attachment 1 pp.5–6 of Agenda item 06 on the ACCS April 9, 2014, Meeting Notice for the ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-apr14item06a1.doc. In reviewing the past five years, pupil enrollment for grades nine through twelve appears unrealistic. In addition, the proposal is not supported by an outreach plan, signature pages, or letters from the community to support the aggressive enrollment growth.

    - 2008–09: 44 pupils
    - 2009–10: 36 pupils

- 2010–11: 99 pupils
- 2011–12: 114 pupils
- 2012–13: 77 pupils

Educational Program

- The current academic performance of EL students is not provided in the petition. The 2012–13 Accountability Progress Report shows that on the first day of testing two students were enrolled and two students tested; therefore, academic performance data is not available. The petition does not provide a clear and comprehensive description with regard to EL student identification, program placement, appropriate program services, and program evaluation to ensure EL students learn English and achieve academically at the same rate of their English speaking peers as required under state and federal law located in Attachment 1 pp. 4, 9–12 of Agenda Item 06 on the ACCS April 9, 2014, Meeting Notice for the ACCS web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-apr14item06a1.doc. The petition states that EL students will receive support in the core subject classes through the use of Specially Designed Academic Instruction in English.

- Additionally, the petition does not include a reclassification process and a process for monitoring redesignated ELs as required by law.

In addition, the petitioners did not provide a signed certification of assurances that the petitioners will comply with all applicable laws.

Based on the program deficiencies noted above and those noted in the CDE petition review and analysis in Attachment 1 of Agenda Item 06 on the ACCS April 9, 2014, Meeting Notice for the ACCS web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-apr14item06a1.doc the CDE finds that the AIUPHS charter petitioners are demonstrably unlikely to successfully implement the intended program and the petition does not contain reasonably comprehensive descriptions of the 16 charter elements pursuant to *EC* sections 47605(b)(1), 47605(b)(2), 47605(b)(5), and 5 *CCR* Section 11967.5.1.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Currently, 19 charter schools operate under SBE authorization as follows:

- Two statewide benefit charters, operating a total of seven school sites
- One countywide benefit charter
- Sixteen charter schools, authorized on appeal after local or county denial

The SBE delegates oversight duties of these schools to CDE.

FISCAL ANALYSIS (AS APPROPRIATE)

If approved as an SBE-authorized charter school, the CDE would receive approximately one percent of AIUPHS' general purpose apportionment for CDE's oversight activities. However, no additional resources are allocated to the CDE for oversight.

ATTACHMENT(S)

Attachment 1: State Board of Education Standard Conditions on Opening and Operation (3 pages)

STATE BOARD OF EDUCATION
STANDARD CONDITIONS ON OPENING AND OPERATION

- **Insurance Coverage.** Prior to opening**,** (or such earlier time as school may employ individuals or acquire or lease property or facilities for which insurance would be customary), submit documentation of adequate insurance coverage, including liability insurance, which shall be based on the type and amount of insurance coverage maintained in similar settings. Additionally, the school will provide a document stating that the District will hold harmless, defend, and indemnify the State Board of Education (SBE) and the California Department of Education (CDE), their officers and employees, from every liability, claim, or demand that may be made by reason of: (1) any injury to volunteer; and (2) any injury to person or property sustained by any person, firm, or corporation caused by any act, neglect, default, or omission of the School, its officers, employees, or agents. In cases of such liabilities, claims, or demands, the School at its own expense and risk will defend all legal proceedings that may be brought against it and/or the SBE or the CDE, their officers and employees, and satisfy any resulting judgments up to the required amounts that may be rendered against any of the parties.

- **Memorandum of Understanding/Oversight Agreement.** Prior to opening, either (a) accept an agreement with the SBE, administered through the CDE, to be the direct oversight entity for the school, specifying the scope of oversight and reporting activities, including, but not limited to, adequacy and safety of facilities; or (b) enter into an appropriate agreement between the charter school, the SBE (as represented by the Executive Director of the SBE), and an oversight entity, pursuant to the California *Education Code* (*EC*) Section 47605(k)(1), regarding the scope of oversight and reporting activities, including, but not limited to, adequacy and safety of facilities.

- **Special Education Local Plan Area Membership.** Prior to opening, submit written verification of having applied to a Special Education Local Plan Area (SELPA) for membership as a local educational agency and submit either written verification that the school is (or will be at the time pupils are being served) participating in the SELPA, or an agreement between a SELPA, a school district that is a member of the SELPA, and the school that describes the roles and responsibilities of each party and that explicitly states that the SELPA and the district consider the school's pupils to be pupils of the school district in which the school is physically located for purposes of special education programs and services (which is the equivalent of participation in the SELPA). Satisfaction of this condition should be determined by the Executive Director of the SBE based primarily on the advice of CDE staff following a review of either (1) the school's written plan for membership in the SELPA, including any proposed contracts with service providers; or (2) the agreement between a SELPA, a school district, and the school, including any proposed contracts with service providers.

- **Educational Program.** Prior to opening, submit a description of the curriculum development process the school will use and the scope and sequence for the grades envisioned by the school; and submit the complete educational program for pupils to

be served in the first year including, but not limited to, a description of the curriculum and identification of the basic instructional materials to be used; plans for professional development of instructional personnel to deliver the curriculum and use the instructional materials; and identification of specific assessments that will be used in addition to the assessment identified in *EC* Section 60640 in evaluating student progress. Satisfaction of this condition should be determined by the Executive Director of the SBE based primarily on the advice of CDE staff.

- **Student Attendance Accounting.** Prior to opening, submit for approval the specific means to be used for student attendance accounting and reporting that will be satisfactory to support state average daily attendance claims and satisfy any audits related to attendance that may be conducted. Satisfaction of this condition should be determined by the Executive Director of the SBE based primarily on the advice of the Director of the School Fiscal Services Division.

- **Facilities Agreements.** Prior to opening, present written agreements (e.g., a lease or similar document) indicating the school's right to use the principal school sites and any ancillary facilities identified by the petitioners for at least the first year of each school's operation and evidence that the facilities will be adequate for the school's needs. Satisfaction of this condition should be determined by the Executive Director of the SBE based primarily on the advice of the Director of the School Facilities Planning Division.

- **Zoning and Occupancy.** Not less than 30 days prior to the school's opening, present evidence that each school's facility is located in an area properly zoned for operation of a school and has been cleared for student occupancy by all appropriate local authorities. For good cause, the Executive Director of the SBE may reduce this requirement to fewer than 30 days, but may not reduce the requirement to fewer than 10 days. Satisfaction of this condition should be determined by the Executive Director of the SBE based primarily on the advice of the Director of the School Facilities Planning Division.

- **Final Charter.** Prior to opening, present a final charter that includes all provisions and/or modifications of provisions that reflect appropriately the SBE as the chartering authority and otherwise address all concerns identified by CDE and/or SBE staff, and that includes a specification that the school will not operate satellite schools, campuses, sites, resource centers or meeting spaces not identified in the charter without the prior written approval of the Executive Director of the SBE based primarily on the advice of the Charter Schools Division (CSD) staff. Satisfaction of this condition is determined by the Executive Director of the SBE based primarily on the advice of the Director of the CSD.

- **Processing of Employment Contributions.** Prior to the employment of any individuals by the school, present evidence that the school has made appropriate arrangements for the processing of the employees' retirement contributions to the California Public Employees' Retirement System (CalPERS) and the California State Teachers' Retirement System (CalSTRS).

- **Operational Date.** If any deadline specified in these conditions is not met, approval of the charter is terminated, unless the SBE deletes or extends the deadline not met.

If the school is not in operation by September 30, 2014, approval of the charter is terminated.

California State Board of Education

Meeting Agenda Items for May 7-8, 2014

ITEM 08

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2014 AGENDA

SUBJECT	
Lifeline Education Charter School: Consider a Material Revision of the Charter to Change from Grades Six Through Twelve to Kindergarten Through Grade Twelve**.**	☒ Action ☒ Information ☒ Public Hearing

SUMMARY OF THE ISSUE(S)

Lifeline Education Charter School (LECS), 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 07 on the Advisory Commission on Charter Schools (ACCS) April 9, 2014, Meeting Notice for the ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-apr14item07a1.doc. The current charter authorizes LECS to serve 340 students in grades six through twelve with a current enrollment of 379 (based on first attendance reporting period 2013–14). LECS plans on adding a kindergarten (K) through grade five program, beginning with the addition of 50 to 60 students in grades four and five during the 2014–15 school year, 50 to 60 students in grades two and three during the 2015–16 school year, and 50 to 60 students in K through first grade during the 2016–17 school year. The total enrollment projections for the 2017–18 school year are 554 students in K through grade twelve. As part of its K grade, LECS proposes to offer a transitional K.

RECOMMENDATION

The California Department of Education (CDE) recommends that the SBE hold a public hearing to approve the request to revise the LECS charter petition to change grades served from six through twelve to K through grade twelve. The CDE will conduct a pre-opening site visit at least 30 days prior to the scheduled opening date. Written authorization from the CDE would be required prior to the operation of any additional facility.

Advisory Commission on Charter Schools Recommendation

The Advisory Commission on Charter Schools (ACCS) considered the LECS material revision at its April 9, 2014, meeting. ACCS voted unanimously to accept the CDE recommendation that the SBE approve the material revision for LECS to change its grades served from grades six through grade twelve to K through grade 12.

BRIEF HISTORY OF KEY ISSUES

LECS has been an SBE-authorized charter school, located in Compton, since September 2007. In May 2012, the SBE approved the LECS charter renewal petition for a five-year term to serve grades six through twelve. CDE finds that LECS implements the program as described in the current charter petition and the school leadership provides regular updates to CDE staff, both formally and informally.

The LECS current petition was approved by the SBE with the condition that LECS adhere to a Memorandum of Understanding (MOU) between LECS and the SBE that requires a material revision of the petition if the school adds or deletes the grade levels to be served. LECS is requesting a material revision to add an elementary component of K through grade five.

The addition of an elementary component is consistent with the LECS vision of becoming a thriving learning community by providing students with a challenging education and real world opportunities to engage the whole child in the learning process. The elementary component will provide LECS students with a high level of education from the earliest grade level possible, and better prepare students for the middle and high school years. Furthermore, the addition of the elementary grades will allow LECS to address any skill deficits well before matriculation to the secondary grades. The elementary grades will be located within two miles of LECS' current middle and high school programs.

In considering the LECS material revision, CDE staff reviewed the current 2012 renewal charter petition, the proposed material revision, as provided in Attachment 3 of Agenda Item 07 on the ACCS April 9, 2014, Meeting Notice for the ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-apr14item07a3.pdf, the 2013–14 Annual Update, the Student Achievement Plan (SAP) for the 2013–14 school year, and academic performance data. Demographic and achievement data for comparison elementary schools are provided in Attachment 2 of Agenda Item 07 on the ACCS April 9, 2014, Meeting Notice for the ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-apr14item07a2.xls.

The CDE recommends that the SBE approve the request for a material revision of the LECS charter for the following reasons:

- LECS provides students with a Project Based Learning (PBL) environment, where students work in teams and explore real world problems. Exposing students to PBL in the elementary years may further prepare students for more complex real world problem solving in the secondary years. The continuity of the educational program could allow a more advanced curricular focus as the majority of skill deficits may be addressed during the elementary years.

- LECS had a higher schoolwide 2013 Growth Academic Performance Index (API) than three of seven surrounding middle schools and out-performed the local district high schools. Data tables are provided for surrounding elementary, middle and high schools in close proximity to LECS and the proposed LECS elementary program as Attachment 2 of Agenda Item 07 on the ACCS April 9, 2014, Meeting Notice for the ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-apr14item07a2.xls.

- During the seven years of operation as an SBE-authorized charter school, LECS has complied with the terms of the MOU with the SBE.

- In an April 2013 Memorandum to the SBE, LECS was 1 of 23 SBE-authorized schools considered to be in good financial condition. Schools in this category have demonstrated an ability to operate with a balanced budget, maintain stable enrollment and attendance ratios, manage cash liquidity, maintain low debt levels, maintain positive fund balances, and have met the recommended reserve levels specified in their MOU.

- The LECS revised budget projections for revenues, expenditures, and fund balances appear sufficient. Refer to Attachment 4 of Agenda Item 07 on the ACCS April 9, 2014, Meeting Notice for the ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-apr14item07a4.pdf. The CDE concluded that LECS multiyear budget which provides for the addition of K through grade five appears to be fiscally viable.

- To date, LECS has submitted all required documentation to the CDE including but not limited to, attendance reports, compliance documents, budgets, and audit reports.

The LECS material revision addresses the requirements of California *Education Code* (*EC*) Section 47605(b)(5)(A)(ii), including a description of the school's annual goals, for all pupils and for each subgroup of pupils identified pursuant to *EC* Section 52052; for each of the applicable state priorities identified in *EC* Section 52060(d); and a description of the specific annual actions the school will take to achieve each of the identified annual goals.

The CDE finds that the LECS material revision meets the standards and criteria in *EC* Section 47605 and the 16 charter elements. Therefore, the CDE supports the proposed elementary school program.

The State Board of Education Standard Conditions on Opening and Operation are available as Attachment 1.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Currently, 19 charter schools operate under SBE authorization as follows:

- Two statewide benefit charters, operating a total of seven sites
- One countywide benefit charter
- Sixteen charter schools, authorized on appeal after local or county denial

The SBE delegates oversight duties of these schools to the CDE.

FISCAL ANALYSIS (AS APPROPRIATE)

As an SBE-authorized charter school, the CDE would receive approximately one percent of LECS's general purpose apportionment for CDE's oversight activities. However, no additional resources are allocated to the CDE for oversight.

ATTACHMENT(S)

Attachment 1: State Board of Education Standard Conditions on Opening and Operation (3 pages)

STATE BOARD OF EDUCATION
STANDARD CONDITIONS ON OPENING AND OPERATION

- **Insurance Coverage**. Prior to opening, (or such earlier time as school may employ individuals or acquire or lease property or facilities for which insurance would be customary), submit documentation of adequate insurance coverage, including liability insurance, which shall be based on the type and amount of insurance coverage maintained in similar settings. Additionally, the school will provide a document stating that the District will hold harmless, defend, and indemnify the State Board of Education (SBE) and the California Department of Education (CDE), their officers and employees, from every liability, claim, or demand that may be made by reason of: (1) any injury to volunteer; and (2) any injury to person or property sustained by any person, firm, or corporation caused by any act, neglect, default, or omission of the School, its officers, employees, or agents. In cases of such liabilities, claims, or demands, the School at its own expense and risk will defend all legal proceedings that may be brought against it and/or the SBE of the CDE, their officers and employees, and satisfy any resulting judgments up to the required amounts that may be rendered against any of the parties.

- **MOU/Oversight Agreement**. Prior to opening, either (a) accept an agreement with the SBE, administered through the CDE, to be the direct oversight entity for the school, specifying the scope of oversight and reporting activities, including, but not limited to, adequacy and safety of facilities; or (b) enter into an appropriate agreement between the charter school, the SBE (as represented by the Executive Director of the SBE), and an oversight entity, pursuant to the California *Education Code* (*EC*) Section 47605(k)(1), regarding the scope of oversight and reporting activities, including, but not limited to, adequacy and safety of facilities.

- **Special Education Local Plan Area Membership**. Prior to opening, submit written verification of having applied to a Special Education Local Plan Area (SELPA) for membership as a local educational agency and submit either written verification that the school is (or will be at the time pupils are being served) participating in the SELPA, or an agreement between a SELPA, a school district that is a member of the SELPA, and the school that describes the roles and responsibilities of each party and that explicitly states that the SELPA and the district consider the school's pupils to be pupils of the school district in which the school is physically located for purposes of special education programs and services (which is the equivalent of participation in the SELPA). Satisfaction of this condition should be determined by the Executive Director of the SBE based primarily on the advice of CDE staff following a review of either (1) the school's written plan for membership in the SELPA, including any proposed contracts with service providers; or (2) the agreement between a SELPA, a school district, and the school, including any proposed contracts with service providers.

- **Educational Program**. Prior to opening, submit a description of the curriculum development process the school will use and the scope and sequence for the

grades envisioned by the school; and submit the complete educational program for pupils to be served in the first year including, but not limited to, a description of the curriculum and identification of the basic instructional materials to be used; plans for professional development of instructional personnel to deliver the curriculum and use the instructional materials; and identification of specific assessments that will be used in addition to the assessment identified in *EC* Section 60640 in evaluating student progress. Satisfaction of this condition should be determined by the Executive Director of the SBE based primarily on the advice of CDE staff.

- **Student Attendance Accounting**. Prior to opening, submit for approval the specific means to be used for student attendance accounting and reporting that will be satisfactory to support state average daily attendance claims and satisfy any audits related to attendance that may be conducted. Satisfaction of this condition should be determined by the Executive Director of the SBE based primarily on the advice of the Director of the School Fiscal Services Division.

- **Facilities Agreements**. Prior to opening, present written agreements (e.g., a lease or similar document) indicating the school's right to use the principal school sites and any ancillary facilities identified by the petitioners for at least the first year of each school's operation and evidence that the facilities will be adequate for the school's needs. Satisfaction of this condition should be determined by the Executive Director of the SBE based primarily on the advice of the Director of the School Facilities Planning Division.

- **Zoning and Occupancy**. Not less than 30 days prior to the school's opening, present evidence that each school's facility is located in an area properly zoned for operation of a school and has been cleared for student occupancy by all appropriate local authorities. For good cause, the Executive Director of the SBE may reduce this requirement to fewer than 30 days, but may not reduce the requirement to fewer than 10 days. Satisfaction of this condition should be determined by the Executive Director of the SBE based primarily on the advice of the Director of the School Facilities Planning Division.

- **Final Charter**. Prior to opening, present a final charter that includes all provisions and/or modifications of provisions that reflect appropriately the SBE as the chartering authority and otherwise address all concerns identified by CDE and/or SBE staff, and that includes a specification that the school will not operate satellite schools, campuses, sites, resource centers or meeting spaces not identified in the charter without the prior written approval of the Executive Director of the SBE based primarily on the advice of the Charter Schools Division staff. Satisfaction of this condition is determined by the Executive Director of the SBE based primarily on the advice of the Director of the Charter Schools Division.

- **Processing of Employment Contributions**. Prior to the employment of any individuals by the school, present evidence that the school has made appropriate arrangements for the processing of the employees' retirement contributions to

the California Public Employees' Retirement System (CalPERS) and the California State Teachers' Retirement System (CalSTRS).

- **Operational Date**. If any deadline specified in these conditions is not met, approval of the charter is terminated, unless the SBE deletes or extends the deadline not met. If the school is not in operation by September 30, 2014, approval of the charter is terminated.

California State Board of Education

Meeting Agenda Items for May 7-8, 2014

ITEM 09

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2014 AGENDA

SUBJECT	
Petition for Establishment of a Charter School Under the Oversight of the State Board of Education: Consideration of the Magnolia Science Academy—Santa Ana, which was denied by the Santa Ana Unified School District and the Orange County Office of Education.	☒ Action ☒ Information ☒ Public Hearing

SUMMARY OF THE ISSUE(S)

On October 8, 2013, the Santa Ana Unified School District (SAUSD) denied the Magnolia Science Academy—Santa Ana (MSA—SA) petition by a vote of three to two. On February 12, 2014, the Orange County Office of Education (OCOE) took no action on the appeal by a vote of two in favor, two opposed, and one abstention. The MSA—SA petitioner submitted an appeal to the State Board of Education (SBE) on February 25, 2014.

Pursuant to California *Education Code* (*EC*) Section 47605(j), petitioners for a charter school that has been denied at the local level may petition the SBE for approval of the charter, subject to certain conditions.

RECOMMENDATION

The California Department of Education (CDE) received the MSA—SA petition on appeal of a denial to establish a new charter school. The CDE conducted an independent review and analysis of the petition. The CDE also reviewed and finds no fault with the documentation and analyses provided by the SAUSD and the OCOE. The CDE is providing the analyses and the findings provided by SAUSD and the OCOE as well as the CDE's independent review and analysis of the appeal for the Board's consideration.

Advisory Commission on Charter Schools (ACCS) Recommendation

The Advisory Commission on Charter Schools (ACCS) considered the MSA—SA petition at its April 9, 2014, meeting. By a vote of five to one, with one abstention, the

Commission recommended that the SBE approve the petition to establish MSA—SA under the oversight of the SBE.

BRIEF HISTORY OF KEY ISSUES

The MSA—SA petition is submitted to the SBE on appeal for the establishment of a new charter school in Santa Ana to be authorized under the oversight of the SBE. As stated in the petition, Magnolia Public Schools proposes to open a school program in the community of Santa Ana in August 2014. The petition states that the mission of MSA—SA is to "provide a college preparatory educational program emphasizing science, technology, engineering, and mathematics in a safe environment that cultivates respect for self and others."

In considering the MSA—SA petition, the CDE reviewed the following:

- The MSA—SA petition and Attachment 3 of Agenda Item 08 on the ACCS April 9, 2014, Meeting Notice for the ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-apr14item08a3.pdf

- Educational and demographic data of districts where pupils would otherwise be required to attend, Attachment 2 of Agenda Item 08 on the ACCS April 9, 2014, Meeting Notice for the ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-apr14item08a2.xls

- MSA—SA budget and financial information, Attachment 4 of Agenda Item 08 on the ACCS April 9, 2014, Meeting Notice for the ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-apr14item08a4.pdf

- Board agendas, minutes, and findings from SAUSD and OCBOE regarding the denial of the MSA—SA petition and the petitioners' response to SAUSD and OCBOE, Attachment 7 of Agenda Item 08 on the ACCS April 9, 2014, Meeting Notice for the ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-apr14item08a7.pdf

- Letter Describing Changes to Petition Necessary to Reflect the State Board of Education as the Authorizing Entity, Attachment 6 of Agenda Item 08 on the ACCS April 9, 2014, Meeting Notice for the ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-apr14item08a6.pdf

On October 8, 2013, SAUSD denied the petition based on the following findings (refer to http://www.cde.ca.gov/be/cc/cs/documents/accs-apr14item08a1.doc, pp 27-30 for additional information):

- The petition is not consistent with sound educational practice.

- The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition. SAUSD had the following specific findings:

On February 12, 2014, OCOE took no action as a result of a split vote but did provide the following findings (http://www.cde.ca.gov/be/cc/cs/documents/accs-apr14item08a1.doc, pp 27-30 for additional information):

- The petition does not contain reasonably comprehensive descriptions of the 16 charter elements.

- The petitioners are demonstrably unlikely to successfully implement the educational program.

- Budget

The MSA—SA petition is submitted for the establishment of a new charter school in Santa Ana. The petitioner, Magnolia Public Schools (MPS), currently operates Pacific Technology School—Santa Ana (PTS—SA), an SBE-authorized statewide benefit charter. The MSA—SA petition has many references to, and information about the PTS—SA charter school. CDE staff has had conversations with the petitioner regarding the references to the other charter school and acknowledges that the intent by the petitioner to include information about PTS—SA was a way to provide background for the new charter school (MSA—SA) and to establish experience of the petitioner in operating a charter school.

Pursuant to *EC* Section 47605 (b)(1), 47605(b)(2), 47605(b)(5) and 5 *CCR* Section 11967.5.1, a charter petition must provide a reasonably comprehensive description about 28 required elements. The required elements are summarized in Attachment 1, page 2. Please refer to Attachment 1 of Agenda Item 08 on the ACCS April 9, 2014, Meeting Notice for the ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-apr14item08a1.doc

CDE finds that the MSA—SA petition does provide a reasonably comprehensive description for some of the required elements, as indicated by a “yes” on page 2 of Attachment 1. There are some elements that CDE staff is recommending a technical amendment. While those elements meet the requirement, additional information would be needed if approved as an SBE-authorized charter school. These amendments are due to the change in authorizer, or to strengthen or clarify for monitoring and accountability purposes.

Educational Program

CDE staff identified some elements that did not provide an adequate description, as indicated by a “no” on page 2 of Attachment 1. CDE staff also identified some concerns with the description of the proposed educational program, specifically for services for ELs and students with disabilities, which are summarized below. Additional information

on the staff analysis for these two areas is provided in Attachment 1 on pp 3, 9–13. Please refer to Attachment 1 of Agenda Item 08 on the ACCS April 9, 2014, Meeting Notice for the ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-apr14item08a1.doc

- The description of services for ELs, which is estimated to be 54 percent of the student population to be served by the school, lacks sufficient information to describe the EL program at all grade levels and the breadth of strategies and interventions that this population would require during the instructional day.

- The Structured English Immersion (SEI) program will serve pupils who score within levels 1–3 on the CELDT. One of the components of SEI will be a daily extra 50 minutes of structured English Language Development (ELD) during the enrichment blocks of the charter schedule. However, there are no enrichment blocks in the charter school schedule for kindergarten through grade five or grades nine through twelve, provided in Attachment 3 of Agenda Item 08 on the ACCS April 9, 2014, Meeting Notice for the ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-apr14item08a3.pdf.

- Although the petitioner indicates that the charter school will participate in a Special Education Local Plan Area (SELPA), the petition does not adequately describe a continuum of services. The petition states that students with disabilities will be fully integrated. However, the petition lacks specificity about the intended full inclusion special education model as well as the role of MSA—SA teachers in serving these students. The petitioner does not provide a description of the specific services and supports that students with disabilities will receive by MSA—SA staff to provide a full continuum of services under the integrated model.

Goals Aligned to State Priorities

The petition was submitted to the SAUSD governing board on July 23, 2013. Pursuant to *EC* Section 47605(b)(5)(A)(ii) any new charter petition or renewal of a charter petition submitted after July 1, 2013 is required to include a description of goals aligned to the eight state priorities. The petition does not include goals aligned to the state priorities.

Budget and Facilities

- CDE staff contacted the petitioner to clarify the estimated enrollment and grade levels. Due to a delay in public school construction funding for MSA—SA, a facility to accommodate the projected student enrollment of 660 will not be available in the fall of 2014. This delay will result in MSA—SA being located at a site that can accommodate only 200 students in 2014–15. This will affect the petitioner's ability to offer the full range of grade levels anticipated in 2014–15. This lower enrollment renders the revenue and expenditure projections in the submitted budget incorrect. Insufficient information on the revenue, expenditures,

and cash flow was provided to determine if MSA—SA can operate a sustainable charter school. It is unclear when a facility that can accommodate 660 students will be available, and this could impact the budget for the succeeding years.

- The proposed budget includes carryover funds, which are atypical for a new charter school. Also, the budget does not reflect the local control funding formula (LCFF); therefore, the petitioner's budget revenues would require resubmission to reflect current state funding through the LCFF.

- A more detailed analysis on the review of the entire petition is provided in Attachment 1 of Agenda Item 08 on the ACCS April 9, 2014, Meeting Notice for the ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-apr14item08a1.doc.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Currently, 19 charter schools operate under SBE authorization as follows:

- Two statewide benefit charters, operating a total of seven sites
- One countywide benefit charter
- Sixteen charter schools, authorized on appeal after local or county denial

The SBE delegates oversight duties of these schools to the CDE.

FISCAL ANALYSIS (AS APPROPRIATE)

If approved as an SBE-authorized charter school, the CDE would receive approximately one percent of MSA—SA's general purpose apportionment for CDE's oversight activities. However, no additional resources are allocated to the CDE for oversight.

ATTACHMENT(S)

Attachment 1: State Board of Education Standard Conditions on Opening and Operation (3 pages)

STATE BOARD OF EDUCATION
STANDARD CONDITIONS ON OPENING AND OPERATION

- **Insurance Coverage.** Prior to opening**,** (or such earlier time as school may employ individuals or acquire or lease property or facilities for which insurance would be customary), submit documentation of adequate insurance coverage, including liability insurance, which shall be based on the type and amount of insurance coverage maintained in similar settings. Additionally, the school will provide a document stating that the District will hold harmless, defend, and indemnify the State Board of Education (SBE) and the California Department of Education (CDE), their officers and employees, from every liability, claim, or demand that may be made by reason of: (1) any injury to volunteer; and (2) any injury to person or property sustained by any person, firm, or corporation caused by any act, neglect, default, or omission of the School, its officers, employees, or agents. In cases of such liabilities, claims, or demands, the School at its own expense and risk will defend all legal proceedings that may be brought against it and/or the SBE or the CDE, their officers and employees, and satisfy any resulting judgments up to the required amounts that may be rendered against any of the parties.

- **Memorandum of Understanding/Oversight Agreement.** Prior to opening, either (a) accept an agreement with the SBE, administered through the CDE, to be the direct oversight entity for the school, specifying the scope of oversight and reporting activities, including, but not limited to, adequacy and safety of facilities; or (b) enter into an appropriate agreement between the charter school, the SBE (as represented by the Executive Director of the SBE), and an oversight entity, pursuant to the California *Education Code* (*EC*) Section 47605(k)(1), regarding the scope of oversight and reporting activities, including, but not limited to, adequacy and safety of facilities.

- **Special Education Local Plan Area Membership.** Prior to opening, submit written verification of having applied to a Special Education Local Plan Area (SELPA) for membership as a local educational agency and submit either written verification that the school is (or will be at the time pupils are being served) participating in the SELPA, or an agreement between a SELPA, a school district that is a member of the SELPA, and the school that describes the roles and responsibilities of each party and that explicitly states that the SELPA and the district consider the school's pupils to be pupils of the school district in which the school is physically located for purposes of special education programs and services (which is the equivalent of participation in the SELPA). Satisfaction of this condition should be determined by the Executive Director of the SBE based primarily on the advice of CDE staff following a review of either (1) the school's written plan for membership in the SELPA, including any proposed contracts with service providers; or (2) the agreement between a SELPA, a school district, and the school, including any proposed contracts with service providers.

- **Educational Program.** Prior to opening, submit a description of the curriculum development process the school will use and the scope and sequence for the grades

envisioned by the school; and submit the complete educational program for pupils to be served in the first year including, but not limited to, a description of the curriculum and identification of the basic instructional materials to be used; plans for professional development of instructional personnel to deliver the curriculum and use the instructional materials; and identification of specific assessments that will be used in addition to the assessment identified in *EC* Section 60640 in evaluating student progress. Satisfaction of this condition should be determined by the Executive Director of the SBE based primarily on the advice of CDE staff.

- **Student Attendance Accounting.** Prior to opening, submit for approval the specific means to be used for student attendance accounting and reporting that will be satisfactory to support state average daily attendance claims and satisfy any audits related to attendance that may be conducted. Satisfaction of this condition should be determined by the Executive Director of the SBE based primarily on the advice of the Director of the School Fiscal Services Division.
- **Facilities Agreements.** Prior to opening, present written agreements (e.g., a lease or similar document) indicating the school's right to use the principal school sites and any ancillary facilities identified by the petitioners for at least the first year of each school's operation and evidence that the facilities will be adequate for the school's needs. Satisfaction of this condition should be determined by the Executive Director of the SBE based primarily on the advice of the Director of the School Facilities Planning Division.
- **Zoning and Occupancy.** Not less than 30 days prior to the school's opening, present evidence that each school's facility is located in an area properly zoned for operation of a school and has been cleared for student occupancy by all appropriate local authorities. For good cause, the Executive Director of the SBE may reduce this requirement to fewer than 30 days, but may not reduce the requirement to fewer than 10 days. Satisfaction of this condition should be determined by the Executive Director of the SBE based primarily on the advice of the Director of the School Facilities Planning Division.
- **Final Charter.** Prior to opening, present a final charter that includes all provisions and/or modifications of provisions that reflect appropriately the SBE as the chartering authority and otherwise address all concerns identified by CDE and/or SBE staff, and that includes a specification that the school will not operate satellite schools, campuses, sites, resource centers or meeting spaces not identified in the charter without the prior written approval of the Executive Director of the SBE based primarily on the advice of the Charter Schools Division (CSD) staff. Satisfaction of this condition is determined by the Executive Director of the SBE based primarily on the advice of the Director of the CSD.
- **Processing of Employment Contributions.** Prior to the employment of any individuals by the school, present evidence that the school has made appropriate arrangements for the processing of the employees' retirement contributions to the

California Public Employees' Retirement System (CalPERS) and the California State Teachers' Retirement System (CalSTRS).

- **Operational Date.** If any deadline specified in these conditions is not met, approval of the charter is terminated, unless the SBE deletes or extends the deadline not met. If the school is not in operation by September 30, 2014, approval of the charter is terminated.

California State Board of Education

Meeting Agenda Items for May 7-8, 2014

ITEM 10

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2014 AGENDA

SUBJECT	
Local Control Funding Formula: Update on California's Local Educational Agency and School Planning and Accountability System.	☒ Action ☒ Information ☐ Public Hearing

SUMMARY OF THE ISSUE(S)

On July 1, 2013, the Governor signed Assembly Bill 97 (Chapter 47, Statutes of 2013) to enact the Local Control Funding Formula (LCFF). This agenda item is the sixth in a series of regular updates to inform the State Board of Education (SBE) and the public regarding the implementation of the LCFF.

RECOMMENDATION

No specific action is recommended at this time.

BRIEF HISTORY OF KEY ISSUES

On January 16, 2014, the SBE took action to approve emergency regulations governing the expenditure of LCFF funds pursuant to the requirements of *Education Code* (*EC*) Section 42238.07 and the Local Control and Accountability Plan (LCAP) template pursuant to *EC* Section 52064, available on the CDE LCFF Web page at http://www.cde.ca.gov/re/lr/rr/lcffemergencyregs.asp. In addition, the SBE approved a proposal to commence the regular rulemaking process. This process is required to adopt permanent regulations and includes a period of 45 days for written comments, and a public hearing to receive verbal and written testimony.

The deadline to submit written comments or attend the public hearing to provide oral comments was March 17, 2014. The comments submitted by this deadline are currently being reviewed by staff. The final draft of the proposed regulations will be presented to the SBE at the July 2014 meeting for board action. Please note, discussion of the LCFF regulations is not included in this agenda item, and any public testimony on this agenda item specific to the regulations will not be submitted to the Office of Administrative Law (OAL) since the public comment period has closed.

At the March meeting, SBE received a status update on the development of guidance resources available to local educational agencies (LEAs) to support implementation of

the LCFF. The purpose of this item is to inform the SBE of progress made on developing resources as well as to feature local perspectives on the planning process.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

July 2013: The California Department of Education (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 (http://www.cde.ca.gov/be/ag/ag/yr13/documents/nov13item13.doc).

January 2014: The SBE took action to approve Item 20, the expenditure of funds and LCAP template emergency regulations (http://www.cde.ca.gov/be/ag/ag/yr14/documents/jan14item20.doc).
The SBE also took action on Item 21 to approve the commencement of the regular rulemaking process in order to adopt permanent regulations (http://www.cde.ca.gov/be/ag/ag/yr14/documents/jan14item21.doc). The item included 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.

March 2014: The CDE presented to the SBE a status update on issues specific to the implementation of the LCFF and the development of the LCAP (http://www.cde.ca.gov/be/ag/ag/yr14/documents/mar14item01.doc). The item included an update on the coordination of local plans, existing program and fiscal management requirements, creation of an electronic LCAP template, charter school requirements, role of the county office of education, and promising practices. Further discussion on the LCAP review process and role of California Collaborative for Educational Excellence (CCEE) prompted a request for a status update on the development of the evaluation rubrics and selection of the CCEE fiscal agent to be presented at the May meeting. (See May Item 11.)

The SBE also took action to approve Item 2, the Kindergarten and Grades One through Three Grade Span Adjustment Finding of Emergency and Proposed Emergency Regulations for amendments to the *California Code of Regulations*, Title 5, Sections 15498, 15498.1, 15498.2, and 15498.3 (http://www.cde.ca.gov/be/ag/ag/yr14/documents/mar14item02.doc) and Item 30, the

Commencement of the Rulemaking Process for Amendments to the *California Code of Regulations*, Title 5, Sections 15498, 15498.1, 15498.2, and 15498.3 (http://www.cde.ca.gov/be/ag/ag/yr14/documents/mar14item30.doc).

FISCAL ANALYSIS (AS APPROPRIATE)

The 2013 Budget Act includes Proposition 98 funding of $55.3 billion with an appropriation of $2.067 billion for allocation to school districts and charter schools and $32 million for allocation to county offices of education for the first year of LCFF implementation to reduce the funding gap. The budget also provided $2 million to the Governor's Office of Planning and Research to provide assistance to the SBE to develop and adopt specified regulations, evaluation rubrics, and local control and accountability plan templates.

The Governor's 2014–15 Budget proposes an increase of $6.3 billion over the 2013 Budget Act level for a total of $61.6 billion in Proposition 98 funding for 2014-15. The Budget proposal appropriates $4.5 billion of this Proposition 98 funding to school districts and charter schools and $25.9 million for county offices of education to support the second year of LCFF implementation. The second-year investment in the Local Control Funding Formula is projected to close 28% of the remaining funding gap for school districts and charter schools, and close the entire funding gap for county offices of education. County offices of education receive a county operations grant to cover the cost of county oversight of school districts, among other operational responsibilities (*EC* Section 2575 subdivision (l).

ATTACHMENT(S)

Attachment 1: Update on Local Control Funding Formula Resources (10 Pages)

Attachment 2: Promising Practices: Local Educational Agencies Community Outreach and Engagement Examples (1 Page)

Attachment 3: Local Control and Accountability Planning Resources (1 Page)

Attachment 4: Local Control Funding Formula Updates at Future State Board of Education Meetings (1 Page)

Update on Local Control Funding Formula Resources

Overview

Below is a summary of key themes that were identified by the State Board of Education (SBE) as priority topics for further discussion or clarification. Each topic is introduced, followed by a brief description of the issue and suggested resources to support local planning activities. These topics will be updated and new topics will be added as local educational agencies (LEAs) transition through the Local Control and Accountability Plan (LCAP) implementation phases.

Foster Youth

The LCFF statute designates foster youth as a separate subgroup for purposes of funding allocation (*EC* sections 42238.02 and 42238.07) and accountability (*EC* Section 52052; 5 *CCR* 15497). As part of its LCAP development, each LEA must include a description of its process of engaging stakeholders, establishing goals and progress indicators, and implementing services, actions, and expenditures specific to foster youth (5 *CCR* 15497). Planning at the local level may prompt LEAs to review current policies to determine how data and student information can be accessed in compliance with state and federal privacy laws so that teachers and school site administrators can monitor the impact of services provided to foster youth.

The implementation of LCFF requires a change in approach to providing services to students. LEAs must first consider the needs of students and develop plans in partnership with stakeholders to meet those needs. This thoughtful identification and preparation relies on a robust system of service delivery for students. Specifically, LEAs must develop an infrastructure for service delivery that integrates county, district and school site best practices to ensure services are effectively delivered and measured, and that they support foster youth in meeting goals identified by the LEA.

This coordination is of critical importance for foster youth as LEAs must now work closely with county offices of education and county child welfare agencies to support well-coordinated services for students in foster care. To support this collaboration, the California Foster Youth Task Force has prepared a fact sheet and planning recommendations document that can be retrieved in the *Developing a Quality Local Control and Accountability Plan: Resources* document, posted on the WestEd LCFF Web site at: http://lcff.wested.org/.

To facilitate the collection and transmission of information to meet these funding and accountability requirements, the California Department of Education (CDE) has a memorandum of understanding with the California Department of Social Services (CDSS) to match CDE California Longitudinal Pupil Achievement Data System (CALPADS) enrollment data with CDSS foster youth data located in the Child Welfare Services/Case Management System (CWS/CMS). The CDE recently reported an initial

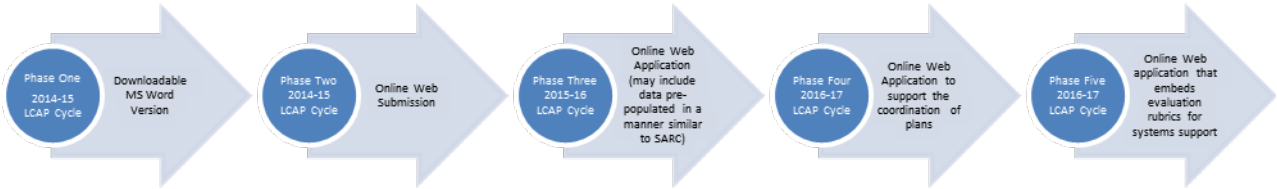
match of 90.5% with further analysis being conducted by CDE and CDSS staff to refine the match between the two data system files.

LEAs may view the aggregate counts by school in the CALPADS certification report 1.17 – Free and Reduced Price Meal (FRPM), English Learner, Foster Youth – Count. These counts will be included in LEAs' unduplicated disadvantaged student totals for LCFF supplemental funding. Staff will provide additional updates at future SBE meetings.

Creation of Electronic LCAP Template

At the January SBE meeting the board requested that staff pursue the task of developing an electronic version of the LCAP template. This status update provides a summary of work completed to support the 2014-15 LCAP planning cycle. Also included is a proposed timeline for development of an electronic template that will be available for voluntary use for the 2015-16 LCAP update cycle. For the purpose of this task, an electronic template is defined as a standardized form that can be completed and submitted using an online Web application.

The content used to populate this form will be provided at the local level initially. In later phases, the template may be pre-populated with data collected by the state. The evolution of the electronic template from a static document to an integrated Web application can be captured in five distinct phases as shown in the diagram below. Please refer to the content following the diagram for more information for each phase.



Phase One

The emergency regulations adopted by the SBE on January 16, 2014, were approved by the Office of Administrative Law (OAL) on February 6, 2014. The LCAP template is now codified in the *California Code of Regulations*, Title 5 (5 *CCR*) Section 15497. An electronic Microsoft Word version of the approved template is posted on the CDE LCFF Legislation and Regulations Web page (http://www.cde.ca.gov/fg/aa/lc/documents/lcaptemplate021814.doc).

LEAs are required to use the template that was adopted by the SBE and approved by OAL. The format of the content and required elements that are featured in the template

must remain intact unless otherwise noted in the LCAP instructions; LEAs may resize pages or attach additional pages as necessary to facilitate the completion of the LCAP. The LEA may submit the template by electronic mail (e-mail).

Phase Two

The CDE is in the process of developing an online submission option that will be made available for voluntary use for the 2015-16 LCAP submission. The specific deliverables that are proposed to support this work are described in the timeline of significant events on page 5 of this attachment.

For the 2014-15 LCAP cycle, a variety of alternative tools have been made available locally. Notably, to support the shift from a static Microsoft Word document to an online submission process, the Los Angeles County Office of Education (LACOE) has created an electronic LCAP tool. LEAs enter LCAP information using an online Web based application, and the completed version is converted into a PDF version that complies with the SBE-approved template format (5 *CCR* 15497). The LACOE LCAP tool is entirely online. It is voluntary and is intended support LEA submission of the 2014-15 LCAP. Additional information about the LACOE LCAP tool is included in Attachment 2.

While locally designed tools may be useful in the development of the LCAP, the CDE notes that the LCAP template is codified in 5 *CCR* 15497 and the final LCAP submitted for approval to county offices of education or the Superintendent of Public Instruction must conform to the SBE-adopted template.

Phase Three

The electronic versions described in the first two phases represent short-term solutions that rely on an input process that occurs entirely at the local level. However, *EC* sections 52060(f), 52066(f), and 47605(iii)(C) specify that to the extent practicable, data that is reported in the LCAP shall be reported in a manner that is consistent with the way information is reported in the School Accountability Report Card (SARC). While this task can be accomplished locally, the CDE is researching a more user-friendly alternative that considers data collected at the state level, in cases where state-level data is available.

Phase 3 of the template development includes a web-based application with a back-end administrative function. This function will allow LEAs to import data, download completed LCAP information for local use, and export the completed LCAP to a printable version that complies with the SBE-approved template. LEAs will have the option to override any pre-populated data and access historical LCAP information as necessary. This administrative function will also support posting links to LEAs' LCAPs on the CDE Web site as required pursuant to *EC* Section 52065. In order to support the 2015-16 LCAP planning and submission, Phase Three of the electronic template development will be completed by spring 2015.

Phase Four

The creation of an electronic template supported by an online Web application with the option for pre-populated data also provides the necessary infrastructure to support the coordination of multiple plans. *EC* Section 52064(b) calls for an LCAP template that also meets the requirements for federal Elementary and Secondary Education Act LEA plans (pursuant to Section 1112 of Subpart 1 of Part A of Title I of Public Law 107-110), and further directs the SBE to minimize duplication of effort at the local level. *EC* sections 52062(a)(4) and 52068 (a)(4) require the superintendent of a school district or a county office of education to ensure that actions included in the LCAP are consistent with strategies embedded within the Single Plan for Student Achievement. Staff anticipates that the coordination of plans will be reflected in the electronic template by March 2016.

Phase Five

A long-term objective of building out the electronic template is the integration of the evaluation rubric within the Web application. The SBE is required to adopt rubrics on or before October 1, 2015 (*EC* 52064.5) to provide a "holistic multidimensional assessment" of LEA strengths and weaknesses to be used by entities providing technical assistance and evaluating LEAs that may need intervention. Additional details about the development of the rubric are located below. Staff anticipates that the evaluation rubrics will be embedded in the electronic template to support the 2016-17 LCAP planning cycle, with an anticipated completion date of late winter 2016.

Technical Considerations

Staff continues to explore issues that will impact the development of the template, specifically:

- Records retention: Should the system support historical LCAP information? If so, for how long?
- Uniformity of updates: What is the process of validation if LCAPs are updated or revised after governing board approval?
- Current structure: What are the strengths and limitations of allowing single, large text boxes for submission of narrative?
- Revisions to LCAP template: What is the impact of changes to the LCAP template through either the permanent rulemaking process and/or subsequent SBE approval through the regular board decision making process?
- Changes to other plan requirements: How will changes to other plans (e.g., LEA Plan) impact the coordination of those plans with the LCAP?

Below is a proposed timeline of significant events for the development of the electronic LCAP template.

Event	Schedule
SBE takes action to submit the LCFF/LCAP emergency regulations to the Office of Administrative Law (OAL) for review and approval	January 2014
Office of Administrative Law (OAL) approves LCFF/LCAP emergency regulations	February 2014
CDE posts downloadable Microsoft Word version on LCFF Web page (Phase One of electronic template development)	February 2014
2014-15 LCAP adopted (*EC* sections 52060, 52066, and *CCR* 5 15947) by LEA governing boards	June 2014
CDE identifies desired functional elements of the Web application contingent on changes to LCAP resulting from permanent rulemaking process	summer 2014
Emergency regulations are scheduled to expire August 5, 2014, without an approved extension of the emergency regulations and/or adoption of permanent regulations	August 2014
Staff will solicit input from LEAs about the LCAP planning and submission process to inform the development and expansion of an electronic template	fall 2014
2014-15 LCAP must be approved by COE (EC Section 52070) or SSPI (EC Section 52070.5); charter authority reviews LCAP as part of regular oversight duties	October 2014
SSPI will post links to all LCAPs pursuant to *EC* Section 52065	November 2014
Phase 3 Electronic Template Completed	spring 2015
2015-16 LCAP adopted (*EC* sections 52060, 52066, and *CCR* 5 15947) by LEA governing boards	June 2015
2015-16 LCAP must be approved by COE (EC Section 52070) and SSPI (EC Section 52070.5); charter authority reviews LCAP as part of regular oversight duties	October 2015
SSPI will post links to all LCAPs pursuant to *EC* Section 52065	fall 2015

LCAP Review, Support and Oversight Process

School District

The LCAP review process introduces an opportunity for expanded forms of oversight and support. To guide this expansion, the California County Superintendents Educational Services Association (CCSESA) is providing ongoing training on LCAP development and review for LEAs. The training and resources are grounded in planning tools that the CCSESA Business and Administration Steering Committee (BASC) and the Curriculum and Instruction Steering Committee (CISC) have established through a joint task force that includes business and program staff responsible for the review of district LCAPs. These resources are shared with all 58 COEs and their respective LEAs in an effort to ensure consistency across the state. An example of this collaborative approach to training and resource development is presented in Attachment 3.

Charter School

The LCAP developed by a charter school for the 2014-15 academic year will be submitted to its authorizer pursuant to *EC* Section 47604.33 as part of the budget process and a part of the general oversight responsibilities as a charter authorizer. Please note the question articulated on CDE's FAQ web page for Charter Schools:

> **Does the charter school authorizer approve the LCAP?** (Updated 11-Mar-2014)
>
> No. However, as is the case with charter school budgets and audits, a charter school must prepare and submit the LCAP to the chartering authority and the county superintendent of schools by July 1 of each year pursuant to *EC* Section 47604.33. The chartering authority reviews the LCAP as part of its regular oversight duties. There is not an explicit requirement that the authorizer approve the LCAP.

As part of the oversight process for SBE-approved charters, the Charter School Division (CSD) assigns staff to each SBE-approved charter school. This process includes regular reminders from CSD of reports and documentation due dates. The charter LCAP must be submitted by July 1, 2014, and will be reviewed in conjunction with the budget review conducted by CSD and as part of the charter school's Annual Report. Currently, the Annual Report is due by October 1; the Memorandum of Understanding (MOU) will be adjusted to change the due date of the Annual Report to align with published deadlines pursuant to EC Section 47604.33 and the LCAP annual update pursuant to EC Section 47606.5.

As is the case with the budget and audit, any concerns with the LCAP will be discussed and remedied through the regular oversight process.

County Office

COEs will be encouraged, though not required, to submit LCAPs electronically, and a dedicated email account has been established (LCAPReview@cde.ca.gov). LCAPs submitted via U.S. Mail will be scanned and saved in a joint folder to be shared among Local Agency Systems Support and School Fiscal Services staff to facilitate the joint review process. Staff from the two divisions are developing a protocol to facilitate simultaneous review of the LCAPs between the two offices. The CDE will be offering a webinar in May to provide an overview of the COE LCAP review process, and staff anticipates a report describing the 2014-15 review process will be presented to the SBE at the September meeting.

Rubric Development

The evaluation rubrics are also an integral part of the LCFF accountability system. The rubrics will be informed by the initial LCAPs adopted in 2014-15 and are intended to serve as a tool to ensure LEAs are able to support meaningful student outcomes. The rubrics will also pinpoint where additional supports are needed to meet the adopted standards for district and school performance and improvement with regard to the state priorities. The specific requirements of the evaluation rubrics are set forth in *EC* Section 52064.5:

(a) On or before October 1, 2015, the state board shall adopt evaluation rubrics for all of the following purposes:
(1) To assist a school district, county office of education, or charter school in evaluating strengths, weaknesses, and areas that require improvement.
(2) To assist a county superintendent of schools in identifying school districts and charter schools in need of technical assistance pursuant to Section 52071 or 47607.3 as applicable, and the specific priorities upon which the technical assistance should be focused.
(3) To assist the Superintendent in identifying school districts for which intervention pursuant to section 52072 is warranted.
(b) The evaluation rubrics shall reflect a holistic, multidimensional assessment of school district and individual schoolsite performance and shall include all of the state priorities described in subdivision (d) of Section 52060.
(c) As part of the evaluation rubrics, the state board shall adopt standards for school district and individual schoolsite performance and expectation for improvement in regard to each of the state priorities described in subdivision (d) of Section 52060.

To support the development of a tool that provides a holistic and multidimensional approach to evaluation, SBE and CDE staff will work with WestEd to facilitate a design group and working groups. The evaluation rubric work will be guided by the following principles:

- Reflect requirements in statute.
- Create clear paths for input from practitioners, experts, and stakeholders.
- Ensure that flexibility and a process for future revision is built into the design (for example, the California Assessment of Student Performance and Progress assessment system will evolve over the next several years).

The composition of the working groups may include, but is not limited to the following:

- SBE/CDE/WestEd Staff
- Teachers
- Students
- Parents
- District Representatives
- County Office of Education Representatives
- Charter Representatives
- Technical Experts
- Education Researchers
- Other Education Stakeholders

WestEd will facilitate a process to define objectives for the working groups, identify deliverables, and establish a timeline for completing drafts and gathering input. Based on the statutory timeline, staff anticipates that the rubrics will be available by the statutory deadline and will be used to inform the development of the 2016-17 LCAP.

A tentative timeline to support the creation of the rubrics is proposed:

- Spring/Summer 2014 – WestEd commences facilitation and outreach for participation
- Summer 2014 – Initial meetings of practitioners and participants; timeline for future meetings and deliverables established
- Spring 2015 – First Draft of Evaluation Rubrics completed
- September 2015 – Evaluation Rubrics Adopted by the SBE
- October 1, 2015 – Statutory Deadline for Adoption of the Evaluation Rubrics

Technical Assistance Pathway

The figure below depicts the LCAP review, oversight, and support process for 2014-15. This example is specific to the process county superintendents will use to review district LCAPs.

Once the district governing board adopts and submits its LCAP, the COE will determine whether to approve the LCAP pursuant to *EC* Section 52070(d)(1)–(3):

(d) The county superintendent of schools shall approve a local control and accountability plan or annual update to a local control and accountability plan on or before October 8, if he or she determines all of the following:

(1) The local control and accountability plan or annual update to the local control and accountability plan adheres to the template adopted by the state board pursuant to Section 52064.

(2) The budget for the applicable fiscal year adopted by the governing board of the school district includes expenditures sufficient to implement the specific actions and strategies included in the local control and accountability plan adopted by the governing board of the school district, based on the projections of the costs included in the plan.

(4) The local control and accountability plan or annual update to the local control and accountability plan adheres to the expenditure requirements adopted pursuant to Section 42238.07 for funds apportioned on the basis of the number and concentration of unduplicated pupils pursuant to Sections 42238.02 and 42238.03.

If the LCAP does not meet these criteria, the county superintendent shall provide technical assistance, including, among other things, any of the following:

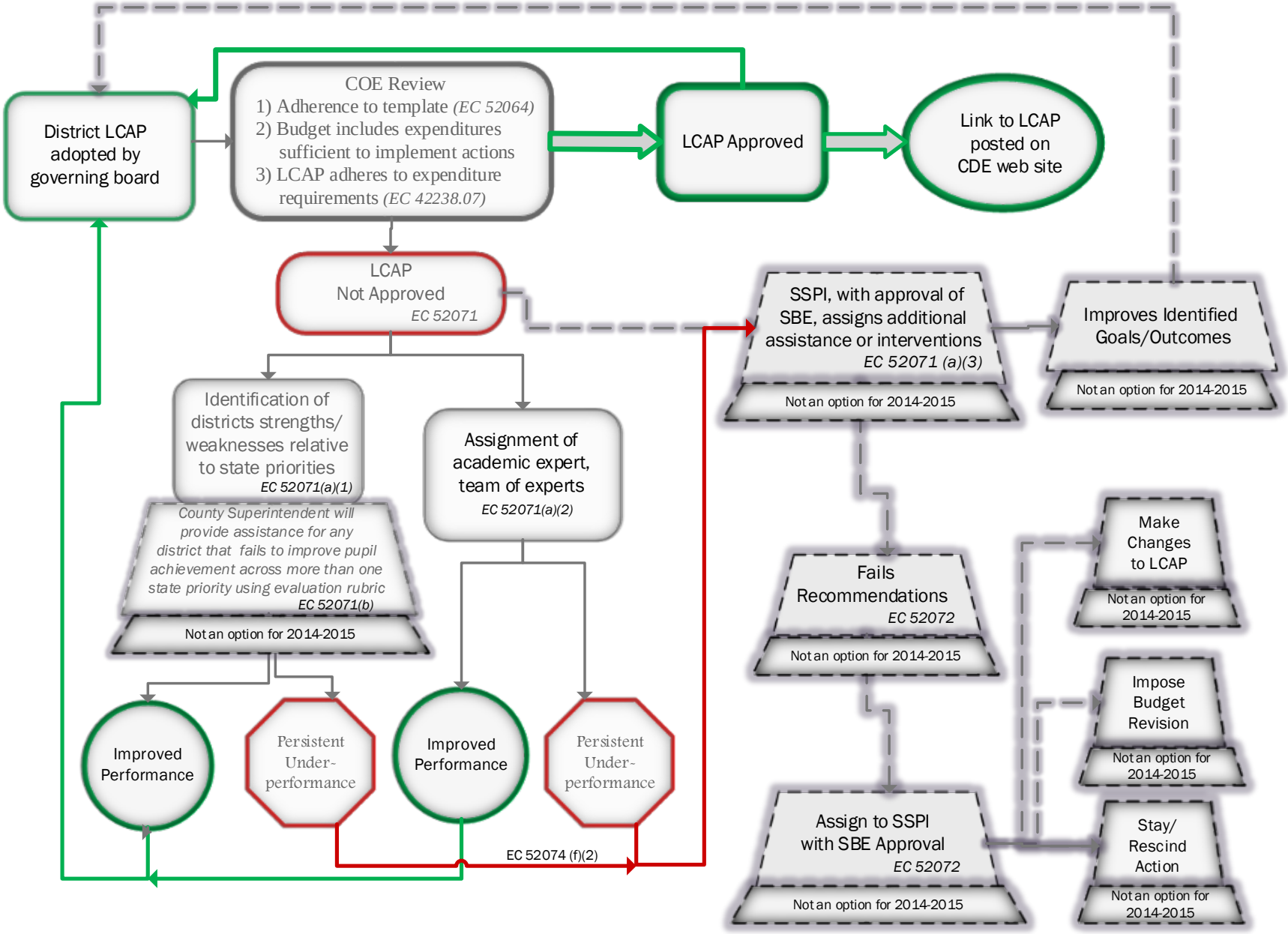
(1) identify the district's strengths and weakness in regard to the state priorities

(2) assign an academic expert or team of experts, or

(3) request that the State Superintendent of Public Instruction assign the California Collaborative for Educational Excellence (CCEE) to provide advice and assistance

If the LEA demonstrates improved performance, it will transition out of technical assistance and return to self-directed development of the LCAP and annual update. If the LEA demonstrates persistent under performance, the SSPI may, with SBE approval, impose additional intervention options pursuant to *EC* Section 52072.

DRAFT – For Discussion Purposes – School Districts Technical Assistance Pathway for 2014 – 2015 LCAP



Promising Practices: Local Educational Agencies Community Outreach and Engagement Examples

Parent Engagement

Presented by Riverside Unified School District, People Improving Communities through Organizing, and Inland Congregations United for Change.

The Riverside Unified School District (RUSD) has launched an extensive process to develop its LCAP with a commitment to community outreach and engagement. As part of this process, district staff has worked with groups such as People Improving Communities through Organizing (PICO California) and Inland Congregations United for Change (ICUC) to build a community engagement process that is significantly different than its engagement and outreach efforts in the past.

Riverside has a population of over 300,000 people, and RUSD serves 44,000 students. The student population includes 17% English learners, 65% low income students, and .5% foster youth, for a total unduplicated disadvantaged student percentage of 66%.

PICO California is a community organizing network that works across the state in many cities and school districts. PICO partners with congregations, schools, other groups, and non-profit organizations to bring positive to change to communities. One of the areas of focus is education, and as a result, PICO has been involved in the LCAP development in many communities.

A report describing the engagement process RUSD undertook, including comments received, is available at the following link: http://rusdlink.org/cms/lib3/CA01001728/Centricity/Domain/2141/LCAP_Stakeholder%20Input_GAC%20Final_03-25-14.pdf.

For additional information visit: www.rusdlink.org, http://www.picocalifornia.org/, and www.icucpico.org/issues?id=0013

Local Control and Accountability Planning Resources

Overview

In addition to the resources provided on the CDE and WestEd websites, there are a variety of resources that have been developed and made available by other education stakeholders. Some of the most recent developments have come from the county offices of education (COEs).

Los Angeles County Office of Education

The Los Angeles COE has developed and released an electronic LCAP tool for general use statewide. This tool allows a user to navigate through the sections, enter and save information, manage multiple users, and convert a final draft of the LCAP into a format that conforms to the SBE adopted version. For more information, please see the following link: http://elcap.lacoe.edu/lcap/.

California County Superintendents Educational Services Association

The California County Superintendents Educational Services Association (CCSESA) represents the 58 COEs, each of which has responsibility for approving LCAPs for districts within the county. Responsibility for LCAP approval aligns to work the COEs already do to support and oversee the school district budget process.

Under the leadership of CCSESA, the Business and Administration Steering Committee (BASC) and the Curriculum and Instruction Steering Committee (CISC) have collaborated to provide LCAP-related training to COEs to offer to their respective districts. They are also finalizing a guidance document to support COEs in their role as reviewer and approver of the LCAP.

Local Control Funding Formula Updates at Future State Board of Education Meetings

The State Board of Education (SBE) will hear an update about the Local Control Funding Formula (LCFF) implementation activities at each of the next several SBE meetings. As part of these regular updates, at least one county office of education, school district, or charter school will be featured to present a promising practice that supports Local Control and Accountability Plan (LCAP) development within the local community context. Staff from the SBE and the California Department of Education (CDE) will continue to request suggestions from all education stakeholders to ensure that a wide range of examples from across the state will be shared with board members and the public.

Since the March SBE meeting, a document entitled *Developing a Quality Local Control and Accountability Plan: Resources* was posted on the WestEd LCFF Web site (http://lcff.wested.org/). This document features planning tips to facilitate stakeholder engagement, develop goals and progress indicators, and capture actions, services, and expenditures in the LCAP. An overview of the LEA planning cycle and LCAP plan preparation steps are provided to assist LEAs with developing timelines to support the planning process.

The LCFF Channel has been updated to include two webinars to assist the LCAP development process. The first webinar occurred on April 10, 2014, entitled *Section 1: Stakeholder Engagement* and *Section Two: Goals and Progress Indicators*. A second webinar occurred on April 17, 2014, entitled *Section 3: Actions, Services, and Expenditures*. These webinars featured an overview of each section, tips for completing the sections, and an update on some of the issues that LEAs were experiencing when completing the LCAP.

In addition to status updates, the SBE will be taking action on regulations at the July 2014 meeting. Specifically, an item to approve the commencement of the 15-day comment period for proposed additions to the *California Code of Regulations*, Title 5, Sections 15494-15497 will be heard. The emergency regulations are set to expire August 5, 2014. To ensure that there is no lapse between the expiration of the emergency regulations and the effective date of permanent regulations that will be adopted through the regular rulemaking process, an item to approve an extension on the emergency regulations will also be heard.

April 25, 2014 [California Department of Education and State Board of Education]

California State Board of Education

Meeting Agenda Items for May 7-8, 2014

ITEM 11

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2014 AGENDA

SUBJECT	
Local Control Funding Formula: Recommendation of the California Collaborative for Educational Excellence Fiscal Agent	☒ Action ☒ Information ☐ Public Hearing

SUMMARY OF THE ISSUE(S)

California *Education Code* (*EC*) Section 52074 (c) requires the State Superintendent of Public Instruction (SSPI), with approval of the State Board of Education (SBE), to contract with a local educational agency (LEA), or consortium of LEAs, to serve as the fiscal agent for the California Collaborative for Educational Excellence (CCEE). In March 2014, the California Department of Education (CDE) solicited responses from LEAs interested in serving as the CCEE fiscal agent. LEAs were required to respond to the Letter of Interest by April 11, 2014. The purpose of this item is to present the recommendation of the CCEE fiscal agent for SBE approval.

RECOMMENDATION

The CDE recommends that the SBE approve the LEA selected by the SSPI to serve as the fiscal agent for the CCEE, and authorize the CDE, in consultation with SBE staff, to take any necessary action consistent with the SBE's direction to execute a contract with the CCEE fiscal agent. The LEA will be identified in an Item Addendum.

BRIEF HISTORY OF KEY ISSUES

The CCEE (*EC* Section 52074) will provide advice and assistance to LEAs (charter schools, school districts, and county offices of education) in achieving the goals set forth in the Local Control and Accountability Plan (LCAP) (http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC&sectionNum=52074).

The CCEE will be governed by a board consisting of the following five members:

- The Superintendent or his or her designee
- The president of the state board or his or her designee

- A county superintendent of schools appointed by the Senate Committee on Rules
- A teacher appointed by the Speaker of the Assembly
- A superintendent of a school district appointed by the Governor

The SSPI shall, with approval of the SBE, contract with an LEA, or consortium of LEAs, to serve as the fiscal agent for the CCEE. The fiscal agent shall, at the direction of the CCEE governing board, contract with experts to deliver technical assistance.

In March 2014 the CDE distributed a Letter of Interest (Attachment 1) to all LEAs to identify any LEA with an interest in serving as the CCEE fiscal agent. Responses to the information requested in this letter provided a basis for the selection of the fiscal agent according to criteria defined in Attachment 2.

With approval from the SBE and in consultation with SBE staff, the SSPI will execute a contract with the selected fiscal agent. Contract language will address procedures and processes such as the:

- Requirement to observe standard accounting practices
- Requirement to process expenditures as directed for the conduct of CCEE governing board business in a timely fashion
- Obligation to provide reports to the CCEE governing board, the SBE, and/or the CDE in a timely manner
- Ability to secure facilities as needed for the conduct of CCEE governing board business
- Requirement to subcontract with multiple entities at the direction of the CCEE governing board
- Reimbursement to the fiscal agent for costs to provide services

An overview of the role the CCEE will play in supporting capacity-building and technical assistance to support implementation of the Local Control Funding Formula is provided in Attachment 3. Staff will include an update of the progress of CCEE implementation activities at the July 2014 SBE meeting.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

March 2014: The CDE presented to the SBE a status update on the implementation of the LCAP (http://www.cde.ca.gov/be/ag/ag/yr14/documents/mar14item01.doc). The item included an update on the coordination of local plans, existing program and fiscal management requirements, creation of an electronic LCAP template, charter school

requirements, the role of the county office of education, and promising practices. Further discussion about the role of the CCEE prompted a request for an overview of the establishment of the CCEE at the May meeting.

The SBE also took action to approve Item 2, the Kindergarten and Grades One through Three Grade Span Adjustment Finding of Emergency and Proposed Emergency Regulations for amendments to the *California Code of Regulations(CCR)*, Title 5, sections 15498, 15498.1, 15498.2, and 15498.3 (http://www.cde.ca.gov/be/ag/ag/yr14/documents/mar14item02.doc) and Item 30, the Commencement of the Rulemaking Process for amendments to the *CCR*, Title 5, sections 15498, 15498.1, 15498.2, and 15498.3 (http://www.cde.ca.gov/be/ag/ag/yr14/documents/mar14item30.doc).

FISCAL ANALYSIS (AS APPROPRIATE)

The 2013 Budget Act includes Proposition 98 funding of $55.3 billion with an appropriation of $2.067 billion for allocation to school districts and charter schools and $32 million for allocation to county offices of education for the first year of LCFF implementation to reduce the funding gap. The budget also provided $2 million to the Governor's Office of Planning and Research to provide assistance to the SBE to develop and adopt specified regulations, evaluation rubrics, and local control and accountability plan templates.

The Governor's 2014–15 Budget proposes an increase of $6.3 billion over the 2013 Budget Act level for a total of $61.6 billion in Proposition 98 funding for 2014–15. The Budget proposal appropriates $4.5 billion of this Proposition 98 funding to school districts and charter schools and $25.9 million for county offices of education to support the second year of LCFF implementation. The second-year investment in the LCFF is projected to close 28 percent of the funding gap for school districts and charter schools, and close the entire funding gap for county offices of education. County offices of education receive a county operations grant to cover the cost of county oversight to school districts, among other operational responsibilities (*EC* Section 2575 [l]).

ATTACHMENT(S)

Attachment 1: March 24, 2014, letter from Tom Torlakson, State Superintendent of Public Instruction, California Department of Education, regarding Letter of Interest California Collaborative for Educational Excellence Fiscal Agent (1 Page)

Attachment 2: Description of Criteria to Identify the California Collaborative for Educational Excellence Fiscal Agent (1 Page)

Attachment 3: The California Collaborative for Educational Excellence Next Steps and Development Timeline (3 Pages)

Attachment 4: California Collaborative for Educational Excellence *Education Code* Section 52074 (2 Pages)

Attachment 5: Selection of Local Educational Agency to Serve as the Fiscal Agent of the California Collaborative for Educational Excellence will be provided as an Item Addendum.

CALIFORNIA
DEPARTMENT OF
EDUCATION

TOM TORLAKSON
STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

March 24, 2014

Dear County and District Superintendents and Charter School Administrators:

LETTER OF INTEREST CALIFORNIA COLLABORATIVE FOR EDUCATIONAL EXCELLENCE FISCAL AGENT

California *Education Code* (*EC*) Section 52074 establishes the California Collaborative for Educational Excellence (CCEE). The CCEE was established to provide advice and assistance to Local Educational Agencies (LEAs) in achieving the goals set forth in the Local Control and Accountability Plan (LCAP). The 2013-14 Budget Bill (Assembly Bill 114) appropriated Proposition 98 local assistance funding in the amount of $10million to support the CCEE, with up to $300,000 of this appropriation to be used for a statewide evaluation of the effectiveness of the CCEE in responding to the needs of LEAs.

Pursuant to *EC* Section 52074(c), the Superintendent, with the approval of the State Board Education (SBE), must contract with an LEA, or a consortium of LEAs, to serve as the fiscal agent of the CCEE. Responses to this letter will be used to assist the State Superintendent of Public Instruction regarding the identification and selection of the fiscal agent of the CCEE.

CDE is seeking information regarding an LEA or consortium of LEAs that have an interest in serving in this capacity. The letter should also include a confirmation of your eligibility under EC 52074 including, but not limited to, a description of your experience and capacity to draft and let contracts and ability to monitor fiscal and programmatic compliance. Please submit your letter of interest by **Friday, April 11, 2014**. Agencies that do not submit a response by the specified deadline may be excluded from the selection process.

Applicants may submit the Letter of Interest by electronic mail (e-mail) at lcff@cde.ca.gov

Attention: Local Agency Systems Support Office

If you have any questions regarding this subject, please contact Christine Swenson, Director, Local Agency Systems Support Office, by phone at 916-319-0809 or by e-mail at cswenson@cde.ca.gov.

Sincerely,
/s/

1430 N STREET, SACRAMENTO, CA 95814-5901 • 916-319-0800 • WWW.CDE.CA.GOV

Description of Criteria to Identify the California Collaborative for Educational Excellence Fiscal Agent

On March 24, 2014, the State Superintendent of Public Instruction (SSPI) distributed a letter to all County and District Superintendents and Charter School Administrators to solicit responses from local educational agencies (LEAs) interested in serving as fiscal agent of the California Collaborative for Educational Excellence (CCEE). As referenced in the letter, the responses assisted the SSPI to select the fiscal agent of the CCEE.

The California Department of Education (CDE) requested information from LEAs that included the following components:

- Confirmation of eligibility under *EC* Section 52074,
- Description of experience and capacity to draft and let contracts, and
- Ability to monitor fiscal and programmatic compliance.

CDE staff reviewed the letters and conducted follow-up telephone interviews with each LEA to gain additional information about capacity to serve as the fiscal agent. Interview questions were intended to gauge the capacity of the LEA according to the following criteria:

- Capacity to complete the work
- Ability to separate the support role and responsibilities of the fiscal agent from the policy role and responsibilities delegated to the CCEE governing board
- Willingness to negotiate cost for services
- Clear internal procedures to accurately track simultaneous contracts with multiple entities
- Willingness to be flexible and adaptable to meet the demands of the work

The SSPI individually reviewed the information provided by each LEA and made additional follow-up contacts as necessary to inform the selection.

The California Collaborative for Educational Excellence Next Steps and Development Timeline

The California Collaborative for Educational Excellence (CCEE) comprises a significant component of the Local Control Funding Formula (LCFF) accountability framework, operating in conjunction with the LCFF accountability system as a whole. Thus, the role of the CCEE must be defined relative to the implementation activities that are currently underway, as well as to the system of supports that have yet to be developed. Below is a table of significant events that details the development of the CCEE.

Schedule of Significant Events for the Development of the California Collaborative for Educational Excellence (CCEE)

Event	Schedule
State Superintendent of Public Instruction recommends a fiscal agent for the CCEE for SBE approval	Spring 2014
Status update on CCEE implementation activities to SBE; presentation of the selected CCEE governing board members	Summer 2014
Launch CCEE pilot: • Identify regional teams/experts to provide advice/assistance • Selection of CCEE volunteer pilot LEAs	Fall 2014
Status update on CCEE implementation activities to SBE	Fall 2014
Expansion of regional teams/experts to provide advice/assistance	Spring 2015
CCEE fully operational to provide advice and assistance for the 2015–16 LCAP planning cycle (contingent on pilot process)	Spring 2015
SBE to approve evaluation rubric	Fall 2015

The CCEE infrastructure (fiscal agent and governing board) may be in place as early as September 2014. It is anticipated that LEAs will launch the Local Control and Accountability Plan (LCAP) 2015–16 planning cycle to inform and communicate with stakeholders in late fall 2014. With the CCEE pilot in place by fall 2014, feedback from pilot LEAs and the subset of identified experts will inform the CCEE process during the initial phases of planning.

Depending on the progress made with the CCEE pilot, the CCEE could be fully operational by spring 2015, as LEAs prepare to finalize planning for 2015–16 (e.g., staffing needs and supports, budget, and continued stakeholder engagement opportunities).

Technical Assistance Pathway

Although the CCEE has not been available for the 2014–15 LCAP planning cycle, statute provides other alternatives for technical assistance. The figure below depicts the LCAP review, oversight, and support process for 2014–15. This example is specific to the process county superintendents will use to review district LCAPs.

Once the district governing board adopts and submits its LCAP, the county office of education (COE) will determine whether to approve the LCAP pursuant to *EC* Section 52070(d)(1)–(3):

(d) The county superintendent of schools shall approve a local control and accountability plan or annual update to a local control and accountability plan on or before October 8, if he or she determines all of the following:

(1) The local control and accountability plan or annual update to the local control and accountability plan adheres to the template adopted by the state board pursuant to Section 52064.

(2) The budget for the applicable fiscal year adopted by the governing board of the school district includes expenditures sufficient to implement the specific actions and strategies included in the local control and accountability plan adopted by the governing board of the school district, based on the projections of the costs included in the plan.

(3) The local control and accountability plan or annual update to the local control and accountability plan adheres to the expenditure requirements adopted pursuant to Section 42238.07 for funds apportioned on the basis of the number and concentration of unduplicated pupils pursuant to Sections 42238.02 and 42238.03.

If the LCAP does not meet these criteria, the county superintendent has one of three options:

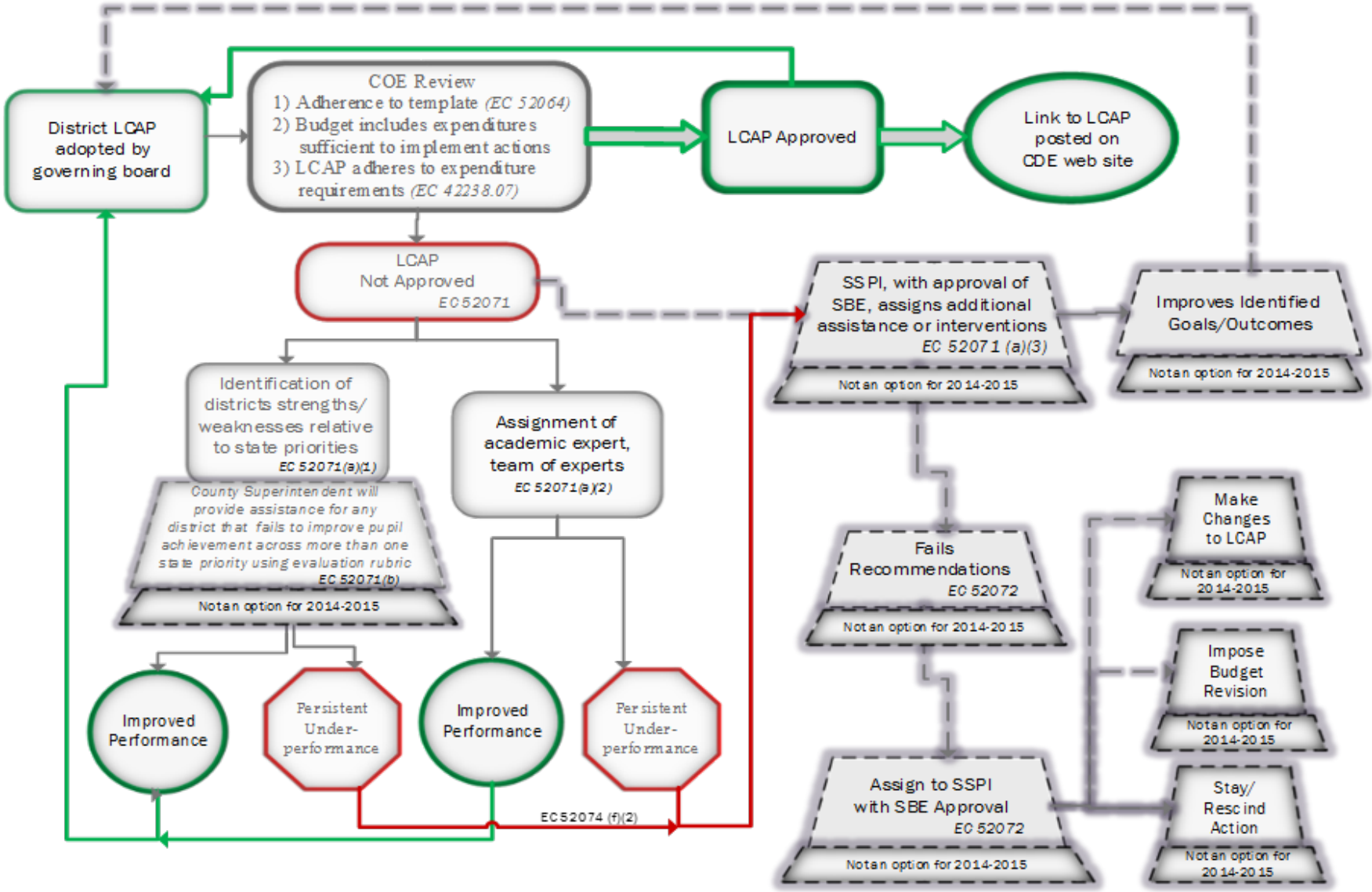
(1) Identify the district's strengths and weakness in regard to the state priorities,

(2) Assign an academic expert or team of experts, or

(3) Request that the State Superintendent of Public Instruction assign the California Collaborative for Educational Excellence (CCEE) to provide advice and assistance.

If the LEA demonstrates improved performance, it will transition out of technical assistance and return to self-directed development of the LCAP and annual update. If the LEA demonstrates persistent under performance, the SSPI may, with State Board of Education (SBE) approval, impose additional intervention options pursuant to *EC* Section 52072.

DRAFT – For Discussion Purposes – School Districts Technical Assistance Pathway for 2014 – 2015 LCAP



California Collaborative for Educational Excellence *Education Code* Section 52074

Education Code Section 52074.

(a) The California Collaborative for Educational Excellence is hereby established.

(b) The purpose of the California Collaborative for Educational Excellence is to advise and assist school districts, county superintendents of schools, and charter schools in achieving the goals set forth in a local control and accountability plan adopted pursuant to this article.

(c) The Superintendent shall, with the approval of the state board, contract with a local educational agency, or consortium of local educational agencies, to serve as the fiscal agent for the California Collaborative for Educational Excellence. The Superintendent shall apportion funds appropriated for the California Collaborative for Educational Excellence to the fiscal agent.

(d) The California Collaborative for Educational Excellence shall be governed by a board consisting of the following five members:

(1) The Superintendent or his or her designee.

(2) The president of the state board or his or her designee.

(3) A county superintendent of schools appointed by the Senate Committee on Rules.

(4) A teacher appointed by the Speaker of the Assembly.

(5) A superintendent of a school district appointed by the Governor.

(e) At the direction of the governing board of the California Collaborative for Educational Excellence, the fiscal agent shall contract with individuals, local educational agencies, or organizations with the expertise, experience, and a record of success to carry out the purposes of this article. The areas of expertise, experience, and record of success shall include, but are not limited to, all of the following:

(1) State priorities as described in subdivision (d) of Section 52060.

(2) Improving the quality of teaching.

(3) Improving the quality of school district and schoolsite leadership.

(4) Successfully addressing the needs of special pupil populations, including, but not limited to, English learners, pupils eligible to receive a free or reduced-price meal, pupils in foster care, and individuals with exceptional needs.

(f) The Superintendent may direct the California Collaborative for Educational Excellence to advise and assist a school district, county superintendent of schools, or charter school in any of the following circumstances:

(1) If the governing board of a school district, county board of education, or governing body or a charter school requests the advice and assistance of the California Collaborative for Educational Excellence.

(2) If the county superintendent of schools of the county in which the school district or charter school is located determines, following the provision of technical assistance pursuant to Section 52071 or 47607.3 as applicable, that the advice and assistance of the California Collaborative for Educational Excellence is necessary to help the school district or charter school accomplish the goals described in the local control and accountability plan adopted pursuant to this article.

(3) If the Superintendent determines that the advice and assistance of the California Collaborative for Educational Excellence is necessary to help the school district, county superintendent of schools, or charter school accomplish the goals set forth in the local control and accountability plan adopted pursuant to this article.

(Amended by Stats. 2013, Ch. 357, Sec. 48. Effective September 26, 2013.)

California State Board of Education

Meeting Agenda Items for May 7-8, 2014

ITEM 12

CALIFORNIA STATE BOARD OF EDUCATION

MAY 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 Cohort 3 Fiscal Year 2013 Grant Award Notification.	☒ 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.

On April 9, 2014, the CDE received the fiscal year (FY) 2013 Grant Award Notification (GAN) for the School Improvement Grant (SIG), authorized by Section 1003(g) of the ESEA. The FY 2013 SIG funds will be used to provide a full three years of funding for qualifying Cohort 3 local educational agencies (LEAs) and schools for the 2014–15, 2015–16, and 2016–17 school years.

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

At its January 2014 meeting, the SBE authorized SBE President Michael W. Kirst, in consultation with State Superintendent of Public Instruction (SSPI) Tom Torlakson, to approve and submit California's FY 2013 SIG Application, under Section 1003(g) of the ESEA, to the U.S. Department of Education (ED) as well as the release of the California FY 2013 SIG Cohort 3 Request for Applications (RFA).

The FY 2013 SIG RFA was announced to eligible LEAs and charter schools on January 22, 2014, with applications due to the CDE by March 14, 2014. Applications were received from seven LEAs on behalf of 21 schools for a total request of over $132 million for all three years of grant funding. The CDE conducted a readers' conference on April 1–4, 2014, to review and rate the applications. The CDE award recommendations are contained in May 2014 SBE Item 13.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

At its January 2014 meeting, the SBE authorized SBE President Michael W. Kirst, in consultation with SSPI Tom Torlakson, to approve and submit California's FY 2013 SIG Application, under Section 1003(g) of the ESEA, to the ED as well as the release of the California FY 2013 SIG Cohort 3 RFA.

FISCAL ANALYSIS (AS APPROPRIATE)

Per ED's guidance, FY 2013 SIG funds will 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 each year through the 2016–17 school year. California's allocation is approximately $57 million for FY 2013. California intends to supplement this amount with remaining FY 2009 SIG funds recaptured through end-of-grant billing for Cohort 1.

ATTACHMENT(S)

Attachment 1: April 9, 2014, letter from Deborah S. Delisle, Assistant Secretary, Office of Elementary and Secondary Education, U.S. Department of Education, regarding the fiscal year 2013 School Improvement Grants program (1 Page)

This is the official scanned version of Item 12 Attachment 1 from the California State Board of Education (SBE) Meeting Agenda for May 2014 posted at http://www.cde.ca.gov/be/ag/ag/yr14/agenda201405.asp

An accessible version of the contents of this document is located at http://www.cde.ca.gov/be/ag/ag/yr14/may14item12a1aav.asp

The scanned document starts following this initial page.

UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

APR - 9 2014

The Honorable Tom Torlakson
State Superintendent of Education
California Department of Education
1430 N. Street, Suite 4309
Sacramento, CA 95814

Dear Superintendent Torlakson,

I am pleased to approve California's application for fiscal year (FY) 2013 funds under the School Improvement Grants (SIG) program, authorized by Section 1003(g) of the Elementary and Secondary Education Act of 1965 (ESEA), as amended as well as California's request for an extension of the period of availability for FY 2013 funds through September 30, 2017. If California decides to make any significant changes to its FY 2013 SIG application, those changes will need to be approved by the Department.

Secretary Duncan and I view turning around our Nation's persistently lowest-achieving schools as one of the most important challenges facing our educational system. I hope the FY 2013 SIG funds will enable you and your local educational agencies to continue to support this effort.

I appreciate the work you and your team are doing to meet the challenges of turning around your State's persistently lowest-achieving schools. California's students will benefit greatly from your focus and advocacy. We will continue to provide the assistance and support you need to implement the SIG interventions as effectively as possible. If you have any questions concerning the award notice for your State's SIG grant, please do not hesitate to contact Janine Rudder (Janine.Rudder@ed.gov), Program Officer in the Office of School Turnaround.

Sincerely,

Deborah S. Delisle

Deborah S. Delisle
Assistant Secretary
Office of Elementary and Secondary Education

AAV of Item 12 Attachment 1

Accessible Alternative Version (AAV) of Item 12 Attachment 1 for the May 2014 SBE Meeting Agenda.

This page is the Accessible Alternative Version of Item 12 Attachment 1 from the California State Board of Education Meeting Agenda for May 2014. The scanned Item 12 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

April 9, 2014

The Honorable Tom Torlakson
State Superintendent of Education
California Department of Education
1430 N. Street, Suite 4309
Sacramento, CA 95814

Dear Superintendent Torlakson,

I am pleased to approve California's application for fiscal year (FY) 2013 funds under the School Improvement Grants (SIG) program, authorized by Section 1003(g) of the Elementary and Secondary Education Act of 1965 (ESEA), as amended as well as California's request for an extension of the period of availability for FY 2013 funds through September 30, 2017.If California decides to make any significant changes to its FY 2013 SIG application, those changes will need to be approved by the Department.

Secretary Duncan and I view turning around our Nation's persistently lowest-achieving schools as one of the most important challenges facing our educational system. I hope the FY 2013 SIG funds will enable you and your local educational agencies to continue to support this effort.

I appreciate the work you and your team are doing to meet the challenges of turning around your State's persistently lowest-achieving schools. California's students will benefit greatly from your focus and advocacy. We will continue to provide the assistance and support you need to implement the SIG interventions as effectively as possible. If you have any questions concerning the award notice for your State's SIG grant, please do not hesitate to contact Janine Rudder (Janine.Rudder@ed.gov), Program Officer in the Office of School Turnaround.

Sincerely,

/s/

Deborah S. Delisle
Assistant Secretary

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

California State Board of Education

Meeting Agenda Items for May 7-8, 2014

ITEM 13

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2014 AGENDA

SUBJECT	
Elementary and Secondary Education Act: School Improvement Grant: Approval of Funding for Local Educational Agencies and Schools for the Fiscal Year 2013 School Improvement Grant Sub-Grants Under Section 1003(g) of the Elementary and Secondary Education Act.	☒ Action ☒ Information ☐ Public Hearing

SUMMARY OF THE ISSUE(S)

On January 22, 2014, the California Department of Education (CDE) released the School Improvement Grant (SIG) fiscal year (FY) 2013 Request for Applications (RFA). California's allocation from the U.S. Department of Education (ED) is approximately $57 million to fund eligible local educational agencies (LEAs) over three school years (SYs). These funds will be awarded for the 2014–15, 2015–16, and 2016–17 SYs, based on approvable annual LEA SIG renewal applications received and according to requirements under Section 1003(g) of the Elementary and Secondary Education Act (ESEA).

RECOMMENDATION

The CDE recommends that the State Board of Education (SBE) approve funding for the recommended list of SIG Cohort 3 LEAs and schools, which have applied for SIG sub-grants provided under Section 1003(g) of the ESEA for the 2014–15, 2015–16, and 2016–17 SYs based upon submitting an approvable application and future annual renewal applications.

The list of LEAs and their respective schools that applied for FY 2013 SIG funds, along with the CDE's recommendations for funding, is provided in Attachment 1.

BRIEF HISTORY OF KEY ISSUES

At its January 2014 meeting, the SBE approved the submission of California's FY 2013 SIG application to ED as well as the release of the California FY 2013 SIG Cohort 3 RFA. California received approximately $57 million to fund its FY 2013 SIG Cohort 3 competition.

The FY 2013 SIG RFA was announced to eligible LEAs and charter schools on January 22, 2014, with applications due to the CDE by March 14, 2014. Applications were received from seven LEAs on behalf of 21 schools for a total request of over $132

million for all three years of grant funding. The CDE conducted a readers' conference on April 1–4, 2014, to review and rate the applications. This is a competitive grant, and had all LEAs with eligible schools submitted an approvable application, there would have been insufficient funds to meet the request.

ED's SIG requirements allow a state educational agency (SEA) that does not have sufficient SIG funds to allocate to every Tier I and Tier II school its LEAs commit to serve, and that the SEA determines its LEAs have capacity to serve, to use any one or more of a number of factors to determine the Tier I and Tier II schools for which it will award funds. In the case where an LEA applied for more schools than funds are available to support, the CDE sought to ensure equitable distribution of funding across grade levels; and to serve schools with the greatest need, based on standardized achievement data.

The CDE only recommends awarding funds to those LEAs that developed and submitted a comprehensive and viable application likely to improve student academic achievement and meets eligibility requirements as defined by ED.

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 approximately $415 million in funding for FY 2009 SIG sub-grants provided under Section 1003(g) of the ESEA and under the American Recovery and Reinvestment Act of 2009 (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 SYs 2010–11, 2011–12, and 2012–13.

California's Fiscal Year 2010 Cohort 2 School Improvement Grant

At its January 2012 meeting, the SBE took action to approve approximately $69 million in funding for the FY 2010 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.

The FY 2010 SIG funds were used to provide funding for 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 SIG Cohort 2 competition.

California's Fiscal Year 2013 Cohort 3 School Improvement Grant

At its January 2014 meeting, the SBE took action to approve application to ED for the FY 2013 SIG funds and 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.

FISCAL ANALYSIS (AS APPROPRIATE)

Per ED's guidance, FY 2013 SIG funds will be used to provide a full three years of funding for SYs 2014–15, 2015–16, and 2016–17. The SIG funds provide LEAs with grants ranging from $50,000 to $2 million per school per year. California received approximately $57 million for FY 2013 and intends to supplement this amount with remaining FY 2009 SIG funds recaptured through end-of-grant billing for Cohort 1.

ATTACHMENT(S)

Attachment 1: Local Educational Agencies and Their Respective Schools that Applied for Fiscal Year 2013 School Improvement Grant Funds and CDE Funding Recommendations (2 Pages)

Local Educational Agencies and Their Respective Schools that Applied for Fiscal Year 2013 School Improvement Grant Funds and CDE Funding Recommendations

CDS Code	Local Educational Agency	Site Name	Charter School	Tier	Selected School Reform Model	Previously Served in Cohort 1	Year 1 Request	3 Year Request	CDE 3 Year Funding Recommendation
42767860000000	**Adelante Charter School**	District	--	--	--	Yes	$ 0.00	$ 0.00	Not Recommended
42767866118202		Adelante Charter School	Yes	1	Transformation	Yes	$ 888,803.96	$ 2,389,655.66	Not Recommended
							$ 888,803.96	**$ 2,389,655.66**	**Not Recommended**
19734370000000	**Compton Unified***	District	--	--	--	No	$ 6,407,702.00	$19,076,088.18	Not Recommended
19734371932326		Dominguez High	No	1	Transformation	No	$ 1,940,392.00	$ 5,623,257.00	Not Recommended
19734376066732		Davis Middle	No	1	Transformation	No	$ 1,878,920.00	$ 5,336,655.00	Not Recommended
19734376057582		Whaley Middle	No	1	Transformation	No	$ 1,366,464.00	$ 3,775,239.00	Not Recommended
19734376057590		Willowbrook Middle	No	2	Transformation	No	$ 1,553,665.00	$ 4,347,900.00	Not Recommended
		Compton Unified's request exceeds the maximum eligible amount.					**$13,147,143.00**	**$ 38,159,139.18**	**Not Recommended**
41689400000000	**La Honda-Pescadero Unified**	District	--	--	--	Yes	$ 83,821.00	$ 248,318.00	$ 248,318.00
41689406044085		Pescadero Elementary and Middle	No	1	Transformation	Yes	$ 595,979.00	$ 1,768,026.00	$ 1,768,026.00
							$ 679,800.00	**$ 2,016,344.00**	**$ 2,016,344.00**
19647330000000	**Los Angeles Unified**	District	--	--	--	Yes	$ 1,100,000.00	$ 3,300,000.00	$ 2,400,000.00
19647336061600		Sun Valley Engineering and Technology Magnet	No	2	Transformation	No	$ 1,900,000.00	$ 5,700,000.00	$ 5,700,000.00
19647331938554		Sylmar Senior High	No	2	Transformation	No	$ 1,900,000.00	$ 5,700,000.00	Not Recommended
19647336020028		Woodcrest Elementary	No	1	Restart	No	$ 1,893,288.00	$ 5,691,816.00	$ 5,691,816.00
19647331931526		Carson Senior High	No	2	Restart	No	$ 1,900,000.00	$ 5,700,000.00	Not Recommended
19647330107011		International Studies Learning Center	No	1	Restart	No	$ 1,900,000.00	$ 5,700,000.00	$ 5,700,000.00
19647331935352		Los Angeles Senior High	No	2	Restart	No	$ 1,899,735.00	$ 5,699,205.00	$ 5,699,205.00
19647331937622		San Fernando Senior High	No	2	Restart	No	$ 1,900,000.00	$ 5,700,000.00	$ 5,700,000.00
19647336058002		Robert Fulton College Preparatory	No	1	Transformation	No	$ 1,899,985.00	$ 5,699,897.00	$ 5,699,897.00
19647330112029		School of Business and Tourism at Contreras Learning Complex	No	1	Restart	No	$ 1,899,999.00	$ 5,699,168.00	Not Recommended
19647336015804		Angeles Mesa Elementary	No	1	Restart	No	$ 1,900,000.00	$ 5,700,000.00	$ 5,700,000.00
19647336061394		Audubon Middle	No	1	Restart	No	$ 1,900,000.00	$ 5,700,000.00	$ 5,700,000.00
							$21,993,007.00	**$65,990,086.00**	**$47,990,918.00**

Local Educational Agencies and Their Respective Schools that Applied for Fiscal Year 2013 School Improvement Grant Funds and CDE Funding Recommendations (Cont.)

CDS Code	Local Educational Agency	Site Name	Charter School	Tier	Selected School Reform Model	Previously Served in Cohort 1	Year 1 Request	3 Year Request	CDE 3 Year Funding Recommendation
19648570000000	**Palmdale Elementary**	District	--	--	--	Yes	$ 261,327.00	$ 783,722.00	Not Recommended
19648576105613		Cactus Middle	No	2	Turnaround	Yes	$ 1,819,220.00	$ 5,420,484.00	Not Recommended
19648576021190		Tumbleweed Elementary	No	1	Turnaround	Yes	$ 1,861,918.00	$ 5,580,616.00	Not Recommended
							$ 3,942,465.00	**$11,784,822.00**	**Not Recommended**
33103300000000	**Riverside County Office of Education**	District	--	--	--	Yes	$ 293,351.00	$ 851,758.00	$ 851,758.00
33103303331055		Riverside County Community	No	1	Transformation	Yes	$ 1,668,367.00	$ 5,099,252.00	$ 5,099,252.00
							$ 1,961,718.00	**$ 5,951,010.00**	**$ 5,951,010.00**
30666700000000	**Santa Ana Unified**	District	--	--	--	Yes	$ 0.00	$ 0.00	$ 0.00
30666703036456		Valley High	No	1	Transformation	Yes	$ 2,000,000.00	$ 6,000,000.00	$ 6,000,000.00
							$ 2,000,000.00	**$ 6,000,000.00**	**$ 6,000,000.00**
								Total Recommended Awards	**$61,958,272.00***

California received approximately $57 million for FY 2013 SIG Cohort 3 and intends to supplement this amount with remaining FY 2009 SIG funds recaptured through end-of-grant billing for Cohort 1.

California State Board of Education

Meeting Agenda Items for May 7-8, 2014

ITEM 14

CALIFORNIA STATE BOARD OF EDUCATION

MAY 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 March 12-13, 2014 SBE Meeting

2. Board member liaison reports

RECOMMENDATIONS

The SBE staff recommends that the SBE:

1. Approve the Preliminary Report of Actions/Minutes for the March 12-13, 2014 SBE meeting. (Attachment 1)

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 March2014 SBE meeting (30 Pages) may be viewed at the following link:
http://www.cde.ca.gov/be/mt/ms/documents/pra1213mar2014.doc

California State Board of Education

Meeting Agenda Items for May 7-8, 2014

WAIVER ITEM W-01

ITEM #W-01

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2014 AGENDA

☒ **Federal Waiver**

SUBJECT	
Request by **Butte Valley Unified School District** for a waiver of Section 131(c)(1) of the Carl D. Perkins Career and Technical Education Improvement Act of 2006 (Public Law 109-270). Waiver Number: Fed-1-2014	☒ **Action** ☒ **Consent**

SUMMARY OF THE ISSUES

The California Department of Education recommends approval to waive the Carl D. Perkins Career and Technical Education Act of 2006 (Perkins Act), Public Law 109-270 Section 131(c)(1) which requires local educational agencies (LEAs) whose allocations are less than $15,000 to enter into a consortium with other agencies. If they are unable to do so, under Section 131(c)(2), they may waive the consortium requirement if the LEA is in a rural, sparsely populated area, thus allowing the districts to meet the needs of their students.

Authority for Waiver: Federal Waiver Authority (Public Law 109-270) Section 131(c)(2).

RECOMMENDATION

☒ Approval ☐ Approval with conditions ☐ Denial

SUMMARY OF KEY ISSUES

The criterion for qualifying for this waiver is demonstration that the LEAs cannot form or join a consortium that handles the Perkins funds. There are no other districts in the local area willing to join in a consortium. Butte Valley Unified School District is located in Siskiyou County, and has a high school student population of 84. Butte Valley Unified School District is seeking a waiver to function independently in order to meet the needs of the students in the district.

Local board approval date(s): February 19, 2014

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Section 131(c)(1) of the Perkins Act requires LEAs whose allocations are less than $15,000 to enter into a consortium with other LEAs for the purpose of meeting the

$15,000 minimum grant requirement. Section 131(c)(2) of the Perkins Act permits states to waive the consortium agreement if the LEA is in a rural, sparsely populated area and is unable to join a consortium.

The State Board of Education (SBE) Waiver Policy #01-01: Carl D. Perkins Career and Technology Education Improvement Act: Consortium Requirement for Minimum Allocation, available at http://www.cde.ca.gov/re/lr/wr/documents/perkinspolicyr.doc, has criteria defining rural that are specifically tied to the National Center for Education Statistics (NCES) Locale Codes numbers 23, 31, 32, 33, 41, 42, or 43.

The SBE has approved all waivers of this statute that have been presented to it to date.

Demographic Information: Butte Valley Unified School District has a high school student population of 84 and is located in a Rural: Remote (43) area in Siskiyou County.

FISCAL ANALYSIS (AS APPROPRIATE)

Approval will enable the Butte Valley Unified School District to receive an annual Perkins Act allocation of $2,661.00. The waivers have no significant effect on the distribution of Perkins Act funds statewide.

ATTACHMENT(S)

Attachment 1: List of Districts (1 page)

Attachment 2: Butte Valley Unified School District Federal Waiver Request Fed-1-2014 for Butte Valley High School (1 page) (Original waiver request is signed and on file in the Waiver Office.)

Districts Requesting Carl D. Perkins Career and Technical Education Waivers

Waiver Number	District	Period of Request	SBE Streamlined Waiver Policy	NCES Locale Code	Demographic Information	Perkins Act Allocation
Fed-01-2014	Butte Valley Unified School District for Butte Valley High School	**Requested:** July 1, 2014 to June 30, 2018 **Recommended:** July 1, 2014 to June 30, 2018	No	43	Student population of 84 located in Siskiyou County	$2,661.00

Prepared by the California Department of Education
March 24, 2014.

California Department of Education
WAIVER SUBMISSION - Federal

CD Code: 4773684 Waiver Number: Fed-1-2014 Active Year: 2014

Date In: 2/25/2014 5:22:33 PM

Local Education Agency: Butte Valley Unified School District
Address: 615 West Third St.
Dorris, CA 96023

Start: 7/1/2014 End: 6/30/2018

Waiver Renewal: Y
Previous Waiver Number: Fed-1-2010-WC-12 Previous SBE Approval Date: 5/06/2010

Waiver Topic: Federal Program Waiver
Ed Code Title: Carl D. Perkins Voc and Tech Ed Act
Ed Code Section: PL 109-270 Section 131(c)(1)
Ed Code Authority: PL 109-270 Section 131(c)(2)

Ed Code or *CCR* to Waive: Carl D. Perkins Career and Technical Education Improvement Act of 2006, Public Law 109-270 Section 131(c)(1), that requires local agencies whose allocations are less than $15,000 to enter into a consortium with other agencies for the purpose of meeting the $15,000 minimum grant requirement.

Outcome Rationale: Butte Valley unified is unable to join a consortium due to our rural isolated district location. I have spoken to the County Office of Education and they are unable to join a consortium with us.

Student Population: 82

City Type: Rural

NCES Code: 43

Local Board Approval Date: 2/19/2014

Submitted by: Mr. Jim Shanks
Position: Agriculture Instructor
E-mail: jshanks@bvalusd.org
Telephone: 530-598-8060
Fax: 530-397-3999

California State Board of Education

Meeting Agenda Items for May 7-8, 2014

WAIVER ITEM W-02

ITEM #W-02

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2014 AGENDA

☒ **General Waiver**

SUBJECT Request by one district and one county office of education for renewals 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). The district renewal is related to charter school independent study pupil-to-teacher ratio to allow an increase from 25:1 to a 27.5:1. The county office requests continuing an increase of independent study pupil-to-teacher ratio of 35:1. Waiver Number: Orange County Department of Education 1-2-2014 Ripon Unified School District 34-1-2014	☒ **Action** ☒ **Consent**

SUMMARY OF THE ISSUES

Ripon Unified School District (RUSD) submitted a renewal waiver request to the State Board of Education (SBE) to continue the increased independent study pupil-to-teacher ratio from 25:1 to 27.5:1 at the California Connections Academy (CalCAR). The CalCAR 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 renewal for this school on July 18, 2012, for a period of two years less one day, 2012–13 and 2013–14.

Orange County Department of Education (OCDE) submitted a renewal waiver to the SBE to continue the increased independent study pupil-to-teacher ratio of 35:1 at the Alternative Correctional and Community Education, Schools and Services (ACCESS). With a waiver, the OCDE's ACCESS will continue to provide extensive services for students who face severe challenges such as homelessness, substance abuse, severe behavior problems, attendance issues, and trouble with the law. The SBE originally approved this waiver on September 16, 2010, and it was renewed on May 9, 2012, for a period of two years less one day, 2012–13 and 2013–14.

Authority for Waiver: California *Education Code (EC)* Section 33050

RECOMMENDATION

☐ **Approval** ☒ **Approval with conditions** ☐ **Denial**

The California Department of Education (CDE) recommends approval of these waiver requests with conditions for a period of two years less one day. Therefore, *EC* Section

33051(b) will not apply, and the district and county office will need to reapply if they wish to renew the waivers. The conditions include that (1) CalCAR and OCDE will spend all excess funds generated by the increased pupil-to-teacher ratio on students enrolled in CalCAR and ACCESS, respectively; (2) CalCAR and OCDE will provide an annual assurance report that includes average daily attendance (ADA)-to-teacher ratios, revenues, and expenditures generated at these schools to the CDE.

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 ADA-to-teacher ratios in independent study that apply to non-classroom-based charter schools and county offices. 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.

The CalCAR is an existing virtual charter school in the RUSD. The school does not have a 2012 Base Academic Performance Index (API) because 2012–13 was their first year of operation, but has a 2013 Growth API of 807. For additional information, see Attachment 3.

The rationale provided by CalCAR 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 this virtual school can offer to students.

RUSD's CalCAR has a student population of 216 and is located in a rural community in San Joaquin County.

Recognizing the need to provide many special services in order to meet the very specific needs of the student population, the OCDE currently employs additional administrators, counselors, psychologists, nurses, and classified staff beyond the scope of the traditional independent study program. In the current year, 2013–14, the OCDE employs 50.8 full-time equivalent staff to serve these students who do not count towards the pupil/teacher ratio.

The rationale provided by the OCDE is as follows:

> To accommodate a portion of the population that have a reduced funding level below the county per-student grant and to maintain the pupil-to-teacher ratio currently in law, the OCDE would need to divert funds from the county Local Control Funding Formula (LCFF) per pupil grant to continue to provide identified intensive services to the entire population. We might be forced to drastically reduce those needed support services, or close portions of the program which would prohibit the county from offering districts a continuum of educational options for a specific segment of the at risk population in Orange County. None of these options are in the best interests of the students served.

Additionally, the OCDE asserts that with this waiver renewed, they can continue to bring the needed intensive services offered to meet the needs of all students referred by districts to the county programs.

However, without a waiver:

- It is not inconceivable that the students would drop out altogether if the intensive services are critically cut, or receive no services at all if the portions of the county program are shut down because the county is incapable of funding these critical services.

The OCDE's ACCESS has an independent study student population of 7,322 in suburban communities of Orange County. The OCDE agrees to the condition that the pupil-to-teacher ratio will not exceed 35 ADA per teacher for the two-year period of the waiver (2014–15 and 2015–16). The OCDE independent study model is different from seat-time classrooms, and although the roster may reflect 35:1, at no time are there 35 students with one teacher. In the independent study model, students receive one-on-one or small group instruction.

The CDE recommends approval of this waiver and does not believe this request will set a wide precedent because this request is from a county office of education. District independent study pupil-to-teacher ratios are based on the ratios for the district's own classroom programs. The CDE has not received another county office waiver request of *EC* Section 51745.6(a) since the SBE granted OCDE's initial waiver in September 2010, and renewed it on May 9, 2012.

Because this is a general waiver, if the SBE decides to deny the waiver, it must cite one of the seven reasons in *EC* 33051(a), 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 first approved a waiver for the RUSD's CalCAR on July 18, 2012, for the 2012–13 and 2013–14 school years, with the conditions that the school will expend all excess funds generated by the increased pupil-to-certificated-employee ratio on students enrolled in the CalCAR. 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 SBE first approved OCDE's waiver request for a ratio of 35:1 in September 2010 (Waiver number 44-5-2010; approved September 16, 2010). This waiver was renewed by the SBE on May 9, 2012, for a period of two years less one day, 2012–13 and 2013–14.

These two waiver requests fall within the SBE Independent Study ADA-to-teacher ratio policy 01-03 (http://www.cde.ca.gov/be/ms/po/policy01-03-apr2001.asp). This SBE policy provides requirements and guidelines for waiver requests of the entire *EC* Section 51745.6.

FISCAL ANALYSIS (AS APPROPRIATE)

The increased pupil-to-teacher ratio would result in cost savings for the charter school and the county office of education, and subsequently increased ADA claims from the state.

ATTACHMENT(S)

Attachment 1: Summary Table of Independent Study State Board of Education Waiver for May 2014 (1 Page)

Attachment 2: Ripon Unified School District: General Waiver Request 34-1-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: Orange County Department of Education: General Waiver Request 1-2-2014 (5 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 4: Ripon Unified School District: Academic Performance Index Data Table for California Connections Academy (2 Pages)

Summary Table of Independent Study State Board of Education Waiver for May 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]* Section 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
34-1-2014	Ripon Unified School District 216 Total Students January 13, 2014	Increase from 25:1 to 27.5:1 Independent Study Charter; No Teacher Will Experience 27.5:1 At Any Given Time	**Requested:** July 1, 2014 through June 29, 2016 **Recommended:** July 1, 2014 through June 29, 2016	Yes	No Bargaining Unit	Board of Directors of Capistrano Connections Academy October 23, 2013 No objections
1-2-2014	Orange County Department of Education 7,322 Total Students January 15, 2014	Increase to 35:1 Independent Study Program; No Teacher Will Experience 35:1 At Any Given Time	**Requested:** July 1, 2014 through June 29, 2016 **Recommended:** July 1, 2014 through June 29, 2016	Yes	Orange County Schools Educators Association January 13, 2014 President	Orange County Schools Educators Association January 13, 2014 No objections

Created by the California Department of Education
March 10, 2014

California Department of Education
WAIVER SUBMISSION - General

CD Code: 3968650 Waiver Number: 34-1-2014 Active Year: 2014

Date In: 1/14/2014 7:28:44 PM

Local Education Agency: Ripon Unified School District
Address: 304 North Acacia Ave.
Ripon, CA 95366

Start: 7/1/2014 End: 6/29/2016

Waiver Renewal: Y
Previous Waiver Number: 22-4-2012-W-02 Previous SBE Approval Date: 7/18/2012

Waiver Topic: Independent Study Program
Ed Code Title: Pupil Teacher Ratio
Ed Code Section: 51745.6 and CCR Title 5, Sections 11704 and portions of 11963.4(a)(3)
Ed Code Authority: 33050-33053

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: California Connections Academy (CalCAR) will provide a high quality virtual education to students in Northern and 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, CalCAR proposes to implement any needed budget cuts by fully utilizing such efficiencies offered by on-line education. Despite fiscal challenges, if any 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: 216

City Type: Rural

Public Hearing Date: 1/13/2014
Public Hearing Advertised: A notice posted at each school, plus the library and post offices

Local Board Approval Date: 1/13/2014

Community Council Reviewed By: Charter School Board of Directors
Community Council Reviewed Date: 10/23/2013
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: 949-425-8791

California Department of Education
WAIVER SUBMISSION - General

CD Code: 3010306 Waiver Number: 1-2-2014 Active Year: 2014

Date In: 2/5/2014 10:32:06 AM

Local Education Agency: Orange County Department of Education
Address: 200 Kalmus Dr.
Costa Mesa, CA 92628

Start: 7/1/2014 End: 6/29/2016

Waiver Renewal: Y
Previous Waiver Number: 131-2-2012-W-5 Previous SBE Approval Date: 5/9/2012

Waiver Topic: Independent Study Program
Ed Code Title: Pupil Teacher Ratio
Ed Code Section: 51745.6
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: 51745.6 [(a) The ratio of average daily attendance for independent study pupils 18 years of age or less to school district full-time equivalent certificated employees responsible for independent study, calculated as specified by the State Department of Education, shall not exceed the equivalent ratio of pupils to full time certificated employees for all other educational programs operated by the school district. The ratio of average daily attendance for independent study pupils 18 years of age or less to county office of education full time equivalent certificated employees responsible for independent study, to be calculated in a manner prescribed by the State Department of Education, shall not exceed the equivalent ratio of pupils to full time certificated employees for all other educational programs operated by the high school or unified school district with the largest average daily attendance of pupils in that county. The computation of those ratios shall be performed annually by the reporting agency at the time of, and in connection with, the second principal apportionment report to the Superintendent of Public instruction.

(b) Only those units of average daily attendance for independent study that reflect a pupil teacher ratio that does not exceed the ratio described in subdivision (a) shall be eligible for apportionment pursuant to Section 42238.5, for school districts, and Section 2558, for county offices of education. Nothing in this section shall prevent a school district or county office of education from serving additional units of average daily attendance greater than the ratio described in subdivision (a), except that those additional units shall not be funded pursuant to Section 42238.5 or Section 2558.]

(c) The calculations performed for purposes of this section shall not include either of the following:

(1) The average daily attendance generated by special education pupils enrolled in special day classes on a full-time basis, or the teachers of those classes.

(2) The average daily attendance or teachers in necessary small schools that are eligible to receive funding pursuant to Article 4(commencing with Section 42280) of Chapter 7 of Part 24.

(d) The pupil-teacher ratio described in subdivision (a) in a unified school district participating in the class size reduction program pursuant to Chapter 6.10 (commencing with Section 52120) may, at the school district's option, be calculated separately for kindergarten and grades 1 to 6, inclusive, and for grades 7 to 12, inclusive.

(e) The pupils-to-certificated-employee ratio of 25 to one, or be being a ratio of less than 25 pupils per certificated employee. All charter school pupils, regardless of age, shall be included in pupil-to-certificated-employee ratio calculations.

Outcome Rationale:
The Orange County Department of Education (OCDE) is requesting a renewal of its waiver of the pupil/teacher ratio requirement for independent study, with the condition that the pupil/teacher ratio not exceed 35 ADA per teacher for the two-year period 2014-15 and 2015-16. Please note that in an Independent Study program, while the roster may reflect 35:1, at no time are there 35 students together working with one teacher. Teachers are working one-on-one or in some circumstances in small group settings.

The comparison district for determining the OCDE Alternative Correctional and Community Education, Schools and Services (ACCESS) student teacher ratio is Santa Ana Unified School District (per Ed. Code 51745.6 "The ratio of average daily attendance for independent study pupils 18 years of age or less to county office of education full-time equivalent certificated employees responsible for independent study…. shall not exceed the equivalent ratio of pupils to full-time certificated employees for all other education programs operated by the high school or unified school district with the largest average daily attendance of pupils in that county).

Essentially, districts do not have to ask for or get a waiver of the pupil to teacher ratios for their high school classes. School districts, such as Santa Ana Unified are not subject to regulations for staffing high school classes. They can, for the most part, staff high school classes the way they want to in order to serve their high school populations and are not subject to the student teacher ratio guidelines. We do not have the same latitude in staffing to service our high school population through the independent study instructional delivery model.

Additionally, the comparison to the Santa Ana Unified School District ratio of pupils to full-time certificated employees does not take into account that a greater percentage of Santa Ana USD students are elementary students, which traditionally have lower class sizes than high school classes, as opposed to the ACCESS program that is primarily high school classes.

OCDE ACCESS provides a variety of support services. OCDE's ACCESS comprises a variety of schooling and programmatic options for a needy and diverse student population who have difficulty in a traditional academic setting or prefer an alternative learning method such as independent study. Dropout research suggest that where high quality and wide variety of education and programmatic choices exist, dropout rates are lower.1

At OCDE ACCESS, each option and support is unique according to student needs, yet achieving educational success comes by not only providing quality teaching but also through providing intensive services, support and management that wrap around each option. The personalized learning environment and student interaction with staff members who focus on each individual student with care, concern, and guidance are some of the keys to our success.

The fact that additional funds have been appropriated through the LCFF for students such as ours highlights this need for intensive services.

One thing that should be considered is that the county office does not receive higher funding for students referred from the district, but instead receives the individual district's allocation per student. The county office also does not offer a bifurcated program that only offers intensive services to one population and not the district-referred population. Instead, it uses the funds appropriated for part of the population to cover the expenditures of those intensive services for all of the populations, which include the district referrals. As a result, the intended student benefits from the more intensive services that are provided by having a higher funding for the county office are watered down.

This support and management is provided to students enrolled in independent study by a total of approximately 237.5 FTE staff. This is comprised of 52.3 FTE additional support staff funded through the LCFF, 19.50 FTE additional support staff funded through federal programs and grants, and 165.4 traditional support staff funded through the LCFF. (See FTE chart below for specifics.) This staff is the backbone for the intensive and additional classroom support not typical of a traditional high school classroom.

LCFF Funded Additional I.S. Support:	CL FTE
Assistant Principals	1.5
School Staff - Library Technician, School Admin Assistants (clerical), Student Record Technicians (student enrollment), Program Specialist, & Instructional Program Assistant	13.5
Para educators	22.75
Special Ed Administrators	2.5
Special Ed Teachers/Resource Specialists	6.5
Special Ed School Psychologists	3.5
Special Ed Lang/Speech Specialists	1.5
Special Ed School Nurse	0.5
Total FTE	52.3

Other Funded Additional I.S. Support:	CL FTE
Administrators, Federal Programs - Administrator, Coordinators, Program Managers, Instructional Program Assistants, Tutor Specialist	3.0
Title I Tutors	8.4
Title I Transition Specialists	3.0
Title I Family Community Liaisons	2.1
Safe Schools Manager, Grant	0.2
Gang Specialist	0.1
Administrative Assistant	0.2
Community Liaison	0.2
Social Services Technician	0.3
Social Services Interns	1.8
ATTD Liaisons	0.2
Total FTE	19.50

LCFF Funded I.S Support:	CL FTE
School Administrators - Assistant Principals, Principals, & Program Administrators	5.5
Teachers - General Education Independent Study Teachers	159.9
Total FTE	165.4
Over All Total	237.15

This staff provides many special services in order to meet very specific needs of the student population that we serve. Our students represent a wide range of scholastic abilities, from the gifted to the academically challenged. Without the special support services we provide, many students would be at risk for failure. ACCESS cannot sustain this level of additional support services without continuing the class sizes we've been able to maintain with previous waivers from the SBE.

In summary, it must be emphasized that the students served by OCDE have a wide range of issues that must be addressed, beyond the traditional academic instruction needs that apply to all students. Recognizing these needs, the county office currently employs additional administrators, counselors, psychologists, nurses and classified staff beyond the scope of the traditional independent study program. In the current year, OCDE employs 50.8 full-time equivalent staff to serve these students who do not count towards the pupil/teacher ratio.

To accommodate a portion of the population that have a reduced funding level below the county per-student grant and to maintain the pupil/teacher ratio currently in law, the county office would need to divert funds from the county LCFF per pupil grant to continue to provide identified intensive services to the entire population. We might be forced to drastically reduce those needed support services, or close portions of the program which would prohibit the county from offering districts a continuum of educational options for a specific segment of the at risk population in Orange County. None of these options are in the best interests of the students served.

With a waiver of the pupil/teacher ratio, the office can continue to bring the needed intensive services offered into balance and continue to meet the needs of all students referred by districts to the county programs. Without a waiver it is not inconceivable that the students would drop out altogether if the intensive services are critically cut, or receive no services at all if the portions of the county program are shut down because the county is incapable of funding these critical services.

1. Michael McLaughlin, High School Dropouts: How Much of a Crisis? (Wash. D.C.: Heritage Foundation, 1990)

Student Population: 7322

City Type: Suburban

Public Hearing Date: 1/15/2014
Public Hearing Advertised: Posted on OCDE Website as part of Board Agenda

Local Board Approval Date: 1/15/2014

Community Council Reviewed By: Orange County Schools Educators Association
Community Council Reviewed Date: 1/13/2014
Community Council Objection: N

Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Dr. Byron Fairchild
Position: Director
E-mail: bfairchild@ocde.us
Telephone: 714-547-1463
Fax: 714-966-0477

Bargaining Unit Date: 01/13/2014
Name: Orange County Schools Educators Association
Representative: John Wells
Title: President
Position: Support
Comments:

California Connections Academy at Ripon, California Connections Academy at Ripon

CDS Code: 39-68650-0125849

Table 1: Academic Performance Index (API) Data

	2011						2012						2013					
Student Subgroups	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													9					
American Indian or Alaska Native													0					
Asian													11		984			
Filipino													0					
Hispanic or Latino													34		765			
Native Hawaiian or Pacific Islander													0					
White													60		800			
Two or More Races													22		833			
Socioeconomically Disadvantaged													47		775			
English Learners													5					
Students with Disabilities													4					
Schoolwide													136	B	807	B	B	

(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 May 7-8, 2014

WAIVER ITEM W-03

ITEM #W-03

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2014 AGENDA

☒ **General Waiver**

SUBJECT Request by four school districts to waive California *Education Code* Section 48352(a) and *California Code of Regulations,* Title 5, Section 4701, to remove seven schools from the Open Enrollment List of "low-achieving schools" for the 2014–15 school year. Waiver Numbers: Covina-Valley Unified School District 40-1-2014 Covina-Valley Unified School District 41-1-2014 Goleta Union Elementary School District 85-2-2014 Savanna Elementary School District 129-2-2014 Tustin Unified School District 6-2-2014 Tustin Unified School District 7-2-2014 Tustin Unified School District 8-2-2014	☒ **Action** ☒ **Consent**

SUMMARY OF THE ISSUES

Requests from four school districts to remove seven schools from the 2014–15 Open Enrollment List. The State Board of Education (SBE) must take action to approve or deny removal of a school from the Open Enrollment List.

Authority for Waiver: *Education Code* (*EC*) Section 33050

RECOMMENDATION

☐ **Approval** ☒ **Approval with conditions** ☐ **Denial**

The California Department of Education (CDE) recommends approval of seven waiver requests for schools on the 2014–15 Open Enrollment List (Attachment 1) that meet the criteria for the SBE Streamlined Waiver Policy (available at http://www.cde.ca.gov/re/lr/wr/documents/sbestreamlined.doc). These waivers are recommended for approval on the condition that the local educational agencies (LEAs) granted these waivers must honor any transfer requests pursuant to the Open Enrollment Act. Granting these waivers would allow the schools to have their names removed from the 2014–15 Open Enrollment List as requested. These waivers do not affect the standing of any other schools, as these waivers are specific to the individual schools named in the attached waivers.

SUMMARY OF KEY ISSUES

The methodology used in creating the list of 1,000 lowest achieving schools, per the statute, resulted in some higher achieving schools being placed on the list while at the same time some schools with lower APIs were not included on the list. This was primarily due to the statutory provision that an LEA can have no more than 10 percent of its schools on the list.

Identification as a "low-achieving" school can have a significant educational, economic, and political impact on the school community. The label of "low-achieving" does not take into account the API scores for schools whose scores have risen or are maintained closer to the higher levels of achievement. The perception that the school is "low-achieving" may cause unwarranted flight from the school community and may negatively impact fiscal issues.

Because this is a general waiver, if the SBE decides to deny the waiver, it must cite one of the seven reasons in the California *Education Code (EC)* 33051(a), available at http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC&sectionNum=33051.

Demographic Information: See individual waivers

Authority for Waiver: *EC* Section 33050

Period of request: See Attachment 1

Period of recommendation: July 1, 2014, to June 30, 2015

Local board approval date(s): See Attachment 1

Public hearing held on date(s): See Attachment 1

Bargaining unit(s) consulted on date(s): See Attachment 1

Public hearing advertised by (choose one or more): See Attachment 1

Advisory committee(s) consulted: See Attachment 1

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

This is the second time the SBE has heard a request from an LEA that meets the SBE streamlined waiver criteria to be removed from the 2014–15 Open Enrollment List.

FISCAL ANALYSIS (AS APPROPRIATE)

There is no statewide fiscal impact of waiver approval or denial.

ATTACHMENT(S)

Attachment 1: Schools Requesting a General Waiver from the 2014–15 Open Enrollment List (2 pages).

Attachment 2: Covina-Valley Unified School District General Waiver Request 40-1-2014 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: Covina-Valley Unified School District General Waiver Request 41-1-2014 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 4: Goleta Union Elementary School District General Waiver Request 85-2-2014 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 5: Savanna Elementary School District General Waiver Request 129-2-2014 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 6: Tustin Unified School District General Waiver Request 6-2-2014 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 7: Tustin Unified School District General Waiver Request 7-2-2014 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 8: Tustin Unified School District General Waiver Request 8-2-2014 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)

Schools Requesting a General Waiver from the 2014–15 Open Enrollment List

Waiver #	County District School	2013 District Growth API	2013 School API Growth*		2013 API Target Met?	Met API Growth Targets (3 of last 5 yrs)	Decile, Similar Schools Rank	Current PI Status	Position of Bargaining Unit/Date Consulted	Period of Request	Recommend for Approval (Yes/No)
40-1-2014	Los Angeles Covina-Valley Unified Manzanita Elementary	800	Schoolwide Hispanic or Latino SED English Learners	739 742 727 742	No Yes No No	No	2, 1	Year 4	Support 01/16/2014	**Requested:** 07/01/2014 to 06/30/2015 **Recommended:** 07/01/2014 to 06/30/2015	Yes
41-1-2014	Los Angeles Covina-Valley Unified Cypress Elementary	800	Schoolwide Hispanic or Latino SED English Learners	779 780 761 747	No No No No	Yes	5, 2	Year 4	Support 01/16/2014	**Requested:** 07/01/2014 to 06/30/2015 **Recommended:** 07/01/2014 to 06/30/2015	Yes
85-2-2014	Santa Barbara Goleta Union Elementary La Patera Elementary	871	Schoolwide Hispanic or Latino White SED English Learners	809 750 944 751 744	Yes No Yes No No	No	6, 5	Not in PI	Support 01/29/2014	**Requested:** 07/01/2014 to 06/30/2015 **Recommended:** 07/01/2014 to 06/30/2015	Yes
129-2-2014	Orange Savanna Elementary Twila Reid Elementary	819	Schoolwide Asian Hispanic or Latino SED English Learners	803 922 750 781 799	Yes Yes Yes No No	No	4, 7	Not in PI	Support 02/14/2014	**Requested:** 07/01/2014 to 06/30/2015 **Recommended:** 07/01/2014 to 06/30/2015	Yes

Prepared by the California Department of Education
Revised: 03/11/14 01:45 PM

Waiver #	County District School	2013 District Growth API	2013 School API Growth*		2013 API Target Met?	Met API Growth Targets (3 of last 5 yrs)	Decile, Similar Schools Rank	Current PI Status	Position of Bargaining Unit/Date Consulted	Period of Request	Recommend for Approval (Yes/No)
6-2-2014	Orange Tustin Unified Marjorie Veeh Elementary	867	Schoolwide Hispanic or Latino SED English Learners	754 742 737 746	No No No No	No	3, 3	Year 3	Support 12/10/2013	**Requested:** 07/01/2014 to 06/30/2015 **Recommended:** 07/01/2014 to 06/30/2015	Yes
7-2-2014	Orange Tustin Unified Helen Estock Elementary	867	Schoolwide Hispanic or Latino SED English Learners	722 720 722 693	No No No No	No	2, 2	Year 4	Support 12/10/2013	**Requested:** 07/01/2013 to 06/30/2014 **Recommended:** 07/01/2014 to 06/30/2015	Yes
8-2-2014	Orange Tustin Unified Jean Thorman Elementary	867	Schoolwide Hispanic or Latino SED English Learners	702 703 705 700	No No No No	No	1, 2	Year 3	Support 12/10/2013	**Requested:** 07/01/2013 to 06/30/2014 **Recommended:** 07/01/2014 to 06/30/2015	Yes

*Only student groups that are numerically significant are included in this column.
SED – Socioeconomically Disadvantaged

Prepared by the California Department of Education
Revised: 03/11/14 01:45 PM

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1964436 Waiver Number: 40-1-2014 Active Year: 2014

Date In: 1/24/2014 9:27:39 AM

Local Education Agency: Covina-Valley Unified School District
Address: 519 East Badillo St.
Covina, CA 91723

Start: 7/1/2014 End: 6/30/2015

Waiver Renewal: Y
Previous Waiver Number: 9-7-2012-W-06 Previous SBE Approval Date: 11/8/2012

Waiver Topic: Open Enrollment
Ed Code Title: Removal From the List of LEAs
Ed Code Section: 48352(a) and *CCR* Title 5 Section 4701
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: ((a) "Low-achieving school" means any school identified by the Superintendent pursuant to the following:
(1) Excluding the schools, and taking into account the impact of the criteria in paragraph (2), the Superintendent annually shall create a list of 1,000 schools ranked by increasing API with the same ratio of elementary, middle, and high schools as existed in decile 1 in the 2008-09 school year.
(2) In constructing the list of 1,000 schools each year, the Superintendent shall ensure each of the following:
(A) A local education agency shall not have more than 10 percent of its schools on the list. However, if the number of schools in a local educational agency is not evenly divisible by 10, the Superintendent shall round up to the next whole number of schools.
(B) Court, community, or community day schools shall not be included on the list.
(C) Charter schools shall not be included on the list.)

Outcome Rationale: Covina-Valley Unified School District is requesting the removal of Manzanita Elementary School from the 2014-15 Open Enrollment - Low Achieving Schools List. The school has displayed an overall 80-point gain in the API since 2006. For the 2012-2013 school year, API growth occurred in the Hispanic and Students with Disabilities sub-groups. Manzanita's current API is 739, close to the statewide target of 800 for high achieving schools. Manzanita exhibited AYP growth within the White, Socio-Economically Disadvantaged, English Learners sub-groups and Students with Disabilities for English Language Arts. Math growth occurred schoolwide and within the Hispanic and Students with Disabilities sub-groups. Safe Harbor targets were reached in English Language Arts for EL sub-groups and the Hispanic sub-group met the Math Safe Harbor target.

Student Population: 292

City Type: Suburban

Public Hearing Date: 1/21/2014
Public Hearing Advertised: Notice posted at each school and on district website.

Local Board Approval Date: 1/21/2014

Community Council Reviewed By: Manzanita Schoolsite Council
Community Council Reviewed Date: 1/15/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Alanna Arranaga
Position: Administrative Secretary
E-mail: aarranaga@cvusd.k12.ca.us
Telephone: 626-974-7000 x2071
Fax: 626-974-7061

Bargaining Unit Date: 01/16/2014
Name: California State Employees Association (CSEA)
Representative: Shannon Medrano
Title: President
Position: Support
Comments:

Bargaining Unit Date: 01/16/2014
Name: Covina Unified Education Association
Representative: Adam Hampton
Title: President
Position: Support
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1964436 Waiver Number: 41-1-2014 Active Year: 2014

Date In: 1/24/2014 9:54:56 AM

Local Education Agency: Covina-Valley Unified School District
Address: 519 East Badillo St.
Covina, CA 91723

Start: 7/1/2014 End: 6/30/2015

Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: Open Enrollment
Ed Code Title: Removal From the List of LEAs
Ed Code Section: 48352(a) and *CCR* Title 5 Section 4701
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: ((a) "Low-achieving school" means any school identified by the Superintendent pursuant to the following:
(1) Excluding the schools, and taking into account the impact of the criteria in paragraph (2), the Superintendent annually shall create a list of 1,000 schools ranked by increasing API with the same ratio of elementary, middle, and high schools as existed in decile 1 in the 2008-09 school year.
(2) In constructing the list of 1,000 schools each year, the Superintendent shall ensure each of the following:
(A) A local education agency shall not have more than 10 percent of its schools on the list. However, if the number of schools in a local educational agency is not evenly divisible by 10, the Superintendent shall round up to the next whole number of schools.
(B) Court, community, or community day schools shall not be included on the list.
(C) Charter schools shall not be included on the list.)

Outcome Rationale: Covina-Valley Unified School District is requesting the removal of Cypress Elementary School from the 2014-15 Open Enrollment - Low Achieving Schools List. The inclusion of Cypress on this list is inappropriate because the students have made remarkable academic growth. The school has displayed an overall 50-point gain in the API since 2009. For the 2012-13 school year, Cypress' API score was 779, just 21 points away from the statewide target of 800. During the past 4 years, Cypress has experienced dramatic growth in all sub-groups in English/language arts and mathematics. The EL subgroup has grown 8% in English/language arts during this time. Overall, the school has increased their AYP proficiency in mathematics by 15%, and in English/language arts, scores have increased by 7%. Cypress continues to close the achievement gap and increase schoolwide achievement levels.

Student Population: 667

City Type: Suburban

Public Hearing Date: 1/21/2014
Public Hearing Advertised: Notice posted at each school and on district website.

Local Board Approval Date: 1/21/2014

Community Council Reviewed By: Cypress Schoolsite Council
Community Council Reviewed Date: 1/7/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Alanna Arranaga
Position: Administrative Secretary
E-mail: aarranaga@cvusd.k12.ca.us
Telephone: 626-974-7000 x2071
Fax: 626-974-7061

Bargaining Unit Date: 01/16/2014
Name: California State Employees Association (CSEA)
Representative: Shannon Medrano
Title: President
Position: Support
Comments:

Bargaining Unit Date: 01/16/2014
Name: Covina Unified Education Association
Representative: Adam Hampton
Title: President
Position: Support
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 4269195 Waiver Number: 85-2-2014 Active Year: 2014

Date In: 2/12/2014 2:58:53 PM

Local Education Agency: Goleta Union Elementary School District
Address: 401 North Fairview Ave.
Goleta, CA 93117

Start: 7/1/2014 End: 6/30/2015

Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: Open Enrollment
Ed Code Title: Removal From the List of LEAs
Ed Code Section: 48352(a) and *CCR* Title 5 Section 4701
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: *Education Code* 48352 and Title 5 *CCR* 4701
Education Code 48352. For purposes of this article, the following definitions apply:

(a) "Low-achieving school" means any school identified by the Superintendent pursuant to the following:

(1) Excluding the schools, and taking into account the impact of the criteria in paragraph (2), the Superintendent annually shall create a list of 1,000 schools ranked by increasing API with the same ratio of elementary, middle, and high schools as existed in decile 1in the 2008-09 school year.

(2) In constructing the list of 1,000 schools each year, the Superintendent shall ensure each of the following:

(A) A local educational agency shall not have more than 10 percent of its schools on the list. However, if the number of schools in a local educational agency is not evenly divisible by 10, the Superintendent shall round up to the next whole number of schools. (B) Court, community, or community day schools shall not be included on the list.
(C) Charter schools shall not be included on the list.
(b) "Parent" means the natural or adoptive parent or guardian of a dependent child.
(c) "School district of enrollment" means a school district other than the school district in which the parent of a pupil resides, but in which the parent of the pupil nevertheless intends to enroll the pupil pursuant to this article.
(d) "School district of residence" means a school district in which the parent of a pupil resides and in which the pupil would otherwise be required to enroll pursuant to Section 48200.

Title 5 *CCR* 4701. Identification of Open Enrollment Schools.

a) The State Superintendent of Public Instruction (SSPI) shall annually construct a list of 1,000

schools for the Open Enrollment Act that maintains the same ratio of elementary, middle, and high schools as existed in decile 1 of the 2009 Base Academic Performance Index (API) file and retains only “10 percent” of a local educational agency's (LEA's) schools pursuant to the following methodology:

(1) the list of 1,000 schools shall include 687 elementary schools, 165 middle schools, and 148 high schools;
(2) the list of 1,000 schools shall exclude the following:
(A) schools that are court, community, or community day schools;
(B) schools that are charter schools;
(C) schools that are closed; and
(D) schools that have fewer than 100 valid test scores.

3) an LEA shall have on the list no more than 10 percent of its total number of schools that are not closed. However, when that total number of schools is not evenly divisible by 10, the 10 percent number of the LEA's schools shall be rounded up to the next whole number; and

(4) to produce the final list of 1,000 schools, the SSPI shall apply the following process: (A) create a pool of schools: 1. for the purpose of constructing the Open Enrollment Schools List for transfer during the 2010-2011 school year, this pool shall be created by selecting all schools from the 2009 Base API file.

Outcome Rationale:
The Goleta Union School District contends that La Patera School is not a low achieving school given that the school has an API of 809, which exceeds the state's target of 800.

The school's API performance meets the stream-lined waiver policy.

Student Population: 434

City Type: Suburban

Public Hearing Date: 2/5/2014
Public Hearing Advertised: Notice posted at each school, at two District Office locations, on District webpage, and the Goleta Public Library

Local Board Approval Date: 2/5/2014

Community Council Reviewed By: La Patera Schoolsite Council
Community Council Reviewed Date: 1/29/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Elizabeth DeVita
Position: Assistant Superintendent, Instructional Services
E-mail: edevita@goleta.k12.ca.us

Telephone: 805-681-1200 x203
Fax: 805-692-0857
Bargaining Unit Date: 01/29/2014
Name: California School Employee Association
Representative: Jacob Rodrigue
Title: President
Position: Support
Comments:

Bargaining Unit Date: 01/28/2014
Name: United Teaching Profession of Goleta
Representative: Jen Ccechio
Title: President
Position: Support
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 3066696 Waiver Number: 129-2-2014 Active Year: 2014

Date In: 2/28/2014 9:27:46 AM

Local Education Agency: Savanna Elementary School District
Address: 1330 South Knott Ave.
Anaheim, CA 92804

Start: 7/1/2014 End: 6/30/2015

Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: Open Enrollment
Ed Code Title: Removal From the List of LEAs
Ed Code Section: 48352(a) and *CCR* Title 5 Section 4701
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: [*Education Code* 48352. For purposes of this article, the following definitions apply:
(a) "Low-achieving school" means any school identified by the Superintendent pursuant to the following:
(1) Excluding the schools, and taking into account the impact of the criteria in paragraph (2), the Superintendent annually shall create a list of 1,000 schools ranked by increasing API with the same ratio of elementary, middle, and high schools as existed in decile 1in the 2008-09 school year.
(2) In constructing the list of 1,000 schools each year, the Superintendent shall ensure each of the following:
(A) A local educational agency shall not have more than 10 percent of its schools on the list. However, if the number of schools in a local educational agency is not evenly divisible by 10, the Superintendent shall round up to the next whole number of schools. (B) Court, community, or community day schools shall not be included on the list.
(C) Charter schools shall not be included on the list.

Title 5 *CCR* 4701. Identification of Open Enrollment Schools.
a) The State Superintendent of Public Instruction (SSPI) shall annually construct a list of 1,000 schools for the Open Enrollment Act that maintains the same ratio of elementary, middle, and high schools as existed in decile 1 of the 2009 Base Academic Performance Index (API) file and retains only “10 percent” of a local educational agency's (LEA's) schools pursuant to the following methodology:
(1) the list of 1,000 schools shall include 687 elementary schools, 165 middle schools, and 148 high schools;
(2) the list of 1,000 schools shall exclude the following:
(A) schools that are court, community, or community day schools;
(B) schools that are charter schools;
(C) schools that are closed; and
(D) schools that have fewer than 100 valid test scores.

3) an LEA shall have on the list no more than 10 percent of its total number of schools that are not closed. However, when that total number of schools is not evenly divisible by 10, the 10 percent number of the LEA's schools shall be rounded up to the next whole number; and
(4) to produce the final list of 1,000 schools, the SSPI shall apply the following process: (A) create a pool of schools: 1. for the purpose of constructing the Open Enrollment Schools List for transfer during the 2010-2011 school year, this pool shall be created by selecting all schools from the 2009 Base API file.]

Outcome Rationale: Savanna School District, on behalf of Reid School, is requesting that Reid School not be identified as a “low-achieving school” and be removed from the Open Enrollment List. Reid School’s 2013 API score was 803. We are requesting this request be considered under ‘Expedited Waiver Review’ that is conducted for those schools over 800.

Twila Reid School has consistently demonstrated they are a high performing school based on the past three years’ academic performance. In 2010-11, Twila Reid received an API score of 812. In 2011-12 their API was 797, just slightly under the state-wide target of 800. In 2012-13, Twila Reid’s API was once again above the state-wide target of 800 with an API score of 803. While there have been minor fluctuations in the API scores, Twila Reid has maintained high academic performance, close to or exceeding the state-wide target of 800 over the past three years.

A close examination of student demographics for the 2012-13 indicates the strength of the academic programs in place at Twila Reid School. Approximately 61% of the students taking the STAR tests were socioeconomically disadvantaged. This group scored an API of 782 compared to the state average for this same group of 743. Approximately 40% of the students taking the test were English Learners. Twila Reid English Learners scored an API of 809 compared to the state average of 721.

It is unfair to the students, staff, and community of Twila Reid School, to include Twila Reid School on the list of 1,000 “low-achieving schools” in California, when Twila Reid School has, in fact, met and exceeded the state-wide target of 800 API.

Student Population: 667

City Type: Suburban

Public Hearing Date: 2/25/2014
Public Hearing Advertised: Posted at each school site and on District website

Local Board Approval Date: 2/25/2014

Community Council Reviewed By: Twila Reid School Site Council
Community Council Reviewed Date: 2/24/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Dr. Sue Johnson
Position: Superintendent
E-mail: superintendent@savsd.org
Telephone: 714-236-3805
Fax: 714-827-6167

Bargaining Unit Date: 02/14/2014
Name: Savanna District Teachers Association
Representative: Barbara McIsaac Penny Cronin
Title: Co-Presidents, SDTA
Position: Support
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 3073643 Waiver Number: 6-2-2014 Active Year: 2014

Date In: 2/6/2014 7:11:22 PM

Local Education Agency: Tustin Unified School District
Address: 300 South C St.
Tustin, CA 92780

Start: 7/1/2014 End: 6/30/2015

Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: Open Enrollment
Ed Code Title: Removal From the List of LEAs
Ed Code Section: 48352(a) and *CCR* Title 5 Section 4701
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: *Education Code* 48352.
[(a) "Low-achieving school" means any school identified by the Superintendent pursuant to the following:]

[(1) Excluding the schools, and taking into account the impact of the criteria in paragraph (2), the Superintendent annually shall create a list of 1,000 schools ranked by increasing API with the same ratio of elementary, middle, and high schools as existed in decile 1in the 2008-09 school year.]

[(2) In constructing the list of 1,000 schools each year, the Superintendent shall ensure each of the following:
(A) A local educational agency shall not have more than 10 percent of its schools on the list. However, if the number of schools in a local educational agency is not evenly divisible by 10, the Superintendent shall round up to the next whole number of schools. (B) Court, community, or community day schools shall not be included on the list.
(C) Charter schools shall not be included on the list.]
(b) "Parent" means the natural or adoptive parent or guardian of a dependent child.
(c) "School district of enrollment" means a school district other than the school district in which the parent of a pupil resides, but in which the parent of the pupil nevertheless intends to enroll the pupil pursuant to this article.
(d) "School district of residence" means a school district in which the parent of a pupil resides and in which the pupil would otherwise be required to enroll pursuant to Section 48200.

Outcome Rationale: Veeh Elementary School is a Title I school in the Tustin Unified School District. Veeh continues to show growth in Math and Language Arts as measured by the California Standards Test. In order to meet the demands of the Common Core State Standards and to continue to improve student performance, Veeh Elementary has undergone many changes in academic structure with research-based professional development.

For these reasons, the Veeh Elementary staff, School Site Council and English Learner Advisory Committee voted unanimously to submit a waiver request to have Veeh Elementary School removed from the Open Enrollment List. The school leadership team and staff of highly qualified teachers expect the progress of the school to continue due to strong initial instruction, extra credentialed teachers hired to deliver targeted interventions designed to meet the individual needs of students and continued professional development in the areas of CCSS and Writer's Workshop. The primary focus this year is to increase depth of knowledge and gains are expected in both Language Arts and Math.

Veeh Elementary is not one of the state's 1,000 lowest performing schools, but appears on the list due to the artificial 10% cap placed on districts. We ask that you approve the waiver request to remove Veeh Elementary from the Open Enrollment List.

Student Population: 477

City Type: Suburban

Public Hearing Date: 12/9/2013
Public Hearing Advertised: Notification posted at school site, Tustin Public Library, TUSD Central Office, TUSD IRC

Local Board Approval Date: 12/9/2013

Community Council Reviewed By: English Learner Advisory Committee
Community Council Reviewed Date: 1/21/2014
Community Council Objection: N
Community Council Objection Explanation:

Community Council Reviewed By: Schoolsite Council
Community Council Reviewed Date: 1/21/2014
Community Council Objection: N
Community Council Objection Explanation:

Community Council Reviewed By: District English Learner Advisory Committee
Community Council Reviewed Date: 1/28/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Kathie Nielsen
Position: Chief Academic Officer
E-mail: knielsen@tustin.k12.ca.us
Telephone: 714-730-7301 x309
Fax:

Bargaining Unit Date: 12/10/2013
Name: Tustin Educators' Association (TEA)
Representative: Thomas Prendergast
Title: President
Position: Support
Comments:

Bargaining Unit Date: 12/10/2013
Name: California School Employers Association
Representative: Irma Dicochea
Title: President
Position: Support
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 3073643 Waiver Number: 7-2-2014 Active Year: 2014

Date In: 2/6/2014 7:35:01 PM

Local Education Agency: Tustin Unified School District
Address: 300 South C St.
Tustin, CA 92780

Start: 7/1/2013 End: 6/30/2014

Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: Open Enrollment
Ed Code Title: Removal From the List of LEAs
Ed Code Section: 48352(a) and *CCR* Title 5 Section 4701
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: [*Education Code* 48352. (a) "Low-achieving school" means any school identified by the Superintendent pursuant to the following:

(1) Excluding the schools, and taking into account the impact of the criteria in paragraph (2), the Superintendent annually shall create a list of 1,000 schools ranked by increasing API with the same ratio of elementary, middle, and high schools as existed in decile 1in the 2008-09 school year.
(2) In constructing the list of 1,000 schools each year, the Superintendent shall ensure each of the following:
(A) A local educational agency shall not have more than 10 percent of its schools on the list. However, if the number of schools in a local educational agency is not evenly divisible by 10, the Superintendent shall round up to the next whole number of schools. (B) Court, community, or community day schools shall not be included on the list.
(C) Charter schools shall not be included on the list.]
(b) "Parent" means the natural or adoptive parent or guardian of a dependent child.
(c) "School district of enrollment" means a school district other than the school district in which the parent of a pupil resides, but in which the parent of the pupil nevertheless intends to enroll the pupil pursuant to this article.
(d) "School district of residence" means a school district in which the parent of a pupil resides and in which the pupil would otherwise be required to enroll pursuant to Section 48200.

Outcome Rationale: Helen Estock Elementary School is a Title I school in the Tustin Unified School District. Helen Estock Elementary School has undergone many changes in academic structure with research-based professional development in an effort to continue to improve student performance. As part of this vigorous improvement plan, the school embarked on coaching and support from educational experts in literacy, implemented a rigorous thinking based supports in all areas, and research based interventions to support struggling learners. For these reasons, the Helen Estock Elementary School staff, School Site Council, and English Learner Advisory Committee voted unanimously to submit a waiver request to have Helen

Estock Elementary School school removed from the Open Enrollment List. The school leadership team and staff of highly qualified teachers expect the progress of the school to continue due to an effective English Language Development program, the implementation of strong initial instruction, and extra credentialed teachers hired to deliver targeted intervention designed to meet the individual needs of students. The focus this year is to increase depth of knowledge and gains are expected in both ELA and math.

Helen Estock Elementary School is not one of the state's 1,000 lowest performing schools, but appears on the list due to the artificial 10% cap placed on districts. We ask that you approve the waiver request to remove Helen Estock Elementary School from the Open Enrollment list.

Student Population: 618

City Type: Suburban

Public Hearing Date: 12/9/2013
Public Hearing Advertised: Notification posted at school site, Tustin Public Library, TUSD Central Office, TUSD IRC

Local Board Approval Date: 12/9/2013

Community Council Reviewed By: English Learner Advisory Committee
Community Council Reviewed Date: 12/13/2013
Community Council Objection: N
Community Council Objection Explanation:

Community Council Reviewed By: Schoolsite Council
Community Council Reviewed Date: 1/24/2014
Community Council Objection: N
Community Council Objection Explanation:

Community Council Reviewed By: District English Learner Advisory Committee
Community Council Reviewed Date: 1/28/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Kathie Nielsen
Position: Chief Academic Officer
E-mail: knielsen@tustin.k12.ca.us
Telephone: 714-730-7301 x309
Fax:

Bargaining Unit Date: 12/10/2013
Name: California Schools Employers Association (CSEA)
Representative: Irma Dicochea
Title: President

Position: Support
Comments:

Bargaining Unit Date: 12/10/2013
Name: Tustin Educators' Association
Representative: Thomas Prendergast
Title: President
Position: Support
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 3073643 Waiver Number: 8-2-2014 Active Year: 2014

Date In: 2/6/2014 7:42:17 PM

Local Education Agency: Tustin Unified School District
Address: 300 South C St.
Tustin, CA 92780

Start: 7/1/2013 End: 6/30/2014

Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: Open Enrollment
Ed Code Title: Removal From the List of LEAs
Ed Code Section: 48352(a) and *CCR* Title 5 Section 4701
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: [*Education Code* 48352.
(a) "Low-achieving school" means any school identified by the Superintendent pursuant to the following:

(1) Excluding the schools, and taking into account the impact of the criteria in paragraph (2), the Superintendent annually shall create a list of 1,000 schools ranked by increasing API with the same ratio of elementary, middle, and high schools as existed in decile 1in the 2008-09 school year.

(2) In constructing the list of 1,000 schools each year, the Superintendent shall ensure each of the following:
(A) A local educational agency shall not have more than 10 percent of its schools on the list. However, if the number of schools in a local educational agency is not evenly divisible by 10, the Superintendent shall round up to the next whole number of schools. (B) Court, community, or community day schools shall not be included on the list.]
(C) Charter schools shall not be included on the list.
(b) "Parent" means the natural or adoptive parent or guardian of a dependent child.
(c) "School district of enrollment" means a school district other than the school district in which the parent of a pupil resides, but in which the parent of the pupil nevertheless intends to enroll the pupil pursuant to this article.
(d) "School district of residence" means a school district in which the parent of a pupil resides and in which the pupil would otherwise be required to enroll pursuant to Section 48200.

Outcome Rationale: Jeane Thorman Elementary School is a Title I school in the Tustin Unified School District. Although Thorman Elementary School has not met recent Academic Performance Indicator and Annual Yearly Progress targets, the school is demonstrating consistent improvement in closing the achievement gap for our at-risk population illustrated by 59% of our fourth grade students improving one or more proficiency bands on the 2013 California Standards Test – English Language Arts. Our school reform efforts of increased

professional development, Response to Intervention and explicit direct instruction in English Language Development are positively impacting our students' achievement.

For these reasons, the Jeane Thorman staff, School Site Council, and English Language Advisory Committee voted unanimously to submit a waiver request to have Jeane Thorman Elementary school removed from the Open Enrollment List. The school leadership team and staff of highly qualified teachers expect the progress of the school to continue due to an effective English Language Development program and the implementation of systematic school wide intervention systems to deliver targeted support designed to meet the individual students' needs.

Student Population: 625

City Type: Suburban

Public Hearing Date: 12/9/2013
Public Hearing Advertised: Notification posted at school site, Tustin Public Library, TUSD Central Office, TUSD IRC

Local Board Approval Date: 12/9/2013

Community Council Reviewed By: English Learner Advisory Committee
Community Council Reviewed Date: 12/4/2013
Community Council Objection: N
Community Council Objection Explanation:

Community Council Reviewed By: Schoolsite Council
Community Council Reviewed Date: 12/11/2013
Community Council Objection: N
Community Council Objection Explanation:

Community Council Reviewed By: District English Learner Advisory Committee
Community Council Reviewed Date: 1/28/2014
Community Council Objection: N
Community Council Objection Explanation:
Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Kathie Nielsen
Position: Chief Academic Officer
E-mail: knielsen@tustin.k12.ca.us
Telephone: 714-730-7301 x309
Fax:

Bargaining Unit Date: 12/10/2013
Name: California School Employers Association
Representative: Irma Dicochea
Title: President
Position: Support

Comments:

Bargaining Unit Date: 12/10/2013
Name: Tustin Educators' Association
Representative: Thomas Prendergast
Title: President
Position: Support
Comments:

California State Board of Education

Meeting Agenda Items for May 7-8, 2014

WAIVER ITEM W-04

ITEM #W-04

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2014 AGENDA

☒ **General Waiver**

SUBJECT

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

Waiver Numbers:
Anderson Union High School District 1-1-2014
Butte County Office of Education 89-2-2014
Chula Vista Elementary School District 30-1-2014
Cuyama Joint Unified School District 4-4-2014
Imperial County Office of Education 90-2-2014
National Elementary School District 110-2-2014
Oroville City Elementary School District 43-1-2014
San Diego County Office of Education 37-1-2014
South Bay Union School District 18-1-2014
Tehama County Office of Education 108-2-2014

☒ **Action**

☒ **Consent**

SUMMARY OF THE ISSUES

The local educational agencies (LEAs) request to be allowed to provide instruction in fewer than the 20 days required by law for extended school year (ESY). Each LEA proposes an alternate schedule that will allow them to provide the minimum number of hours required, but in fewer days.

Authority for Waiver: California *Education Code* (*EC*) Section 33050

RECOMMENDATION

☐ **Approval** ☒ **Approval with conditions** ☐ **Denial**

The California Department of Education recommends that the State Board of Education (SBE) approve the request from ten LEAs to provide ESY services for fewer than 20 days with the condition that 80 hours or more of instruction be provided. (A minimum of 76 hours of instruction may be provided if a holiday is included.) Also, special education and related services offered during the extended year period must be comparable in standards, scope, and quality to the special education program offered during the

regular academic year as required by *California Code of Regulations,* Title 5 (5 *CCR*), Section 3043(d).

SUMMARY OF KEY ISSUES

Due to the current fiscal crisis in California, the Anderson Union High School District (AUHSD) proposes to provide ESY services to identified special education students utilizing a 15-day, five and one half hours instruction model rather than a traditional 20-day, four hours of instruction model. Students would receive the same or greater number of instructional minutes. The longer school day for ESY will align better with the regular school year providing more consistency for the students served. Fewer ESY days will result in substantial savings in transportation, utilities, janitorial, food services, administration and clerical costs.

Due to the continued fiscal unknowns in California, the Butte County Office of Education (BCOE) proposes to provide ESY services to identified special education students utilizing a 15-day, six hours of instruction model rather than the traditional 20-day, four hours of instruction model. Students would receive the same or greater number of instructional minutes. The operation of 15 days instead of 20 days would better match the district calendars of sites where BCOE classes are located, allowing students more opportunities to be with their typically developing peers. Fewer ESY days will result in substantial savings in transportation, utilities, janitorial, food services, administration, and clerical costs. The proposed model of providing 15 days of service will allow for all the expenses to be accounted for in one fiscal year, rather than two.

Chula Vista Elementary Unified School District (CVESD) proposes to do the following:

- To provide ESY services utilizing a 13-day model of 6.15 hours of instruction per day. This proposal aligns with the district's modified school schedule which outlines a very short summer break which would not be effective with a traditional ESY schedule.

- The ESY schedule would run from June 11 to June 27, 2014; and would be operational for 13 days at 6.15 hours per day which would amount to the required 80 hours. This provides a 14 day break for certificated staff and 16 day break for students over the summer.

- This is deemed as a cost saving measure for the District as this change in the ESY schedule will allow for savings in transportation and operational costs; as well as work with the modified school calendar the district just recently adopted which called for shorter summer breaks.

The Cuyama Joint Unified School District has presented this proposal for one special day class, with a total of four students attending. The District proposes to provide ESY services utilizing a 16-day model offering 6 hours of instruction per day. This proposal actually provides a higher level of service, with a total of 84 hours of instruction, while

the previous model (four hours per day over a 19 day period, including a holiday) provided 76 hours of instruction. The purposes of this proposal are: 1) to eliminate the need to have the program in July during peak temperatures of 99+ degrees; 2) to reduce the overall number of travel days, thereby reducing transportation costs for the District; and 3) to provide more intensive special education support in less time.

Imperial County Office of Education (ICOE) proposes to be allowed to do the following:

- To provide ESY services utilizing a 16-day model over a four week period of four day weeks, 4.75 hours per day, providing the same number of instructional hours equal to the traditional 20-day calendar, including holidays. The ICOE believes that an increase in daily instructional time over a period of 16 days will result in educational benefit for students. This change will align the operational needs of ICOE.

- This proposal would align with the ESY waiver El Centro Elementary School District (ECESD) plans to request. ECESD provides ESY services to some Imperial Valley Center for Exceptional Children students, a county program. Further, both programs utilize the ICOE's transportation and support providers and ECESD houses the majority of ICOE's classrooms, which allows for a rotation schedule with meal preparation costs between all concerned parties for students.

- The ESY schedule will be a four day week at 4.75 hours per day. This schedule allows for better alignment with ICOE summer hours and provides facility and transportation costs savings for local districts.

National Elementary School District requests the following be considered for the purpose of approving an ESY waiver for this summer:

- The National Elementary School District proposes to provide ESY services utilizing a 15-day model of five and one-half hours of instruction per day. This proposal aligns the district schedule with the regular academic schedule of students during the school year. This takes into consideration that the summer break is shorter this year for all students and there is not as much time available for family time over the summer break.

- The ESY schedule would be in effect from June 9 to June 27, 2014. The students and their families have indicated a preference for this kind of schedule which is aligned to their regular schedule. Furthermore, the LEA's data shows summer school attendance being an issue after the 4th of July holiday. The LEA's data shows that student attendance drops dramatically after the holidays. The LEA believes that by having this school schedule, it will circumvent the attendance issue.

- In the past the LEA has had difficulty in hiring qualified personnel. This schedule

will help increase the quality of personnel hired for the ESY program because more special education staff are willing to teach a full schedule load for a shorter period of time so they can have a longer summer break (approximately three weeks, as opposed to 10 days) before the regular school term starts up again.

The Oroville City Elementary School District (OCESD) proposes to provide ESY services to identified special education students utilizing 15-day, 5.5-hour per day instructional model. Students would receive the same or greater number of instructional minutes. This would enable the OCESD to align its schedule with the BCOE which serves some of the OCESD students in its ESY program. The BCOE support staff provides needed services to OCESD students during the ESY. Transportation and support providers would then follow the same schedule for both agencies. During the 2012–13 school year, this model was successfully implemented and coordinated with the BCOE's ESY services.

The San Diego County Office of Education (SDCOE) proposes to do the following:

- To provide ESY services utilizing a 13-day model of 6.15 hours of instruction per day. This proposal aligns with the CVESD ESY calendar. CVESD provides support services to Davila Day School, a school located within the SDCOE. Furthermore, both programs utilize the SDCOE's transportation and support providers.

- This is deemed as a cost saving measure for the COE as this change in the ESY schedule will allow for savings in transportation and operational costs; as well as work with the modified school calendar the CVESD just recently adopted which calls for shorter summer breaks.

South Bay Union School District is a school district in a town that borders the United States and Mexico. The school calendar is modified in a way that allows the students and their families to cross the border into Mexico at regular intervals (fall break, Christmas break, and spring Break, two weeks in length at a time) to visit with families residing in Mexico. The number of students with individualized education programs (IEPs) utilizing ESY services is 246.

- The South Bay Union School District proposes to provide ESY services utilizing a 14-day model of 5.75 hours of instruction per day.

- The current school schedule, from the end of school year (which ends on June 10, 2014) and the start of the new school year (which starts on July 28, 2014) only allows for 33 days of vacation to be utilized for ESY services. Utilizing an abbreviated schedule, but longer school days, allows the District to save money with staffing and transportation costs as well as allows students to have some vacation days over the summer months.

- The ESY schedule for this year will be from Monday, June 16 to Thursday,

July 3, 2014; and will be at 5.75 hours per day. School hours will be from 8:30 a.m. to 2:15 p.m. daily. The District will meet the mandated instructional hours for ESY services provided to the students in spite of its' proposed abbreviated schedule.

The Tehama County Office of Education (TCOE) is requesting a waiver to allow the county run ESY program to operate for 15 days total, 10 days in June 2014 and 5 days in August 2014, which will allow the COE to avoid lost instructional time due to the 4th of July holiday and provide a "jump start" in August, facilitating the students' readiness to learn prior to the school year opening.

The preschool program will run for four hours per day versus three hours per day, and the K-Adult programs will operate for 5 and one half hours per day versus four hours per day rather than the traditional 20 day program which provided three hours of instruction per day. The hours per day, per program, will actually increase the minutes of instruction over the ESY and will align better with the typical school day for all grade levels served.

All special education and related services that are offered during the extended year period will be comparable in standard, scope, and quality of those offered during the regular academic year as required by the *CCR*.

The CVESD meets the criteria for the SBE Streamlined Waiver Policy, available at http://www.cde.ca.gov/re/lr/wr/documents/sbestreamlined.doc, due to an individual school achieving an Academic Performance Index (API) of 800 or above in the current scoring cycle and meeting API growth targets for all subgroups. The CVESD has a 2013 Growth API of 863.

For the purposes of reimbursement for average daily attendance, an ESY program:

- Must provide instruction of at least as many minutes over the shorter period as would have been provided during a typical 20-day program;

- Must be the same length of time as the school day for pupils of the same age level attending summer school in the district in which the extended year program is provided, but not less than the minimum school day for that age unless otherwise specified in the IEP to meet a pupil's unique needs; and

- Must offer special education and related services during the extended year period that are comparable in standards, scope, and quality to the special education program offered during the regular academic year.

Because this is a general waiver, if the SBE decides to deny the waiver, it must cite one of the seven reasons in *EC* 33051(a), available at http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC&sectionNum=33051.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

In the past, the SBE approved waivers to allow school districts to provide the required minimum amount of instruction in fewer days during the ESY for special education students.

Extended school year is the term for the education of special education students "between the close of one academic year and the beginning of the next," similar to a summer school. It must be provided for each individual with exceptional needs whose IEP requires it. LEAs may request a waiver to provide an ESY program for fewer days than the traditional model.

FISCAL ANALYSIS (AS APPROPRIATE)

There is no statewide fiscal impact of waiver approval.

ATTACHMENTS

Attachment 1: Summary Table (4 pages)

Attachment 2: Anderson Union High School District General Waiver Request 1-1-2014 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: Butte County Office of Education District General Waiver Request 89-2-2014 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 4: Chula Vista Elementary District General Waiver Request 30-1-2014 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 5: Cuyama Joint Unified School District General Waiver Request 4-4-2014 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 6: Imperial County Office of Education District General Waiver Request 90-2-2014 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 7: National Elementary School District General Waiver Request 110-2-2014 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 8: Oroville City Elementary School District General Waiver Request 43-1-2014 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 9: San Diego County Office of Education General Waiver Request 37-1-2014 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 10: South Bay Union School District General Waiver Request 18-1-2014 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 11: Tehama County Office of Education General Waiver Request 108-2-2014 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Extended School Year Summary Table

Waiver Number	District	Period of Request	Demographics	Local Board and Public Hearing Approval Date	Bargaining Unit, Representative Consulted, Date, and Position	Public Hearing Advertised	Advisory Committee or Site Council Consulted/ Date	Position of Committee/ Council
1-1-2014	Anderson Union High School District (AUHSD)	**Requested:**: 6/12/14 to 7/2/14 **Recommended:** 6/12/14 to 7/2/14	Student population of 1,960, located in a small city in Shasta County	12/17/13	California School Employees Association #382, Brian Moore, Chapter President, 1/8/14: **Support**	Posted at all district schools, at the district office, and on the district website	AUHSD Board of Trustees 12/17/13	Support
89-2-2014	Butte County Office of Education	**Requested:**: 7/1/14 to 7/1/16 **Recommended:** 6/1/15 to 6/30/15	Serves a special education population of 140 students, located in Butte County	2/10/14	Butte County Teachers Association Rachel Frank, President, 11/20/13: **Support** California School Employees Association classified employees #436, Veronica Rosales President, 1/21/14: **Support** California School Employees Association secretarial employees #736, Tammy Long, President, 12/16/13: **Neutral**	Posted at each schoolsite and at three non-school locations	Butte County Board of Education 2/10/14	Support

Waiver Number	District	Period of Request	Demographics	Local Board and Public Hearing Approval Date	Bargaining Unit, Representative Consulted, Date, and Position	Public Hearing Advertised	Advisory Committee or Site Council Consulted/ Date	Position of Committee/ Council
30-1-2014	Chula Vista Elementary School District	**Requested:**: 6/11/14 to 6/27/14 **Recommended:** 6/11/14 to 6/27/14	Student population of 29,000, located in a suburban environment in San Diego County	12/11/13	Chula Vista Educators, Manual Yvallez, President, 12/11/13: **Neutral**	Posted at school sites	District Advisory Council/ District English Learner Advisory Committee 12/18/13	Support
4-4-2014	Cuyama Joint Unified School District	**Requested:** 6/9/14 to 6/27/14 **Recommended:** 6/9/14 to 6/27/14	Student Population of 164, located in a rural setting in Santa Barbara County	3/13/2014	California School Employees Association, Michael Ostini, President, 3/07/14 **Support** Santa Barbara County Education Association, Laura Ishikawa, President, 2/27/14 **Support**	Notice posted at each school; notice posted at public locations in the community.	School Site Council Community Council 2/24/14	Support
90-2-2014	Imperial County Office of Education	**Requested:** 6/16/14 to 7/10/14 **Recommended:** 6/16/14 to 7/10/14	A student population of 553 students, located in a rural setting in Imperial County	2/11/14	Imperial County Office of Teachers' Association, Yolanda Benito, President, 1/29/14: **Neutral**	Advertised through the local newspaper, the Imperial Valley Press	Imperial Valley Center for Exceptional Children Schoolsite Council 1/29/14	Support

Waiver Number	District	Period of Request	Demographics	Local Board and Public Hearing Approval Date	Bargaining Unit, Representative Consulted, Date, and Position	Public Hearing Advertised	Advisory Committee or Site Council Consulted/ Date	Position of Committee/ Council
110-2-2014	National Elementary School District	**Requested:** 6/9/14 to 6/27/14 **Recommended:** 6/9/14 to 6/27/14	Student population of 5,779, located in an urban environment in San Diego County	2/12/14	National City Elementary Teachers Association, Mary Kay Rosinski, Special Education Unit Representative, 11/19/13: **Support**	Posted at all schools, at District Office, Testing Center and library	District Advisory Committee 1/22/14	Support
43-1-2014	Oroville City Elementary School District	**Requested:** 6/10/14 to 6/30/15 **Recommended:** 6/10/14 to 6/30/15	Student population of 2596, located in a small city in Butte County	1/15/14	California School Employees' Association, Carla Held, President, 1/18/13: **Support** Oroville Elementary Teachers' Association, Tina Light, President, 11/8/13: **Support**	Posting at each school, the District office and Web site, and the Butte County Office of Education	Oroville City Elementary School District Board of Education 1/15/14	Support
37-1-2014	San Diego County Office of Education (SDCOE)	**Requested:** 6/1/14 to 6/1/15 **Recommended:** 6/1/14 to 6/1/15	The Davila Day School located within SDCOE, has a student population of 40, located in an urban environment in San Diego County	1/8/14	Association of Educators, Ron Palaca, President, 11/11/13: **Support** California School Employees Association Chapter 56, Mike Reese, President, 11/11/13 **Support**	Posted at the school and online. Printed copies were posted on campus	Special Education Community Advisory Committee 11/20/13	Support

Waiver Number	District	Period of Request	Demographics	Local Board and Public Hearing Approval Date	Bargaining Unit, Representative Consulted, Date, and Position	Public Hearing Advertised	Advisory Committee or Site Council Consulted/ Date	Position of Committee/ Council
18-1-2014	South Bay Union School District	**Requested:** 6/16/14 to 7/3/14 **Recommended:** 6/16/14 to 7/3/14	Student population of 7739 students, located in a small city in San Diego County	12/12/13	California School Employees Association, Chapter 59, Beth Gillen, President, 11/1/13: **Support** South West Teacher's Association, Lorena Garcia, President, 11/1/13: **Support**	District posting and meeting agenda	District Advisory Committee 11/5/13	Support
108-2-2014	Tehama County Office of Education	**Requested:** 6/18/14 to 8/8/14 **Recommended:** 6/18/14 to 8/8/14	Student population of 48, located in a rural area in Tehama County	1/15/14	Tehama County Certificated Employees' Organization, Laura Ray, President, 12/6/13: **Support** Tehama County Chapter #406, Dawn Retzlaff, President, 12/2/13: **Support**	Notice in newspaper, on-line, and on the entry door of Tehama County Office of Education	Community Advisory Council 12/20/13	Support

California Department of Education
WAIVER SUBMISSION - General

CD Code: 4569856 Waiver Number: 1-1-2014 Active Year: 2014

Date In: 1/3/2014 12:04:49 PM

Local Education Agency: Anderson Union High School District
Address: 1469 Ferry St.
Anderson, CA 96007

Start: 6/12/2014 End: 7/2/2014

Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: Special Education Program
Ed Code Title: Extended School Year (Summer School)
Ed Code Section: *CCR,* Title 5, Section 3043(d)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: 5 *CCR* 3043 – Extended School Year. Extended school year services shall be provided for each individual with exceptional needs who has unique needs and requires special education and related services in excess of the regular academic year. . . .
(d) [An extended year program shall be provided for a minimum of 20 instructional days, including holidays.]

Outcome Rationale: Due to the current fiscal crisis in California, the Anderson Union High School District proposes to provide Extended School Year (ESY) services to identified special education students utilizing a fifteen (15) day, five and one half (5 ½) hours of instructional model rather than the traditional model of twenty (20) days with four (4) hours of instruction. Students will receive the same number of instructional minutes. The longer school day for ESY will align better with the regular school year providing more consistency for the students served. Fewer ESY days will result in substantial savings in transportation, utilities, janitorial, food services, administration, and clerical costs.

Student Population: 1960

City Type: Rural

Public Hearing Date: 12/17/2013
Public Hearing Advertised: Posted at all district schools, at the district office, and on the district website.

Local Board Approval Date: 12/17/2013

Community Council Reviewed By: AUHSD Board of Trustees
Community Council Reviewed Date: 12/17/2013
Community Council Objection: N

Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Charlie Kennedy
Position: Director of Special Education
E-mail: ckennedy@auhsd.net
Telephone: 530-378-0568 x1661
Fax: 530-378-0834

Bargaining Unit Date: 1/08/14
Name: California School Employees Association #382
Representative: Brian Moore
Title: CSEA Chapter President
Position: Support
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 0410041 Waiver Number: 89-2-2014 Active Year: 2014

Date In: 2/13/2014 11:30:34 AM

Local Education Agency: Butte County Office of Education
Address: 1859 Bird Street
Oroville, CA 95965

Start: 7/1/2014 End: 7/1/2016

Waiver Renewal: Y
Previous Waiver Number: 27-11-2012-W-14 Previous SBE Approval Date: 3/14/2013

Waiver Topic: Special Education Program
Ed Code Title: Extended School Year (Summer School)
Ed Code Section: *CCR*, Title 5, Section 3043(d)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: 5 *CCR* 3043 – Extended School Year. Extended school year services shall be provided for each individual with exceptional needs who has unique needs and requires special education and related services in excess of the regular academic year. Such individuals shall have handicaps which are likely to continue indefinitely or for a prolonged period, and interruption of the pupil's educational programming may cause regression, when coupled with limited recoupment capacity, rendering it impossible or unlikely that the pupil will attain the level of self-sufficiency and independence that would otherwise be expected in view of his or her handicapping condition. The lack of clear evidence of such factors may not be used to deny an individual an extended school year program if the individualized education program team determines the need for such a program and includes extended school year in the individualized education program pursuant to subsection (f). [(d) An extended year program shall be provided for a minimum of 20 instructional days, including holidays.]

Outcome Rationale: For the last two years, BCOE has applied for a waiver to Ed Code 5 *CCR* 3043 which discusses Extended School Year services. The waiver request addressed only the length of days an Extended School Year (ESY) program is offered. CDE has granted the waiver to BCOE since the 2011-12 school year.

We are seeking to renew this request for a General Waiver from the California Department of Education. If granted, the waiver would be in effect for two school years.

Rationale: Due to the continued fiscal unknowns in California, BCOE proposes to provide Extended School Year (ESY) services to identified special education students utilizing a fifteen (15) day, six (6.0) hours of instructional model rather than the traditional model of twenty (20) day with four (4) hours of instruction.

Students would receive the same or greater number of instructional minutes. The operation of ESY for 15 days instead of 20 will better match the district calendars of sites where BCOE

classes are located allowing students more opportunities to be with their typically developing peers.

Surrounding districts, Oroville and Paradise are also seeking a waiver, which will again align services and supports to neighboring districts.

On a fiscal side, fewer ESY days will result in substantial savings in transportation, utilities, janitorial, food services, administration and clerical costs to districts. Lastly, the proposed model of providing 15 days of service will allow for all the expenses to be accounted for in one fiscal year, rather than two.

Student Population: 140

City Type: Rural

Public Hearing Date: 2/10/2014
Public Hearing Advertised: Notice posted at each school site and at 3 other non-school locations

Local Board Approval Date: 2/10/2014

Community Council Reviewed By: Butte County Board of Education
Community Council Reviewed Date: 2/10/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Michelle Zevely
Position: Director of Special Education
E-mail: mzevely@bcoe.org
Telephone: 530-532-5792
Fax: 530-532-5794

Bargaining Unit Date: 11/20/2013
Name: Butte County Teachers Association
Representative: Rachel Frank
Title: President
Position: Support
Comments:

Bargaining Unit Date: 01/21/2014
Name: California School Employees Association, classified employees #436
Representative: Veronica Rosales
Title: President
Position: Support
Comments:

Bargaining Unit Date: 12/16/2013
Name: California School Employees Association, secretarial employees #736
Representative: Tammy Long
Title: President
Position: Neutral
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 3768023 Waiver Number: 30-1-2014 Active Year: 2014

Date In: 1/13/2014 12:05:59 PM

Local Education Agency: Chula Vista Elementary School District
Address: 84 East J St.
Chula Vista, CA 91910

Start: 6/11/2014 End: 6/27/2014

Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: Special Education Program
Ed Code Title: Extended School Year (Summer School)
Ed Code Section: *CCR*, Title 5, Section 3043(d)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: 5 *CCR* 3043 (d)

Outcome Rationale: Chula Vista Elementary School District requests a waiver to modify the required 20 day extended school year. This waiver to apply to CVESD SPED programs. There is no summer school program for general education students in CVESD. For the 2013-14 school year, the district modified the calendar to be in close alignment with the secondary school district. This creates a short time period between school years. The 2013-14 school year ends on June 6 for students, and June 9 for teachers. The 2014-15 school year starts on July 21, 2014 for teachers, and July 23, 2014 for students.

Holding a traditional 20-day ESY would provide a schedule of June 11 – July 8, 4 hours/day, minus holiday (76 hours). This would provide a shortened time break period for students and staff, of only 8 days for staff, and 10 days for students.

Holding a modified 20-day ESY, would provide a schedule of June 11 – June 27, 13 days, 6.15 hours/day (80 hours). This would provide a break period of 14 work days for staff, and 16 school days for students. Students would receive the full 80 hours of instruction. Longer days can provide greater opportunity for instructional impact. Fewer days save operational and transportation costs.

Student Population: 29000

City Type: Suburban

Public Hearing Date: 12/11/2013
Public Hearing Advertised: Posted at school sites.

Local Board Approval Date: 12/11/2013

Community Council Reviewed By: District Advisory Council/District English Learner Advisory Committed
Community Council Reviewed Date: 12/18/2013
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Dr. John Nelson
Position: Assistant Superintendent
E-mail: john.nelson@cvesd.org
Telephone: 619-425-9600 x1502
Fax: 619-425-2704

Bargaining Unit Date: 12/11/2013
Name: Chula Vista Educators
Representative: Manuel Yvellez
Title: President
Position: Neutral
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 4275010 Waiver Number: 4-4-2014 Active Year: 2014

Date In: 4/4/2014 10:06:16 AM

Local Education Agency: Cuyama Joint Unified School District
Address: 2300 Highway 166
New Cuyama, CA 93254

Start: 6/9/2014 End: 6/27/2014

Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: Special Education Program
Ed Code Title: Extended School Year (Summer School)
Ed Code Section: *CCR*, Title 5, Section 3043(d)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: *California Code of Regulations* (*CCR*), Title 5, Section 3043 (d): An extended year program shall be provided for a [minimum of 20 instructional days, including holidays.]

Outcome Rationale: Extended School Year (ESY) typically operates for 4 hours/day for 19 days (76 hours of instruction, plus one holiday). We propose to operate the ESY program for students in the Special Day Class (4 students total) at Cuyama Elementary School from 6/9/14-6/26/14 from 7:30-1:30 daily. This totals 84 instructional hours.

Rationale: This will provide the following benefits:
1) Students and staff would not be required to attend school during the month of July, when the average daily temperature in Cuyama is 99+ degrees.
2) Reduce travel days for students, thereby reducing transportation costs to the district.
3) Provide more intensive Special Education support in less time.

PLEASE NOTE: This request is for one program in the County only -- the Special Day Class located at Cuyama Elementary School, which is operated by Santa Barbara County Education Office. The ESY program serves 4 students, with 1 teacher and 1 Instructional Assistant.

Student Population: 164

City Type: Rural

Public Hearing Date: 3/13/2014
Public Hearing Advertised: Notice posted at each school; notice posted at public locations in the community.

Local Board Approval Date: 3/13/2014

Community Council Reviewed By: School Site Council
Community Council Reviewed Date: 2/24/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Cathy DeLaurentis
Position: Coordinator, Special Education
E-mail: cdelaurentis@sbceo.org
Telephone: 805-922-0334 x2308
Fax: 805-922-6543

Bargaining Unit Date: 03/07/2014
Name: California School Employees Association
Representative: Michael Ostini
Title: President, Chapter 817
Position: Support
Comments:

Bargaining Unit Date: 02/27/2014
Name: Santa Barbara County Education Assoc., CTA/NEA
Representative: Laura Ishikawa
Title: President
Position: Support
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1310132 Waiver Number: 90-2-2014 Active Year: 2014

Date In: 2/13/2014 12:17:18 PM

Local Education Agency: Imperial County Office of Education
Address: 1398 Sperber Rd.
El Centro, CA 92243

Start: 6/16/2014 End: 7/10/2014

Waiver Renewal: Y
Previous Waiver Number: 31-2-2013-W-18 Previous SBE Approval Date: 5/8/2013

Waiver Topic: Special Education Program
Ed Code Title: Extended School Year (Summer School)
Ed Code Section: *CCR*, Title 5, Section 3043(d)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: An extended year program shall be provided for a minimum of 20 instructional days, including holidays.

Outcome Rationale: The ICOE Special Education Program is requesting a waiver to *CCR*, Title 5, 3043(d). Title 5 California Code of Regulation 3043 (d) requires, "An extended year program shall be provided for a minimum of 20 instructional days, including holidays." If approved, the waiver will allow operation of a 16 day Extended School Year program at 4.75 hours per day. The proposed dates are June 16, 2014 through July 10, 2014. The schedule proposed contains the same number required instructional minutes; however the four-day, 4.75 schedule allows for better alignment with the ICOE summer hours, and provides facility and transportation cost savings for local districts. Additionally, this proposed schedule and calendar would align with the summer schedule of El Centro Elementary School District, who is also requesting a similar waiver. *EC*ESD houses the majority of our classrooms and is associated with IVC*EC*. Also *EC*ESD provides breakfast and lunch to our El Centro based classrooms and IVC*EC* so alternate arrangements for the school breakfast and lunch program would not have to be made if our days of operation were in alignment with *EC*ESD.

Student Population: 553

City Type: Rural

Public Hearing Date: 2/11/2014
Public Hearing Advertised: Hearing was advertised through the local newspaper, the Imperial Valley Press

Local Board Approval Date: 2/11/2014

Community Council Reviewed By: Imperial Valley Center for Exceptional Children Schoolsite

Council
Community Council Reviewed Date: 1/29/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Spencer Wavra
Position: Senior Director of Special Education
E-mail: swavra@icoe.org
Telephone: 760-312-6428
Fax: 760-312-6530

Bargaining Unit Date: 01/29/2014
Name: Imperial County Office of Education Teachers' Association
Representative: Yolanda Benito
Title: ICOETA President
Position: Neutral
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 3768221 Waiver Number: 110-2-2014 Active Year: 2014

Date In: 2/24/2014 12:08:33 PM

Local Education Agency: National Elementary School District
Address: 1500 N Ave.
National City, CA 91950

Start: 6/9/2014 End: 6/27/2014

Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: Special Education Program
Ed Code Title: Extended School Year (Summer School)
Ed Code Section: Title 5, Section 3043(d)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: *California Code of Regulations* (*CCR*), Title 5, Section 3043 (d) An extended year program shall be provided for a minimum of 20 instructional days, including holidays.

Outcome Rationale: *California Code of Regulations* (*CCR*), Title 5, Section 3043(d) requires that a District provide extended school year services (between the close of one academic year and the beginning of the next) to a student who has unique needs and requires special education and related services in excess of the regular academic year. *CCR*, Title 5 Section 3043(d) requires that the program be provided for a minimum of 20 instructional days, typically for four hours each day (no than the regular school day).

National School District is requesting to provide: 1) 15 full days of instruction (5.35 hours, grades K to 6th) to provide the 80 hours, as required; 2) the instructional minutes will be the same as the 20 days of instruction therefore ADA will be claimed for the 20 days; and 3) *Education Code* 33051 will apply.

National School District has determined that providing 15 full days (5.35 hours) of instruction that is equal to the mandated total of 80 hours for their extended school year provides more continuity for delivery of instruction for the special education programming for student. The District is requesting a waiver so that the extended year program for special education students may be modified to more closely match that of the regular day during the school year.
This allows waiver would allow special education students to participate in their educational experience and receive designated instructional services in a like schedule to their existing schedule, allow students and families the flexibility to plan for an extended break without interrupting the students' educational program, and will assist in the recruitment of qualified special educational staff due to the compacted summer schedule. This waiver would further allow for simplification of transportation, maintenance/operations and food service issues.

Student Population: 5779

City Type: Urban

Public Hearing Date: 2/12/2014
Public Hearing Advertised: Notification posted at all schools, at District Office, Testing Center and library

Local Board Approval Date: 2/12/2014

Community Council Reviewed By: District Advisory Committee
Community Council Reviewed Date: 1/22/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Meghann O'Connor
Position: Coordinator Student Support Services
E-mail: meghann.o'connor@national.k12.ca.us
Telephone: 619-336-7748
Fax: 619-336-7551

Bargaining Unit Date: 11/19/2013
Name: National City Elementary Teachers Association
Representative: MaryKay Rosinski
Title: Special Education Unit Representative
Position: Support
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 0461507 Waiver Number: 43-1-2014 Active Year: 2014

Date In: 1/28/2014 10:33:00 AM

Local Education Agency: Oroville City Elementary School District
Address: 2795 Yard St.
Oroville, CA 95966

Start: 6/10/2014 End: 6/30/2015

Waiver Renewal: Y
Previous Waiver Number: 42-2-2013-W-18 Previous SBE Approval Date: 5/8/2013

Waiver Topic: Special Education Program
Ed Code Title: Extended School Year (Summer School)
Ed Code Section: *CCR*, Title 5, Section 3043 (d)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: [An extended year program shall be provided for a minimum of 20 instructional days, including holidays.]

Outcome Rationale: The District proposes to provide ESY services to identified special education students utilizing a 15-day, 5.50-hour per day instructional model. Students will receive the same or greater number of instructional minutes. This will enable the District to align its schedule with the Butte County Office of Education which serves some of our students in their ESY program. BCOE support staff also provides needed services to OCESD students during ESY. Transportation and support providers would then follow the same schedule for both agencies.

During the 2012-13 school year, this model was succssfully implemented and coordinated with the Butte County Office of Education's extended school year services.

Student Population: 2596

City Type: Small

Public Hearing Date: 1/15/2014
Public Hearing Advertised: A notice was posted at the District Office and at each school site; on the District's website; and at two locations at the Butte County Office of Education.

Local Board Approval Date: 1/15/2014

Community Council Reviewed By: Oroville City Elementary School District Board of Education
Community Council Reviewed Date: 1/15/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Dr. Penny Chennell-Carter
Position: Superintendent
E-mail: pchennel@ocesd.org
Telephone: 530-532-3000 x1
Fax: 530-532-3050

Bargaining Unit Date: 11/18/2013
Name: California School Employees' Association
Representative: Carla Held
Title: President
Position: Support
Comments:

Bargaining Unit Date: 11/08/2013
Name: Oroville Elementary Teachers' Association
Representative: Tina Light
Title: President
Position: Support
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 3710371 Waiver Number: 37-1-2014 Active Year: 2014

Date In: 1/21/2014 9:31:28 AM

Local Education Agency: San Diego County Office of Education
Address: 6401 Linda Vista Rd.
San Diego, CA 92111

Start: 6/1/2014 End: 6/1/2015

Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: Special Education Program
Ed Code Title: Extended School Year (Summer School)
Ed Code Section: *California Code of Regulations*, Title 5, Section 3043(d)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: 3043 Extended school year services shall be provided for each individual with exceptional needs who has unique needs and requires special education and related services in excess of the regular academic year. Such individuals shall have handicaps which are likely to continue indefinitely or for a prolonged period, and interruption of the pupil's educational programming may cause regression, when coupled with limited recoupment capacity, rendering it impossible or unlikely that the pupil will attain the level of self-sufficiency and independence that would otherwise be expected in view of his or her handicapping condition. The lack of clear evidence of such factors may not be used to deny an individual an extended school year program if the individualized education program team determines the need for such a program and includes extended school year in the individualized education program pursuant to subsection (f).

(a) Extended year special education and related services shall be provided by a school district, special education local plan area, or county office offering programs during the regular academic year.

(b) Individuals with exceptional needs who may require an extended school year are those who: (1) Are placed in special classes or centers; or (2) Are individuals with exceptional needs whose individualized education programs specify an extended year program as determined by the individualized education program team.

(c) The term "extended year" as used in this section means the period of time between the close of one academic year and the beginning of the succeeding academic year. The term "academic year" as used in this section means that portion of the school year during which the regular day school is maintained, which period must include not less than the number of days required to entitle the district, special education services region, or county office to apportionments of state funds.

(d) [An extended year program shall be provided for a minimum of 20 instructional days, including holidays]

Outcome Rationale: South County SELPA and San Diego County Office of Education on behalf of Davila Day School is requesting a waiver to modify the required 20 day extended school year (ESY) program to 12 days, due to the circumstances described below. This request is for the current school year only (2013-14).

South County SELPA has approximately 40 students with IEPs who qualify for extended school year. There is no summer school program for any other students in the SELPA. The Davila Day School's is aligned with the host District's (Chula Vista Elementary School District) calendar creating a much shorter time between school years. The last day of the regular 2013-14 school year is June 6th for students and June 9th for Teachers. The first day of the 2014-15 school year is July 21st , 2014 for teachers and July 23rd for Students. This shortened period provides only 31 week days to hold an ESY session.

A 12 day ESY program combined with a shortened 19 day period in the summer with no school, would still allow the County to address the regression and recoupment needs of identified students. An additional benefit would be a greater likelihood that the students' teachers and aides will choose to work if the session is shorter.

The ESY program, for the purposes of reimbursement for average daily attendance, will provide instruction of at least as many minutes over the 12 day period as it would have during the typical 20 day ESY program and will receive the reimbursement for the 20 days of instruction.

Student Population: 40

City Type: Urban

Public Hearing Date: 1/8/2014
Public Hearing Advertised: A notice that included the time, date, location and subject of the hearing was posted at the school. Notice of the public hearing was also posted online. Printed copies were posted on campus.

Local Board Approval Date: 1/8/2014

Community Council Reviewed By: Special Education Community Advisory Committee
Community Council Reviewed Date: 11/20/2013
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Russell Coronado
Position: Senior Director
E-mail: rcoronado@sdcoe.net
Telephone: 619-470-5224 x5226
Fax:

Bargaining Unit Date: 11/11/2013
Name: Association of Educators
Representative: Ron Palacz
Title: President
Position: Support
Comments:

Bargaining Unit Date: 11/11/2013
Name: California School Employees Association Chapter 56
Representative: Mike Reese
Title: President
Position: Support
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 3768395 Waiver Number: 18-1-2014 Active Year: 2014

Date In: 1/7/2014 5:13:34 PM

Local Education Agency: South Bay Union School District
Address: 601 Elm Ave.
Imperial Beach, CA 91932

Start: 6/16/2014 End: 7/3/2014

Waiver Renewal: Y
Previous Waiver Number: 1-5-2013-W-13 Previous SBE Approval Date: 7/11/2013

Waiver Topic: Special Education Program
Ed Code Title: Extended School Year (Summer School)
Ed Code Section: *CCR*, Title 5, Section 3043(d)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: *California Code of Regulations*, Title 5, Section 3043(d), which requires a minimum of [20] school days of attendance for an extended school year (summer school) for special education students.

Outcome Rationale: South Bay Union School District is requesting a waiver to modify the required 20 day extended school year (ESY) program to 14 days, due to the circumstances described below. This request is for the current school year only (2013-2014).

South Bay Union School District has approximately 246 students with IEPs who qualify for extended school year. There is no summer school program for any other students in the District. This school year, the district modified its school calendar to align with the area secondary schools, creating a much shorter time between school years. The last day of the regular 2013-2014 school year is June 10th for students and teachers. The first day of the 2014-2015 school year is anticipated to be July 28, 2014. This shortened period provides only 33 days to hold an ESY session.

A 14 day ESY program (June 16, 2014-July 3, 2014 for 5.75 hours/day) combined with a shortened period in the summer with no school, would still allow the District to address the regression and recoupment needs of identified students. An additional benefit would be a greater likelihood that the students' teachers and aides will choose to work if the session is shorter.

The ESY program, for the purposes of reimbursement for average daily attendance, will provide instruction of at least as many minutes over the 14 day period as it would have during the typical 20 day ESY program and will receive the reimbursement for the 20 days of instruction. Longer days can provide greater opportunity for instructional impact. Fewer days may save operational and transportation costs.

Student Population: 7739

City Type: Small

Public Hearing Date: 12/12/2013
Public Hearing Advertised: District posting & meeting agenda

Local Board Approval Date: 12/12/2013

Community Council Reviewed By: District Advisory Committee
Community Council Reviewed Date: 11/5/2013
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Erin Lain
Position: Director, Student Services
E-mail: elain@sbusd.org
Telephone: 619-628-1660
Fax: 619-628-1669

Bargaining Unit Date: 11/01/2013
Name: California School Employees Association, Ch. 59
Representative: Beth Gillen
Title: President
Position: Support
Comments:

Bargaining Unit Date: 11/01/2013
Name: South West Teacher's Association
Representative: Lorena Garcia
Title: President
Position: Support
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 5210520 Waiver Number: 108-2-2014 Active Year: 2014

Date In: 2/24/2014 10:37:28 AM

Local Education Agency: Tehama County Office of Education
Address: 1135 Lincoln St.
Red Bluff, CA 96080

Start: 6/18/2014 End: 8/8/2014

Waiver Renewal: Y
Previous Waiver Number: 48-3-2013 Previous SBE Approval Date: 7/11/2013

Waiver Topic: Special Education Program
Ed Code Title: Extended School Year (Summer School)
Ed Code Section: Title 5, Section 3043(d)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: 3043(d) An extended year program shall be provided for a minimum of [20] instructional days, including holidays. (Change 20 to 15).

Outcome Rationale: The financial crisis in California has led us to look at how we can provide services in a smarter and leaner fashion. The TCDE is requesting a waiver to allow the County run Extended School Year (ESY) program to operate for 15 days total, 10 days in June 2014 and 5 days in August 2014, which will allow the Department to avoid lost instructional time due to the 4th of July holiday and provide a “Jump Start” in August, facilitating students readiness to learn prior to the school year opening. The preschool program will run for 4 hours per day vs. 3 hours per day, and the K-Adult programs will operate for 5.5 hours per day vs. 4 hours per day rather than the traditional 20 day program which provided three hours of instruction per day. The hours per day, per program, will actually increase the minutes of instruction over the Extended School Year and will align better with the typical school day for all grade levels served. All special education and related services that are offered during the extended year period will be comparable in standard, scope and quality of those offered during the regular academic year as required by California Code of regulations, Title 5, (5 *CCR*), Section 3043(d). Fewer ESY days will result in substantial savings in transportation, utilities, janitorial, food serviced, administration and clerical costs.

Student Population: 48

City Type: Rural

Public Hearing Date: 1/15/2014
Public Hearing Advertised: Notice in newspaper, on-line and on the entry door to the Tehama County Depart. of Education

Local Board Approval Date: 1/15/2014

Community Council Reviewed By: Community Advisory Council (CAC)
Community Council Reviewed Date: 12/20/2013
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Julie Howard
Position: Assistant SELPA Director
E-mail: jhoward@tehamaschools.org
Telephone: 530-527-8636
Fax: 530-529-4134

Bargaining Unit Date: 12/06/2013
Name: Tehama County Certificated Employees' Organization
Representative: Laura Ray
Title: President
Position: Support
Comments:

Bargaining Unit Date: 12/02/2013
Name: Tehama County Chapter #406 (CSEA-TCDE)
Representative: Dawn Retzlaff
Title: President
Position: Support
Comments:

California State Board of Education

Meeting Agenda Items for May 7-8, 2014

WAIVER ITEM W-05

ITEM #W-05

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2014 AGENDA

☒ **Specific Waiver**

SUBJECT Request by **Moreland School District** under the authority of California *Education Code* Section 56101 and *California Code of Regulations,* Title 5, Section 3100, to waive California *Education Code* Section 56362(c). Approval of this waiver will allow the District's resource specialist(s) to exceed the maximum caseload of 28 students by no more than four students (32 maximum). Waiver Number: 31-1-2014	☒ **Action** ☒ **Consent**

SUMMARY OF THE ISSUE(S)

The District requests to increase the caseload of a resource specialist from the required maximum caseload of 28 students to 32 students.

Authority for Waiver: California *Education Code* (*EC*) Section 56101

RECOMMENDATION

☐ **Approval** ☒ **Approval with conditions** ☐ **Denial**

The California Department of Education (CDE) recommends approval with the following condition: the district must provide instructional aide time of at least five hours daily whenever the resource specialist's caseload exceeds the statutory maximum caseload of 28 students by no more than four students (32 maximum), during the waiver's effective period, per *California Code of Regulations,* Title 5 (*5 CCR*), Section 3100(d)(2).

SUMMARY OF KEY ISSUES

A resource specialist is a credentialed teacher who provides instruction and services to children with individualized education programs (IEPs) that are with regular education teachers for the majority of the school day. Resource specialists coordinate special education services with general education programs for his or her students.

Before recommending approval, the existing complaint/compliance database for each district requesting a caseload waiver is examined. If it appears that a particular local educational agency is requesting large numbers of waivers, or upon complaint from an

individual resource specialist alleging that waiver conditions are not being followed, referrals are made to the Special Education Division for follow-up.

The district's enrollment exceeded their projections by approximately two hundred students. With an increase in their overall population came an increase of students with IEPs. The district demonstrates that the excess resource specialist caseload results from programmatic conditions and that the extraordinary condition will be resolved by the time the waiver expires. The waiver stipulates that an affected resource specialist will have the assistance of an instruction aid at least 5.5 hours daily whenever that resource specialist's caseload exceeds the statutory maximum during the waiver's effective period.

The waiver was agreed to by John Lozano (Resource Specialist Teacher) at Easterbrook Discovery School, and Paul Mack, union president of the bargaining unit.

The Department recommends approval. There have been no prior documented complaints registered with the CDE related to this school district exceeding the maximum resource specialist program caseload of 28 students.

Moreland School District has a student population of 977 and is located in a suburban area in Santa Clara County.

Moreland School District meets the criteria for the SBE Streamlined Waiver Policy, available at http://www.cde.ca.gov/re/lr/wr/documents/sbestreamlined.doc, due to an individual school achieving an Academic Performance Index (API) of 800 or above in the current scoring cycle and meeting API growth targets for all subgroups. Therefore, this waiver has been scheduled for the consent calendar. The Moreland School District has a 2013 Growth API of 879.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

EC Section 56101 allows the State Board of Education (SBE) to waive any provision of *EC* or regulation if the waiver is necessary or beneficial when implementing a student IEP. 5 *CCR* specifically allows the SBE to approve waivers for resource specialists providing special education services to allow them to exceed the maximum caseload of 28 students by no more than four students. However, there are specific requirements in these regulations which must be met for approval, and if these requirements are not met, the waiver must be denied:

1) The requesting agency demonstrates to the satisfaction of the SBE: (A) that the excess resource specialist caseload results from extraordinary fiscal and/or programmatic conditions; and (B) that the extraordinary conditions have been resolved or will be resolved by the time the waiver expires.

2) The waiver stipulates that an affected resource specialist will have the assistance of an instructional aide at least five hours daily whenever that resource specialist's caseload exceeds the statutory maximum during the waiver's effective period.

3) The waiver confirms that the students served by an affected resource specialist will receive all of the services called for in their individualized education programs.

4) The waiver was agreed to by any affected resource specialist, and the bargaining unit, if any, to which the resource specialist belongs, participated in the waiver's development.

5) The waiver demonstrates to the satisfaction of the SBE that the excess caseload can be reasonably managed by an affected resource specialist in particular relation to: (A) the resource specialist's pupil contact time and other assigned duties; and (B) the programmatic conditions faced by the resource specialist, including, but not limited to, student age level, age span, and the behavioral characteristics; number of curriculum levels taught at any one time or any given session; and intensity of student instructional needs.

The SBE receives about a dozen waivers of this type each year, and approximately 90 percent are approved. Due to the nature of this type of waiver, they are almost always retroactive.

FISCAL ANALYSIS (AS APPROPRIATE)

There is no statewide fiscal impact of waiver(s) approval.

ATTACHMENT(S)

Attachment 1: Summary Table (1 page)

Attachment 2: Moreland School District–Easterbrook Discovery School Specific Waiver Request 31-1-2014 (5 pages) (Original waiver request is signed and on file in the Waiver Office.)

Resource Specialist Program Summary Table

Waiver Number	School District/ School	Name of Teacher/ Agrees to Excess Caseload?	Over Statutory Caseload for More Than Two Years?	Current Aide Time/ Aide Time With Approved Waiver?	Demographics	Period of Request	Local Board Approval Date	Date/Name Bargaining Unit Consulted/ Position	Date/Name Advisory Committee Consulted/ Position
31-1-2014	Moreland School District Easterbrook Discovery School	John Lozano Yes	No	**Current:** 27.5 hours weekly **If Approved:** 43.5 hours weekly	Student population of 977, located in suburban area in Santa Clara County	**Requested:** 1/6/14 to 6/13/14 **Recommended:** 1/6/14 to 6/13/14	1/12/14	2/20/14 Paul Mack, Union President Neutral	2/20/14 Beth Majchrzak, SELPA Director Neutral

California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 4369575 Waiver Number: 31-1-2014 Active Year: 2014

Date In: 1/13/2014 4:07:46 PM

Local Education Agency: Moreland School District
Address: 4711 Campbell Ave.
San Jose, CA 95130

Start: 1/6/2014 End: 6/13/2014

Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: Special Education Program
Ed Code Title: Resource Teacher Caseload
Ed Code Section: 56362 (c)
Ed Code Authority: 56101 and 5 *CCR* Section 3100

Ed Code or *CCR* to Waive: 56362 c

Outcome Rationale: Due to an overall increase in the student population, we have experienced an increase in the number of students with disabilities. We believe it is always best to keep students at their home school and provide necessary services using our school staff. Increasing the resource specialist's caseload will allow us to do this. To assist with the resource specialist with the school's push in model, we will be providing additional instructional aide support.

Student Population: 977

City Type: Suburban

Local Board Approval Date: 1/12/2014

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Destiny Ortega
Position: Director of Student Services
E-mail: dortega@moreland.org
Telephone: 408-874-2952
Fax:

California Department of Education
Revised 4-25-2013

SPECIFIC WAIVER REQUEST FOR RESOUCE SPECIALIST CASELOAD
To be completed by the ADMINISTRATOR

1. SELPA / District / COE Name: Moreland School District

2. Name of Resource Specialist*: John Lozano

3. School / District Assignment: Easterbrook Discovery School

4. Status: Permanent _X___ Probation ____ Temporary ___

5. Number of students _31____ (Caseload) proposed number of students _32___

6. Full time Equivalent (FTE%): 1.0

7. Number of periods or hours taught by Resource Specialist:

   Periods ___ Hours _6__

8. Average number of students per hour taught: 4

9. Indicate amount of Instructional Aide time: 5.5 hours/5 days a week and an additional 4 hours/4 days a week to be provided to this resource specialist with this waiver.
   Note: At least 5 hours of aide time is required when the caseload is over 28, per *CCR*, Title 5, Section 3100(d)(2).

10. Provide assurance that the waiver will not hinder the implementation of a student's individualized educational program (IEP) for all students involved with the waiver or compliance with specified federal law, per *CCR*, Title 5, Section 3100(d):

    We believe that we can provide a quality program which meets the requirements of each IEP. The additional instructional aide will allow for flexible coverage of our push in model. We have also removed his responsibility to private school students. He will not be given students on service plans or assessments from the local private schools.

11. Explain what extraordinary fiscal or program circumstances resulted in this request for excess caseload, per *CCR*, Title 5, Section 3100(d):

    This year our enrollment exceeded our projections by approximately two hundred students. With an increase in our overall population came an increase of students with IEPs.

12. Indicate how your plan of action to resolve conditions by the time the waiver expires or is denied by the SBE, per *CCR*, Title 5, Section 3100(d)(1):

    Should the caseload remain above twenty-eight students or is denied, we will have the Resource Specialist that works with the elementary grades provide service to the additional students.

Administrator/Designee Name and Title: Destiny Ortega, Director of Student Services

Telephone number (and extension): (408) 874-2952

Date: 1/8/14

*Resource Specialist as defined in *EC* Section 56362.5

California Department of Education
Revised 4-25-2013

SPECIFIC WAIVER REQUEST FOR RESOUCE SPECIALIST CASELOAD
To be completed by the RESOURCE SPECIALIST (Teacher)

Name: **John Lozano**
Assigned at: **Easterbrook Discovery School**

1. Is the information in Items 1 – 12 on the attached SW _ RSC _ Administrator form an accurate reflection of your current assignments, personal data, FTE, your caseload, number of periods taught and average number of students?
   __**X**__ Yes _____ No
   If not, please state where you believe these facts or numbers differ:

2. Will all students served receive all of the services called for in their IEP's? Can you reasonably manage the excess caseload in relation to the programmatic condition you face, including, but not limited to, student age level, age span, and behavioral characteristics; number of curriculum levels taught at any one time or any given session, and intensity of student instructional needs. Please explain:

   With the additional instructional aide time (4 hours/4 days), I will able to meet the services time goals (as noted in the students' IEP) in our push-in resource model.

3. Can you reasonably manage the excess caseload in relation to your student contact time, and other assigned duties? Please explain:

   The excess in caseload will be managed with the additional instructional aide time, allowing for more flexibility in my schedule. Also, not receiving new assessments from the local private schools will help me focus on students at my school.

4. *EC* Section 56362(c) states that no resource specialist shall have a caseload which exceeds 28 students, per *CCR*, Title 5, Section 3100. Regulations allow your agency to request a waiver of the *EC*, providing certain conditions are met, and that in no circumstance may your caseload be raised to above 32 students.

Indicate your position regarding this waiver request by a check mark in one box.

_**X**__ AGREE – to the increase in my student caseload from 28 students to not more than 32 students.

_____ DISAGREE – to an increase in my student caseload over the 28 students. If disagreeing, provide rational below:

5. Indicate a check mark in the appropriate box:

____**X**_ I did not have a student caseload of more than 28 during the last school year.

_____ I did have a student caseload of more than 28 during the last school year. If yes, please respond below:

(a) Did you have an approved waiver for this caseload? Yes ___ No ___
(b) Specify which months / weeks you were over caseload: From _____ to _____
(c) Other pertinent information?

_____ I have had a student caseload of **more than** 28 for **more than two consecutive years**.

6. Instructional Aide time currently receiving: **27.5** hours (prior to increased caseload).

7. Any additional Aide time with this waiver? **16** total hours after increase.

X __jpl___ I hereby certify that the information provided on this application is true and correct.

Date: **1/10/14**

Telephone number (and extension): **(408) 874-3550 (office) – (408) 874-3500 x3550 (main)**

California State Board of Education

Meeting Agenda Items for May 7-8, 2014

WAIVER ITEM W-06

ITEM #W-06

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2014 AGENDA

☒ **General Waiver**

SUBJECT Request by five 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: Lodi Unified School District 86-2-2014 Northern Humboldt Union High School District 88-2-2014 Placentia-Yorba Linda Unified School District 82-2-2014 Robla Elementary School District 94-2-2014 Stony Creek Joint Unified School District 91-2-2014	☒ **Action** ☒ **Consent**

SUMMARY OF THE ISSUES

Regulations for the State Testing Apportionment Information Report, amended in 2005, include an annual deadline of December 31 for the return of the State Testing Apportionment Information Report for prior year testing. 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 2012–13 school year. The CDE recommends approval of these waiver requests in order to reimburse these LEAs for prior year state testing costs.

Authority for Waiver: *Education Code (EC)* Section 33050

RECOMMENDATION

☒ **Approval** ☐ **Approval with conditions** ☐ **Denial**

The CDE recommends that the December 31 deadline for submission of the State Testing Apportionment Information Reports be waived for the districts show on

Attachment 1.

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 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 2012–13 school year. 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.

Demographic Information:

Lodi Unified School District has a student population of 30,222 and is located in a small city in San Joaquin County.

Northern Humboldt Union High School District is requesting reimbursement for Laurel Tree Charter School, a charter school with a student population of 110 located in a small town in Humboldt County.

Placentia-Yorba Linda Unified School District has a student population of 25,622 located in a suburban area of Orange County.

Robla Elementary School District has a student population of 2,119 students located in an urban area of Sacramento County.

Stony Creek Joint Unified School District has a student population of 111 and is located in a rural area in Glenn 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) 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).

FISCAL ANALYSIS (AS APPROPRIATE)

If these waivers are approved, these five LEAs will be reimbursed for the costs of the CELDT, CAHSEE, or the STAR for the 2012–13 school year. Total costs are indicated on Attachment 1, and the waiver requests from each LEA are included as Attachments 2, 3, 4, 5, and 6.

ATTACHMENT(S)

Attachment 1: Local Educational Agencies Requesting Waiver of State Testing Apportionment Information Report Deadline — May 2014 (2 Pages)

Attachment 2: Lodi Unified School District General Waiver Request 86-2-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office)

Attachment 3: Northern Humboldt Union High School District General Waiver Request 88-2-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office)

Attachment 4: Placentia-Yorba Linda Unified School District General Waiver Request 82-2-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office)

Attachment 5: Robla Elementary School District General Waiver Request 94-2-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office)

Attachment 6: Stony Creek Joint Unified School District General Waiver Request 91-2-2014 (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 — May 2014

Waiver Number	Local Educational Agency	Period of Request	Test Report(s) Missing	Report(s) Submitted	School Year(s)	Reimbursement Amount	Union Position
86-2-2014	Lodi Unified School District	**Requested:** July 1, 2013 to December 31, 2013 **Recommended:** July 1, 2013 to December 31, 2013	California English Language Development Test (CELDT)	Yes	2012-13	$39,450.00	Neutral
86-2-2014	Lodi Unified School District	**Requested:** July 1, 2013 to December 31, 2013 **Recommended:** July 1, 2013 to December 31, 2013	California High School Exit Examination (CAHSEE)	Yes	2012-13	$10,708.80	Neutral
86-2-2014	Lodi Unified School District	**Requested:** July 1, 2013 to December 31, 2013 **Recommended:** July 1, 2013 to December 31, 2013	Standardized Testing and Reporting Program (STAR)	Yes	2012-13	$54,459.40	Neutral
88-2-2014	Northern Humboldt Union High School District (for Laurel Tree Charter School)	**Requested:** January 1, 2014 to December 31, 2014 **Recommended:** July 1, 2013 to December 31, 2013	CAHSEE	Yes	2012-13	$36.00	Charter School has no Union
88-2-2014	Northern Humboldt Union High School District (for Laurel Tree Charter School)	**Requested:** January 1, 2014 to December 31, 2014 **Recommended:** July 1, 2013 to December 31, 2013	STAR	Yes	2012-13	$224.24	Charter School has no Union

Waiver Number	Local Educational Agency	Period of Request	Test Report(s) Missing	Report(s) Submitted	School Year(s)	Reimbursement Amount	Union Position
82-2-2014	Placentia-Yorba Linda Unified School District	**Requested:** July 1, 2013 to December 31, 2013 **Recommended:** July 1, 2013 to December 31, 2013	STAR	Yes	2012-13	$49,808.92	Neutral
94-2-2014	Robla Elementary School District	**Requested:** January 1, 2013 to December 31, 2013 **Recommended:** July 1, 2013 to December 31, 2013	STAR	Yes	2012-13	$3,747.62	Support
91-2-2014	Stony Creek Joint Unified School District	**Requested:** July 1, 2013 to December 31, 2013 **Recommended:** July 1, 2013 to December 31, 2013	STAR	Yes	2012-13	$182.64	Neutral/ Support

California Department of Education
WAIVER SUBMISSION - General

CD Code: 3968585 Waiver Number: 86-2-2014 Active Year: 2014

Date In: 2/12/2014 4:11:12 PM

Local Education Agency: Lodi Unified School District
Address: 1305 East Vine St.
Lodi, CA 95240

Start: 7/1/2013 End: 12/31/2013

Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: State Testing Apportionment Report
Ed Code Title: STAR, CAHSEE and CELDT
Ed Code Section: STAR-5*CCR* 862(c)(2)(A); CAHSEE-5*CCR* 1225(b)(2)(A); CELDT-5*CCR* 11517.5(b)(1)(A)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: STAR-5*CCR* 862(c)(2)(A); CAHSEE-5*CCR* 1225(b)(2)(A); CELDT-5*CCR* 11517.5(b)(1)(A)

STAR – *CCR*, Title 5, ~~Section 862(c)(2)(A) …postmarked by December 31~~…

CAHSEE – *CCR*, Title 5, ~~Section 1225(b)(2)(A) …postmarked by December 31…~~

CELDT – *CCR*, Title 5, ~~Section 11517.5(b)(1)(A) …postmarked by December 31…~~

Outcome Rationale: Our LEA missed the funding deadline for the aforementioned assessments. This was due to the departure of the previous Assessment Coordinator prior to the receipt of the request for submission and the hiring and placement of the new Assessment Coordinator occurring after the deadline for submission.

Student Population: 29000

City Type: Urban

Public Hearing Date: 2/4/2014
Public Hearing Advertised: Via newspaper and on the LUSD website

Local Board Approval Date: 2/4/2014

Community Council Reviewed By: District Advisory Council
Community Council Reviewed Date: 1/30/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Randall Malandro
Position: Assessment, Research and Evaluation Coordinator
E-mail: rmalandro@lodiusd.net
Telephone: 209-331-7024
Fax:

Bargaining Unit Date: 02/04/2014
Name: Lodi Education Association (LEA)
Representative: Jeff Johnston
Title: LEA President
Position: Bargaining Unit President
Comments: No opposition from this bargaining unit.

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1262687 Waiver Number: 88-2-2014 Active Year: 2014

Date In: 2/13/2014 11:03:55 AM

Local Education Agency: Northern Humboldt Union High School District
Address: 2755 McKinleyville Ave.
McKinleyville, CA 95519

Start: 1/1/2014 End: 12/31/2014

Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: State Testing Apportionment Report
Ed Code Title: STAR and CAHSEE
Ed Code Section: CCR, Title 5, Sections 862(c)(2)(A) and 1225(b)(2)(A)
Ed Code Authority: 33050

Ed Code or CCR to Waive: For STAR waiver:
CCR, Title 5, Section 862(b) To be eligible for apportionment payment for the standards-based achievement tests and the primary language test, if any, school districts must meet the following conditions: (1) The school district has returned all secure test materials, and (2) The superintendent of each school district has certified the accuracy of the apportionment information report for examinations administered during the calendar year (January 1 through December 31), which is either; [(A) postmarked by December 31], or (B) if postmarked 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 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.

For CAHSEE waiver:
CCR, Title 5, Section 1225(b) (b) To be eligible for apportionment payment, school districts must meet the following conditions: (1) The school district has returned all secure test materials; (2) The superintendent of the school district has certified that all CAHSEEs during the prior fiscal year were administered in compliance with California Code of Regulations, title 5, division 1, chapter 2, subchapter 6; and (3) The superintendent of the school district has certified the accuracy of the apportionment information report for CAHSEEs administered during the prior fiscal year (July 1 through June 30), which certification is either: [(A) postmarked by December 31], or (B) if postmarked 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 after December 31, apportionment payment is contingent upon the availability of an appropriation for this purpose in the fiscal year in which the tests were administered.
STAR – CCR, Title 5, Section 862(c)(2)(A) …postmarked by December 31…
CAHSEE – CCR, Title 5, Section 1225(b)(2)(A) …postmarked by December 31…
Student population: 116

Outcome Rationale: Laurel Tree missed the reporting deadline by accident. New organizational systems have been put into place to ensure that this does not happen again.

Student Population: 116

City Type: Rural

Public Hearing Date: 2/3/2014
Public Hearing Advertised: Posted in public areas and through local media

Local Board Approval Date: 2/3/2014

Community Council Reviewed By: Laurel Tree Charter School's Board approved Northern Humboldt Union High School District applying fo
Community Council Reviewed Date: 2/3/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Brenda Sutter
Position: Principal
E-mail: laureltreecs@gmail.com

Telephone: 707-822-5626
Fax: 707-839-6457

California Department of Education
WAIVER SUBMISSION - General

CD Code: 3066647 Waiver Number: 82-2-2014 Active Year: 2014

Date In: 2/12/2014 8:34:10 AM

Local Education Agency: Placentia-Yorba Linda Unified School District
Address: 1301 East Orangethorpe Ave.
Placentia, CA 92870

Start: 7/1/2013 End: 12/31/2013

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: 33050-33053

STAR – *CCR*, Title 5, ~~Section 862(c)(2)(A) …postmarked by December 31~~…

STAR *CCR* - Title 5, Education, Division 1, Chapter 2, subchapter 3.75, Section 862(c)(2)(A) 1225(b)(3)(A) and 11517.5(b)(1)(A)

Outcome Rationale: Our offices moved in June to a new location and shortly after that our Director of Student Assessment resigned. The new Director was not hired until January 1, 2014. We did not realize that we had missed the dealine of December 31st, 2013 until we returned from our winter break. We are not in the process of getting necessary signatures for return mailing to California Department of Education. We would like the waiver approved and funding granted to Placentia-Yorba Linda Unified School District.

Student Population: 25467

City Type: Suburban

Public Hearing Date: 2/11/2014
Public Hearing Advertised: Board agenda/minutes at District office and all school sites and our PDA (professional developement Academy)

Local Board Approval Date: 2/11/2014

Community Council Reviewed By: Placentia Yorba Linda Unified School District Board of Education
Community Council Reviewed Date: 2/7/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Joey Davis
Position: Director - Student Assessment/Accountibility
E-mail: jodavis@pylusd.org
Telephone: 714-985-8685
Fax: 714-577-8104

Bargaining Unit Date: February 7, 2014
Name: Association of Placentia Linda Educators
Representative: Linda Manion
Title: Teacher
Position: President
Comments: No opposition

California Department of Education
WAIVER SUBMISSION - General

CD Code: 3467421 Waiver Number: 94-2-2014 Active Year: 2014

Date In: 2/14/2014 1:33:51 PM

Local Education Agency: Robla Elementary School District
Address: 5248 Rose St.
Sacramento, CA 95838

Start: 1/1/2013 End: 12/31/2013

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, Section 862(c)(2)(a)...[Postmarked by December 31]

Outcome Rationale: Staff newly assigned the responsibility of submitting the report were unaware of the state deadline and missed the deadline. The Superintendent's office will ensure that the report is submitted in a timely manner in the future.

Student Population: 2200

City Type: Rural

Public Hearing Date: 1/16/2014
Public Hearing Advertised: Board meeting notices posted at schools and on district website

Local Board Approval Date: 1/16/2014

Community Council Reviewed By: District Cabinet
Community Council Reviewed Date: 1/22/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Shari Malespin
Position: Executive Assistant to the Superintendent
E-mail: smalespin@robla.k12.ca.us
Telephone: 916-991-1728 x508
Fax:

Bargaining Unit Date: 02/10/2014
Name: Classified School Employees Association
Representative: Rick Woodbridge
Title: President
Position: Support
Comments:

Bargaining Unit Date: 02/06/2014
Name: Robla Teachers Association
Representative: Linda Small
Title: President
Position: Support
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1162653 Waiver Number: 91-2-2014 Active Year: 2014

Date In: 2/13/2014 3:11:13 PM

Local Education Agency: Stony Creek Joint Unified School District
Address: 3430 County Road 309
Elk Creek, CA 95939

Start: 7/1/2013 End: 12/31/2013

Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: State Testing Apportionment Report
Ed Code Title: STAR
Ed Code Section: title V 862 (c)(2)(a)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: STAR - *CCR*. Title 5, Section 862 (c)(2)(A) [postmarked by December 31]

Outcome Rationale: There was a change in administration in December of 2013 and the apportionment form was not sent before the December 31st deadline.

Student Population: 103

City Type: Rural

Public Hearing Date: 2/12/2014
Public Hearing Advertised: At school sites and post office

Local Board Approval Date: 2/12/2014

Community Council Reviewed By: The Stony Creek Joint Unified School Board
Community Council Reviewed Date: 2/12/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Dusty Thompson
Position: Business Manager
E-mail: dthompson@glenncoe.org
Telephone: 530-934-6575 x3058
Fax:

Bargaining Unit Date: 2/24/14
Name: California School Employees Association
Representative: Nanci Eastman
Title: Labor Relations Representative
Position: Neutral
Comments:

Bargaining Unit Date: 2/20/14
Name: Certified Federation of Teachers
Representative: Jeff Flynn
Title: President Stony Creek Joint Unified School District CFT
Position: Support
Comments: “I’ve reviewed the STAR Apportionment waiver request and the federation agrees that it is necessary in order to acquire the reimbursement.”

California State Board of Education

Meeting Agenda Items for May 7-8, 2014

WAIVER ITEM W-07

ITEM #W-07

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2014 AGENDA

☒ **General Waiver**

SUBJECT Request by **Butteville Union Elementary School District** to waive a portion of California *Education Code* Section 35330(b)(3) to authorize expenditure of school district funds for students to travel to Oregon to attend economically prudent curricular and extracurricular trips/events and competitions. Waiver Number: 4-2-2014	☒ **Action** ☒ **Consent**

SUMMARY OF THE ISSUES

Butteville Union Elementary School District (BUESD) requests a waiver of California *Education Code (EC)* Section 35330(b)(3) to allow students to travel to Oregon to attend economically prudent curricular and extracurricular trips/events and competitions.

Authority for Waiver: *EC* Section 33050

RECOMMENDATION

☒ **Approval** ☐ **Approval with conditions** ☐ **Denial**

EC Section 33051(b) will apply, and the district is not required to reapply annually if the information contained on the request remains current.

SUMMARY OF KEY ISSUES

EC Section 35330(b)(3) states, “no expenses of pupils participating in a field trip or excursion to other state, the District of Columbia, or a foreign country authorized by this section shall be paid with school district funds.”

The BUESD requests a waiver of *EC* Section 35330(b)(3). The BUESD is located in the far northern part of California, approximately 60 miles from the Oregon border, and is a geographically rural and isolated area.

The BUESD is included in a grant from the nationally recognized Oregon Shakespeare Festival (OSF) in Ashland, Oregon. Twenty-five students are annually offered the opportunity to study and then watch one of Shakespeare’s classic plays at the OSF.

Their teacher is also involved in special training to be able to teach the students about the play. The district requests this waiver because the trip usually involves lunch and tour fees.

Based on the reasons provided by the district for traveling to Oregon, the CDE recommends approval of this waiver request to attend economically prudent curricular and extracurricular trips/events in Oregon.

Demographic Information: The BUESD has a student population of 207 and is located in the town of Edgewood in rural Siskiyou 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) has approved all similar waivers in the past. Most recently, at the September 2013 SBE meeting, Waiver 6-6-2013 for the Dunsmuir Joint Union High School District for out-of-state travel to Oregon was approved.

FISCAL ANALYSIS (AS APPROPRIATE)

There is no statewide fiscal impact of waiver approval or denial.

ATTACHMENT(S)

Attachment 1: Information for Districts Requesting Out-of-State Use of Funds and Transportation Allowances (1 page)

Attachment 2: Butteville Union Elementary School District General Waiver Request Waiver 4-2-2014 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

District Requesting Out-of-State Use of Funds and Transportation Allowances

Education Code Section 35330(b)(3)

Waiver Number	District/County and District Code	Period of Request	District's Request	CDE Recommended Action	Local Board Approval Date	*Bargaining Unit, Representative(s) Consulted, Date, and Position	Potential Annual Penalty Without Waiver	Fiscal Status	Previous Waivers
4-2-2014	Butteville Union Elementary School District	**Requested:** February 15, 2013 to February 15, 2015 **Recommended**: February 15, 2013 to February 15, 2015	To allow its students to travel to Oregon to attend economically prudent curricular and extracurricular trips/events and competitions.	Approval	02/13/2013	California Teachers Association, Leonard May, President, 2/8/2013 **Support**	No statewide fiscal impact of waiver approval or denial.	Positive	No

Created by California Department of Education
March 13, 2014

California Department of Education
WAIVER SUBMISSION - General

CD Code: 4770201 Waiver Number: 4-2-2014 Active Year: 2014

Date In: 2/5/2014 3:21:52 PM

Local Education Agency: Butteville Union Elementary School District
Address: 24512 Edgewood Rd.
Edgewood, CA 96094

Start: 2/15/2013 End: 2/15/2015

Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: Out-of-State Use of Funds and Transportation Allowances
Ed Code Title: Out-of-State Use of Funds and Transportation Allowances
Ed Code Section: 35330
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: *EC* 35330 (d) states"..[.no expenses of pupils participating in a field trip or excursion to any other state, the District of Columbia, or a foreign country authorized by this section shall be paid with school district funds."]

Outcome Rationale: The Butteville Union Elementary School District would recommend approving this waiver because of the nationally recognized Oregon Shakespeare festival. They include us in a grant program for our school because we are in a neighboring county. Twenty-Five (25) student are annually offered the opportunity to study and then watch one of Shakespeare's classic plays. Their teacher is also involved in special training to be able to teach the students the play. Because the trip usually involves lunch and tour fees, we respectfully request this waiver.

Student Population: 207

City Type: Rural

Public Hearing Date: 2/13/2013
Public Hearing Advertised: Notice posted in several places at school, yard sale pole, Shastina Mini-Mart, and Shastina Golf Resort

Local Board Approval Date: 2/13/2013

Community Council Reviewed By: Schoolsite Council
Community Council Reviewed Date: 2/13/2013
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty Y/N: N

Categorical Program Monitoring: N

Submitted by: Mr. Todd Clark
Position: Superintendent
E-mail: todd.clark@butteville.k12.ca.us
Telephone: 530-938-2255
Fax: 530-938-3976

Bargaining Unit Date: 02/08/2013
Name: California Teachers Association
Representative: Leonard May
Title: President
Position: Support
Comments:

California State Board of Education

Meeting Agenda Items for May 7-8, 2014

WAIVER ITEM W-08

ITEM # W-08

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2014 AGENDA

☒ **General Waiver**

SUBJECT Request by three school districts to waive California *Education Code* sections specific to statutory provisions for the sale or lease of surplus property. Waiver Numbers: Orcutt Union Elementary School District, 99-2-2014 Poway Unified School District, 7-3-2014 San Diego Unified School District, 26-1-2014	☒ **Action** ☒ **Consent**

SUMMARY OF THE ISSUES

The Poway Unified School District (USD) and the San Diego (USD) are requesting a waiver of *Education Code* (*EC*) sections 17473 and 17474, and portions of sections 17455, 17466, 17468, 17469, 17470, 17472, and 17475 which will allow these districts to sell three pieces of property using a broker and a "request for proposal" process, maximizing the proceeds from the sale.

The Orcutt Union Elementary School District (ESD) is requesting a waiver of *EC* sections 17472, 17473, and 17474, and portions of sections 17388, 17455, 17466, 17468, 17469, 17471, 17475, 17476, 17477, 17478 which will allow the district to lease the property directly to the City of Santa Maria without offering the property to other users.

Authority for Waiver: *EC* Section 33050

RECOMMENDATION

☐ **Approval** ☒ **Approval with conditions** ☐ **Denial**

The CDE recommends approval with the following condition: that the proposals the San Diego USD, Orcutt Union ESD, and Poway USD governing boards determine to be most desirable shall be selected within 30 to 60 days of the public meeting when the proposals are received, and the reasons for those determinations shall be discussed in public session and included in the minutes of the meeting.

SUMMARY OF KEY ISSUES

Under the provisions of *EC* sections 33050 through 33053, the districts are requesting that specific portions of the *EC* relating to the sale or lease of district property be waived.

The San Diego USD states that it will maximize the returns on the sale of the property to the greatest extent possible. The district is requesting that the requirement of sealed proposals and the oral bidding process be waived allowing the district to determine what constitutes the most "desirable" bid and set their own terms and conditions for the sale of surplus property.

The district is requesting the sale of three pieces of real property located in San Diego, California. The former Stevenson Elementary Site, located at 4520 Pocohontas Avenue, San Diego, California, is 16.8 acres and is currently leased to a religious organization. The second piece of property is the former Hale Junior High School Site in the vicinity of the Stevenson site. This property is also leased to a religious organization. The last piece of property is the Bay Terrace #11 property which is approximately 6.9 acres of vacant land. All three properties were declared surplus more than 20 years ago as a result of district reconfiguration.

The Orcutt Union ESD is requesting this waiver in order to allow the district to lease the library facility at Olga Reed Elementary School directly to the City of Santa Maria without having to offer to other users. This property was previously leased by Los Alamos School District (merged in 2010 into the Orcutt Union Elementary School District) to the City of Santa Maria to provide library services to the community. In 1988 the lease was dissolved due to budgetary constraints. Currently the building is used by the district as storage for the school garden. Community members have approached the district regarding leasing the building to the City of Santa Maria for use as a library. The proposal is supported by community members, city officials, and a supervisor from the Santa Barbara County Board of Supervisors.

The Poway USD states that the waiver will allow the district the flexibility needed to consider a wide range of potential terms and conditions, maximizing the value of the properties and provide benefits to the district's fiscal and educational programs. The district is requesting that the requirement of sealed proposals and the oral bidding process be waived allowing the district to determine what constitutes the most "desirable" bid and set their own terms and conditions for the sale of surplus property.

The district is requesting the sale of three pieces of real property located in San Diego, California. All three pieces of property are vacant land, the 4 Gee Road Site is 11.23 acres, Torrey Highlands Site is 10.48 acres, and the Mountain Ranch Southern Site is 27.22 acres. All three properties have been declared surplus as the district's long-term enrollment can be addressed at existing facilities.

The San Diego USD meets the criteria for the State Board of Education (SBE) Streamlined Waiver Policy, available at http://www.cde.ca.gov/re/lr/wr/documents/sbestreamlined.doc, 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 San Diego USD has a 2013 Growth API of 810.

The Orcutt Union 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 Orcutt Union ESD has a 2013 Growth API of 822.

The Poway USD 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 Poway USD has a 2013 Growth API of 894.

Demographic Information:
San Diego USD has a student population of 130,587 and is located in an urban area in San Diego County.

Orcutt Union ESD has a student population of 199 and is located in a rural area of Santa Barbara County.

Poway USD has a student population of 35,498 and is located in a suburban area in San Diego County.

Because this is a general waiver, if the SBE decides to deny the waiver, it must cite one of the seven reasons in *EC* 33051(a), available at http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC&sectionNum=33051

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SBE has approved all previous waivers regarding the bidding process and the sale or lease of surplus property. The districts are requesting to waive the same or similar provisions for the sale or lease of surplus property.

FISCAL ANALYSIS (AS APPROPRIATE)

The flexibility in property disposition requested herein will allow the San Diego USD to maximize revenue. The applicant district will financially benefit from the sale of the properties.

The flexibility in property disposition requested herein will allow the Poway USD to maximize revenue. The applicant district will financially benefit from the sale of the properties.

The flexibility in property disposition requested herein will allow the Orcutt Union ESD to forego the public auction process and ensure that the district and the city of Santa Maria may enter into a long-term lease, at an affordable rental rate, so that the community may receive library services.

ATTACHMENT(S)

Attachment 1: Summary Table (2 pages)

Attachment 2: San Diego Unified School District General Waiver Request 26-1-2014 (7 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: Orcutt Union Elementary School District General Waiver Request 99-2-2014 (7 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 4: Poway Unified School District General Waiver Request 7-3-2014 (5 pages) (Original waiver request is signed and on file in the Waiver Office.)

SUMMARY TABLE									
Waiver Number	School District	Property	Period of Request	Local Board Approval Date	Public Hearing Date	Bargaining Unit Consulted – Date	Position of Bargaining Unit	Advisory Committee Consulted	Streamlined Waiver Policy
26-1-2014	San Diego Unified	Stevenson Elementary Site, Hale Junior High Site, Bay Terrace #11 Site	**Requested:** March 15, 2014, December 31, 2015 **Recommended:** March 15, 2014, December 31, 2015	January 7, 2014	January 7, 2014	Administrative Association (AA), December 10, 2013 Ruth Peshkoff, Executive Director **Support** California School Employee Association (CSEA), December 10, 2013 Leticia Munguia, Field Director **Neutral** San Diego School Police Officer's Association (SDSPOA), December 10, 2013 Jesus Montana, President **Support**	AA – Support CSEA – Neutral SDSPOA - Support	Advisory Committee on the Utilization of Excess School Property, December 16, 2013	Yes – API Growth of 810

SUMMARY TABLE

Waiver Number	School District	Property	Period of Request	Local Board Approval Date	Public Hearing Date	Bargaining Unit Consulted – Date	Position of Bargaining Unit	Advisory Committee Consulted	Streamlined Waiver Policy
99-2-2014	Orcutt Union Elementary School District	Olga Reed Elementary School Library Building	**Requested:** May 1, 2014, May 1, 2016 **Recommended:** May 1, 2014, May 1, 2016	February 12, 2014	February 12, 2014	Classified State Employees Association (CSEA), February 3, 2014 Brad Gitchell, President **Neutral** Orcutt Educators Association (OEA), February 3, 2014 Monique Segura, President **Support**	CSEA – Neutral OEA - Support	Los Alamos School Site Council, February 3, 2014	Yes – API Growth of 822
7-3-2014	Poway Unified School District	4 Gee Road Site, Torrey Highlands Site, Mountain Ranch Southern Site	**Requested:** January 22, 2014, January 22, 2016 **Recommended:** January 22, 2014, January 22, 2016	January 21, 2014	January 21, 2014	Poway Federation of Teachers (PFT), December 2, 2013 Candy Smiley, President **Support** Poway School Employees Association (PSEA), December 2, 2013 Lynnette Turner, President **Support** SEIU – Local 221 Poway Chapter, December 6, 2013 Charles Lord, President **Support**	PFT – Support PSEA – Support SEIU - Support	Real Property Advisory Committee, December 2, 2013	Yes – API Growth of 894

California Department of Education
WAIVER SUBMISSION - General

CD Code: 3768338 Waiver Number: 26-1-2014 Active Year: 2014

Date In: 1/9/2014 2:31:11 PM

Local Education Agency: San Diego Unified School District
Address: 4100 Normal St.
San Diego, CA 92103

Start: 3/15/2014 End: 12/31/2015

Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: Sale or Lease of Surplus Property
Ed Code Title: Sale of Surplus Property
Ed Code Section: All of 17473 and 17474, portions of 17455, 17466, 17468, 17469, 17470, 17472 and 17475.
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: See Exhibit A

Outcome Rationale: See Exhibit B

Student Population: 130587

City Type: Urban

Public Hearing Date: 1/7/2014
Public Hearing Advertised: In accordance with the Brown Act and published on the District website, posted at the Education Center and other locations.

Local Board Approval Date: 1/7/2014

Community Council Reviewed By: Advisory Committe on the Utilization of Excess School Property
Community Council Reviewed Date: 12/16/2013
Community Council Objection: N
Community Council Objection Explanation:
Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Kimberly Johnson
Position: Assistant General Counsel II
E-mail: kimberly.johnson@sandi.net
Telephone: 619-725-5630
Fax: 619-725-5639

Bargaining Unit Date: 12/10/2013
Name: Administrators Association
Representative: Ruth Peshkoff
Title: Executive Director
Position: Support
Comments:

Bargaining Unit Date: 12/10/2013
Name: California School Employee Association
Representative: Leticia Munguia
Title: Field Director
Position: Neutral
Comments:

Bargaining Unit Date: 12/10/2013
Name: San Diego School Police Officer's Association
Representative: Jesus Montana
Title: President
Position: Support
Comments:

EXHIBIT A

Education Code § 17455.

The governing board of any school district may sell any real property belonging to the school district or may lease for a term not exceeding 99 years, any real property, together with any personal property located thereon, belonging to the school district which is not or will not be needed by the district for school classroom buildings at the time of delivery of title or possession. The sale or lease may be made without first taking a vote of the electors of the district~~, and shall be made in the manner provided by this article~~.

Rationale: The San Diego Unified School District requests the specified Education Code sections be waived in order to allow the District to maximize the return on the sale or lease of sites in a manner that best serves our schools and community. The District would like to offer the property for sale or lease through Requests for Proposals followed by further negotiations which may or may not include the use of a broker who will advertise and solicit proposals from potential buyers. The language of Education Code Section 17455 stating that the sale or lease of real property is to be made in the manner provided by this article is inconsistent with the waivers the District is seeking.

The District will continue to work closely with consultants to ensure that the process by which the property is sold or leased is fair, open, and competitive. The process the District will use will be designed to get the best result for the District, the schools, and the community.

Education Code § 17466.

Before ordering the sale or lease of any property the governing board, in a regular open meeting, by a two-thirds vote of all its members, shall adopt a resolution, declaring its intention to sell or lease the property, as the case may be. The resolution shall describe the property proposed to be sold or leased in such manner as to identify it ~~and shall specify the minimum price or rental and the terms upon which it will be sold or leased~~ and the commission, or rate thereof, if any, which the board will pay to a licensed real estate broker~~ out of the minimum price or rental. The resolution shall fix a time not less than three weeks thereafter for a public meeting of the governing board to be held at its regular place of meeting, at which sealed proposals to purchase or lease will be received and considered.~~

Rationale: The District is requesting that the requirement of sealed proposals to purchase the property be waived, allowing the District to negotiate the sale of the Stevenson, Hale and Bay Terrace #11 properties with an interested purchaser. As the District cannot predict in advance the timing of negotiations with interested purchasers, it cannot at the time of adopting the resolution contemplated by this Section 17466 know when proposals must be brought back to the governing board for consideration. The language to be waived provides for a minimum price or rental and requires sealed proposals to purchase or lease the property. This requirement restricts the District's flexibility in negotiating price, payments, and terms that may yield greater economic benefit to the District.

Education Code § 17468.

If, in the discretion of the board, it is advisable to offer to pay a commission to a licensed real estate broker who is instrumental in obtaining any proposal, the commission shall be specified in the resolution. No commission shall be paid unless there is contained in or with the ~~sealed~~ proposal ~~or stated in or with the oral bid,~~ which is finally accepted, the name of the licensed real estate broker to whom it is to be paid, and the amount or rate thereof. Any commission shall, however, be paid only out of money received by the board from the sale or rental of the real property.

Rationale: The stricken language to be waived provides for the District to receive sealed proposals and oral bids to purchase the property at an identified meeting of the District's governing board. The District is requesting that the requirement of sealed proposals and oral bidding to purchase the property be waived, allowing the District to negotiate the sale of the Hale, Stevenson and Bay Terrace #11 properties with interested purchasers.

Education Code § 17469.

Notice of the adoption of the resolution ~~and of the time and place of holding the meeting~~ shall be given by posting copies of the resolution signed by the board or by a majority thereof in three public places in the district~~, not less than 15 days before the date of the meeting,~~ and by publishing the notice not less than once a week for three successive weeks ~~before the meeting~~ in a newspaper of general circulation published in the county in which the district or any part thereof is situated, if any such newspaper is published therein.

Rationale: The stricken language to be waived assumes that the Board would be setting a specific meeting to receive proposals for the purchase of the Hale, Stevenson and Bay Terrace #11 sites. Such a requirement, however, will be removed pursuant to the language stricken within Education Code Section 17466. As modified, the District would still be required to provide notice of its adoption of a resolution of intent to sell the property, but the posting of that resolution and notice in a newspaper would no longer be tied to an established date to receive proposals.

Education Code § 17470.

(a) The governing board of a school district that intends to sell real property pursuant to this article shall take reasonable steps to ensure that the former owner from whom the district acquired the property receives notice ~~of the public meeting prescribed by Section 17466,~~ in writing, by certified mail, ~~at least 60 days prior to the meeting~~.

(b) The governing board of a school district shall not be required to accord the former owner the right to purchase the property at the tentatively accepted highest bid price nor to offer to sell the property to the former owner at the tentatively accepted highest bid price.

Rationale: The stricken language to be waived assumes that the Board would be setting a specific meeting to receive proposals for the purchase of the Hale, Stevenson and Bay Terrace #11 properties. Such a requirement, however, will be removed pursuant to the language stricken within Education Code Section 17466. As modified, the District would still be required

to take reasonable steps to provide notice to the former owner, but the provision of such notice would no longer be tied to an established date to receive proposals.

Education Code § 17472.

~~At the time and place fixed in the resolution for the meeting of the governing body,~~ ~~a~~ll ~~sealed~~ proposals which have been received shall, in public session, be ~~opened~~, ~~examined, and~~ declared by the board~~. Of the proposals submitted which conform to all terms and conditions specified in the resolution of intention to sell or to lease and which are made by responsible bidders, the proposal which is the highest, after deducting therefrom the commission, if any, to be paid a licensed real estate broker in connection therewith, shall be finally accepted, unless a higher oral bid is accepted or the board rejects all bids.~~

Rationale: By striking the requirement that sealed proposals be received, and that the highest bidder be awarded the contract, the District will be able to sell or lease the property to the party that presents the most favorable proposal to the District. The Board would, therefore, be able to sell or lease to the party submitting the proposal that best meets the District's needs for each property taking into account the condition of each property. By removing the requirement that an oral bid be accepted, the District would be able to determine what constitutes the most desirable bid.

Education Code § 17473.

~~Before accepting any written proposal, the board shall call for oral bids. If, upon the call for oral bidding, any responsible person offers to purchase the property or to lease the property, as the case may be, upon the terms and conditions specified in the resolution, for a price or rental exceeding by at least 5 percent, the highest written proposal, after deducting the commission, if any, to be paid a licensed real estate broker in connection therewith, then the oral bid which is the highest after deducting any commission to be paid a licensed real estate broker, in connection therewith, which is made by a responsible person, shall be finally accepted.Final acceptance shall not be made, however, until the oral bid is reduced to writing and signed by the offeror.~~

Rationale: The entire section is to be waived because the District, in negotiating an agreement to sell the Hale, Stevenson and Bay Terrace #11 properties, will not be accepting oral bids.

Education Code § 17474.

~~In the event of a sale on a higher oral bid to a purchaser procured by a licensed real estate broker, other than the broker who submitted the highest written proposal, and who is qualified as provided in Section 17468 of this code, the board shall allow a commission on the full amount for which the sale is confirmed. One-half of the commission on the amount of the highest written proposal shall be paid to the broker who submitted it, and the balance of the commission on the purchase price to the broker who procured the purchaser to whom the sale was confirmed.~~

Rationale: The entire section is to be waived because the District, in negotiating an agreement to sell the Hale, Stevenson and Bay Terrace #11 properties, will not be accepting oral bids.

Education Code § 17475.

The final acceptance by the governing body may be made ~~either at the same session or~~ at any ~~adjourned~~ ~~session of the same~~ meeting held within the 10 days next following.

Rationale: Rather than specifying a certain number of days or a timeframe, the proposed language provides flexibility while ensuring a public process whereby the reasons for the determination of the most desirable proposal is shared openly. Prior to the decision to sell or lease a site, the District had input on property related issues by a District advisory committee whose purpose is to advise the Board in the use or disposition of school buildings, space, or property which is not used for school purposes. (See, Ed. Code, § 17388.) Furthermore, the District regularly consults with its Chief Financial Officer who is responsible for providing financial reports, developing internal controls and coordinating auditors activities. Modification of the section would remove the requirement that the governing board accept a proposal at the same meeting received, and would instead allow the governing board to consider proposals received and, as desired and appropriate, direct further negotiation.

Exhibit B

Desired Outcome/Rationale

The San Diego Unified School District desires to have the requested Education Code sections waived because the waiver of these sections will allow the District to maximize its return on the sale of the property and provide for a use that best meets the needs of the schools and community. These properties have all been offered for sale as per the required public bidding process and either failed to receive bids (Stevenson) or failed to close escrow due to circumstances discovered after bids were opened. Given the most recent experience of the District, the District believes that offering the properties for sale through an RFP process will result in greater flexibility to select a buyer that is committed to closing the property and will generate more interest in the properties.

The Property

Former Stevenson Elementary Site: This is 16.8 acre former school site that is currently leased to a religious organization. It is located at 4520 Pocohontas Avenue and was declared surplus in July of 1984. The District offered this property for sale through the public bid process which concluded on October 24, 2013. No bids were received for this property.

Hale Junior High School Site: This is a 19.67 acre site that is in the immediate vicinity of the Stevenson site. This property is also leased to a religious organization. The church currently operates a private school on the campus. The sale of the property anticipates maintaining the existing tenant. This property was declared surplus in July 1984. This property was also publically bid. The District received an offer of $23.5 million for this property and awarded the sale to the highest bidder. However, the high bidder has failed to complete due diligence or otherwise meets its contractual obligations to conclude the sale. Additionally, during the escrow period, the District discovered several issues, including environmental issues, which may impact the value and attractiveness of the property. Therefore, the District proposes to offer the property through a RFP process to be better able to address the unique characteristics of this property.

Bay Terrace #11: This is a vacant parcel of approximately 6.9 acres. The District declared the property surplus in July of 1984. The District offered the property for sale and received a high bid on the property. However, the escrow did not close because the buyer failed to waive or satisfy buyer's conditions.

Plan

The District declared the subject properties surplus more than 20 years ago. The District is committed to attracting well qualified, serious proposals for the disposition of its property in a manner that is most likely to meet the current and long term needs of the District.

California Department of Education
WAIVER SUBMISSION - General

CD Code: 4269260 Waiver Number: 99-2-2014 Active Year: 2014

Date In: 2/19/2014 8:34:30 AM

Local Education Agency: Orcutt Union Elementary School District
Address: 500 Dyer St.
Orcutt, CA 93455

Start: 5/1/2014 End: 5/1/2016

Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: Sale or Lease of Surplus Property
Ed Code Title: Lease of Surplus Property
Ed Code Section: 17388,17455,17466,17468,17469,17471-17478
Ed Code Authority: 33050(a)

Ed Code or *CCR* to Waive: See Attachment #1

Outcome Rationale: See Attachment #2

Student Population: 199

City Type: Rural

Public Hearing Date: 2/12/2014
Public Hearing Advertised: Legal Notice in Santa Maria Times, OUSD website, District Office, Olga Reed, Orcutt Public Library

Local Board Approval Date: 2/12/2014

Community Council Reviewed By: Los Alamos Schoolsite Council
Community Council Reviewed Date: 2/3/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Marysia Ochej
Position: Assistant Superintendent, Business Services
E-mail: mochej@orcutt-schools.net
Telephone: 805-938-8917
Fax: 805-938-8919

Bargaining Unit Date: 02/03/2014
Name: Classified State Employees Association
Representative: Brad Gitchell
Title: President
Position: Neutral
Comments:

Bargaining Unit Date: 02/03/2014
Name: Orcutt Educators Association
Representative: Monique Segura
Title: President
Position: Support
Comments:

Exhibit A

STATUTORY LANGUAGE REQUESTED WAIVED

The Orcutt Union School District respectfully requests a waiver from further compliance with the following stricken provisions of the Education Code with respect to the proposed lease of a library facility at Olga Reed Elementary School:

Education Code § 17388

The governing board of any school district may[, and the governing board of each school district, prior to the sale, lease, or rental of any excess real property, except rentals not exceeding 30 days, shall,] appoint a district advisory committee to advise the governing board in the development of districtwide policies and procedures governing the use or disposition of school buildings or space in school buildings which is not needed for school purposes.

Education Code § 17455

The governing board of any school district may sell any real property belonging to the school district or may lease for a term not exceeding 99 years, any real property, together with any personal property located thereon, belonging to the school district which is not or will not be needed by the district for school classroom buildings at the time of delivery of title or possession. The sale or lease may be made without first taking a vote of the electors of the district[, and shall be made in the manner provided by this article].

Education Code § 17466

Before ordering the sale or lease of any property the governing board, in a regular open meeting, by a two-thirds vote of all its members, shall adopt a resolution, declaring its intention to sell or lease the property, as the case may be. The resolution shall describe the property proposed to be sold or leased in such manner as to identify it [and shall specify the minimum price or rental and the terms upon which it will be sold or leased] and the commission, or rate thereof, if any, which the board will pay to a licensed real estate broker [out of the minimum price or rental. The resolution shall fix a time not less than three weeks thereafter for a public meeting of the governing board to be held at its regular place of meeting, at which sealed proposals to purchase or lease will be received and considered].

Education Code § 17468

If, in the discretion of the board, it is advisable to offer to pay a commission to a licensed real estate broker who is instrumental in obtaining any proposal, the commission shall be specified in the resolution. No commission shall be paid unless there is contained in or with the [sealed] proposal [or stated in or with the oral bid], which is finally accepted, the name of the licensed real estate broker to whom it is to be paid, and the amount or rate thereof. Any commission shall, however, be paid only out of money received by the board from the sale or rental of the real property.

Education Code § 17469

Notice of the adoption of the resolution [and of the time and place of holding the meeting] shall be given by posting copies of the resolution signed by the board or by a majority thereof in three public places in the district[, not less than 15 days before the date of the meeting,] and by publishing the notice not less than once a week for three successive weeks before the meeting in a newspaper of general circulation published in the county in which the district or any part

thereof is situated, if any such newspaper is published therein.

Education Code § 17471

Whenever it is proposed to lease real property and the governing board unanimously determines in the resolution that in its opinion, the monthly rental value of the property does not exceed the sum of fifty dollars ($50), the resolution need not be posted and may[, before the date of the meeting,] be published in two successive issues of a weekly newspaper or in five successive issues of a daily newspaper. The newspaper in which the notice is published shall be one published in the district and having a general circulation there; or if there is no newspaper, then one having a general circulation in the district; or if there is no newspaper, then in one having a general circulation in a county in which the district or any part thereof is situated.

Education Code § 17472

[At the time and place fixed in the resolution for the meeting of the governing body, all sealed proposals which have been received shall, in public session, be opened, examined, and declared by the board. Of the proposals submitted which conform to all terms and conditions specified in the resolution of intention to sell or to lease and which are made by responsible bidders, the proposal which is the highest, after deducting therefrom the commission, if any, to be paid a licensed real estate broker in connection therewith, shall be finally accepted, unless a higher oral bid is accepted or the board rejects all bids.]

Education Code § 17473

[Before accepting any written proposal, the board shall call for oral bids. If, upon the call for oral bidding, any responsible person offers to purchase the property or to lease the property, as the case may be, upon the terms and conditions specified in the resolution, for a price or rental exceeding by at least 5 percent, the highest written proposal, after deducting the commission, if any, to be paid a licensed real estate broker in connection therewith, then the oral bid which is the highest after deducting any commission to be paid a licensed real estate broker, in connection therewith, which is made by a responsible person, shall be finally accepted. Final acceptance shall not be made, however, until the oral bid is reduced to writing and signed by the offeror.]

Education Code § 17474

[In the event of a sale on a higher oral bid to a purchaser procured by a licensed real estate broker, other than the broker who submitted the highest written proposal, and who is qualified as provided in Section 17468 of this code, the board shall allow a commission on the full amount for which the sale is confirmed. One-half of the commission on the amount of the highest written proposal shall be paid to the broker who submitted it, and the balance of the commission on the purchase price to the broker who procured the purchaser to whom the sale was confirmed.]

Education Code § 17475

The final acceptance by the governing body may be made either at the same session or at any adjourned session [of the same meeting held within the 10 days next following.]

Education Code § 17476

The governing body may at the session, if it deems such action to be for the best public interest, [reject any and all bids, either written or oral, and] withdraw the property from sale or lease.

Education Code § 17477

(a)(1) If the governing board has complied with the provisions of this article, and no proposals are submitted or the proposals submitted do not conform with all terms and conditions specified in the resolution of intent to lease, the governing board may within one year thereafter, or one year after the passage of 30 days from the rejection of a public entity's nonconforming proposal, as appropriate, lease such real property, together with any personal property located thereon, to any lessee, [at a price not less than fair market value] in accordance with any terms and conditions agreed upon by the governing board and the lessee[, except that the term of a lease shall not exceed three years]. Sections 17461, 17464, and 17466 to 17469, inclusive, and Sections 17471 to 17473, inclusive, shall not apply to the lease.

Education Code § 17478

Any resolution of acceptance [of any bid] made by the governing body authorizes and directs the president of the governing body, or other presiding officer, or the members thereof, to execute a deed or lease and to deliver it upon performance and compliance by the purchaser or lessee of all the terms or conditions of his or her contract to be performed concurrently therewith.

Exhibit B

"Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations."

In 1965, the County of Santa Barbara built a public library building on a parcel of land owned by the Los Alamos School District. In the same year, the City of Santa Maria leased the building from the school district to provide library services for the citizens of the town of Los Alamos. In 1988, the lease was dissolved, due to budgetary constraints and a bookmobile served the community for some time after that. At one point in the late 90s, the building was used as a privately run pre-school per an agreement with the Los Alamos School District. At no time has the building been used as a classroom for the school district. While the building is County Code certified it is not certified by the Division of State Architect's office. Currently the building is used as a storage area for the school garden.

In 2010, Los Alamos School District met with Orcutt Union School District regarding a possible merge into the Orcutt Union School District. Los Alamos was experiencing severe economic difficulties as well as a shortage of people willing to serve on the Board of Trustees. On May 2, the Santa Barbara County Committee on School District Organization (County Committee) approved the lapsation of the Los Alamos School District and the subsequent annexation of the former district to the Orcutt Union School District effective July 1, 2011. The Boards of the Los Alamos and Orcutt Union School Districts adopted resolutions to lapse the former district and annex the territory to the adjoining Orcutt Union School District. A waiver request to the California State Board of Education was approved on July 13, 2011, retroactive to July 1, 2011.

On July 1, 2011 when Olga Reed officially entered into Orcutt Union School District, it was the town's only school. Olga Reed's enrollment was 201 students and Los Alamos population was 1,890; the median age is 38.2; the mean household income is $56,645; 55.9% of the population is White, 40.9% Hispanic and 1.7% Asian. Approximately 30% of Olga Reed students do not have Internet access in their homes. In addition, 83% of the students qualify for free/reduced lunch, 54% are English language learners, 18% are migrant and 2% are homeless or in foster care.

The nearest public library is 20 miles away and public transportation is sporadic at best; the bus route stops three miles from the nearest public library, putting a significant portion of the Los Alamos population at a serious disadvantage as far as literacy opportunities and Internet access. The County of Santa Barbara currently allocates $6.90 per capita for library services; based on that figure, the Santa Maria Library District has agreed to operate a public library in Los Alamos that will be open for thirteen hours a week. Residents of Los Alamos will be able to request books and other materials from any library that is a member of the Black Gold system. In addition, the library will offer free computer/Internet access and tutoring for all ages in the evenings and on Saturdays.

In October of 2013, a Friends of the Los Alamos Public Library group was formed to raise funds and generate support to reopen the library as it was originally intended. The residents of Los Alamos have proven their commitment to the "Bring Back our Library" project by donating over $30,000, and representatives from the 3rd District Supervisor's office, the County of Santa Barbara Community Services Department, the Santa Maria Library District, and the Orcutt Union School District have worked together to find a way to reopen a branch of the public library system for this underserved community as expeditiously as possible.

California Department of Education
WAIVER SUBMISSION - General

CD Code: 3768296 Waiver Number: 7-3-2014 Active Year: 2014

Date In: 3/10/2014 2:59:37 PM

Local Education Agency: Poway Unified School District
Address: 15250 Avenue of Science
San Diego, CA 92128

Start: 1/22/2014 End: 1/22/2016

Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: Sale or Lease of Surplus Property
Ed Code Title: Sale of Surplus Property
Ed Code Section: 17455, 17466, 17472, 17473, 17474, and 17475
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: 17455. The governing board of any school district may sell any real property belonging to the school district or may lease for a term not exceeding 99 years, any real property, together with any personal property located thereon, belonging to the school district which is not or will not be needed by the district for school classroom buildings at the time of delivery of title or possession. The sale or lease may be made without first taking a vote of the electors of the district[, and shall be made in the manner provided by this article].

17466. Before ordering the sale or lease of any property the governing board, in a regular open meeting, by a two-thirds votes of all its members, shall adopt a resolution, declaring its intention to sell or lease the property, as the case may be. The resolution shall describe the property proposed to be sold or leased in such manner as to identify it [and shall specify the minimum price or rental and the terms upon which it will be sold or leased] and the commission, or rate thereof, if any, which the board will pay to a licensed real estate broker[out of the minimum price or rental. The resolution shall fix a time not less than three weeks thereafter for a public meeting of the governing board to be held at its regular place of meeting, at which sealed proposals to purchase or lease will be received and considered].

17472. [At the time and place fixed in the resolution for the meeting of the governing body, all sealed] Proposals which have been received shall, in public session, be opened, examined, and declared by the board.[Of the proposals submitted which conform to all terms and conditions specified in the resolution of intention to sell or to lease and which are made by responsible bidders, the proposal which is the highest, after deducting therefrom the commission, if any, to be paid a licensed real estate broker in connection therewith, shall be finally accepted, unless a higher oral bid is accepted or the board rejects all bids.]

[17473. Before accepting any written proposal, the board shall call for oral bids. If, upon the call for oral bidding, any responsible person offers to purchase the property or to lease the

property, as the case may be, upon the terms and conditions specified in the resolution, for a price or rental exceeding by at least 5 percent, the highest written proposal, after deducting the commission, if any, to be paid a licensed real estate broker in connection therewith, then the oral bid which is the highest after deducting any commission to be paid a licensed real estate broker, in connection therewith, which is made by a responsible person, shall be finally accepted. Final acceptance shall not be made, however, until the oral bid is reduced to writing and signed by the offeror.]

[17474. In the event of a sale on a higher oral bid to a purchaser procured by a licensed real estate broker, other than the broker who submitted the highest written proposal, and who is qualified as provided in Section 17468 of this code, the board shall allow a commission on the full amount for which the sale is confirmed. One-half of the commission on the amount of the highest written proposal shall be paid to the broker who submitted it, and the balance of the commission on the purchase price to the broker who procured the purchaser to whom the sale was confirmed.]

17475. The final acceptance by the governing body may be made [either at the same session] or at any [adjourned session of the same] meeting held within the 10 days next following.

Outcome Rationale: The District requests the specified *Education Code* sections be waived in order to allow the District to maximize the return on the potential sale or lease of its surplus sites in a manner that best serves the District's schools and community. The District would like to offer one or more of its surplus properties for sale or lease through Requests for Proposals followed by further negotiations in order to solicit proposals from the greatest number of potential buyers possible as well as obtain the most financially advantageous agreement possible. The language of *Education Code* Section 17455 et seq. which typically requires award of the property to the highest bidder based on a formal competitive bidding process is inconsistent with the waivers the District is seeking.

The District will work closely with its legal counsel and real property consultants to ensure that the process by which the property is sold or leased is fair, open, and competitive. The process the District will use will be designed to get the best result for the District, the schools, and the community.

Student Population: 35498

City Type: Suburban

Public Hearing Date: 1/21/2014
Public Hearing Advertised: Published in San Diego Daily Transcript on 01/16/2014 and posted in accordance with Brown Act (See Copies Attached to Submission)

Local Board Approval Date: 1/21/2014

Community Council Reviewed By: Real Property Advisory Committee
Community Council Reviewed Date: 12/2/2013
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Ty Dorward
Position: District Legal Counsel
E-mail: tyree.dorward@bbklaw.com
Telephone: 619-525-1338
Fax:

Bargaining Unit Date: 12/02/2013
Name: Poway Federation of Teachers
Representative: Candy Smiley
Title: President
Position: Support
Comments:

Bargaining Unit Date: 12/02/2013
Name: Poway School Employees Association
Representative: Lynnette Turner
Title: President
Position: Support
Comments:

Bargaining Unit Date: 12/06/2013
Name: SEIU - Local 221 Poway Chapter
Representative: Charles Lord
Title: President
Position: Support
Comments:

EXHIBIT "A"

The Poway Unified School District ("District") desires to waive the following sections and portions of the Education Code lined out below:

17455. The governing board of any school district may sell any real property belonging to the school district or may lease for a term not exceeding 99 years, any real property, together with any personal property located thereon, belonging to the school district which is not or will not be needed by the district for school classroom buildings at the time of delivery of title or possession. The sale or lease may be made without first taking a vote of the electors of the district, ~~and shall be made in the manner provided by this article.~~

Rationale: The District requests the specified Education Code sections be waived in order to allow the District to maximize the return on the potential sale or lease of its surplus sites in a manner that best serves the District's schools and community. The District would like to offer one or more of its surplus properties for sale or lease through Requests for Proposals followed by further negotiations in order to solicit proposals from the greatest number of potential buyers possible as well as obtain the most financially advantageous agreement possible. The language of Education Code Section 17455 stating that the sale or lease of real property is to be made in the manner provided by this article is inconsistent with the waivers the District is seeking.

The District will work closely with consultants to ensure that the process by which the property is sold or leased is fair, open, and competitive. The process the District will use will be designed to get the best result for the District, the schools, and the community.

17466. Before ordering the sale or lease of any property the governing board, in a regular open meeting, by a two-thirds votes of all its members, shall adopt a resolution, declaring its intention to sell or lease the property, as the case may be. The resolution shall describe the property proposed to be sold or leased in such manner as to identify it ~~and shall specify the minimum price or rental and the terms upon which it will be sold or leased~~ and the commission, or rate thereof, if any, which the board will pay to a licensed real estate broker ~~out of the minimum price or rental. The resolution shall fix a time not less than three weeks thereafter for a public meeting of the governing board to be held at its regular place of meeting, at which sealed proposals to purchase or lease will be received and considered~~.

Rationale: The language to be waived provides for a minimum price or rental and requires sealed proposals to purchase or lease the property. This requirement restricts the District's flexibility in negotiating price, payments, and terms that may yield greater economic benefit to the District.

17472. ~~At the time and place fixed in the resolution for the meeting of the governing body, all sealed~~ proposals which have been received shall, in public session, be opened, examined, and declared by the board. ~~Of the proposals submitted which conform to all terms and conditions specified in the resolution of intention to sell or to lease and which are made by responsible bidders, the proposal which is the highest, after deducting therefrom the commission, if any, to be paid a licensed real estate broker in connection therewith, shall be finally accepted, unless a higher oral bid is accepted or the board rejects all bids~~.

Rationale: By striking the requirement that sealed proposals be received, and that the highest bidder be awarded the contract, the District will be able to sell or lease the property to the party that presents the most favorable proposal to the District. The Board would, therefore, be able to sell or lease to the party submitting the proposal that best meets the District's needs. By removing the requirement that an oral bid be accepted, the District would be able to determine what constitutes the most desirable and advantageous proposal to the District.

~~17473. Before accepting any written proposal, the board shall call for oral bids. If, upon the call for oral bidding, any responsible person offers to purchase the property or to lease the property, as the case may be, upon the terms and conditions specified in the resolution, for a price or rental exceeding by at least 5 percent, the highest written proposal, after deducting the commission, if any, to be paid a licensed real estate broker in connection therewith, then the oral bid which is the highest after deducting any commission to be paid a licensed real estate broker, in connection therewith, which is made by a responsible person, shall be finally accepted. Final acceptance shall not be made, however, until the oral bid is reduced to writing and signed by the offeror.~~

Rationale: The entire section is to be waived because the District, in negotiating an agreement to sell or lease the property, will not be accepting oral bids in addition to sealed bids.

~~17474. In the event of a sale on a higher oral bid to a purchaser procured by a licensed real estate broker, other than the broker who submitted the highest written proposal, and who is qualified as provided in Section 17468 of this code, the board shall allow a commission on the full amount for which the sale is confirmed. One half of the commission on the amount of the highest written proposal shall be paid to the broker who submitted it, and the balance of the commission on the purchase price to the broker who procured the purchaser to whom the sale was confirmed.~~

Rationale: The entire section is to be waived because the District, in negotiating an agreement to sell or lease the property, will not be accepting oral bids.

17475. The final acceptance by the governing body may be made ~~either at the same session or~~ at any ~~adjourned session of the same~~ meeting held within the 10 days next following.

Rationale: Rather than specifying a certain number of days or a timeframe, the proposed language provides flexibility while ensuring a public process whereby the reasons for the determination of the most desirable proposal is shared openly. Prior to the decision to sell or lease a site, the District received input on the properties from a District Real Property Advisory Committee whose purpose was to advise the Board in the development of District-wide policies and procedures governing the use or disposition of school buildings, space, or property which is not used for school purposes. (*See,* Ed. Code, § 17388.) The District recently consulted with this committee and a majority of its members expressed support for the District's waiver request.

California State Board of Education

Meeting Agenda Items for May 7-8, 2014

WAIVER ITEM W-09

ITEM #W-09

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2014 AGENDA

☒ **General Waiver**

SUBJECT Request by **Dehesa Elementary School District** to waive California *Education Code* sections 15102 and 15268 related to bonded indebtedness limits. Total bonded indebtedness may not exceed 1.25 percent of the taxable assessed valuation of property for elementary and high school districts. Proposition 39 bonds limit the tax rate levy authorized in each election to $30 per $100,000 of assessed value for elementary and high school districts. The district is requesting 1.58 percent bonded indebtedness limit. Waiver Number: 84-2-2014	☒ **Action** ☒ **Consent**

SUMMARY OF THE ISSUES

The Dehesa Elementary School District's (ESD) bonded indebtedness ratio is 0.81 percent and is unable to issue $2.3 million of the $3 million bonds reauthorized in November 2012. The district is requesting to increase the limit to 1.58 percent. The California Department of Education (CDE) recommends that the State Board of Education (SBE) approve the district's request to increase its limit not to exceed 1.58 percent with the conditions noted on Attachment 1.

Authority for Waiver: *Education Code (EC)* Section 33050

RECOMMENDATION

☐ **Approval** ☒ **Approval with conditions** ☐ **Denial**

The CDE recommends that the bonded indebtedness limits be waived with the following conditions: (1) the period of request does not exceed the recommended period on Attachment 1, (2) the total bonded indebtedness limit does not exceed the recommended new maximum shown on Attachment 1, (3) the district does not exceed the statutory tax rate, (4) the waiver is limited to the sale of bonds approved by the voters on the measure, and (5) the district complies with the statutory requirements of Assembly Bill (AB) 182 related to school bonds which became effective January 1, 2014.

SUMMARY OF KEY ISSUES

Statutes Related to Bonded Indebtedness

To raise funds to build or renovate school facilities, with voter authorization, school districts may issue general obligation (G.O.) bonds. Prior to 2001, districts needed a two-thirds approval. In November 2000, districts were given another option for authorizing and issuing bonds when California voters passed Proposition 39, which allows school bonds to be approved with a 55 percent majority vote if the district abides by several administrative requirements, such as establishing an independent Citizens' Oversight Committee to oversee the use of the funds. Once G.O. bonds are authorized, school districts issue the bonds in increments needed to fund their facility projects. When the voters authorize a local G.O. bond, they are simultaneously authorizing a property tax increase to pay the principal and interest on the bond. For Proposition 39 bonds, *EC* sections 15268 and 15270(a) limit the tax rate levy authorized in each election to $30 per $100,000 of taxable property for high school and elementary school districts, and $60 per $100,000 for unified school districts. The *EC* does not provide tax rate levy limits for non-Proposition 39 bonds; however, an estimate of the tax rate levy required to repay the bonds is included in the voter pamphlet.

The *EC* also provides limits related to a district's total bonded indebtedness. The *EC* sections 15102 and 15268 limit an elementary or high school district's total G.O. bond indebtedness to 1.25 percent of the total assessed valuation of the district's taxable property, whereas *EC* sections 15106 and 15270(a) limit a unified school district's to 2.5 percent.

Because the limits are based on assessed valuation, it can have disparate effects on districts of similar types. For example, a district with high assessed valuation can issue more in G.O. bonds before reaching the limit than a district with a similar number of students and facility needs, but a lower assessed valuation. Similarly, in the current time of declining property values, districts are seeing a decline in their bonding capacity.

Without a waiver, school districts that are close to their bonding capacity must issue fewer bonds, delay the issuance of bonds until their assessed valuation increases, or obtain other, more expensive, non-bond financing to complete their projects, the costs of which could be paid from district general funds. Therefore, the CDE has historically recommended that the SBE approve related waiver requests. However, because it is the CDE's assumption that the average voter is unaware tax rate levy limits could be changed by the SBE through a waiver process, to ensure that a waiver approval does not have an adverse effect on local approval of future bond measures, the CDE has always recommended that the waiver be approved on the condition that the statutory tax rate levies are not exceeded at the time the bonds are issued.

On October 2, 2013, Governor Brown signed AB 182 (Chapter 477, Statutes of 2013) which establishes parameters for the issuance of local education bonds that allow for the compounding of interest, including capital appreciation bonds (CABs). AB 182 requires that a district governing board do the following:

- Before the bond sale, adopt a resolution at a public meeting that includes specific criteria, including being publicly noticed on at least two consecutive meeting agendas.
- Be presented with an agenda item at a public board meeting that provides a financial analysis of the overall costs of the bonds, a comparison to current interest bonds, and reasons why the compounding interest bonds are being recommended.
- After the bond sale, present actual cost information at the next scheduled public meeting and submit the cost information of the sale to the California Debt and Investment Advisory Commission.

District's Request

The Dehesa ESD is requesting a waiver of the *EC* sections pertaining to the district's total bonded indebtedness limit in order to issue reauthorized Proposition 39 bonds approved by the voters on November 6, 2012. In November 2007, the district's voters approved a $5.5 million bond. The district has issued approximately $2.5 million of the November 2010 bonds, leaving $3 million unissued. The district is unable to issue the remaining $3 million due to the tax rate limit and the debt ratio limit. Therefore, the district returned to the voters on November 2012 to reauthorize the remaining unissued $3 million bonding authority from the November 2010 election, thereby, authorizing a new tax rate limit. The bonds are to be used for construction, facility repairs and renovation and to increase technology needs in the district.

The district is unable to issue the bonds due to the debt limit of 1.25 percent. The district's current debt ratio is 0.81 percent of the assessed valuation of taxable property; therefore the district may only issue up to $1.3 million before it reaches the debt ratio limit. According to the district, if the waiver is approved as requested, an increased limit on debt to assessed value of up to 1.58 percent would allow the district to issue $2.3 million of the $3 million reauthorized bonds ($1.965 million in 30-year current interest bonds and $334,980 in 20-year CABs) and remain within the tax rate limit of $30 per $100,000 of taxable property. The district states that it has complied with the requirements of AB 182.

The CDE has reviewed the waiver and the district's schedule of assessed valuation and principal reduction to estimate the period of time that the district will be above the 1.25 percent statutory requirement as noted on Attachment 1. The CDE recommends that the bonded indebtedness limits be waived with the following conditions: (1) the period of request does not exceed the recommended period on Attachment 1, (2) the total bonded indebtedness limit does not exceed the recommended new maximum shown on Attachment 1, (3) the district does not exceed the statutory tax rate, (4) the waiver is limited to the sale of bonds approved by the voters on the measure noted on Attachment 1, and (5) the district complies with the statutory requirements of AB 182 related to school bonds which became effective January 1, 2014.

Demographic Information: Dehesa Elementary School District operates one school site with a student population of 205 and is located in an urban area in San Diego County.

Because this is a general waiver, if the SBE decides to deny the waiver, it must cite one of the seven reasons in *EC* 33051(a), available at http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC&sectionNum=33051.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SBE has approved all bond limit waiver requests limited to the sale of already authorized bonds and at the tax rate levy stated on the bond measure.

Note, the SBE has never approved a waiver that would allow the district to exceed the statutory tax rate levy.

FISCAL ANALYSIS (AS APPROPRIATE)

Approval of the waiver would allow the district to accelerate the issuance of voter approved bonds to avoid serious financial stress to the district's general fund.

ATTACHMENT(S)

Attachment 1: List of Waiver Number(s), District(s), and Information Regarding Each Waiver (1 page)

Attachment 2: Dehesa Elementary School District General Waiver Request 84-2-2014 (4 pages) (Original waiver request is signed and on file in the Waiver Office along with the district's Tax Rate Analysis, Bonding Capacity Analysis, History of Assessed Valuation, and Estimated Debt Service Schedule CAB's & CIBs.)

District(s) Requesting Increase in Bond Indebtedness Limits

California *Education Code (EC)* sections 15102 and 15268 prohibit elementary and high school districts from issuing bonds in excess of 1.25 percent of the assessed valuation of a district's taxable property. *EC* sections 15106 and 15270(a) prohibit unified school districts from issuing bonds in excess of 2.5 percent of the assessed valuation of a district's taxable property. *EC* sections 15268 and 15270(a) limit bonds authorized by a 55 percent majority in elementary and high school districts to $30 per $100,000 of taxable property per election and unified school districts to $60 per $100,000.

Waiver Number	District County/District Code	Period of Request	Total Bonded Indebtedness Limit and Tax Rate per $100,000 Assessed Valuation Allowed by Law or Noted on Voter Pamphlet	District's Request	CDE Recommended (New Maximum)	Bargaining Unit, Representatives Consulted, Date/Position	Public Hearing and Local Board Approval Date Public Hearing Advertisement	Advisory Committee Consulted, Date/Position	District States it has Complied with Assembly Bill 182 Requirements
84-2-2014	Dehesa Elementary School District 37-68049	**Requested**: March 1, 2014 to March 1, 2016 **Recommended**: May 7, 2014 to May 7, 2016	Debt Limit 1.25% Tax Rate $30.00 Voter Pamphlet $30.00	Debt Limit 1.58% Tax Rate $30.00	Debt Limit 1.58% Limited to Sale of Bonds Approved by Voters on the November 2012 Election Tax Rate $30.00	Dehesa Teachers' Association, Christi Smith, President 1/8/14 **Support** California School Employees Association, Jackie Finch, President 1/8/14 **Support**	1/16/2014 Notice in a Newspaper, Notice posted at each school	Citizens' Oversight Committee 2/3/14 Dehesa Parents Club 2/3/14 **No Objections**	Yes

Created by Department of Education
March 14, 2014

California Department of Education
WAIVER SUBMISSION - General

CD Code: 3768049 Waiver Number: 84-2-2014 Active Year: 2014

Date In: 2/12/2014 11:37:34 AM

Local Education Agency: Dehesa Elementary School District
Address: 4612 Dehesa Rd.
El Cajon, CA 92019

Start: 3/1/2014 End: 3/1/2016

Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: School Construction Bonds
Ed Code Title: Bond Indebtedness Limit – Unified after 2000
Ed Code Section: 15102 and portions of 15268
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: *Education Code* Section 15102. The total amount of bonds issued pursuant to this chapter and Chapter 1.5 (commencing with Section 15264) shall not exceed [1.25] 1.58 percent of the taxable property of the school district or community college district, or the school facilities improvement district, if applicable, as shown by the last equalized assessment of the county or counties in which the district is located.

Education Code 15268. The total amount of bonds issued, including bonds issued pursuant to Chapter 1 (commencing with Section 15100), shall not exceed [1.25] 1.58 percent of the taxable property of the district as shown by the last equalized assessment of the county or counties in which the district is located. The bonds may only be issued if the tax rate levied to meet the requirements of Section 18 of Article XVI of the California Constitution in the case of indebtedness incurred by a school district pursuant to this chapter, at a single election, would not exceed thirty dollars ($30) per year per one hundred thousand dollars ($100,000) of taxable property when assessed valuation is projected by the district to increase in accordance with Article XIII? A of the California Constitution……

Outcome Rationale: Desired Outcome

The granting of this waiver will permit the Dehesa School District (the “District”) to issue up to $2,300,000 in general obligation bonds (from the $3 million reauthorized by the voters within the District on November 6, 2012) in May 2014 rather than delaying until 2020 which is when it is projected that the assessed values in the District will be sufficient to permit another bond issuance that is within 1.25% bonding capacity limit.

Rationale

A. Background

The Dehesa School District (the "District") provides an educational program for kindergarten through eighth grade students in the City of El Cajon (the "City") in the Dehesa Valley, which is located 20 miles east of downtown San Diego in San Diego County. The District currently operates one school site.

On November 2, 2010, District voters approved a general obligation bond measure in the total principal amount of $5,500,000 (the "2010 Authorization"). The District subsequently issued one series of bonds in the principal amount of $2,499,851.70, of which $2,419,851.70 principal amount is currently outstanding. There are approximately $3 million of authorized but unissued bonds pursuant to the 2010 Authorization.

Due to a number of drops in the District's assessed valuation in recent years, the District was unable to issue an additional series of its voter approved bonds pursuant to the 2010 Authorization because the tax rate levied to pay debt service on its outstanding bonds was already at or near the $30 per $100,000 of assessed valuation limitation set forth in *Education Code* Section 15268. Its only options to finance needed school facility projects were either to issue very costly, long term capital appreciation bonds, or return to voters with another bond measure. The District returned to the voters in November 2012 and was successful in obtaining the reauthorization of $3,000,000 of the remaining, unissued 2010 Authorization (the "2012 Authorization"). Because the 2012 Authorization has its own $30 per $100,000 tax rate cap, and the bonds do not have to fit within the tax rate cap of the 2010 Authorization, the District has the ability now to issue its voter approved bonds under a new tax rate cap. The District expects that this approach will save taxpayers hundreds of thousands of dollars in interest, which would have been paid on costly capital appreciation bonds.

However, fiscal year 2013-14 brought a large drop (14.71%) in assessed value in the District due to the removal of certain Sycuan Indian tribe land into the Indian Trust, resulting in tax exemption. As a result of this large reduction, the District expects it can still issue bonds which have a reasonable repayment ratio and continue to be within the $30 per $100,000 tax rate limit, however, this large drop has resulted in the District coming very near its 1.25% bonding capacity limitation, before it has even issued another series of needed bonds. The District has a total 2013-14 assessed value of $300,336,560. The total bonding capacity is $3,754,207 (1.25%). Taking into account its current issue of bonds in the amount of $2,419,851.70, the District currently only has the ability to issue $1,334,355 in additional bonds, notwithstanding that voters have authorized an additional $3 million in bonds. The District is currently in need of updated school facilities and increased computer technology access in excess of $12 million dollars.

At this time, the District wishes to issue general obligation bonds under its 2012 Authorization in one or more series to provide financing for its voter approved projects, and in order to do so must receive a bonding capacity waiver.

B. Financial Information

1. We estimate that issuing a maximum of $2,300,000 of bonds under the 2012 Authorization would raise the District's total indebtedness to approximately 1.58% of its

assessed valuation. We further estimate that by 2023-24, the indebtedness would be reduced to 1.06 %.

2. The assessed valuation within the District declined by 1.6%, 1.8%, 2.0% and 15.1% from fiscal year 2010-11 through 2013-14, respectively. As a result, the District's bonding capacity has declined, thereby increasing the need for the requested waiver.

3. The attached Bonding Capacity Analysis shows the assessed valuation, projected tax rates and existing and proposed debt service requirements.

C. Reasons to approve this waiver

1. Approval will permit the District to provide essential learning and recreational facilities to its students, so that the District does not have to wait until fiscal year 2020 when the bond indebtedness of the District is expected to fall below the 1.25% limit set forth in the California *Education Code*.

2. Approval will allow the District to benefit from currently lower construction costs.

3. Approval will allow the District to take advantage of near historic low interest rates.

4. Approval will satisfy the will of District voters who, at the November 6, 2012 election, reviewed and approved the reauthorization of $3,000,000 of the 2010 Authorization. The voters approved issuing these new bonds under a new tax rate cap so that needed District projects can be completed now, instead of years from now.

D. Who supports this waiver

1. Dale Scott & Company, Financial Advisor
2. Citizens' Oversight Committee
3. Jones Hall, A Professional Law Association, Bond Counsel
4. California School Employees Association (CSEA)
5. Dehesa Teachers' Association
6. Dehesa Parents' Club

E. Who opposes this waiver

None.

F. Summary

The Dehesa School District (the "District") has a current need to construct, repair and renovate District facilities, and increase student computer/technology access, yet historical assessed valuation in the District, coupled with a large drop of the Sycuan Indian Tribe's land from the district's taxpayer base, prohibit the District from issuing its voter-authorized general obligation bonds. However, the taxpayers want to see improvements in educational facilities allowed for by Proposition D, as approved in 2012. The District fully supports that mission and desires to continue to carry out the physical improvements necessary to improve services and facilities. These improvements are necessary to provide a safe, healthy and productive educational environment for our students. Approving this request for a waiver of the District's bonding

capacity limitation will allow for the continuation of an already efficient capital improvement program at the District, and permit the District to make necessary construction, repairs and upgrades to essential facilities.

Student Population: 205

City Type: Suburban

Public Hearing Date: 1/16/2014
Public Hearing Advertised: Notice in a newspaper, Notice posted at each school

Local Board Approval Date: 1/16/2014

Community Council Reviewed By: Citizens' Oversight Committee, Dehesa Parents Club
Community Council Reviewed Date: 2/3/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. William Dickinson
Position: Financial Advisor
E-mail: wdickinson@dalescott.com
Telephone: 415-956-1030
Fax:

Bargaining Unit Date: 01/08/2014
Name: California School Employees Association (Ch. 663)
Representative: Jackie Finch
Title: President
Position: Support
Comments:

Bargaining Unit Date: 01/08/2014
Name: Dehesa Teacher's Association
Representative: Christi Smith
Title: President
Position: Support
Comments:

California State Board of Education

Meeting Agenda Items for May 7-8, 2014

WAIVER ITEM W-10

ITEM #W-10

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2014 AGENDA

☒ **General Waiver**

SUBJECT Request by two school districts to waive California *Education Code* Section 15282(a), relating to term limits for members of a Citizens' Oversight Committee for all construction bonds in the district. Waiver Numbers: Oxnard Unified School District 25-1-2014 Saddleback Valley Unified School District 3-2-2014 Saddleback Valley Unified School District 2-2-2014	☒ **Action** ☒ **Consent**

SUMMARY OF THE ISSUES

The Oxnard Unified School District (USD) and Saddleback Valley Unified School District (USD) are requesting a waiver of *Education Code* (*EC*) Section 15282(a) to allow these districts to have members of the Citizens' Oversight Committee (COC) continue for an additional two-year term.

Authority for Waiver: *EC* Section 33050

RECOMMENDATION

☒ **Approval** ☐ **Approval with conditions** ☐ **Denial**

The California Department of Education (CDE) recommends that the State Board of Education (SBE) approve the requests from the Oxnard USD and Saddleback Valley USD to waive *EC* Section 15282 to allow these districts to have members of the Citizens' Oversight Committee (COC) continue for an additional two-year term. This will be the fourth waiver for three of the members of the Saddleback Valley USD COC. The CDE does not believe that there is a reason to deny this waiver as cited in *EC* 33051(a).

SUMMARY OF KEY ISSUES

Under the provisions of *EC* sections 33050 through 33053, the Oxnard USD and Saddleback Valley USD are requesting that specific language of *EC* Section 15282(a) relating to term limits for members of a COC be waived. The purpose of the COC is to inform the public concerning the expenditure of bond revenues. The COC reviews and reports on the proper expenditure of taxpayers' money for school construction. The COC holds public meetings and advises the public as to whether the district is in compliance with all of the statutory requirements of the bond and school construction projects.

The extension of time would allow the continued participation of two members from Oxnard USD and five members from Saddleback Valley USD which will aid the districts in their efforts to successfully complete the final phases of the building programs and would reserve continuity and enable these members to provide continual advice and guidance. Oxnard USD commented that it has proven a challenge to find members that are willing to make the necessary commitment to serve on the COC. Saddleback Valley USD has stated that they have advertised in the local newspaper and on the district website for recruitment of new members but have been unsuccessful. Additionally, the district has 10 percent of their Measure B bond remaining, which is committed to projects that will be completed within the next two years and will not have the need to request additional waivers of their COC members.

With the passage of Assembly Bill 1199 Chapter 73, Statutes of 2012 members of a local bond citizens' oversight committee may now serve three consecutive two-year terms.

Demographic Information:

The Oxnard USD has a student population of 16,800 and is located in a suburban area of Ventura County.

The Saddleback Valley USD has a student population of 29,403 and is located in a suburban area of Orange County.

Because this is a general waiver, if the SBE decides to deny the waiver, it must cite one of the seven reasons in *EC* 33051(a), available at http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC&sectionNum=33051.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SBE has approved all previous waivers regarding Citizens' Oversight Committees. The districts are requesting to waive the same provision of the term limits of members of the Citizens' Oversight Committee.

The Saddleback Valley USD 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, these waivers have been scheduled for the consent calendar. The Saddleback Valley USD has a 2013 Growth API of 868.

FISCAL ANALYSIS (AS APPROPRIATE)

There is no statewide fiscal impact of waiver approval or denial.

ATTACHMENT(S)

Attachment 1: COC members requesting extension. (1 page)

Attachment 2: Summary Table (3 pages)

Attachment 3: Oxnard Unified School District General Waiver Request 25-1-2014 (2 pages) (Original waiver request is signed and on file in the Waiver office.)

Attachment 4: Saddleback Valley Unified School District General Waiver Request 3-2-2014 (2 pages) (Original waiver request is signed and on file in the Waiver office.)

Attachment 5: Saddleback Valley Unified School District General Waiver Request 2-2-2014 (2 pages) (Original waiver request is signed and on file in the Waiver office.)

Citizens' Oversight Committee Member Extension Request by Oxnard USD and Saddleback Valley USD

Oxnard USD

The following member was appointed December 2006 (one-year term) and his current term expired December 2013.

Edward Castillo
Representing: Community at Large

The following member was appointed December 2007 and his current term expired December 2013.

Gerardo Gonzalez
Representing: Community at Large

Saddleback Valley USD

The following members were originally appointed July 2008 and their current terms will expire July 2014.

Mauricio Escobar
Representing: Parent

Stuart Luce
Representing: Senior Citizen's Organization

The following members were originally appointed May 2004 and their current terms will expire April 2014.

Donald Froelich
Representing: Senior Citizen's Organization

Ernestine Jones
Representing: Business Community

Nikki Meyers
Representing: Business Community

SUMMARY TABLE								
Waiver Number	School District	Period of Request	Local Board Approval Date	Public Hearing Date	Bargaining Unit Consulted – Date	Position of Bargaining Unit	Advisory Committee Consulted	Streamlined Waiver Policy
25-1-2014	Oxnard USD	**Requested:** January 1, 2014 – December 31, 2015 **Recommended:** January 1, 2014 – December 31, 2015	December 11, 2013	December 11, 2013	California School Employees Association (CSEA) – December 11, 2013 Clara Ramos, President **Support** Oxnard Educators Association (OEA) – December 11, 2013 Robin Lekfovits President **Support** Oxnard Support Services Association (OSSA) – December 11, 2013 Andrea Bleecher, President **Support**	CSEA – Support OEA – Support OSSA - Support	Bond Oversight Committee – December 11, 2013 No objections	No

SUMMARY TABLE								
Waiver Number	School District	Period of Request	Local Board Approval Date	Public Hearing Date	Bargaining Unit Consulted – Date	Position of Bargaining Unit	Advisory Committee Consulted	Streamlined Waiver Policy
3-2-2014	Saddleback Valley USD	**Requested:** July 6, 2014 – July 5, 2016 **Recommended:** July 6, 2014 – July 5, 2016	January 14, 2014	January 14, 2014	California School Employees Association (CSEA) – December 9, 2013 Amanda Vega de Garcia, President **Support** Saddleback Valley Educators Association (SVEA) – December 9, 2013 Dan Moon, President **Neutral**	CSEA – Support SVEA - Neutral	Bond Oversight Committee – November 21, 2013 No objections	Yes – API Growth of 868

SUMMARY TABLE								
2-2-2014	Saddleback Valley USD	**Requested:** May 8, 2014 – May 7, 2016 **Recommended:** May 8, 2014 – May 7, 2016	January 14, 2014	January 14, 2014	California School Employees Association (CSEA) – December 9, 2013 Amanda Vega de Garcia, President **Support** Saddleback Valley Educators Association (SVEA) – December 9, 2013 Dan Moon, President **Neutral**	CSEA – Support SVEA - Neutral	Bond Oversight Committee – November 21, 2013 No objections	Yes – API Growth of 868

Created by the California Department of Education
February 26, 2014

California Department of Education
WAIVER SUBMISSION - General

CD Code: 5672538 Waiver Number: 25-1-2014 Active Year: 2014

Date In: 1/9/2014 12:27:28 PM

Local Education Agency: Oxnard Unified School District
Address: 1051 South A St.
Oxnard, CA 93030

Start: 1/1/2014 End: 12/31/2015

Waiver Renewal: Y
Previous Waiver Number: 7-12-2011-W-15 Previous SBE Approval Date: 3/8/2012

Waiver Topic: School Construction Bonds
Ed Code Title: Citizens Oversight Comittee - Term Limits
Ed Code Section: 15282
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: 15282.(a) The Citizens' Oversight Committee shall consist of at least seven members to serve for a term of two years without compensation [and for no more than two consecutive terms].

Outcome Rationale: The Measure M6 Bond Oversight Committee (BOC) is the citizens' oversight body for $64 million in General Obligation Bonds for Oxnard School District. Without this waiver, two of the members will be termed out in December 2013. Approval of this waiver will allow the District to benefit from the outstanding expertise and contributions of those members during the next (and final) phases of the building program (Driffill P2P). Approval of this waiver will help preserve continuity and enable these experienced members to continue to provide advice and guidance to the BOC and to the District. Additionally, it has proven a challenge in the past to find members that are willing to make this commitment; the current group has been a good "fit". They have been consistent in their attendances and involvement with the Committee, and have expressed their willingness to continue to serve through the completion of the project.

Student Population: 16800

City Type: Suburban

Public Hearing Date: 12/11/2013
Public Hearing Advertised: Noticed in the local newspaper, notice posted at each school site and at main district office.

Local Board Approval Date: 12/11/2013

Community Council Reviewed By: Bond Oversight Committee
Community Council Reviewed Date: 11/12/2013
Community Council Objection: N

Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Lisa Cline
Position: Assistant Superintendent, Business & Fiscal Svces.
E-mail: lcline@oxnardsd.org
Telephone: 805-385-1501 x2401
Fax: 805-487-2118

Bargaining Unit Date: 12/11/2013
Name: California School Employees Association
Representative: Clara Ramos
Title: President
Position: Support
Comments:

Bargaining Unit Date: 12/11/2013
Name: Oxnard Educators Association
Representative: Robin Lekfovits
Title: President
Position: Support
Comments:

Bargaining Unit Date: 12/11/2013
Name: Oxnard Support Services Association
Representative: Andrea Bleecher
Title: President
Position: Support
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 3073635 Waiver Number: 3-2-2014 Active Year: 2014

Date In: 2/5/2014 2:21:01 PM

Local Education Agency: Saddleback Valley Unified School District
Address: 25631 Peter A. Hartman Way
Mission Viejo, CA 92691

Start: 7/6/2014 End: 7/5/2016

Waiver Renewal: Y
Previous Waiver Number: 12-4-2012-W-15 Previous SBE Approval Date: 7/20/2012

Waiver Topic: School Construction Bonds
Ed Code Title: Citizens Oversight Comittee - Term Limits
Ed Code Section: 15282
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: 15282 (a) The citizens' oversight committee shall consist of at least seven members to serve for a term of two years without compensation [and for no more than two consecutive terms].

Outcome Rationale: The Measure B Bond Citizens' Oversight Committee is the oversight body for $180 million in General Obligation bonds. Three (3) members, including the Chair, will be termed out in May, 2014. Two (2) of the members will be termed out in July 2014. The District has spent 80 percent of the bond funds. These current members of the COC have institutional memory of the bond process and all construction activity. Approval of this waiver will help preserve continuity and enable these experienced members to continue to provide advice and guidance to the COC and the District until the end of the bond. They have been consistent in their attendance and involvement with this Committee and have expressed their willingness to continue to serve.

Student Population: 29403

City Type: Suburban

Public Hearing Date: 1/14/2014
Public Hearing Advertised: Notice in newspaper adn notice posted at schools and District Office

Local Board Approval Date: 1/14/2014

Community Council Reviewed By: Bond Oversight Committee
Community Council Reviewed Date: 11/21/2013
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Geri Partida
Position: Assistant Superintendent, Business
E-mail: partidag@svusd.org
Telephone: 949-580-3226
Fax:

Bargaining Unit Date: 12/09/2013
Name: California School Employees Association (CSEA)
Representative: Amanda Vega de Garcia
Title: President
Position: Support
Comments:

Bargaining Unit Date: 12/09/2013
Name: Saddleback Valley Educators Association (SVEA)
Representative: Dan Moon
Title: President
Position: Neutral
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 3073635 Waiver Number: 2-2-2014 Active Year: 2014

Date In: 2/5/2014 11:18:21 AM

Local Education Agency: Saddleback Valley Unified School District
Address: 25631 Peter A. Hartman Way
Mission Viejo, CA 92691

Start: 5/8/2014 End: 5/7/2016

Waiver Renewal: Y
Previous Waiver Number: 11-4-2012-W-15 Previous SBE Approval Date: 7/20/2012

Waiver Topic: School Construction Bonds
Ed Code Title: Citizens Oversight Comittee - Term Limits
Ed Code Section: 15282
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: 15282.(a) The citizens' oversight committee shall consist of at least seven members to serve for a term of two years without compensation [and for no more than two consecutive terms].

Outcome Rationale: Outcome Rationale: The Measure B Bond Citizens' Oversight Committee is the oversight body for $180 million in General Obligation bonds for Saddleback Valley Unified School District. Three (3) of the members, including the Chair, will be termed out in May, 2014. Two (2) of the members will be termed out in July 2014. The District has spent 80 percent of the bond funds. These current members of the COC have institutional memory of the bond process and all construction activity. Approval of this waiver will help preserve continuity and enable these experienced members to continue to provide advice and guidance to the COC and the District until the end of the bond. They have been consistent in their attendance and involvement with this Committee and have expressed their willingness to continue to serve.

Student Population: 29403

City Type: Suburban

Public Hearing Date: 1/14/2014
Public Hearing Advertised: Notice in newpaper and notice posted at schools and District Office

Local Board Approval Date: 1/14/2014

Community Council Reviewed By: Bond Oversight Committee
Community Council Reviewed Date: 11/21/2013
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Geri Partida
Position: Assistant Superintendent, Business
E-mail: partidag@svusd.org
Telephone: 949-580-3226
Fax:

Bargaining Unit Date: 12/09/2013
Name: Saddleback Valley Educators Association (SVEA)
Representative: Dan Moon
Title: President
Position: Neutral
Comments:

Bargaining Unit Date: 12/09/2013
Name: California School Employees Association (CSEA)
Representative: Amanda Vega de Garcia
Title: President
Position: Support
Comments: none

California State Board of Education

Meeting Agenda Items for May 7-8, 2014

WAIVER ITEM W-11

ITEM #W-11

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2014 AGENDA

☒ **General Waiver**

SUBJECT Request by **Riverside County Office of Education** to waive portions of California *Education Code* Section 4009, that require the term of each member on the county committee shall be for four years. Waiver Number: 115-2-2014	☒ **Action** ☒ **Consent**

SUMMARY OF THE ISSUES

The Riverside County Committee on School District Organization (County Committee) is comprised of two members elected from each of the five county supervisorial districts and one member elected at-large, with each member serving a four-year term. Currently, the terms of office of both members from two of the county supervisorial districts expire in the same year and the Riverside County Office of Education (COE) is having difficulty recruiting two candidates from each of these two supervisorial districts to run for election in the same year. The Riverside COE is requesting that the California State Board of Education (SBE) waive the requirement in California *Education Code* (*EC*) Section 4009 that requires each County Committee member to serve four-year terms so that a staggered election cycle can be established for these two supervisorial districts.

Authority for Waiver: *EC* Section 33050

RECOMMENDATION

☐ **Approval** ☒ **Approval with conditions** ☐ **Denial**

The California Department of Education (CDE) recommends approval of the waiver request on the conditions that it applies only to one of the members elected from each of the supervisorial districts in which the members' terms expire in the same year and that the terms of office for these positions not exceed three years.

SUMMARY OF KEY ISSUES

The County Committee consists of 11 members, with two members elected from each of the five county supervisorial districts in Riverside County and one member elected countywide. *EC* Section 4009 provides that each member will serve a four-year term.

Currently, the four-year terms of both County Committee members from each of the Third and Fourth County Supervisorial Districts expire in the same year (i.e., the terms of the two Third District members expire in December 2016 and the terms of the two Fourth District members expire in December 2017). Because these two supervisorial districts do not have staggered terms, the Riverside COE has experienced difficulty in recruiting two members from the same district in an election year. To address this problem, the Riverside COE is requesting that SBE waive the four-year term requirement in *EC* Section 4009, with the conditions that the waiver apply "only to one of the two offices in the Third and Fourth Supervisorial Districts" and "the waiver grant a one-time two-year term of office for said positions."

The waiver request has been reviewed by CDE staff and it has been determined that there was no significant public opposition to the waivers at the public hearings held by the governing boards. 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 approval of the waiver request on the conditions that it applies only to one of the members elected from each of the supervisorial districts in which the members' terms expire in the same year and that the terms of office for these positions not exceed three years.

The CDE recommends altering the Riverside COE's second condition because providing a two-year term for the two positions could unbalance the overall election scheme for the County Committee. Currently, with an 11 member County Committee, no more than three positions are up for election in any given year. If the two-year terms are used to stagger the Third and Fourth Supervisorial District election cycles, four members would be up for election at one time. Providing a three-year term to stagger the election cycles would retain the current overall balance of no more than three positions per year up for election. The more general condition recommended by the CDE allows the County Committee and the Riverside COE to determine whether a two- or a three-year option results in the best local long-term solution.

Demographic Information: The Riverside COE has jurisdiction over all school districts in Riverside County, which contains urban and suburban (including large and small cities), and rural areas. There are approximately 431,000 students enrolled in these school districts.

Because this is a general waiver, if the SBE decides to deny the waiver, it must cite one of the seven reasons in *EC* Section 33051(a), available at http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC&sectionNum=33051.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SBE has not considered a similar waiver request.

FISCAL ANALYSIS (AS APPROPRIATE)

There is no statewide fiscal effect from SBE approval (or denial) of this waiver request.

ATTACHMENT(S)

Attachment 1: Information from Districts Requesting Waiver of a Four-Year Term for County Committee Members (1 page)

Attachment 2: Riverside County Office of Education General Waiver Request 115-2-2014 (4 pages) (Original waiver request is signed and on file in the Waiver Office.)

Information from Districts Requesting Waiver of a Four-Year Term for County Committee Members

Portions of California *Education Code* Section 4009

Waiver Number	District	Meets SBE Streamlined Waiver Policy?	Period of Request	Bargaining Unit, Representatives Consulted, Date, and Position	Public Hearing and Board Approval Date	Public Hearing Advertisement	SSC/Advisory Committee Position
115-2-2104	Riverside County Office of Education	No	**Requested:** December 1, 2016, to December 31, 2017 **Recommended**: September 1, 2016, to December 31, 2017	Riverside County Office Teachers' Association, Mike Bochicchio, President, 10/1/13: **Neutral** California School Employees' Association, Kasey McCall, President, 10/1/13: **Support**	1/8/14	Notice in a newspaper of general circulation.	Reviewed by Riverside County Committee on School District Organization (4/23/13): **No objections**

Created by California Department of Education
March 12, 2014

California Department of Education
WAIVER SUBMISSION - General

CD Code: 3310330 Waiver Number: 115-2-2014 Active Year: 2014

Date In: 2/26/2014 10:54:52 AM

Local Education Agency: Riverside County Office of Education
Address: 3939 13th St.
Riverside, CA 92502

Start: 12/1/2016 End: 12/31/2017

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: portions of 4009
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: The term of each member of the county committee shall begin upon election pursuant to Section 4006 or upon appointment pursuant to Section 4002, as appropriate [, and shall be for four years].

Outcome Rationale: See attachment.

Student Population: 431000

City Type: Urban

Public Hearing Date: 1/8/2014
Public Hearing Advertised: Newspaper of general circulation.

Local Board Approval Date: 1/8/2014

Community Council Reviewed By: Riverside County Committee on School District Organization
Community Council Reviewed Date: 4/23/2013
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Rollin Edmunds
Position: Management Specialist
E-mail: redmunds@rcoe.us
Telephone: 951-826-6473
Fax:

Bargaining Unit Date: 10/01/2013
Name: California Schools Employee Association
Representative: Kasey McCall
Title: President
Position: Support
Comments:

Bargaining Unit Date: 10/01/2013
Name: Riverside County Office Teachers Association (Certificated Unit)
Representative: Mike Bochicchio
Title: President
Position: Neutral
Comments:

Attachment

The Riverside County Office of Education ("RCOE") desires to have a portion of Education Code section 4009 waived in order to ensure that the interests of all of the school districts in Riverside County are adequately represented on the Riverside County Committee on School District Organization ("SDO").

In general, school district organization committees serve a number of purposes. The State Department of Education has opined that the county committee "is the local initiator, coordinator, analyst, facilitator, and arbitrator for the reorganization of school districts. It formulates plans, responds to petitions, conducts public hearings, develops and releases information, and analyzes proposals throughout the approval process of a reorganization." (Department of Education "District Organization Manual" (July 2010) at p. 16.) School district reorganization includes the establishment or realignment of trustee areas within school districts, the unification or deunification of school districts, transferring territory of school districts, and abolishing school districts, among other functions. Overall, school district organization committees comprise a key component of local governance and act as an intermediary between counties and the State in ensuring the legality and efficiency of the organization of the public school system.

As provided in the Education Code, the SDO is comprised of 11 members: two members from each of the supervisorial districts in Riverside County and one at-large member. Each of these members (except for the at-large member) are elected to four-year terms by representatives of Riverside County school district and community college district governing boards pursuant to Education Code sections 4005, 4006 and 4009. In cases where candidates have not been timely elected to fill vacancies, the Riverside County Superintendent of Schools has, in the past, appointed members pursuant to his authority in Education Code section 4006(c).

In the SDO, representatives from the Third and Fourth Supervisorial Districts are elected in the same "cycle"; that is, both of the representatives in each of these Supervisorial Districts are elected to four-year terms in the same year. The terms of office in the Third Supervisorial District will both end in December 2017. The terms of office in the Fourth Supervisorial District will both end in December 2016. Recently, there have been difficulties appointing members to the SDO from the Fourth Supervisorial District. After both terms in the Fourth Supervisorial District ended in December 2012, no candidates willing to fill the vacancies could be located for election by the local school district and community college district governing boards. The Riverside County Superintendent of Schools was required to make an appointment in February 2013 to one vacancy and was unable to make an appointment to the other vacancy until January 2014.

RCOE, on behalf of its SDO, would like to avoid such scenarios in the future. To that end, RCOE seeks a waiver of Education Code section 4009's requirements that SDO members serve four year terms. RCOE requests that approval of such a waiver be conditioned upon application of the waiver only to one of the two offices in the Third and Fourth Supervisorial Districts, and that the waiver grant a one-time, two-year term of office for said positions. After the expiration of the two year term of office, the normal four-year term of office would be reinstated in accordance with Education Code section 4009. This would allow the offices in the Third and Fourth Supervisorial Districts to become

"staggered" to help avoid prolonged vacancies in any Supervisorial District (presently, the offices in the First, Second and Fifth Supervisorial Districts have staggered terms) in the future.

RCOE believes that it is crucial to have representation from every Riverside County Supervisorial District on the SDO at all times. The interests of every school district in Riverside County should be represented by membership on the SDO when making crucial reorganization decisions, especially in light of the recent trend amongst school districts in Riverside County to move from at-large to by-trustee area methods of election. By seeking the present waiver, RCOE believes that every Supervisorial District (and in turn, every school district) will have at least one representative on the SDO at all times to ensure inclusion and participation across Riverside County.

California State Board of Education

Meeting Agenda Items for May 7-8, 2014

WAIVER ITEM W-12

ITEM #W-12

CALIFORNIA STATE BOARD OF EDUCATION

MARCH 2014 AGENDA

☒ **General Waiver**

SUBJECT Request by four school districts to waive California *Education Code* Section 5020, and portions of sections 5019, 5021, and 5030, that require a districtwide election to establish a by-trustee-area method of election. Waiver Numbers: Anaheim Union High School District 33-1-2014 Corona-Norco Unified School District 38-1-2014 Riverbank Unified School District 4-3-2014 Stony Creek Joint Unified School District 119-2-2013	☒ **Action** ☒ **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 by-trustee-area elections, only if the change is approved by both the County Committee on School District Organization (County Committee) and voters at a districtwide election.

To reduce the potential for litigation and to establish by-trustee-area elections as expeditiously as possible, the Anaheim Union High School District (UHSD), the Corona-Norco Unified School District (USD), the Riverbank USD, and the Stony Creek Joint USD request that the California State Board of Education (SBE) waive the requirement that by-trustee-area elections be approved at a districtwide 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 requests by the Anaheim UHSD, the Corona-Norco USD, the Riverbank USD, and the Stony Creek Joint USD, to waive *EC* Section 5020, and portions of sections 5019, 5021, and 5030, which require by-trustee-area elections be approved at a districtwide election.

SUMMARY OF KEY ISSUES

Approval of these waiver requests would eliminate the election requirement for approval of trustee areas and a by-trustee-area method of election for future governing board elections in the 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.

County Committees have the authority to approve or disapprove the adoption of trustee areas and methods of election for school district governing board elections. Pursuant to *EC* Section 5020, County Committee approval of trustee areas and election methods constitutes an order of election; thus, voters in each of the districts have final approval. If the SBE approves the waiver requests, these districtwide elections will not be required and by-trustee-area elections can be adopted in each district upon review and approval of the County Committee.

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 districts are taking action to establish trustee areas and adopt by-trustee-area election methods. In order to establish these trustee areas and the methods of election as expeditiously as possible, the Anaheim UHSD, the Corona-Norco USD, the Riverbank USD, and the Stony Creek Joint USD, are requesting that the SBE waive the requirement that the trustee areas and the election methods be approved at districtwide elections.

Only the election to establish trustee areas and election method will be eliminated by approval of the waiver requests—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 been 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 requests by the Anaheim UHSD, the Corona-Norco USD, the Riverbank USD, and the Stony Creek Joint USD, to waive *EC* Section 5020, and portions of sections 5019, 5021, and 5030, which require by-trustee-area elections be approved at a districtwide election.

Demographic Information:

The Anaheim UHSD has a student population of 32,085 and is located in an urban area of Orange County.

The Corona-Norco USD has a student population of 53,838 and is located in an urban area of Riverside County.

The Riverbank USD has a student population of 3,000 and is located in a small city of Stanislaus County.

The Stony Creek Joint USD has a student population of 100 and is located in a rural area of Glenn County.

Because this is a general waiver, if the SBE decides to deny the waiver, it must cite one of the seven reasons in *EC* Section 33051(a), available at http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC&sectionNum=33051.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SBE has approved numerous similar waivers—most recently for seven school districts at the March 2014 SBE meeting.

The Corona-Norco USD 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 2013 Growth API score for the Corona-Norco USD is 824.

FISCAL ANALYSIS (AS APPROPRIATE)

Approval of the waiver requests will not have negative fiscal effects on any local or state agency. Failure to approve the waiver requests will result in additional costs to the districts for districtwide elections.

ATTACHMENT(S)

Attachment 1: Information from Districts Requesting Waivers of Elections Required to Establish Trustee Area Elections (2 pages)

Attachment 2: Anaheim Union High School District General Waiver Request 33-1-2014 (8 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: Corona-Norco Unified School District General Waiver Request 38-1-2014 (5 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 4: Riverbank Unified School District General Waiver Request 4-3-2014 (6 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 5: Stony Creek Unified School District General Waiver Request 119-2-2014 (6 pages) (Original waiver request is signed and on file in the Waiver Office.)

Information from 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	Meets SBE Streamlined Waiver Policy?	Period of Request	Bargaining Unit, Representatives Consulted, Date, and Position	Public Hearing and Board Approval Date	Public Hearing Advertisement	SSC/Advisory Committee Position
33-1-2014	Anaheim Union High School District	No	**Requested:** July 1, 2014, to June 30, 2015 **Recommended**: July 1, 2014, to June 29, 2016	Anaheim Secondary Teachers' Association, Joanne Fawley, President, 12/19/13: **Support** California School Employees' Association, Sharon Yeager, President, 12/19/13: **Support** American Federation of State, County, and Municipal Employees, Gerald Adams, President, 12/19/13: **Support** Anaheim Personnel and Guidance Association, Brian Bannon, President, 12/19/13: **Support**	1/9/14	Notice in a newspaper of general jurisdiction; notice posted on the district Web site and sent to key communicators (including media).	Reviewed by District Advisory Committee (12/17/13), Parent-Teacher Association (1/8/14), and District English Learners' Advisory Committee (1/14/14): **No objections**
38-1-2014	Corona-Norco Unified School District	Yes	**Requested:** March 20, 2014, to December 31, 2014 **Recommended**: March 20, 2014, to March 18, 2016	Corona-Norco Teachers' Association, Harold Stryker, President, 11/15/13: **Support** California School Employees' Association, Nancy Walters, President, 10/7/13 and 12/9/13: **Support**	12/10/13	Local newspaper; district Web site; posted at all 49 school sites and district office.	Reviewed by District Advisory Committee (10/29/13) and District English Learners' Advisory Committee (10/11/13): **No objections**

Created by California Department of Education
March 18, 2014

Waiver Number	District	Meets SBE Streamlined Waiver Policy?	Period of Request	Bargaining Unit, Representatives Consulted, Date, and Position	Public Hearing and Board Approval Date	Public Hearing Advertisement	SSC/Advisory Committee Position
4-3-2014	Riverbank Unified School District	No	**Requested:** November 1, 2013, to October 31, 2014 **Recommended**: November 1, 2013, to October 30, 2015	Riverbank Teachers' Association, Jim Boling, President, 11/8/13: **Neutral** California School Employees' Association, Dana Rapisura, President, 11/21/13: **Support**	11/5/13	Notice posted at each school and on the district Web site.	Reviewed by the Trustee Area Committee (community representatives from all schools) on 10/8/13 and 10/15/13: **No objections**
119-2-2014	Stony Creek Unified School District	No	**Requested:** March 1, 2014, to March 1, 2016 **Recommended**: March 1, 2014, to February 27, 2016	Stony Creek Federation of Teachers, Jeff Flynn, President, 2/13/14: **Support** California School Employees' Association, Cathy Whitney, President, 2/13/14: **Support**	2/24/14	Notice posted in newspaper, at each school, and local post offices.	Reviewed by the school site council on 10/31/13: **No objections**

Created by California Department of Education
March 18, 2014

California Department of Education
WAIVER SUBMISSION - General

CD Code: 3066431 Waiver Number: 33-1-2014 Active Year: 2014

Date In: 1/14/2014 2:35:01 PM

Local Education Agency: Anaheim Union High School District
Address: 501 Crescent Way
Anaheim, CA 92803

Start: 7/1/2014 End: 6/30/2015

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: All of section 5020 and portions of sections 5019, 5021, and 5030
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: Please see Attachment A.

Outcome Rationale: Please see Attachment B.

Student Population: 32085

City Type: Urban

Public Hearing Date: 1/9/2014
Public Hearing Advertised: Publication of Notice in newspaper of general jurisdication (Attachment C), notice posted on District website, notice sent to key communicators including media.

Local Board Approval Date: 1/9/2014

Community Council Reviewed By: District Advisory Committee (12/17/13), PTA (1/8/14), DELAC (1/14/14)
Community Council Reviewed Date: 12/17/2013
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Jeffrey Riel
Position: District Counsel
E-mail: riel_j@auhsd.us
Telephone: 714-999-5685
Fax: 714-535-1706

Bargaining Unit Date: 12/19/2013
Name: American Federation of State, County, and Municipal Employees
Representative: Gerald Adams
Title: President
Position: Support
Comments:

Bargaining Unit Date: 12/19/2013
Name: Anaheim Personnel and Guidance Association
Representative: Brian Bannon
Title: President
Position: Support
Comments:

Bargaining Unit Date: 12/19/2013
Name: Anaheim Secondary Teachers Association
Representative: Joanne Fawley
Title: President
Position: Support
Comments:

Bargaining Unit Date: 12/19/2013
Name: California School Employees Association
Representative: Sharon Yeager
Title: President
Position: Support
Comments:

Attachment A

6. Education Code of California Code of Regulations sections to be waived.

The Anaheim Union High School District desires to waive the following sections and/or portions of sections of the Education Code as noted below. The District is requesting that the State Board of Education waive the portions of the Education Code identified below that are lined out.

§ 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.

Attachment B

Desired Outcome/Rationale

The Anaheim Union High 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 possible litigation resulting from its current at-large election process for electing its governing board members.

It is imperative that the District adopt trustee areas and complete the implementation 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 attorney's 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(CVRA) (*see* California Elections Code sections 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 of 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 represented here), paid plaintiffs in that lawsuit the sum of $110, 000 pursuant to a settlement agreement. 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. Recently a court held that the City of Palmdale's at-large voting method violated the CVRA because there was evidence of racially polarized voting identified in several past elections. Finally, in January 2014, the City of Anaheim settled a lawsuit alleging that the City's at-large voting method violated the CVRA. In the City of Anaheim matter, the City paid their own attorney's fees, reported to be about $800,000, but are also responsible for paying the reasonable attorney's fees incurred by Plaintiffs' counsel should the settlement agreement be fully implemented.

Normally, under Education Code section 5020, the County Committee on School District organization, after conducting its own public hearing on the recommended plans, would call for an election and put the matter to a vote of the District's electors. However, going through that process would prevent the District from electing successor trustees in a timely manner and leaves the District vulnerable to a lawsuit and injunction.

The requested waiver will allow the District to complete its transition to a by-trustee area election process in time to for the next governing board member election in November of 2014 which will reduce the District's liability under the CVRA going forward.

California Department of Education
WAIVER SUBMISSION - General

CD Code: 3367033 Waiver Number: 38-1-2014 Active Year: 2014

Date In: 1/21/2014 5:28:15 PM

Local Education Agency: Corona-Norco Unified School District
Address: 2820 Clark Ave.
Norco, CA 92860

Start: 3/20/2014 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
Requirement that the establishment of trustee areas/adoption of by-trustee election process be put to a vote of the electors of the District.

§ 5019. Trustee areas and size of school district governing boards; powers of county committee; proposal and hearing

(a) Except in a school district governed by a board of education provided for in the charter of a city or city and county, in any school district or community college district, the county committee on school district organization may establish trustee areas, rearrange the boundaries of trustee areas, abolish trustee areas, and increase to seven or decrease to five the number of members of the governing board, or adopt one of the alternative methods of electing governing board members specified in Section 5030.

(b) The county committee on school district organization may establish or abolish a common governing board for a high school district and an elementary school district within the boundaries of the high school district. The resolution of the county committee on school district organization approving the establishment or abolition of a common governing board shall be presented to the electors of the school districts as specified in Section 5020.

(c) (1) A proposal to make the changes described in subdivision (a) or (b) may be initiated by the county committee on school district organization or made to the county committee on school district organization either by a petition signed by 5 percent or 50, whichever is less, of the qualified registered voters residing in a district in which there are 2,500 or fewer qualified registered voters, by 3 percent or 100, whichever is less, of the qualified registered voters residing in a district in which there are 2,501 to 10,000 qualified registered voters, by 1 percent or 250, whichever is less, of the qualified registered voters residing in a district in which there are 10,001 to 50,000 qualified registered voters, by 500 or more of the qualified registered voters residing in a district in which there are 50,001 to 100,000 qualified registered voters, by

750 or more of the qualified registered voters residing in a district in which there are 100,001 to 250,000 qualified registered voters, or by 1,000 or more of the qualified registered voters residing in a district in which there are 250,001 or more qualified registered voters or by resolution of the governing board of the district. For this purpose, the necessary signatures for a petition shall be obtained within a period of 180 days before the submission of the petition to the county committee on school district organization and the number of qualified registered voters in the district shall be determined pursuant to the most recent report submitted by the county elections official to the Secretary of State under Section 2187 of the Elections Code.

(2) When a proposal is made pursuant to paragraph (1), the county committee on school district organization shall call and conduct at least one hearing in the district on the matter. At the conclusion of the hearing, the county committee on school district organization shall approve or disapprove the proposal.

(d) If the county committee on school district organization approves pursuant to subdivision (a) ~~the rearrangement of the~~ boundaries of trustee areas for a particular district, then the ~~rearrangement of the~~ trustee areas shall be effectuated for the next district election occurring at least 120 days after ~~its~~ approval~~, unless at least 5 percent of the registered voters of the district sign a petition requesting an election on the proposed rearrangement of trustee area boundaries. The petition for an election shall be submitted to the county elections official within 60 days of the proposal's adoption by the county committee on school district organization. If the qualified registered voters approve pursuant to subdivision (b) or (c) the rearrangement of the boundaries to the trustee areas for a particular district, the rearrangement of the trustee areas shall be effective for the next district election occurring at least 120 days after its approval by the voters~~.

~~**§ 5020. Presentation of proposal to electors**~~

~~(a) The resolution of the county committee approving a proposal to establish or abolish trustee areas, to adopt one of the alternative methods of electing governing board members specified in Section 5030, or to increase or decrease the number of members of the governing board shall constitute an order of election, and the proposal shall be presented to the electors of the district not later than the next succeeding election for members of the governing board.~~

~~(b) If a petition requesting an election on a proposal to rearrange trustee area boundaries is filed, containing at least 5 percent of the signatures of the district's registered voters as determined by the elections official, the proposal shall be presented to the electors of the district, at the next succeeding election for the members of the governing board, at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot.~~

~~(c) If a petition requesting an election on a proposal to establish or abolish trustee areas, to increase or decrease the number of members of the board, or to adopt one of the alternative methods of electing governing board members specified in Section 5030 is filed, containing at least 10 percent of the signatures of the district's registered voters as determined by the elections official, the proposal shall be presented to the electors of the district, at the next succeeding election for the members of the governing board, at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to~~

~~place the issue on the ballot. Before the proposal is presented to the electors, the county committee on school district organization may call and conduct one or more public hearings on the proposal.~~

~~(d) The resolution of the county committee approving a proposal to establish or abolish a common governing board for a high school and an elementary school district within the boundaries of the high school district shall constitute an order of election. The proposal shall be presented to the electors of the district at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot.~~

~~(e) For each proposal there shall be a separate proposition on the ballot. The ballot shall contain the following words:~~

~~"For the establishment (or abolition or rearrangement) of trustee areas in ____ (insert name) School District --Yes" and "For the establishment (or abolition or rearrangement) of trustee areas in ____ (insert name) School District--No."~~

~~"For increasing the number of members of the governing board of ____ (insert name) School District from five to seven--Yes" and "For increasing the number of members of the governing board of ____ (insert name) School District from five to seven--No."~~

~~"For decreasing the number of members of the governing board of ____ (insert name) School District from seven to five--Yes" and "For decreasing the number of members of the governing board of ____ (insert name) School District from seven to five--No."~~

~~"For the election of each member of the governing board of the ____ (insert name) School District by the registered voters of the entire ____ (insert name) School District--Yes" and "For the election of each member of the governing board of the ____ (insert name) School District by the registered voters of the entire ____ (insert name) School District--No."~~

~~"For the election of one member of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters in that trustee area--Yes" and "For the election of one member of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters in that trustee area--No."~~

~~"For the election of one member, or more than one member for one or more trustee areas, of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters of the entire ____ (insert name) School District--Yes" and "For the election of one member, or more than one member for one or more trustee areas, of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters of the entire ____ (insert name) School District--No."~~

~~"For the establishment (or abolition) of a common governing board in the ____ (insert name) School District and the ____ (insert name) School District--Yes" and "For the establishment (or abolition) of a common governing board in the ____ (insert name) School District and the ____ (insert name) School District--No."~~

~~If more than one proposal appears on the ballot, all must carry in order for any to become~~

~~effective, except that a proposal to adopt one of the methods of election of board members specified in Section 5030 which is approved by the voters shall become effective unless a proposal which is inconsistent with that proposal has been approved by a greater number of voters. An inconsistent proposal approved by a lesser number of voters than the number which have approved a proposal to adopt one of the methods of election of board members specified in Section 5030 shall not be effective.~~

§ 5021. Incumbents to serve out terms despite approval of change

(a) If a proposal for the establishment of trustee areas formulated under Section~~s~~ 5019 ~~and 5020~~ is approved ~~by a majority of the voters voting at the election~~, any affected incumbent board member shall serve out his or her term of office and succeeding board members shall be nominated and elected in accordance with Section 5030. In the event two or more trustee areas are established ~~at such election~~ which are not represented in the membership of the governing board of the school district, or community college district the county committee shall determine by lot the trustee area from which the nomination and election for the next vacancy on the governing board shall be made.

(b) If a proposal for rearrangement of boundaries is approved by ~~a majority of the voters voting on the measure, or by~~ the county committee on school district organization ~~when no election is required~~, and if the boundary changes affect the board membership, any affected incumbent board member shall serve out his or her term of office and succeeding board members shall be nominated and elected in accordance with Section 5030.

(c) If a proposal for abolishing trustee areas is approved ~~by a majority of the voters voting at the election~~, the incumbent board members shall serve out their terms of office and succeeding board members shall be nominated and elected at large from the district.

§ 5030. Alternate method of election

Except as provided in Sections 5027 and 5028, in any school district or community college district having trustee areas, the county committee on school district organization and the registered voters of a district, pursuant to Section~~s~~ 5019 ~~and 5020~~, respectively, may at any time recommend one of the following alternate methods of electing governing board members:

(a) That each member of the governing board be elected by the registered voters of the entire district.

(b) That one or more members residing in each trustee area be elected by the registered voters of that particular trustee area.

(c) That each governing board member be elected by the registered voters of the entire school district or community college district, but reside in the trustee area which he or she represents.

The recommendation shall provide that any affected incumbent member shall serve out his or her term of office and that succeeding board members shall be nominated and elected in accordance with the method recommended by the county committee.

Whenever trustee areas are established in a district, provision shall be made for one of the alternative methods of electing governing board members.

~~In counties with a population of less than 25,000,~~ the county committee on school district organization or the county board of education, if it has succeeded to the duties of the county

committee, may at any time, by resolution, with respect to trustee areas established for any school district, other than a community college district, amend the provision required by this section without additional approval by the electors, to require one of the alternate methods for electing board members to be utilized.

Outcome Rationale: The Corona-Norco Unified School District is pursuing the Waiver Request as part of our effort to meet the regulations of the California Voting Rights Act of 2001.

Student Population: 53838

City Type: Urban

Public Hearing Date: 12/10/2013
Public Hearing Advertised: Local newspaper, district website, posted at all 49 school sites, posted at the district office

Local Board Approval Date: 12/10/2013

Community Council Reviewed By: Corona-Norco Unified School District Board of Trustees
Community Council Reviewed Date: 12/10/2013
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Linda White
Position: Assistant to the Superintendent
E-mail: lwhite@cnusd.k12.ca.us
Telephone: 951-736-5003
Fax: 951-736-5015

Bargaining Unit Date: 11/15/2013
Name: Corona-Norco Teachers Association
Representative: Harold Stryker
Title: President
Position: Support
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 5075556 Waiver Number: 4-3-2014 Active Year: 2014

Date In: 3/6/2014 9:00:47 AM

Local Education Agency: Riverbank Unified School District
Address: 6715 Seventh St.
Riverbank, CA 95367

Start: 11/1/2013 End: 10/31/2014

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: 5020, portions of 5019, 5021 and 5030
Ed Code Authority: 33050-33053

Ed Code or *CCR* to Waive: See attachment A.

Outcome Rationale: The waiver is requested to expedite efforts of the Riverbank Unified School District to come into compliance with the California Voters Rights Act of 2001.

Student Population: 3000

City Type: Small

Public Hearing Date: 11/5/2013
Public Hearing Advertised: Additional dates: 03/05/2013; 03/09/2013 - Notice posted at each school and district website

Local Board Approval Date: 11/5/2013

Community Council Reviewed By: Trustee Area Committee (community representatives from all school sites) Gaby Lopez, Chairperson
Community Council Reviewed Date: 10/8/2013 and 10/15/2013
Community Council Objection: Neutral
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Megan Macy
Position: Attorney - Lozano Smith
E-mail: mmacy@lozanosmith.com
Telephone: 916-329-7433
Fax:

Bargaining Unit Date: 11/21/2013
Name: California School Employee Association Ch. 31
Representative: Dana Rapisura
Title: President
Position: Support
Comments:

Bargaining Unit Date: 11/08/2013
Name: Riverbank Teachers Association
Representative: Jim Boling
Title: President
Position: Neutral
Comments:

Attachment A

6. Education Code or California Code of Regulations section to be waived

Request to waive the following sections and portions of the Education Code lined out below:

§ 5019. Trustee areas and size of school district governing boards; powers of county committee; proposal and hearing

(a) Except in a school district governed by a board of education provided for in the charter of a city or city and county, in any school district or community college district, the county committee on school district organization may establish trustee areas, rearrange the boundaries of trustee areas, abolish trustee areas, and increase to seven or decrease to five the number of members of the governing board, or adopt one of the alternative methods of electing governing board members specified in Section 5030.

(b) The county committee on school district organization may establish or abolish a common governing board for a high school district and an elementary school district within the boundaries of the high school district. The resolution of the county committee on school district organization approving the establishment or abolition of a common governing board shall be presented to the electors of the school districts as specified in Section 5020.

(c) (1) A proposal to make the changes described in subdivision (a) or (b) may be initiated by the county committee on school district organization or made to the county committee on school district organization either by a petition signed by 5 percent or 50, whichever is less, of the qualified registered voters residing in a district in which there are 2,500 or fewer qualified registered voters, by 3 percent or 100, whichever is less, of the qualified registered voters residing in a district in which there are 2,501 to 10,000 qualified registered voters, by 1 percent or 250, whichever is less, of the qualified registered voters residing in a district in which there are 10,001 to 50,000 qualified registered voters, by 500 or more of the qualified registered voters residing in a district in which there are 50,001 to 100,000 qualified registered voters, by 750 or more of the qualified registered voters residing in a district in which there are 100,001 to 250,000 qualified registered voters, or by 1,000 or more of the qualified registered voters residing in a district in which there are 250,001 or more qualified registered voters or by resolution of the governing board of the district. For this purpose, the necessary signatures for a petition shall be obtained within a period of 180 days before the submission of the petition to the county committee on school district organization and the number of qualified registered voters in the district shall be determined pursuant to the most recent report submitted by the county elections official to the Secretary of State under Section 2187 of the Elections Code.

(2) When a proposal is made pursuant to paragraph (1), the county committee on school district organization shall call and conduct at least one hearing in the district on the matter. At the conclusion of the hearing, the county committee on school district organization shall approve or disapprove the proposal.

(d) If the county committee on school district organization approves pursuant to subdivision (a) ~~the rearrangement of the~~ boundaries of trustee areas for a particular district, then the ~~rearrangement of the~~ trustee areas shall be effectuated for the next district election occurring at least 120 days after ~~its~~ approval~~, unless at least 5 percent of the registered voters of the district sign a petition requesting an election on the proposed rearrangement of trustee area~~

~~boundaries. The petition for an election shall be submitted to the county elections official within 60 days of the proposal's adoption by the county committee on school district organization. If the qualified registered voters approve pursuant to subdivision (b) or (c) the rearrangement of the boundaries to the trustee areas for a particular district, the rearrangement of the trustee areas shall be effective for the next district election occurring at least 120 days after its approval by the voters~~.

~~§ 5020. Presentation of proposal to electors~~

~~(a) The resolution of the county committee approving a proposal to establish or abolish trustee areas, to adopt one of the alternative methods of electing governing board members specified in Section 5030, or to increase or decrease the number of members of the governing board shall constitute an order of election, and the proposal shall be presented to the electors of the district not later than the next succeeding election for members of the governing board.~~

~~(b) If a petition requesting an election on a proposal to rearrange trustee area boundaries is filed, containing at least 5 percent of the signatures of the district's registered voters as determined by the elections official, the proposal shall be presented to the electors of the district, at the next succeeding election for the members of the governing board, at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot.~~

~~(c) If a petition requesting an election on a proposal to establish or abolish trustee areas, to increase or decrease the number of members of the board, or to adopt one of the alternative methods of electing governing board members specified in Section 5030 is filed, containing at least 10 percent of the signatures of the district's registered voters as determined by the elections official, the proposal shall be presented to the electors of the district, at the next succeeding election for the members of the governing board, at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot. Before the proposal is presented to the electors, the county committee on school district organization may call and conduct one or more public hearings on the proposal.~~

~~(d) The resolution of the county committee approving a proposal to establish or abolish a common governing board for a high school and an elementary school district within the boundaries of the high school district shall constitute an order of election. The proposal shall be presented to the electors of the district at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot.~~

~~(e) For each proposal there shall be a separate proposition on the ballot. The ballot shall contain the following words:~~

~~"For the establishment (or abolition or rearrangement) of trustee areas in ____ (insert name) School District --Yes" and "For the establishment (or abolition or rearrangement) of trustee areas in ____ (insert name) School District--No."~~

~~"For increasing the number of members of the governing board of ____ (insert name) School District from five to seven--Yes" and "For increasing the number of members of the governing board of ____ (insert name) School District from five to seven--No."~~

~~"For decreasing the number of members of the governing board of ____ (insert name) School District from seven to five--Yes" and "For decreasing the number of members of the governing board of ____ (insert name) School District from seven to five--No."~~

~~"For the election of each member of the governing board of the ____ (insert name) School District by the registered voters of the entire ____ (insert name) School District--Yes" and "For the election of each member of the governing board of the ____ (insert name) School District by the registered voters of the entire ____ (insert name) School District--No."~~

~~"For the election of one member of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters in that trustee area--Yes" and "For the election of one member of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters in that trustee area--No."~~

~~"For the election of one member, or more than one member for one or more trustee areas, of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters of the entire ____ (insert name) School District--Yes" and "For the election of one member, or more than one member for one or more trustee areas, of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters of the entire ____ (insert name) School District--No."~~

~~"For the establishment (or abolition) of a common governing board in the ____ (insert name) School District and the ____ (insert name) School District--Yes" and "For the establishment (or abolition) of a common governing board in the ____ (insert name) School District and the ____ (insert name) School District--No."~~

~~If more than one proposal appears on the ballot, all must carry in order for any to become effective, except that a proposal to adopt one of the methods of election of board members specified in Section 5030 which is approved by the voters shall become effective unless a proposal which is inconsistent with that proposal has been approved by a greater number of voters. An inconsistent proposal approved by a lesser number of voters than the number which have approved a proposal to adopt one of the methods of election of board members specified in Section 5030 shall not be effective.~~

§ 5021. Incumbents to serve out terms despite approval of change

(a) If a proposal for the establishment of trustee areas formulated under Section~~s~~ 5019 ~~and 5020~~ is approved ~~by a majority of the voters voting at the election~~, any affected incumbent board member shall serve out his or her term of office and succeeding board members shall be nominated and elected in accordance with Section 5030. In the event two or more trustee areas are established ~~at such election~~ which are not represented in the membership of the governing board of the school district, or community college district the county committee shall determine by lot the trustee area from which the nomination and election for the next vacancy on the governing board shall be made.

(b) If a proposal for rearrangement of boundaries is approved by ~~a majority of the voters voting~~

~~on the measure, or by~~ the county committee on school district organization ~~when no election is required~~, and if the boundary changes affect the board membership, any affected incumbent board member shall serve out his or her term of office and succeeding board members shall be nominated and elected in accordance with Section 5030.

(c) If a proposal for abolishing trustee areas is approved ~~by a majority of the voters voting at the election~~, the incumbent board members shall serve out their terms of office and succeeding board members shall be nominated and elected at large from the district.

§ 5030. Alternate method of election

Except as provided in Sections 5027 and 5028, in any school district or community college district having trustee areas, the county committee on school district organization ~~and the registered voters of a district~~, pursuant to Section~~s~~ 5019 ~~and 5020, respectively~~, may at any time recommend one of the following alternate methods of electing governing board members:

(a) That each member of the governing board be elected by the registered voters of the entire district.

(b) That one or more members residing in each trustee area be elected by the registered voters of that particular trustee area.

(c) That each governing board member be elected by the registered voters of the entire school district or community college district, but reside in the trustee area which he or she represents.

The recommendation shall provide that any affected incumbent member shall serve out his or her term of office and that succeeding board members shall be nominated and elected in accordance with the method recommended by the county committee.

Whenever trustee areas are established in a district, provision shall be made for one of the alternative methods of electing governing board members.

~~In counties with a population of less than 25,000,~~ the county committee on school district organization or the county board of education, if it has succeeded to the duties of the county committee, may at any time, by resolution, with respect to trustee areas established for any school district, other than a community college district, amend the provision required by this section without additional approval by the electors, to require one of the alternate methods for electing board members to be utilized.

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1162653 Waiver Number: 119-2-2014 Active Year: 2014

Date In: 2/26/2014 4:23:14 PM

Local Education Agency: Stony Creek Joint Unified School District
Address: 3430 County Road 309
Elk Creek, CA 95939

Start: 3/1/2014 End: 3/1/2016

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: 33050-33053

Ed Code or *CCR* to Waive: See Attachment A

Outcome Rationale: See Attachment B

Student Population: 100

City Type: Rural

Public Hearing Date: 2/24/2014
Public Hearing Advertised: Notice posted in newspaper, at each school and local post offices

Local Board Approval Date: 2/24/2014

Community Council Reviewed By: County Board of Education
Community Council Reviewed Date: 2/25/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Earnie Graham
Position: Superintendent
E-mail: egraham@glenncoe.org
Telephone: 530-968-5361 x204
Fax: 530-968-5102

Bargaining Unit Date: 2/13/14
Name: Stony Creek Federation of Teachers
Representative: Jeff Flynn
Title: President
Position: Support
Comments:

Attachment A

6. Education Code or California Code of Regulations section to be waived

The Stony Creek Joint Unified Unified School District desires to waive the following sections and portions of the Education Code lined out below:

§ 5019. Trustee areas and size of school district governing boards; powers of county committee; proposal and hearing

(a) Except in a school district governed by a board of education provided for in the charter of a city or city and county, in any school district or community college district, the county committee on school district organization may establish trustee areas, rearrange the boundaries of trustee areas, abolish trustee areas, and increase to seven or decrease to five the number of members of the governing board, or adopt one of the alternative methods of electing governing board members specified in Section 5030.

(b) The county committee on school district organization may establish or abolish a common governing board for a high school district and an elementary school district within the boundaries of the high school district. The resolution of the county committee on school district organization approving the establishment or abolition of a common governing board shall be presented to the electors of the school districts as specified in Section 5020.

(c) (1) A proposal to make the changes described in subdivision (a) or (b) may be initiated by the county committee on school district organization or made to the county committee on school district organization either by a petition signed by 5 percent or 50, whichever is less, of the qualified registered voters residing in a district in which there are 2,500 or fewer qualified registered voters, by 3 percent or 100, whichever is less, of the qualified registered voters residing in a district in which there are 2,501 to 10,000 qualified registered voters, by 1 percent or 250, whichever is less, of the qualified registered voters residing in a district in which there are 10,001 to 50,000 qualified registered voters, by 500 or more of the qualified registered voters residing in a district in which there are 50,001 to 100,000 qualified registered voters, by 750 or more of the qualified registered voters residing in a district in which there are 100,001 to 250,000 qualified registered voters, or by 1,000 or more of the qualified registered voters residing in a district in which there are 250,001 or more qualified registered voters or by resolution of the governing board of the district. For this purpose, the necessary signatures for a petition shall be obtained within a period of 180 days before the submission of the petition to the county committee on school district organization and the number of qualified registered voters in the district shall be determined pursuant to the most recent report submitted by the county elections official to the Secretary of State under Section 2187 of the Elections Code.

(2) When a proposal is made pursuant to paragraph (1), the county committee on school district organization shall call and conduct at least one hearing in the district on the matter. At the conclusion of the hearing, the county committee on school district organization shall approve or disapprove the proposal.

(d) If the county committee on school district organization approves pursuant to subdivision (a) ~~the rearrangement of the~~ boundaries of trustee areas for a particular district, then the ~~rearrangement of the~~ trustee areas shall be effectuated for the next district election occurring at least 120 days after ~~its~~ approval~~, unless at least 5 percent of the registered voters of the district sign a petition requesting an election on the proposed rearrangement of trustee area~~

~~boundaries. The petition for an election shall be submitted to the county elections official within 60 days of the proposal's adoption by the county committee on school district organization. If the qualified registered voters approve pursuant to subdivision (b) or (c) the rearrangement of the boundaries to the trustee areas for a particular district, the rearrangement of the trustee areas shall be effective for the next district election occurring at least 120 days after its approval by the voters~~.

~~§ 5020. Presentation of proposal to electors~~

~~(a) The resolution of the county committee approving a proposal to establish or abolish trustee areas, to adopt one of the alternative methods of electing governing board members specified in Section 5030, or to increase or decrease the number of members of the governing board shall constitute an order of election, and the proposal shall be presented to the electors of the district not later than the next succeeding election for members of the governing board.~~

~~(b) If a petition requesting an election on a proposal to rearrange trustee area boundaries is filed, containing at least 5 percent of the signatures of the district's registered voters as determined by the elections official, the proposal shall be presented to the electors of the district, at the next succeeding election for the members of the governing board, at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot.~~

~~(c) If a petition requesting an election on a proposal to establish or abolish trustee areas, to increase or decrease the number of members of the board, or to adopt one of the alternative methods of electing governing board members specified in Section 5030 is filed, containing at least 10 percent of the signatures of the district's registered voters as determined by the elections official, the proposal shall be presented to the electors of the district, at the next succeeding election for the members of the governing board, at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot. Before the proposal is presented to the electors, the county committee on school district organization may call and conduct one or more public hearings on the proposal.~~

~~(d) The resolution of the county committee approving a proposal to establish or abolish a common governing board for a high school and an elementary school district within the boundaries of the high school district shall constitute an order of election. The proposal shall be presented to the electors of the district at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot.~~

~~(e) For each proposal there shall be a separate proposition on the ballot. The ballot shall contain the following words:~~

~~"For the establishment (or abolition or rearrangement) of trustee areas in ____ (insert name) School District --Yes" and "For the establishment (or abolition or rearrangement) of trustee areas in ____ (insert name) School District--No."~~

~~"For increasing the number of members of the governing board of ____ (insert name) School~~

~~District from five to seven--Yes" and "For increasing the number of members of the governing board of ____ (insert name) School District from five to seven--No."~~

~~"For decreasing the number of members of the governing board of ____ (insert name) School District from seven to five--Yes" and "For decreasing the number of members of the governing board of ____ (insert name) School District from seven to five--No."~~

~~"For the election of each member of the governing board of the ____ (insert name) School District by the registered voters of the entire ____ (insert name) School District--Yes" and "For the election of each member of the governing board of the ____ (insert name) School District by the registered voters of the entire ____ (insert name) School District--No."~~

~~"For the election of one member of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters in that trustee area--Yes" and "For the election of one member of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters in that trustee area--No."~~

~~"For the election of one member, or more than one member for one or more trustee areas, of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters of the entire ____ (insert name) School District--Yes" and "For the election of one member, or more than one member for one or more trustee areas, of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters of the entire ____ (insert name) School District--No."~~

~~"For the establishment (or abolition) of a common governing board in the ____ (insert name) School District and the ____ (insert name) School District--Yes" and "For the establishment (or abolition) of a common governing board in the ____ (insert name) School District and the ____ (insert name) School District--No."~~

~~If more than one proposal appears on the ballot, all must carry in order for any to become effective, except that a proposal to adopt one of the methods of election of board members specified in Section 5030 which is approved by the voters shall become effective unless a proposal which is inconsistent with that proposal has been approved by a greater number of voters. An inconsistent proposal approved by a lesser number of voters than the number which have approved a proposal to adopt one of the methods of election of board members specified in Section 5030 shall not be effective.~~

§ 5021. Incumbents to serve out terms despite approval of change

(a) If a proposal for the establishment of trustee areas formulated under Section~~s~~ 5019 ~~and 5020~~ is approved ~~by a majority of the voters voting at the election~~, any affected incumbent board member shall serve out his or her term of office and succeeding board members shall be nominated and elected in accordance with Section 5030. In the event two or more trustee areas are established ~~at such election~~ which are not represented in the membership of the governing board of the school district, or community college district the county committee shall determine by lot the trustee area from which the nomination and election for the next vacancy on the governing board shall be made.

(b) If a proposal for rearrangement of boundaries is approved by ~~a majority of the voters voting on the measure, or by~~ the county committee on school district organization ~~when no election is required~~, and if the boundary changes affect the board membership, any affected incumbent

board member shall serve out his or her term of office and succeeding board members shall be nominated and elected in accordance with Section 5030.

(c) If a proposal for abolishing trustee areas is approved ~~by a majority of the voters voting at the election~~, the incumbent board members shall serve out their terms of office and succeeding board members shall be nominated and elected at large from the district.

§ 5030. Alternate method of election

Except as provided in Sections 5027 and 5028, in any school district or community college district having trustee areas, the county committee on school district organization and the registered voters of a district, pursuant to Section~~s~~ 5019 ~~and 5020~~, respectively, may at any time recommend one of the following alternate methods of electing governing board members:

(a) That each member of the governing board be elected by the registered voters of the entire district.

(b) That one or more members residing in each trustee area be elected by the registered voters of that particular trustee area.

(c) That each governing board member be elected by the registered voters of the entire school district or community college district, but reside in the trustee area which he or she represents.

The recommendation shall provide that any affected incumbent member shall serve out his or her term of office and that succeeding board members shall be nominated and elected in accordance with the method recommended by the county committee.

Whenever trustee areas are established in a district, provision shall be made for one of the alternative methods of electing governing board members.

~~In counties with a population of less than 25,000,~~ the county committee on school district organization or the county board of education, if it has succeeded to the duties of the county committee, may at any time, by resolution, with respect to trustee areas established for any school district, other than a community college district, amend the provision required by this section without additional approval by the electors, to require one of the alternate methods for electing board members to be utilized.

California State Board of Education

Meeting Agenda Items for May 7-8, 2014

WAIVER ITEM W-13

ITEM #W-13

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2014 AGENDA

☒ **General Waiver**

SUBJECT Request by **San Diego County Office of Education** to waive California *Education Code* Section 5020, and portions of sections 5019, 5021, and 5030, that require a districtwide election to establish a by-trustee-area method of election. Waiver Number: 13-3-2014	☒ **Action** ☒ **Consent**

SUMMARY OF THE ISSUES

School districts that elect governing board members at-large are facing existing or potential litigation under the California Voting Rights Act of 2001 (CVRA). County committees on school district organization (county committee) also have been subject to CVRA litigation due to the role they play in the process to establish trustee-area elections in school districts. 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 and voters at a districtwide election.

The San Diego County Office of Education (COE) is concerned that the Sweetwater Union High School District (UHSD) and the San Diego County Committee are at risk for CVRA litigation if the district's at-large election method is not changed. To help reduce the potential for litigation, the COE requests that the California State Board of Education (SBE) waive the requirement that by-trustee-area elections be approved at a districtwide election—allowing such by-trustee-area elections to be adopted upon review and approval of the County Committee.

Authority for Waiver: *EC* Section 33050

RECOMMENDATION

☒ **Approval** ☐ **Approval with conditions** ☐ **Denial**

The California Department of Education (CDE) recommends that the SBE approve the request by the San Diego COE to waive *EC* Section 5020, and portions of sections 5019, 5021, and 5030, which require that a by-trustee-area method of election for the Sweetwater UHSD be approved at a districtwide election.

SUMMARY OF KEY ISSUES

Approval of this waiver request would eliminate the election requirement for approval of a by-trustee-area method of election for governing board elections in the Sweetwater UHSD. District voters would continue to elect all board members—however, if the SBE approves the waiver request, all board members will be elected only by voters in their respective trustee areas, beginning with the November 2014 board election.

A county committee has the statutory power to approve or disapprove the adoption of trustee areas and methods of election for school district governing board elections (such approval constitutes an order of election pursuant to *EC* Section 5020). Additionally, the county committee has the statutory power to initiate a proposal to establish trustee areas and a trustee-area method of election for any district in the county. Because it has these statutory powers, the county committee could be subject to CVRA litigation if it fails to exercise them.[1]

School districts in California also are facing existing or potential litigation under the CVRA over at-large election methods. To help avoid potential litigation in San Diego County, the San Diego COE is requesting that the SBE waive the requirement that trustee areas and the election method for the Sweetwater UHSD be approved at a districtwide election. Only the election to establish trustee areas and election method will be eliminated by approval of the waiver request—voters in the school district will continue to elect all governing board members. Moreover, approval of the waiver request will not eliminate any existing legal rights of currently seated board members.

The waiver request has been reviewed by CDE staff and it has determined that there was no public opposition to the request at the public hearings held by the San Diego COE—in fact, newspaper coverage (San Diego Union-Tribune, March 4, 2014, *Sweetwater community favors waiver of election*) indicates considerable community support for the waiver request. At the time of preparation of this item, the Sweetwater UHSD had not taken a formal position regarding the San Diego COE waiver request.

The CDE has further determined that none of the *EC* Section 33051 conditions, which authorize denial of a waiver, exist. The CDE recommends that the SBE approve the request by the San Diego COE to waive *EC* Section 5020, and portions of sections 5019, 5021, and 5030, which require that a by-trustee-area method of election for the Sweetwater UHSD be approved at a districtwide election.

Demographic Information: The Sweetwater UHSD has a student population of 40,916 and is located in an urban area of San Diego County.

Because this is a general waiver, if the SBE decides to deny the waiver, it must cite one of the seven reasons in *EC* 33051(a), http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC&sectionNum=33051.

[1] *Rey et al. v. Madera Unified School District et al.* (2012), 203 Cal. App. 4th 1223, 138 Cal. Rptr. 3d 192.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SBE has approved numerous school district requests to waive the election requirement for the establishment of by-trustee-area methods of election—most recently for seven school districts at the March 2014 SBE meeting. The SBE also has approved nine such requests filed by a COE on behalf of a district, most recently for the Madera COE at the May 2012 SBE meeting.

The SBE, at its March 2014 meeting, disapproved a request from the San Joaquin COE to waive the election requirement for the establishment of a by-trustee-area method of election for the Ripon USD when there was significant public opposition to the request and that district opposed the establishment of such an election method.

FISCAL ANALYSIS (AS APPROPRIATE)

Approval of the waiver request will not have negative fiscal effects on any local or state agency. Failure to approve the waiver request will result in additional costs to the Sweetwater UHSD for a districtwide election.

ATTACHMENT(S)

Attachment 1: Information from Districts Requesting Waivers of Elections Required to Establish Trustee Area Elections (1 page)

Attachment 2: San Diego County Office of Education General Waiver Request 13-3-2014 (8 pages) (Original waiver request is signed and on file in the Waiver Office.)

Information from 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	Advisory Committee Position*
13-3-2014	San Diego County Office of Education	**Requested and Recommended:** June 1, 2014, to May 29, 2016	Sweetwater Education Association, Roberto Rodriguez, President, 2/27/14: **Support** California School Employees' Association, Francisco Tamayo, President, 2/27/14: **Support** Counseling and Guidance Association, Elva Estrella, President, 3/13/14: **Support** National Association of Government Employees, Richard Morrell, President, 3/12/14: **Support**	**Public Hearings:** 2/27/14 and 3/6/14 **Board Approval**: 3/12/14	Notices in three papers, posting on district Web site and at school sites, notification to superintendents and board members of district and component elementary districts, e-mails to 29 elected officials.	Reviewed by 25 school site councils, the District Advisory Committee (DAC)-Title 1/State Compensatory Education, DAC-Gate, and the District English Language Advisory Committee between 2/24/14 and 3/13/14: **Two of the 25 school site councils objected to the waiver request because they want the voters to decide the issue of establishing a by-trustee-area method of election.**

* Sweetwater Union High School District bargaining units and advisory committees

Created by California Department of Education
March 18, 2014

California Department of Education
WAIVER SUBMISSION - General

CD Code: 3710371 Waiver Number: 13-3-2014 Active Year: 2014

Date In: 3/17/2014 4:22:29 PM

Local Education Agency: San Diego County Office of Education
Address: 6401 Linda Vista Rd.
San Diego, CA 92111

Start: 6/1/2014 End: 5/29/2016

Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: School District Reorganization
Ed Code Title: Elimination of Election Requirement
Ed Code Section: 5020, and portions of 5019, 5021, and 5030
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: See attachment: Sections to be Waived

Outcome Rationale: The San Diego County Board of Education is submitting a request for a waiver of the election required to be held in the Sweetwater Union High School District. On December 9, 2013, a petition to change to a by-trustee-area election system was filed with the County Superintendent pursuant to *Education Code* section 5019(c) and was determined to be sufficient. The required public hearing was held in the district, and the County Committee approved the proposal on February 12, 2014.

Following approval of the petition, the County Superintendent was directed by the County Board of Education to explore the option of applying for a waiver of the election that would be required. Subsequently, two public hearings were held in the district. All of the participants in the hearings enthusiastically supported the change in the district's election system, and, without exception, supported the submission of a waiver request. Based on input from the community and district stakeholders and with consideration of the factors described below, the County Board voted unanimously to request a waiver of election so that a by-trustee-area election system can be implemented in the district for the November 2014 elections.

The governing board of the Sweetwater Union High School District is elected at-large to numbered seats. [*EC* 5030.5] Under certain circumstances, such systems can be found to violate the California Voting Rights Act (CVRA). The fact that the district is 61% Hispanic further exposes it to allegations of violating the CVRA. Implementation of a by-trustee-area election system at the earliest possible date will help protect the district against potentially costly litigation.

Implementation of a by-trustee-area election system in November 2014 will also improve the operation of the district and help restore public confidence in the district's educational program. Public distrust and dissatisfaction were evident at the public hearings. Participants expressed a belief that entire communities within this large and very diverse district have not been

adequately represented on the governing board and, as a result, the educational program has been compromised. Some who testified at hearings stated that schools located in the more affluent areas of the district have consistently received greater benefit from district resources than those in poorer areas. Participants expressed frustration that their concerns about the operation of the district have not been heard and that, in addition, political issues have distracted from a focus on the education of its students. The community expects that a by-trustee-area election system will result in greater diversity on the board and the election of board members who will be accountable to the communities they represent. It is evident that the Sweetwater community is eager for the change to be implemented without delay.

Finally, in making its decision, the County Committee considered costs to the district that would be incurred if a ballot proposition on a change of election system is required to be placed before the electorate at the November 2014 election.

Student Population: 40916

City Type: Urban

Public Hearing Date: 2/27/2014 and 3/06/14
Public Hearing Advertised: Notices in 3 papers, posting on district website and at school sites, notification to superintendents and board members of district and component elementary districts, e-mails to 29 elected officials.

Local Board Approval Date: 3/12/2014

Community Council Reviewed By: See attachment: Councils and Advisory Committees
Community Council Reviewed Date: 2/24/2014
Community Council Objection: Y
Community Council Objection Explanation: Want voters to decide

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Erin Garcia
Position: Consultant, Business Advisory Services
E-mail: erin.garcia@sdcoe.net
Telephone: 858-292-3810
Fax: 858-541-0697

Bargaining Unit Date: 02/27/2014
Name: California School Employees Association
Representative: Francisco Tamayo
Title: President
Position: Support
Comments:

Bargaining Unit Date: 03/13/2014
Name: Counseling & Guidance Association
Representative: Elvia Estrella

Title: President
Position: Support
Comments:

Bargaining Unit Date: 03/12/2014
Name: National Association of Government Employees
Representative: Richard Morrell
Title: President
Position: Support
Comments:

Bargaining Unit Date: 02/27/2014
Name: Sweetwater Education Association
Representative: Roberto Rodriguez
Title: President
Position: Support
Comments:

§ 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.

COUNCILS AND ADVISORY COMMITTEES

***Please identify the appropriate council(s) or advisory committee(s) that reviewed this waiver**.
School Site Councils (see below)
District Advisory Committee-Title I/State Compensatory Education
District Advisory Committee-Gate
District English Language Advisory Committee

Date committee/council reviewed request: 02/24/2014 – 03/13/2014

SCHOOL SITE COUNCILS

High School Site	Position
Bonita Vista High School	Support
Castle Park High School	Neutral
Chula Vista High School	Support
East Hills Academy	Oppose
Eastlake High School	Support
Hilltop High School	Support
Mar Vista High School	Support
Montgomery High School	Neutral
Olympian High School	Support
Otay Ranch High School	Oppose
Palomar High School	Support
San Ysidro High School	Support
Southwest High School	Support
Sweetwater High School	Support

Middle School Site	Position
Bonita Vista Middle School	No response
Castle Park Middle School	No response
Chula Vista Middle School	Support
Eastlake Middle School	Support
Granger Junior High School	Support
Hilltop Middle School	Support
Mar Vista Academy	Support
Montgomery Middle School	Support
National City Middle School	Support
Rancho Del Rey Middle School	Support
Southwest Middle School	Support

California State Board of Education

Meeting Agenda Items for May 7-8, 2014

WAIVER ITEM W-14

ITEM #W-14

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2014 AGENDA

☒ **General Waiver**

SUBJECT Request by two school districts to waive California *Education Code* Section 35103 that requires the election for the initial governing board of a newly formed school district to be held in March. Waiver Numbers: Pleasant Valley Elementary 117-2-2014 Ready Springs Union Elementary 118-2-2014	☒ **Action** ☒ **Consent**

SUMMARY OF THE ISSUES

The Pleasant Valley Elementary School District (ESD) and the Ready Springs Union Elementary School District (UESD), in Nevada County, will begin operating as a new consolidated elementary school district on July 1, 2014. Pursuant to California *Education Code* (*EC*) Section 35100, the Nevada County Superintendent of Schools (County Superintendent) has appointed the interim governing board of the new district. *EC* Section 35103 requires that the first governing board of the new district (to replace the interim board) be elected in March 2015. The districts request that the California State Board of Education (SBE) waive *EC* Section 35103 and allow the first governing board of the new district to be elected at the November 2014 election—an election date that will reflect the timing of future regular governing board elections and provide a voter selected board four months earlier than would a March 2015 election.

Authority for Waiver: *EC* Section 33050

RECOMMENDATION

☒ **Approval** ☐ **Approval with conditions** ☐ **Denial**

The California Department of Education (CDE) recommends that the SBE approve the requests from the Pleasant Valley ESD and the Ready Springs UESD to eliminate the March 2015 election requirement in *EC* Section 35103 and allow the first governing board of the new consolidated district to be elected at the November 2014 election.

SUMMARY OF KEY ISSUES

The Pleasant Valley ESD and the Ready Springs UESD will consolidate into a new elementary school district on July 1, 2014, with an interim governing board appointed by the County Superintendent (pursuant to *EC* Section 35100). The two districts 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. However, the consolidation will reduce the number of governing boards from two to one. The single appointed interim governing board for the new consolidated district is comprised of three members from the current Pleasant Valley ESD board and two members from the current Ready Springs UESD board.

EC Section 35103 requires the appointed interim governing board to serve until the first governing board of the new district is elected at a March 2015 election. The governing boards of the current districts want to have a voter selected governing board for the new district earlier than March 2015. Waiving *EC* 35103 will allow this to occur (with the waiver of this section, the election for the first governing board will be November 2014 pursuant to *EC* Section 35737). A November 2014 election also will put the new district's governing board election on the existing election cycle of the current districts (November of even-numbered years) and will save the new district the cost of a special election in March 2015. The County Superintendent supports the waiver requests.

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 requests by the Pleasant Valley ESD and the Ready Springs UESD to waive *EC* Sections 35100.

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* Section 33051(a), available at http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC&sectionNum=33051.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SBE previously has approved requests to waive the March election requirement for the first governing board of a new school district—most recently for the Bonsall ESD (San Diego County) at the September 2013 SBE meeting.

The SBE, at its January 2014 meeting, also approved requests from the Pleasant Valley ESD and the Ready Springs UESD to waive *EC* requirements that an election be held for final approval of the districts' consolidation and that the new district's effective date be July 1, 2015.

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 requests will result in local costs for a special election (March 2015) in the territory of the consolidated district.

ATTACHMENT(S)

Attachment 1: Requests to Waive the March Election Requirement for the First Governing Board of a New School District (1 page)

Attachment 2: Pleasant Valley Elementary School District General Waiver Request 117-2-2014 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: Ready Springs Union Elementary School District General Waiver Request 118-2-2014 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Requests to Waive the March Election Requirement for the First Governing Board of a New School District

California *Education Code* Section 35103

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
117-2-2014	Pleasant Valley Elementary School District	**Requested and Recommended:** January 26, 2014, to January 24, 2016	Pleasant Valley Teachers' Association, Peter Minett, President, 2/3/14: **Support** Pleasant Valley Classified Employees' Association, Chapter 769, Lisa McClelland, President, 1/30/14: **Support**	2/11/14	Notices distributed to local radio station and newspapers; notices posted at each school and on district Web site.	District Consolidation Vision Committee on 12/5/13: **No objections**
118-2-2014	Ready Springs Union Elementary School District	**Requested and Recommended:** January 26, 2014, to January 24, 2016	Ready Springs Teachers Organization, Terri Ozanich, President, 1/30/14: **Support** Association of Classified Employees at Ready Springs, Patti Fiesel, President, 1/30/14: **Support**	2/4/14	Notices distributed to local radio station and newspapers; notices posted at each school and on district Web site.	District Consolidation Vision Committee on 12/5/13: **No objections**

Created by California Department of Education
March 7, 2014

California Department of Education
WAIVER SUBMISSION - General

CD Code: 2966381 Waiver Number: 117-2-2014 Active Year: 2014

Date In: 2/26/2014 2:34:35 PM

Local Education Agency: Pleasant Valley Elementary School District
Address: 14806 Pleasant Valley Rd.
Penn Valley, CA 95946

Start: 2/26/2014 End: 2/24/2016

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: 35103
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: [In newly formed districts for which an interim governing board is appointed by the county superintendent of schools, a governing board member election shall be held: (a) When the action necessary for the formation of a new school district is completed on or before the first of January of any odd-numbered year, on the first Tuesday after the first Monday in March of such year. (b) When the action necessary for the formation of a new school district is completed after the first of February of any year, whether even numbered or odd numbered, on the first Tuesday after the first Monday in March of the next succeeding year. The terms of the members elected at the initial election shall begin on the first day of April, and the terms of their predecessors shall expire on the 31st day of March, following the election.]

Outcome Rationale: On January 15, 2014 the State Board of Education approved the Waiver of Ed Code Sections 35534 and 35710 to waive the effective date provision as well as the election of the Consolidation with a goal of the new district beginning July 1, 2014. The Nevada County Committee on School District Organization approved the formation of the new consolidated school district on February 5, 2014. The Nevada County Superintendent of Schools appointed an interim governing board for the new consolidated school district.

The intent of the current waiver request is to establish November 2014 as the date for the election of the new consolidated school district's initial governing board. The waiver will eliminate the requirement that the county superintendent of schools must order a special election to be held in March 2015 for the first governing board of the new district and will permit the election to be called in accordance with other applicable law, specifically *Education Code* section 35737. Section 35737 provides that, in the absence of specifications for the election of the first governing board in the State Board's plans and recommendations, the election of the first governing board shall take place at the first regular election following the passage of the reorganization proposal, that is, in November 2014.

Holding the election in November 2014 will eliminate the excessive cost to the disrict of a special election and will be a first step in aligning the district's governing board elections with

those of all of the other school districts in Nevada County.

Student Population: 480

City Type: Rural

Public Hearing Date: 2/11/2014
Public Hearing Advertised: Notices distributed to local radio and newspapers; notices posted at each school and on district website.

Local Board Approval Date: 2/11/2014

Community Council Reviewed By: District Consolidation Vision Committee
Community Council Reviewed Date: 12/5/2013
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: 01/30/2014
Name: Pleasant Valley Classified Assoc. Chapter 769
Representative: Lisa McClelland
Title: President
Position: Support
Comments:

Bargaining Unit Date: 02/03/2014
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: 118-2-2014 Active Year: 2014

Date In: 2/26/2014 2:42:51 PM

Local Education Agency: Ready Springs Union Elementary School District
Address: 14806 Pleasant Valley Rd.
Penn Valley, CA 95946

Start: 2/26/2014 End: 2/24/2016

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: 35103
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: [In newly formed districts for which an interim governing board is appointed by the county superintendent of schools, a governing board member election shall be held: (a) When the action necessary for the formation of a new school district is completed on or before the first of January of any odd-numbered year, on the first Tuesday after the first Monday in March of such year. (b) When the action necessary for the formation of a new school district is completed after the first of February of any year, whether even numbered or odd numbered, on the first Tuesday after the first Monday in March of the next succeeding year. The terms of the members elected at the initial election shall begin on the first day of April, and the terms of their predecessors shall expire on the 31st day of March, following the election.]

Outcome Rationale: On January 15, 2014 the State Board of Education approved the Waiver of Ed Code Sections 35534 and 35710 to waive the effective date provision as well as the election of the Consolidation with a goal of the new district beginning July 1, 2014. The Nevada County Committee on School District Organization approved the formation of the new consolidated school district on February 5, 2014. The Nevada County Superintendent of Schools appointed an interim governing board for the new consolidated school district.

The intent of the current waiver request is to establish November 2014 as the date for the election of the new consolidated school district's initial governing board. The waiver will eliminate the requirement that the county superintendent of schools must order a special election to be held in March 2015 for the first governing board of the new district and will permit the election to be called in accordance with other applicable law, specifically *Education Code* section 35737. Section 35737 provides that, in the absence of specifications for the election of the first governing board in the State Board's plans and recommendations, the election of the first governing board shall take place at the first regular election following the passage of the reorganization proposal, that is, in November 2014.

Holding the election in November 2014 will eliminate the excessive cost to the disrict of a special election and will be a first step in aligning the district's governing board elections with

those of all of the other school districts in Nevada County.

Student Population: 290

City Type: Rural

Public Hearing Date: 2/4/2014
Public Hearing Advertised: Notices distributed to local radio and newspapers; notices posted at each school and on district website

Local Board Approval Date: 2/4/2014

Community Council Reviewed By: District Consolidation Vision Committee
Community Council Reviewed Date: 12/5/2013
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: 01/30/2014
Name: Assoc. of Classified Employees at Ready Springs
Representative: Patti Fiesel
Title: President
Position: Support
Comments:

Bargaining Unit Date: 01/30/2014
Name: Ready Springs Teachers Organization (RSTO)
Representative: Terri Ozanich
Title: President
Position: Support
Comments:

California State Board of Education

Meeting Agenda Items for May 7-8, 2014

WAIVER ITEM W-15

ITEM #W-15

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2014 AGENDA

☒ **General Waiver**

SUBJECT Request by **Humboldt County Office of Education** to waive California *Education Code* Section 1004 that requires an election to reduce the number of governing board members from seven to five. Waiver Number: 23-1-2014	☒ **Action** ☒ **Consent**

SUMMARY OF THE ISSUE(S)

Pursuant to California *Education Code* (*EC*) sections 1003 and 1004, the number of members on a county board of education can be reduced from seven to five only if the change is approved by both the County Committee on School District Organization (County Committee) and voters at a countywide election. The Humboldt County Office of Education (COE) requests that the California State Board of Education (SBE) waive the requirement that a countywide election is required to reduce the size of the board—allowing the reduction from a seven-member to a five-member board to be effective 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 Humboldt COE to waive *EC* Section 1004, which requires an election to reduce the number of governing board members from seven to five.

SUMMARY OF KEY ISSUES

Currently, *EC* sections 1003 and 1004 require approval of the reduction from a seven-member to a five-member County Board by both the County Committee and voters at a countywide election. The waiver request, if approved by the SBE, would eliminate the countywide election requirement and allow the reduction in the size of the governing board to be effective for the next regular election of members.

Once the size of the County Board is reduced to five, the County Committee will change the trustee area boundaries to match the boundaries of the five county supervisorial districts (a county-wide election is not required to change the trustee-area boundaries).

The Humboldt COE is requesting this waiver as a financial measure—a countywide election would cost approximately $26,500. The reduction from a seven-member to a five-member County Board will also have financial benefits due to reduced costs for a smaller number of board members (for stipends, mileage reimbursement, meeting materials) and elimination of decennial costs to change trustee area boundaries (COE board trustee areas will reflect any changes made by the County Board of Supervisors).

The waiver request has been reviewed by CDE staff and determinations have been made that: (1) the waiver was initiated by resolution of the governing board, and (2) there was no significant public opposition to the waiver at the public hearings held by the governing board. Moreover, approval of the waiver will not eliminate any existing legal rights of currently seated board members. It is the opinion of CDE staff that none of the grounds specified in *EC* Section 33051, which authorize denial of a waiver, exist. The CDE recommends that the SBE approve, for the Humboldt COE, the request to waive *EC* Section 1004, which would allow the Humboldt COE to have a five-member board of education (rather than the current seven-member board) without having the change approved at an election.

Demographic Information:

The Humboldt COE has a student population of 470 and covers the entire Humboldt County, which primarily is a rural area.

Because this is a general waiver, if the SBE decides to deny the waiver, it must cite one of the seven reasons in *EC* Section 33051(a), available at http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC&sectionNum=33051.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SBE has approved similar waivers for the Amador COE at the September 2010 SBE meeting and for the Mendocino COE at the May 2011 SBE meeting.

FISCAL ANALYSIS (AS APPROPRIATE)

Approval of the waiver request will not result in increased costs to the state or any local education agency. Failure to approve the request will result in the additional cost of $26,500 to the Humboldt COE for a countywide election.

ATTACHMENT(S)

Attachment 1: Information from Local Education Agency Requesting Waiver of Election to Reduce Governing Board Size (1 page)

Attachment 2: Humboldt County Office of Education General Waiver Request 23-1-2014 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Information from Local Education Agency Requesting Waiver of Election to Reduce Governing Board Size

California *Education Code* Section 1004

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
23-1-2014	Humboldt County Office of Education	**Requested:** April 1, 2014, to March 31, 2016 **Recommended**: April 1, 2014, to March 30, 2016	Humboldt County Schools' Teachers' Association; Damon Collier, President; 1/3/14: **Support** California School Employees' Association; Maureen Yost, President; 1/3/14: **Support**	2/12/14	Notice of Public Hearing was advertised in two local newspapers and posted in a public location at the Humboldt County Office of Education.	Reviewed by all 31 school district superintendents in the county and by the Humboldt County Committee on School District Organization on 1/6/14: **No objections**

Created by California Department of Education
February 20, 2014

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1210124 Waiver Number: 23-1-2014 Active Year: 2014

Date In: 1/9/2014 11:36:15 AM

Local Education Agency: Humboldt County Office of Education
Address: 901 Myrtle Ave.
Eureka, CA 95501

Start: 4/1/2014 End: 3/31/2016

Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: School District Reorganization
Ed Code Title: Size of Governing Board
Ed Code Section: 1004
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: [1004. The resolution of the county committee approving a reduction or increase in the number of members of the county board of education shall constitute an order of election, and the proposal shall be presented to the electors of the county not later than the next succeeding election for members of the county board of education. The ballot shall contain the following words, as appropriate:
"For decreasing (increasing) the number of members of the county board of education from seven (five) to five (seven)--Yes"
"For decreasing (increasing) the number of members of the county board of education from seven (five) to five (seven)--No"]

Outcome Rationale: The Humboldt County Office of Education currently has a seven member board. There are a number of reasons to reduce the size of the board to five trustees.

Savings to monthly remuneration, mileage reimbursement, the cost of materials and distribution are all reduced with two fewer board members.

By reducing the number of trustees to five and adopting the boundaries of the five Humboldt County Board of Supervisors, the Office of Education will no longer be required to adjust the trustee boundaries following the Federal census every 10 years. The Board of Education will follow the boundaries established by the County Board of Supervisors and will obtain the information from the County of Humboldt to update our trustee areas as needed. This simplifies the process and will result in significant financial savings for the Office of Education and the County of Humboldt. In fact, the Humboldt County Elections Office strongly supports the reduction.

Following the public hearing on January 6, 2013, the Humboldt County Committee on School District Organization voted unanimously in favor or reducing the size of the county board. The County Committee also voted unanimously in favor of applying for a waiver of *Education Code* 1004. The cost of a current election to be avoided is estimated at $26,500.

The County Board of Education currently has three vacancies and four active trustees. The four current board members each reside in one of the county supervisorial areas. We do not have more than one trustee in any of the five areas and will move forward to advertise and appoint a trustee to District 4 once this process is complete.

Student Population: 470

City Type: Rural

Public Hearing Date: 1/6/2014
Public Hearing Advertised: Notice of Public Hearing was advertised in two local newspapers and posted in a public location at the Humboldt County Office of Education.

Local Board Approval Date: 12/11/2013

Community Council Reviewed By: All 31 school district superintendents and Co. Comm. on School Dist. Reorganization
Community Council Reviewed Date: 1/6/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Dr. Garry Eagles
Position: Humboldt County Superintendent of Schools
E-mail: superintendent@hcoe.net
Telephone: 707-445-7030
Fax: 707-445-7000

Bargaining Unit Date: 01/03/2014
Name: California School Employees Assoc, CSEA
Representative: Maureen Yost
Title: President
Position: Support
Comments:

Bargaining Unit Date: 01/03/2014
Name: Humboldt County Schools' Teachers Assoc, CTA/NEA
Representative: Damon Collier
Title: President
Position: Support
Comments:

California State Board of Education

Meeting Agenda Items for May 7-8, 2014

WAIVER ITEM W-16

ITEM #W-16

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2014 AGENDA

☒ **Specific Waiver**

SUBJECT

Request by 10 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:

Briggs Elementary School District 3-1-2014
Butte County Office of Education 95-2-2014
Columbia Elementary School District 102-2-2014
Del Norte County Office of Education 96-2-2014
Del Norte County Unified School District 97-2-2014
Del Norte County Unified School District 98-2-2014
Hornbrook Elementary School District 32-1-2014
Maple Creek Elementary School District 2-1-2014
Potter Valley Community Unified School District 5-2-2014
Sierra-Plumas Joint Unified School District 29-1-2014
Weed Union Elementary School District 27-1-2014

☒ **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 (CDE) recommends approval with the following conditions: See Attachment 1.

SUMMARY OF KEY ISSUES

Briggs Elementary School District is requesting a shared SSC for two small schools:

Briggs Elementary School (9 teachers serving 266 students in grades five through eight), and Olivelands Elementary School (13 teachers serving 310 students in kindergarten through grade four). The two schools share a principal and other staff members such as a resource teacher, a part-time psychologist, a therapist, a music teacher, and facility maintenance staff. They are located in close proximity in a rural area and serve the same attendance area.

Butte County Office of Education is requesting an SSC composition change for a small school: Table Mountain School (4 teachers serving 35 students in kindergarten through grade twelve). The principal, in addition to administrative duties, also provides transition services. The school is located in a rural area.

Columbia Elementary School District is requesting a shared SSC for two schools: Columbia Elementary School (24 teachers serving 471 students in kindergarten through grade four), and Mountain View Middle School (18 teachers serving 402 students in grades five through eight). The two schools share several staff including a counselor, a psychologist, a nurse, and a speech and language pathologist. In addition, the principal of the elementary school is also the superintendent of the district. They are located in a small city.

Del Norte County Office of Education is requesting a shared SSC with composition change for 5 small schools: Bar-O Boys Ranch School (2 teachers serving 14 students in grades seven through twelve), Elk Creek Juvenile Hall (1 teacher serving 5 students in grades seven through twelve), Del Norte County Community Day Elementary School (No enrollment at this time but may have 2 students in grades one through six in two months), Del Norte County Community Day Secondary School (1 teacher serving 9 students in grades seven through twelve), and McCarthy Center/Court/Community School (2 teachers serving 25 students in grades seven through twelve). These five small schools share one administrator and several teachers. They also share the curriculum and conduct staff development activities and faculty meetings together. The schools are located in a rural area.

Del Norte County Unified School District is requesting an SSC composition change for a small school: Margaret Keating Elementary School (6 teachers serving 82 students in kindergarten through grade six). The school is located in a rural area.

Del Norte County Unified School District is requesting an SSC composition change for a small school: Mountain Elementary School (2 teachers serving 32 students in kindergarten through grade eight). The school is located in a rural area.

Hornbrook Elementary School District is requesting an SSC composition change for a small school: Hornbrook Elementary School (4.5 teachers serving 34 students in kindergarten through grade eight). The school is located in a rural area.

Maple Creek Elementary School District is requesting an SSC composition change for a very small school: Maple Creek Elementary School (1 full-time and 2 part-time teachers serving 12 students in kindergarten through grade eight). The full-time teacher is also the principal/superintendent. The school is located in a rural area.

Potter Valley Community Unified School District is requesting a shared SSC for three small schools: Potter Valley Elementary School (9 teachers serving 143 students in kindergarten through grade six), Potter Valley Junior High School (7 teachers serving 33 students in grades seven through eight), and Potter Valley High School (5 teachers serving 87 students in grades nine through twelve). Some of these teachers are shared among the schools. In addition, all three site administrators have multiple titles. The schools are located on the same campus in a rural area.

Sierra-Plumas Joint Unified School District is requesting a shared SSC for two small schools: Downieville Elementary School (2 teachers serving 28 students in kindergarten through grade six), and Downieville Junior-Senior High School (4 teachers serving 24 students in grades seven through twelve). The two schools share a principal and are located in the same building in a rural area.

Weed Union Elementary School District is requesting an SSC composition change for one small school: Weed Elementary School (13 teachers serving 240 students in kindergarten through grade eight). The school is located in a small rural area.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The CDE has previously presented requests from local educational agencies (LEAs) to waive some of the SSC requirements in *EC* 52863 or to allow one shared schoolsite council for multiple schools. All of these requests have been granted with conditions. The conditions take into consideration the rationale provided by the LEAs, a majority of which are due to the size, type, location, or other capacities of the schools.

FISCAL ANALYSIS (AS APPROPRIATE)

There is no statewide fiscal impact of waiver approval.

ATTACHMENT(S)

Attachment 1: Local Educational Agencies Requesting a Schoolsite Council Waiver (6 Pages)

Attachment 2: Briggs Elementary School District Specific Waiver Request 3-1-2014 (3 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: Butte County Office of Education Specific Waiver Request 95-2-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 4: Columbia Elementary School District Specific Waiver Request 102-2-2014 (1 Page) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 5: Del Norte County Office of Education Specific Waiver Request 96-2-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 6: Del Norte County Office of Education Specific Waiver Request 97-2-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 7: Del Norte County Office of Education Specific Waiver Request 98-2-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 8: Hornbrook Elementary School District Specific Waiver Request 32-1-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 9: Maple Creek Elementary School District Specific Waiver Request 2-1-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 10: Potter Valley Community Unified School District Specific Waiver Request 5-2-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 11: Sierra-Plumas Joint Unified School District Specific Waiver Request 29-1-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 12: Weed Union Elementary School District Specific Waiver Request 27-1-2014 (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
3-1-2014	Briggs Elementary School District for Briggs Elementary School (5672447 6054969) and Olivelands Elementary School (5672447 6054977)	Shared SSC	Approval with conditions; the SSC must consist of one principal, three classroom teachers (selected by peers), one other school representative (selected by peers), and five parents/community members (selected by parents).	**No** **Requested:** 07/01/2013 To 06/30/2014 **Recommended:** 07/01/2013 To 06/30/2015	Briggs Teachers Association Debi Rohr, President 10/16/2013 **Support**	Briggs Elementary School SSC 12/05/2013 **Approve**	12/11/2013
95-2-2014	Butte County Office of Education for Table Mountain School (0410041 0430066)	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).	**Yes** **Requested:** 07/01/2014 To 06/30/2016 **Recommended:** 07/01/2014 To 06/30/2016	Butte County Teachers Association Rachel Frank, President 01/31/2014 **Support**	Table Mountain SSC 01/28/2014 **Approve**	02/10/2014

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
102-2-2014	Columbia Elementary School District for Columbia Elementary School (4569948 6050181) and Mountain View Middle School (4569948 6117857)	Shared SSC	Approval with conditions; the SSC must consist of one principal, three classroom teachers (selected by peers), one other school representative (selected by peers), and five parents/community members (selected by parents).	**No** **Requested:** 08/21/2013 To 06/06/2014 **Recommended:** 08/21/2013 To 06/06/2015	None indicated	Columbia Elementary School SSC and Mountain View Middle School SSC 02/05/2014 **Approve**	02/18/2014
96-2-2014	Del Norte County Office of Education for Bar-O Boys Ranch School (0810082 0106666), Elk Creek Juvenile Hall (0810082 0106625), Del Norte County Community Day Elementary School (0810082 6120208), Del Norte County Community Day Secondary School (0810082 0830067), and McCarthy Center /Court/Community School (0810082 0830042)	Shared SSC and Composition Change	Approval with conditions; the SSC must consist of one principal, two classroom teachers (selected by peers), one other school representative (selected by peers), three parents/community members (selected by parents), and one student (selected by peers).	**No** **Requested:** 09/03/2013 To 08/31/2014 **Recommended:** 09/03/2013 To 08/31/2015	Del Norte Teachers Association and California School Employees Association 01/06/2014 **Support**	SSC for Educational Options 12/10/2013 **Approve**	02/13/2014

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
97-2-2014	Del Norte County Unified School District for Margaret Keating Elementary School (0861820 6005417)	SSC Composition Change	Approval with conditions; the SSC must consist of one principal, two classroom teachers (selected by peers), one other school representative (selected by peers), and four parents/community members (selected by parents).	**No** **Requested:** 09/03/2013 To 08/31/2014 **Recommended:** 09/03/2013 To 08/31/2015	Del Norte Teachers Association Amber Cron President 01/06/2014 **Support**	Margaret Keating Elementary School SSC 02/03/2014 **Approve**	02/13/2014
98-2-2014	Del Norte County Unified School District for Mountain Elementary School (0861820 6005425)	SSC Composition Change	Approval with conditions; the SSC must consist of one principal, two classroom teachers (selected by peers), one other school representative (selected by peers), and four parents/community members (selected by parents).	**No** **Requested:** 09/03/2013 To 08/31/2014 **Recommended:** 09/03/2013 To 08/31/2015	Del Norte Teachers Association Amber Cron President 01/06/2014 **Support**	Mountain Elementary School SSC 11/13/2013 **Approve**	02/13/2014

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
32-1-2014	Hornbrook Elementary School District for Hornbrook Elementary School (4770359 6050801)	SSC Composition Change	Approval with conditions; the SSC must consist of one principal, one classroom teacher (selected by peers), and two parents/community members (selected by parents).	**No** **Requested:** 02/01/2013 To 02/01/2015 **Recommended:** 02/01/2013 To 01/31/2015	California School Employees association John McDonald, Maintenance 12/06/2013 **Support** Hornbrook Teachers Association Ann Robinson, Teacher 12/06/2013 **Support**	Hornbrook Elementary School SSC 12/17/2013 **Approve**	12/09/2013
2-1-2014	Maple Creek Elementary School District for Maple Creek Elementary School (1262935 6008031)	SSC Composition Change	Approval with conditions; the SSC must consist of one principal, one classroom teacher (selected by peers), one other school representative (selected by peers), and three parents/community members (selected by parents).	**Yes** **Requested:** 03/13/2014 To 03/12/2016 **Recommended:** 03/13/2014 To 03/12/2016	None indicated	Maple Creek Elementary School SSC 12/02/2013 **Approve**	12/11/2013

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
5-2-2014	Potter Valley Community Unified School District for Potter Valley Elementary School (2373866 6025241), Potter Valley Junior High School (2373866 0107250) and Potter Valley High School (2373866 2330041)	Shared SSC	Approval with conditions; the SSC must consist of one principal, four classroom teachers (selected by peers), two other school representatives (selected by peers), four parents/community members (selected by parents), and three students (selected by peers).	**No** **Requested:** 09/11/2013 to 09/01/2015 **Recommended:** 09/11/2013 to 09/01/2015	Potter Valley Classified Association Sam Phillips, President 11/05/2013 S**upport** Potter Valley Teachers Association Cheri Alton, President 11/05/2013 **Support**	Potter Valley Elementary School SSC, Potter Valley Junior High School SSC, and Potter Valley High School SSC 11/13/2013 **Approve**	11/13/2013
29-1-2014	Sierra-Plumas Joint Unified School District for Downieville Elementary School (4670177 6050611) and Downieville Junior-Senior High School (4670177 4632303)	Shared SSC	Approval with conditions; the SSC must consist of one principal, four classroom teachers (selected by peers), three parents/community members (selected by parents), and three students (selected by peers).	**No** **Requested:** 01/14/2014 To 06/20/2015 **Recommended:** 01/14/2014 To 06/20/2016	Sierra-Plumas Teachers Association Pat Doyle, President 12/04/2013 **Support**	Downievile Elementary School SSC and Downieville Junior-Senior High School SSC 12/03/2013 **Approve**	12/10/2013

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
27-1-2014	Weed Union Elementary School District for Weed Elementary School (4770482 6050942)	SSC Composition Change	Approval with conditions; the SSC must consist of one principal, two classroom teachers (selected by peers), one other school representative (selected by peers), and four parents/community members (selected by parents).	**No** **Requested:** 02/01/2013 To 02/01/2015 **Recommended:** 02/01/2013 To 01/31/2015	Weed California Schools Employee Association Shanna Machado, President 12/06/2013 **Support** Weed Classroom Teachers Association Stan Miller, President 12/09/2013 **Support**	Weed Elementary School SSC 12/02/2013 **Approve**	12/16/2013

Created by the California Department of Education
March 12, 2014

California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 5672447 Waiver Number: 3-1-2014 Active Year: 2014

Date In: 1/6/2014 2:03:54 PM

Local Education Agency: Briggs Elementary School District
Address: 12465 Foothill Rd.
Santa Paula, CA 93036

Start: 7/1/2013 End: 6/30/2014

Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

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* 52863 Any governing board, on behalf of a schoolsite council, may request the State Board of Education (SBE) to grant a waiver of any provision of this article. The State Board of Education may grant a request when it finds that the failure to do so would hinder the implementation or maintenance of a successful school-based coordinated program.

EC 52852 Schoolsite councils for school sharing common services or attendance areas, administration and other characteristics.

EC 52852 A schoolsite council shall be established [at each school] which participate 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: Please see attachment.

Student Population: 576

City Type: Rural

Local Board Approval Date: 12/11/2013

Council Reviewed By: Brandon Gallagher & Thomas Frutos
Council Reviewed Date: 12/5/2013
Council Objection: N
Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Deborah Cuevas
Position: Superintendent
E-mail: dcuevas@briggsesd.org
Telephone: 805-525-7540
Fax: 805-933-1111

Bargaining Unit Date: 10/16/2013
Name: Briggs Teachers Association
Representative: Debi Rohr
Title: President
Position: Support
Comments:

ATTACHMENT
RESPONSE #7

BRIGGS SCHOOL DISTRICT (56-72447)
- Olivelands School (6054977)
- Briggs School (6054969)

#7 Desired outcome/rationale.

Approval of this waiver request will allow Olivelands and Briggs Schools to have a single Schoolsite Council.

Olivelands School is a K-4 site. Briggs School is 5-8. We do not have overlapping grades. Both sites are administered by Deborah Cuevas (Superintendent) and Brandon Gallagher (Principal). They share (1) resource teacher, (1) part-time school psychologist, (1) 4 day a week speech therapist, (1) music teacher and facility maintenance staff.

- Both schools are located in a rural setting with approximately 3 miles between them.
- Olivelands School has 13 teachers
- Briggs School has 9 teachers
- Almost all of Briggs School students are former Olivelands students and a significant number of students in each school have siblings in the other.
- The Briggs School District has two small elementary schools located near each other and serves common student and parent populations with no grade overlap and draw from a common attendance area. As a small school district it is very difficult to meet SSC membership requirements for two sites. There is a common Parent/Faculty Organization, a common English Learner Advisory Committee and common Migrant Committee. All district teachers meet together for all paid staff development days. Since the primary purpose of the SSC is to advise on instructional improvement K-8 we would ensure that there was teacher representation from both sites. To have a separate SSC would unnecessarily duplicate efforts.

  We propose to establish a single Schoolsite Council, managed with by-laws and procedures that will ensure a parity of representation with the membership composition required by the California Education Code.

California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 0410041 Waiver Number: 95-2-2014 Active Year: 2014

Date In: 2/15/2014 9:38:23 AM

Local Education Agency: Butte County Office of Education
Address: 1859 Bird St.
Oroville, CA 95965

Start: 7/1/2014 End: 6/30/2016

Waiver Renewal: Y
Previous Waiver Number: 9-5-2012-W-08 Previous SBE Approval Date: 9/13/2012

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: *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.]

The composition of the Table Mountain School Site Council, to ensure parity between members, will be:
a.) the principal, two teachers
b.) three parents or community members

Outcome Rationale: Table Mountain School is a small juvenile hall with a maximum of 60 students and 4 teachers, one of whom teaches special education students only. The school has a full time principal who also provides transition services. Following the guidelines in the Single Plan for Student Achievement model, a secondary school would have a composition of 12 members, half of whom would be staff. For Table Mountain School, this would involve the full complement of teachers serving all the time.

Table Mountain School is requesting the waiver be renewed so that two teachers plus the principal will serve as the school composition and three parents or community members will compose the other half of the composition. This will allow for an annual rotation to involve a different set of staff. There is no other similar school within a working distance to partner with for school site council purposes.

Student Population: 35

City Type: Rural

Local Board Approval Date: 2/10/2014

Council Reviewed By: Table Mountain School Site Council
Council Reviewed Date: 1/28/2014
Council Objection: N
Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Kim Guzzetti
Position: Student Programs and Services Administrator
E-mail: kguzzetti@bcoe.org
Telephone: 530-532-5644
Fax:

Bargaining Unit Date: 01/31/2014
Name: Butte County Teachers Association
Representative: Rachel Frank
Title: President
Position: Support
Comments:

California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 4569948 Waiver Number: 102-2-2014 Active Year: 2014

Date In: 2/20/2014 10:41:57 AM

Local Education Agency: Columbia Elementary School District
Address: 10140 Old Oregon Trail
Redding, CA 96003

Start: 8/21/2013 End: 6/6/2014

Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

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: A schoolsite council shall be established at each school which participates in school-based program coordination.

Outcome Rationale: There are two school sites. The elementary site is K-4 and the middle school is 5-8. The two sites share a Superintendent, Counselor, Psychologist, Nurse, Speech and Language Pathologist, etc. The Superintendent is also the Principal of the elementary school. In order to streamline meetings the site council has been combined. Participants consist of parents, teachers, and community leaders associated with both sites.

Student Population: 840

City Type: Small

Local Board Approval Date: 2/18/2014

Council Reviewed By: Columiba/Mountain View Schoolsite Council
Council Reviewed Date: 2/5/2014
Council Objection: N
Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Georgetta Fitzgerald
Position: Administrative Assistant to the Superintendent
E-mail: gfitzgerald@columbiasd.com
Telephone: 530-223-1915 x103
Fax: 530-223-4168

California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 0810082 Waiver Number: 96-2-2014 Active Year: 2014

Date In: 2/18/2014 1:39:27 PM

Local Education Agency: Del Norte County Office of Education
Address: 301 West Washington Blvd.
Crescent City, CA 95531

Start: 9/3/2013 End: 8/31/2014

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 School Site Councils for small schools sharing common services or attendance areas, administration and other characteristics.

Outcome Rationale: Del Norte County Office of Education is a county-wide district located in the small, northwestern county of Del Norte. The County Office of Education comprises of one charter school and 4 small schools. The four small schools share a common administrator. Several teachers have split assignments between sites. The curriculum is shared and common staff development and faculty meetings are held. Two of the schools are juvenile correctional facilities. On school's, Bar-O, students come from districts that are a minimum of 5 hours away. Students often move between these sites several times a year. The schools requesting this waiver are: Bary-O Boys Ranch (14 students), Community Day School (9 students), Elk Creek - Juvenile Hall (5 students) and McCarthy Center (25 students).

Student Population: 53

City Type: Rural

Local Board Approval Date: 2/13/2014

Council Reviewed By: Del Norte Teacher's Association and California School Employees Association
Council Reviewed Date: 1/6/2014
Council Objection: N
Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Diane Weldon
Position: Executive Assistant
E-mail: dweldon@delnorte.k12.ca.us
Telephone: 707-464-0201
Fax: 707-464-0221

California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 0861820 Waiver Number: 97-2-2014 Active Year: 2014

Date In: 2/18/2014 1:54:39 PM

Local Education Agency: Del Norte County Unified School District
Address: 301 West Washington Blvd.
Crescent City, CA 95531

Start: 9/3/2013 End: 8/31/2014

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: Requesting reduced composition in members for a small school. (Statue requires 12 members for a high school and 10 members for elementary site councils)

Outcome Rationale: The rationale for the request to lower the Site Council membership of eight would allow the school to be able to fill the parent and teacher memberships. This school is small and allowing 8 members for the site council would allow proper representation, but also allowing the classroom teachers to comprise the majority of the council.

Student Population: 82

City Type: Rural

Local Board Approval Date: 2/13/2014

Council Reviewed By: Del Norte School Board
Council Reviewed Date: 2/13/2014
Council Objection: N
Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Diane Weldon
Position: Executive Assistant
E-mail: dweldon@delnorte.k12.ca.us
Telephone: 707-464-0201
Fax: 707-464-0221

Bargaining Unit Date: 01/06/2014
Name: Del Norte Teachers Association
Representative: Amber Cron
Title: President
Position: Support
Comments:

California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 0861820 Waiver Number: 98-2-2014 Active Year: 2014

Date In: 2/18/2014 2:14:58 PM

Local Education Agency: Del Norte County Unified School District
Address: 301 West Washington Blvd.
Crescent City, CA 95531

Start: 9/3/2013 End: 8/31/2014

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: Requesting reduced composition in members for a small school. (Statue requires 12 members for a high school site council and 10 members for an elementary site council).

Outcome Rationale: The rationale for the request to lower the Site Council membership of eight would allow the school to be able to fill the parent and teacher memberships. This school is small and allowing eight members for the site council would allow proper representation, but also allowing the classroom teachers to comprise the majority of the council.

Student Population: 32

City Type: Rural

Local Board Approval Date: 2/13/2014

Council Reviewed By: Del Norte School Board
Council Reviewed Date: 2/13/2014
Council Objection: N
Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Diane Weldon
Position: Executive Assistant
E-mail: dweldon@delnorte.k12.ca.us
Telephone: 707-464-0201
Fax: 707-464-0201

Bargaining Unit Date: 01/06/2014
Name: Del Norte Teacher's Association
Representative: Amber Cron
Title: President
Position: Support
Comments:

California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 4770359 Waiver Number: 32-1-2014 Active Year: 2014

Date In: 1/14/2014 8:51:57 AM

Local Education Agency: Hornbrook Elementary School District
Address: 15430 Oregon Rd.
Hornbrook, CA 96044

Start: 2/1/2013 End: 2/1/2015

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: *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.

The school wishes to form a four-member SSC composed of the principal, one teacher and two parents or community members selected by parents.

Outcome Rationale: Hornbrook Elementary Schoolsite Council composition would consist of 1 principal, 1 teacher, and 2 parent or community members.

After much recruitment, our small, rural school is unable to get enough parents to meet the requirement of 6 parent members. Parents have declined participating in SSC because they are involved in a number of other volunteer roles that support the school and/or are working various/multiple jobs.

Student Population: 34

City Type: Rural

Local Board Approval Date: 12/9/2013

Council Reviewed By: Schoolsite Council
Council Reviewed Date: 12/17/2013
Council Objection: N
Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Joshua Peete
Position: Superintendent / Principal
E-mail: jpeete@hornbrookschool.org
Telephone: 530-475-3598
Fax:

Bargaining Unit Date: 12/06/2013
Name: California School Employees Association
Representative: John McDonald
Title: Maintenance
Position: Support
Comments:

Bargaining Unit Date: 12/06/2013
Name: Hornbrook Teachers Association
Representative: Ann Robinson
Title: Teacher
Position: Support
Comments:

California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 1262935 Waiver Number: 2-1-2014 Active Year: 2014

Date In: 1/6/2014 10:48:38 AM

Local Education Agency: Maple Creek Elementary School District
Address: 15933 Maple Creek Rd.
Korbel, CA 95550

Start: 3/13/2014 End: 3/12/2016

Waiver Renewal: Y
Previous Waiver Number: 74-12-2011-W-20 Previous SBE Approval Date: 3/08/2012

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: *EC* 52852 Schoolsite councils for small schools sharing common services or attendance areas, administration and other characteristics.

Outcome Rationale: The desired outcome is for the District to be in compliance and have a workable Schoolsite council. The waiver is necessary due to the small size of District (under 25 ADA). Currently our staff certificated staff consists of three individuals. One person is full time and serving as a teacher, principal, and superintendent. Two other teachers are employed part time. There are 2 part time classified employees. Request that the composition of the Schoolsite Council be 1 administrator, 1 certificated employee (teacher), 1 classified employee, and 3 parents/community members. Total members to be 6.

Student Population: 12

City Type: Rural

Local Board Approval Date: 12/11/2013

Council Reviewed By: Schoolsite Council and School Board
Council Reviewed Date: 12/2/2013
Council Objection: N
Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Wendy Orlandi
Position: Superintendent
E-mail: worlandi@humboldt.k12.ca.us
Telephone: 707-668-5596
Fax: 707-668-4132

California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 2373866 Waiver Number: 5-2-2014 Active Year: 2014

Date In: 2/6/2014 10:43:53 AM

Local Education Agency: Potter Valley Community Unified School District
Address: 10401 Main St.
Potter Valley, CA 95469

Start: 9/11/2013 End: 9/1/2015

Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

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 A schoolsite council shall be established at (each) school which participates in school-based program coordination. The council shall be composed of the principal and representatives of: teachers, selected by teachers at the school; other school personnel selected by other school personnel at the school; parents of pupils attending the school selected by such parents; and, in secondary schools, pupils selected by pupils attending the school.

Outcome Rationale: There are three site administrators in the district. All hold multiple titles.

1 Superintendent/Elementary Principal/Director of Special Education/Director of Maintenance Operations and Transportation

1 Principal of the Jr. High/High School/Continuation High School

1 Jr./Sr. High Assistant Principal/High School teacher

All schools are on the same physical plant and share resources including technology and some instructional staff, and all maintenance staff.

It is the district's desire to provide a more cohesive plan for the schools by combining the site councils. Given the district's size, when student achievement data is reviewed, it always includes data from all schools. It is imperative that each school site consider the plans of each other, since we share staff and often combine our grade levels for interventions or enrichment. Combining the schoolsite councils, and therefore having one Single Plan for Student Achievement, would help the district create a more cohesive plan that all schools take part in developing.

Enrollment: Elementary (143), Junior High (33), High School (87), Continuation (2)

The proposed SSC composition would be as follows:
1 Principal
4 Teachers
2 Other School Employees
4 Parents or Community Members
2 High School Students
1 Jr. High Student

The district will hold a new SSC election. To Ensure that all schools are represented on the SSC the bylaws will state that there is to be no less than one teacher from the elementary level and no less than one teacher from the secondary level.

Student Population: 265

City Type: Rural

Local Board Approval Date: 11/13/2013

Council Reviewed By: Elementar SSC, Jr./Sr. High SSC
Council Reviewed Date: 11/13/2013
Council Objection: N
Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Nicole Glentzer
Position: Superintendent
E-mail: nglentzer@mcoe.us
Telephone: 707-743-2101
Fax: 707-743-1930

Bargaining Unit Date: 11/05/2013
Name: Potter Valley Classified Association
Representative: Sam Phillips
Title: PVCA President
Position: Support
Comments:

Bargaining Unit Date: 11/05/2013
Name: Potter Valley Teachers Association
Representative: Cheri Alton
Title: PVTA President
Position: Support
Comments:

California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 4670177 Waiver Number: 29-1-2014 Active Year: 2014

Date In: 1/10/2014 12:25:05 PM

Local Education Agency: Sierra-Plumas Joint Unified School District
Address: 109 Beckwith Rd.
Loyalton, CA 96118

Start: 1/14/2014 End: 6/20/2015

Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

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 or attendance areas, administration and other characteristics.]

Outcome Rationale: Downieville Elementary and Jr/Sr High Schools are located on the western side of Sierra County. Downieville Schools are combined schools with kindergarten through twelfth grades. We would like to combine the site council to serve students at one time. We believe that tere would be more parental involvement on the council, as well as volunteers, with this combination. There are only eight (8) teachers at the school and only a few are available to serve on this committee. There is one shared principal at the Downieville Schools with a current enrollment of fifty-two (52) students, kindergarten through grade twelve. We have the same principal for both the elementary and Jr/Sr high schools. The distance between the two schools is about 30 feet. We are all under the same roof in the same building. Thank you for your consideration.

Student Population: 52

City Type: Small

Local Board Approval Date: 12/10/2013

Council Reviewed By: Amber Sainsbury, Chairperson of Downieville Schools
Council Reviewed Date: 12/3/2013
Council Objection: N
Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Derek Cooper
Position: Principal
E-mail: dcooper@spjusd.org
Telephone: 530-993-4482
Fax: 530-993-0828

Bargaining Unit Date: 12/04/2013
Name: Sierra-Plumas Teachers Association
Representative: Pat Doyle
Title: President
Position: Support
Comments:

California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 4770482 Waiver Number: 27-1-2014 Active Year: 2014

Date In: 1/9/2014 2:58:52 PM

Local Education Agency: Weed Union Elementary School District
Address: 595 East Alma St.
Mount Shasta, CA 96067

Start: 2/1/2013 End: 2/1/2015

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;]

Outcome Rationale: Weed Elementary Schoolsite Council composition would consist of 1 principal, 2 teachers, 1 classified personnel and 4 parent or community members. After much recruitment, our small, rural school is unable to get enough parents to meet the requirement of 6 parent members. Parents have declined participating in SSC because they are involved in a number of other volunteer roles that support the school and/or are working multiple jobs.

Student Population: 240

City Type: Rural

Local Board Approval Date: 12/16/2013

Council Reviewed By: Weed Elementary Schoolsite Council
Council Reviewed Date: 12/2/2013
Council Objection: N
Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Kathy Hansen
Position: District Secretary
E-mail: khansen@msusd.org
Telephone: 530-926-6007
Fax: 530-926-6103

Bargaining Unit Date: 12/06/2013
Name: Weed California Schools Employee Association
Representative: Shanna Machado
Title: President
Position: Support
Comments:

Bargaining Unit Date: 12/09/2013
Name: Weed Classroom Teachers Association
Representative: Stan Miller
Title: President
Position: Support
Comments:

California State Board of Education

Meeting Agenda Items for May 7-8, 2014

WAIVER ITEM W-17

ITEM #W-17

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2014 AGENDA

☒ **Specific Waiver**

SUBJECT Request by six school districts under the authority of California *Education Code* Section 49548 to waive *Education Code* Section 49550, the State Meal Mandate during the summer school session. Waiver Number: Eastern Sierra Unified School District 44-1-2014 Liberty Elementary School District 109-2-2014 McCabe Union Elementary School District 87-2-2014 Sierra-Plumas Joint Unified School District 111-2-2014 Snowline Joint Unified School District 9-3-2014 Wiseburn Elementary School District 52-1-2014	☒ **Action** ☒ **Consent**

RECOMMENDATION

☒ Approval ☐ Approval with conditions ☐ Denial

The six school districts meet the criteria of one of the three conditions outlined in California *Education Code* Section 49548.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

All previous waivers that have been presented to the State Board of Education have been approved.

SUMMARY OF KEY ISSUES

Six districts have requested summer school meal waivers under authority of the California *Education Code* (*EC*) Section 49548, to waive *EC* Section 49550, the requirement that meals be served each school day.

These six requests represent a sharp decrease from years past, when hundreds of summer school meal waiver requests were submitted. The Nutrition Services Division has made tremendous strides in ensuring that schools are provided with the guidance they need to offer meals whenever possible.

School sites operating a summer school session shall be granted a waiver so that meals do not have to be served if they meet one of the following conditions:

CONDITION ONE

Elementary schools shall be granted a waiver if a Summer Food Service Program (SFSP) for children site is available within one-half mile of the school site. Middle schools, junior high schools, and high schools shall be granted a waiver if a SFSP site is available within one mile of the school site. Additionally, one of the following conditions must exist:

- The hours of operation of the SFSP site commence no later than one-half hour after the completion of the summer school session day.

- The hours of operation of the SFSP site conclude no earlier than one hour after the completion of the summer school session day.

For purposes of this section of law, "elementary school" means a public school that maintains kindergarten or any of grades first through eighth inclusive.

CONDITION TWO

Serving meals during the summer school session would result in a financial loss to the school district, documented in a financial analysis performed by the school district, in an amount equal to one-third of the net cash resources as defined in Title 7, *Code of Federal Regulations*, Section 210.2, which, for purposes of this section of law, shall exclude funds that are encumbered. If there are no net cash resources, the financial loss must be greater than or equal to the operating costs of one month as averaged over the summer school sessions.

The financial analysis must include a projection of future meal program participation based on either of the following:

- The meal service period beginning after the commencement of the summer school session day and concluding before the completion of the summer school session day. In other words, districts must project profit or loss based on serving a breakfast or a lunch **during school hours** and not before or after the school day.

- The school site operating as an open Summer Seamless Feeding Option or a SFSP site, and providing adequate notification thereof, including flyers and banners, in order to fulfill community needs under the SFSP.

CONDITION THREE

Summer school sites that operate two hours or less including breaks and recess shall be granted a waiver.

The districts listed in Attachment 1 have requested a waiver of *EC* Section 49550 for the summer of 2013 and have certified their compliance with all required conditions necessary to obtain a waiver.

The California Department of Education (CDE) has reviewed the waiver requests from the districts and recommends approval based on meeting the conditions (One, Two, or Three) listed in the fifth column on Attachment 1.

Authority for Waiver: *EC* Section 49548

Bargaining unit(s) consulted on date(s): Not required

FISCAL ANALYSIS (AS APPROPRIATE)

Approval of the waivers may reduce the draw on Proposition 98 funds at the State level. Local district finances may be affected.

ATTACHMENT(S)

Attachment 1: Districts Meeting Statutory Waiver Conditions (1 page)

Attachment 2: Eastern Sierra Unified School District Specific Waiver Request 44-1-2014 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: Liberty Elementary School District Specific Waiver Request 109-2-2014 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 4: McCabe Union Elementary School District Specific Waiver Request 87-2-2014 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 5: Sierra-Plumas Joint Unified School District Specific Waiver Request 111-2-2014 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 6: Snowline Joint Unified School District Specific Waiver Request 9-3-2014 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 7: Wiseburn Elementary School District Specific Waiver Request 52-1-2014 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Summary Table of Summer School Meal waivers

Waiver Number	District	School Site	Effective Period of Request(s)	Local Board Approval Date	Condition Being Met
44-1-2014	Eastern Sierra Unified School District	Antelope Elementary School Bridgeport Elementary School Edna Beaman Elementary School Lee Vining Elementary School	**Requested & Recommended:** 7/21/2014 to 8/8/2014	1/15/2014	Two
109-2-2014	Liberty Elementary School District	Liberty Elementary School	**Requested & Recommended:** 7/7/2014 to 7/24/2014	2/20/2014	Two
87-2-2014	McCabe Union Elementary School District	McCabe Elementary School	**Requested & Recommended:** 6/9/2014 to 7/18/2014	3/11/2014	Three
111-2-2014	Sierra-Plumas Joint Unified School District	Loyalton High School	**Requested & Recommended:** 6/23/2014 to 8/15/2014	2/11/2014	Three
9-3-2014	Snowline Joint Unified School District	Serrano High School Vista Verde	**Requested & Recommended:** 6/16/2014 to 7/18/201	3/11/2014	Three
52-1-2014	Wiseburn Elementary School District	Juan De Anza Elementary	**Requested & Recommended:** 6/30/2014 to 7/18/2014	1/23/2014	One

Created by the California Department of Education
March 27, 2014

California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 2673668 Waiver Number: 44-1-2014 Active Year: 2014

Date In: 1/29/2014 9:51:50 AM

Local Education Agency: Eastern Sierra Unified School District
Address: 231 Kingsley St.
Bridgeport, CA 93517

Start: 7/21/2014 End: 8/8/2014

Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: State Meal Mandate
Ed Code Title: Summer School Session
Ed Code Section: 49550
Ed Code Authority: 49548

Ed Code or *CCR* to Waive: 49550. [(a) Notwithstanding any other provision of law, each school district or county superintendent of schools maintaining anykindergarten or any of grades 1 to 12, inclusive, shall provide for each needy pupil one nutritionally adequate free or reduced-pricemeal during each schoolday, except for family day care homes that shall be reimbursed for 75 percent of the meals served.]

Outcome Rationale: The cost exceeds the income from operating a summer meal program resulting in a financial loss to the district.

Student Population: 435

City Type: Rural

Local Board Approval Date: 1/15/2014

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Arik Avanesyans
Position: Business Manager
E-mail: aavanesyans@esusd.org
Telephone: 760-932-7443 x1004
Fax:

DISTRICT INFORMATION

Site Name: Lee Vining Elementary School		
Summer School day at this site begins: 8 and ends: 11:30 Total Time: 3:30 (Hrs/Min)		
Meals offered during regular school year: Breakfast ☒ Lunch ☒		
Meal time at this site for the summer session begins: 11:10 and ends: 11:30		
Check which condition below meets your circumstances:		
Condition ONE ☐	Condition TWO ☒	Condition THREE ☐

Site Name: Bridgeport Elementary School		
Summer School day at this site begins: 8 and ends: 11:30 Total Time: (Hrs/Min)		
Meals offered during regular school year: Breakfast ☒ Lunch ☒		
Meal time at this site for the summer session begins: 11:10 and ends: 11:30		
Check which condition below meets your circumstances:		
Condition ONE ☐	Condition TWO ☒	Condition THREE ☐

Site Name: Antelope Elementary School		
Summer School day at this site begins: 8 and ends: 11:30 Total Time: (Hrs/Min)		
Meals offered during regular school year: Breakfast ☒ Lunch ☒		
Meal time at this site for the summer session begins: 11:10 and ends: 11:30		
Check which condition below meets your circumstances:		
Condition ONE ☐	Condition TWO ☒	Condition THREE ☐

Site Name: Edna Beaman Elementary School		
Summer School day at this site begins: 8 and ends: 11:30 Total Time: (Hrs/Min)		
Meals offered during regular school year: Breakfast ☒ Lunch ☒		
Meal time at this site for the summer session begins: 11:10 and ends: 11:30		
Check which condition below meets your circumstances:		
Condition ONE ☐	Condition TWO ☒	Condition THREE ☐

Summer meal waiver requests, including all required attachments, must be received in the California Department of Education's online waiver system no later than 60 days prior to the last regular meeting of the State Board of Education before the commencement of the summer school session for which the waiver is sought. Therefore, please have your completed summer school meal waiver request submitted by March 7, 2014 at the latest.

If you have questions regarding the attachments to the waiver or how to meet the waiver criteria, please contact Donna Reedy, School Nutrition Programs Analyst, Nutrition Services Division, at dreedy@cde.ca.gov, or Jessica Cross, School Nutrition Programs Analyst at jcross@cde.ca.gov.

California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 4970797 Waiver Number: 109-2-2014 Active Year: 2014

Date In: 2/24/2014 11:44:37 AM

Local Education Agency: Liberty Elementary School District
Address: 170 Liberty School Rd.
Petaluma, CA 94952

Start: 7/7/2014 End: 7/24/2014

Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: State Meal Mandate
Ed Code Title: Summer School Session
Ed Code Section: 49550
Ed Code Authority: 49548

Ed Code or *CCR* to Waive: 49550(a). Notwithstanding any other provision of law, each school district or county superintendent of schools maintaining any kindergarten or any of grades 1 to 12, inclusive, shall provide for each needy pupil one nutritionally adequate free or reduced-price meal during each school day.

Outcome Rationale: Our LEA would like to receive a waiver of the requirement to serve meals to students at this year's summer school session for one school site. We understand that we must meet one of three conditions of EdCode 49548(a) and qualify for Condition Two. Condition Two: Serving meals during the summer school session would result in a financial loss.

Student Population: 213

City Type: Suburban

Local Board Approval Date: 2/20/2014

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Patricia Petzar
Position: Business Clerk
E-mail: ppetzar@libertysd.org
Telephone: 707-795-4380 x120
Fax: 707-795-6468

DISTRICT INFORMATION

Site Name: **Liberty Elementary School**		
Summer School day at this site begins: **8:25 a.m.** and ends: **11:55 a.m.** Total Time: **3.5 hours**		
Meals offered during regular school year: Breakfast ☐ Lunch ☒		
Meal time at this site for the summer session begins: and ends:		
Check which condition below meets your circumstances:		
Condition ONE ☐	Condition TWO **xxx**	Condition THREE ☐

Site Name:		
Summer School day at this site begins: and ends: Total Time: (Hrs/Min)		
Meals offered during regular school year: Breakfast ☐ Lunch ☐		
Meal time at this site for the summer session begins: and ends:		
Check which condition below meets your circumstances:		
Condition ONE ☐	Condition TWO ☐	Condition THREE ☐

Site Name:		
Summer School day at this site begins: and ends: Total Time: (Hrs/Min)		
Meals offered during regular school year: Breakfast ☐ Lunch ☐		
Meal time at this site for the summer session begins: and ends:		
Check which condition below meets your circumstances:		
Condition ONE ☐	Condition TWO ☐	Condition THREE ☐

Site Name:		
Summer School day at this site begins: and ends: Total Time: (Hrs/Min)		
Meals offered during regular school year: Breakfast ☐ Lunch ☐		
Meal time at this site for the summer session begins: and ends:		
Check which condition below meets your circumstances:		
Condition ONE ☐	Condition TWO ☐	Condition THREE ☐

Summer meal waiver requests, including all required attachments, must be received in the California Department of Education's online waiver system no later than 60 days prior to the last regular meeting of the State Board of Education before the commencement of the summer school session for which the waiver is sought. Therefore, please have your completed summer school meal waiver request submitted by March 7, 2014 at the latest.

If you have questions regarding the attachments to the waiver or how to meet the waiver criteria, please contact Donna Reedy, School Nutrition Programs Analyst, Nutrition Services Division, at dreedy@cde.ca.gov, or Jessica Cross, School Nutrition Programs Analyst at jcross@cde.ca.gov.

California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 1363180 Waiver Number: 87-2-2014 Active Year: 2014

Date In: 2/12/2014 4:36:44 PM

Local Education Agency: McCabe Union Elementary School District
Address: 701 West McCabe Rd.
El Centro, CA 92243

Start: 6/9/2014 End: 7/18/2014

Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: State Meal Mandate
Ed Code Title: Summer School Session
Ed Code Section: 49550
Ed Code Authority: 49548

Ed Code or *CCR* to Waive: 49550. ~~(a) Notwithstanding any other provision of law, each school district or county superintendent of schools maintaining any kindergarten or any of grades 1 to 12, inclusive, shall provide for each needy pupil one nutritionally adequate free or reduced-price meal during each schoolday, except for family day care homes that shall be reimbursed for 75 percent of the meals served.~~

Condition Three: The site operates summer school days of two hours or less (including breaks and recess).

Outcome Rationale: During the summer of 2013 there were 25 students enrolled in the summer school program. Students were transported to and from school by parents. Classes ran from 8:30-10:30.

Student Population: 1352

City Type: Rural

Local Board Approval Date: 3/11/2014

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Arlyn Atadero
Position: Assistant Superintendent
E-mail: atadero@mccabeschool.net
Telephone: 760-335-5202
Fax:

DISTRICT INFORMATION

Site Name: McCabe Union Elementary School District		
Summer School day at this site begins: 8:30 and ends: 10:30 Total Time: 2 Hrs (Hrs/Min)		
Meals offered during regular school year: Breakfast ☐ Lunch ☒		
Meal time at this site for the summer session begins: and ends:		
Check which condition below meets your circumstances:		
Condition ONE ☐	Condition TWO ☐	Condition THREE ☒

Site Name:		
Summer School day at this site begins: and ends: Total Time: (Hrs/Min)		
Meals offered during regular school year: Breakfast ☐ Lunch ☐		
Meal time at this site for the summer session begins: and ends:		
Check which condition below meets your circumstances:		
Condition ONE ☐	Condition TWO ☐	Condition THREE ☐

Site Name:		
Summer School day at this site begins: and ends: Total Time: (Hrs/Min)		
Meals offered during regular school year: Breakfast ☐ Lunch ☐		
Meal time at this site for the summer session begins: and ends:		
Check which condition below meets your circumstances:		
Condition ONE ☐	Condition TWO ☐	Condition THREE ☐

Site Name:		
Summer School day at this site begins: and ends: Total Time: (Hrs/Min)		
Meals offered during regular school year: Breakfast ☐ Lunch ☐		
Meal time at this site for the summer session begins: and ends:		
Check which condition below meets your circumstances:		
Condition ONE ☐	Condition TWO ☐	Condition THREE ☐

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If you have questions regarding the attachments to the waiver or how to meet the waiver criteria, please contact Donna Reedy, School Nutrition Programs Analyst, Nutrition Services Division, at dreedy@cde.ca.gov, or Jessica Cross, School Nutrition Programs Analyst at jcross@cde.ca.gov.

California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 4670177 Waiver Number: 111-2-2014 Active Year: 2014

Date In: 2/24/2014 12:12:01 PM

Local Education Agency: Sierra-Plumas Joint Unified School District
Address: 109 Beckwith Rd.
Loyalton, CA 96118

Start: 6/23/2014 End: 8/15/2014

Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: State Meal Mandate
Ed Code Title: Summer School Session
Ed Code Section: 49550
Ed Code Authority: 49548

Ed Code or *CCR* to Waive: 49550, Notwithstanding any other provision of law, each school district or county superintendent of schools maintaining any kindergarten or any of grades 1 to 12, inclusive, shall provide for each needy pupil one nutritionally adequate free or reduced price meal during each schooday, except for family day care homes that shall be reimbursed for 75 percent of the meals served.

Outcome Rationale: We are a small district with one or two sudents that will need addtional help in preperation for the CASHEE. Therefore, services will be provided in less then a two hours period. Condition three would apply to our district.

Student Population: 380

City Type: Rural

Local Board Approval Date: 2/11/2014

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Lauriel Wentling
Position: Acct. Tech.
E-mail: lwentling@spjusd.org
Telephone: 530-993-1660 x41
Fax:

DISTRICT INFORMATION

Site Name: Loyalton High School		
Summer School day at this site begins: 10am and ends: 11am Total Time:1 hr (Hrs/Min)		
Meals offered during regular school year: Breakfast x Lunch x		
Meal time at this site for the summer session begins: and ends:		
Check which condition below meets your circumstances:		
Condition ONE ☐	Condition TWO ☐	Condition THREE x

Site Name:		
Summer School day at this site begins: and ends: Total Time: (Hrs/Min)		
Meals offered during regular school year: Breakfast ☐ Lunch ☐		
Meal time at this site for the summer session begins: and ends:		
Check which condition below meets your circumstances:		
Condition ONE ☐	Condition TWO ☐	Condition THREE ☐

Site Name:		
Summer School day at this site begins: and ends: Total Time: (Hrs/Min)		
Meals offered during regular school year: Breakfast ☐ Lunch ☐		
Meal time at this site for the summer session begins: and ends:		
Check which condition below meets your circumstances:		
Condition ONE ☐	Condition TWO ☐	Condition THREE ☐

Site Name:		
Summer School day at this site begins: and ends: Total Time: (Hrs/Min)		
Meals offered during regular school year: Breakfast ☐ Lunch ☐		
Meal time at this site for the summer session begins: and ends:		
Check which condition below meets your circumstances:		
Condition ONE ☐	Condition TWO ☐	Condition THREE ☐

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California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 3673957 Waiver Number: 9-3-2014 Active Year: 2014

Date In: 3/12/2014 10:30:36 AM

Local Education Agency: Snowline Joint Unified School District
Address: 4075 Nielson Rd.
Phelan, CA 92329

Start: 6/16/2014 End: 7/18/2014

Waiver Renewal: Y
Previous Waiver Number: 49-2-2013-W-07 Previous SBE Approval Date: 05/18/2013

Waiver Topic: State Meal Mandate
Ed Code Title: Summer School Session
Ed Code Section: 49550
Ed Code Authority: 49548

Ed Code or *CCR* to Waive: **49550**. ~~(a) Notwithstanding any other provision of law, each school district or county superintendent of schools maintaining any kindergarten or any of grades 1 to 12, inclusive, shall provide for each needy pupil one nutritionally adequate free or reduced-price meal during each schoolday, except for family day care homes that shall be reimbursed for 75 percent of the meals served~~

Outcome Rationale: All school sites are a distant learning, no student will be on campus daily for two hours. No lunch will be served at each of the distant learning sites. Serrano High and Vista Verde Elementary are the two school sites on our application.

Student Population: 500

City Type: Rural

Local Board Approval Date: 3/11/2014

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Toni Chaffee
Position: Director
E-mail: toni_chaffee@snowlineschools.com
Telephone: 760-868-5817 x7126
Fax: 760-868-1444

DISTRICT INFORMATION

Site Name: Serrano High School		
Summer School day at this site begins: 8:00AM and ends: 2:00PM It is all distant learning, no student will be on campus daily for two hours. Total Time: (Hrs/Min)		
Meals offered during regular school year: Breakfast ☒ Lunch ☒		
Meal time at this site for the summer session begins: and ends:		
Check which condition below meets your circumstances:		
Condition ONE ☐	Condition TWO ☐	Condition THREE X☐

Site Name: Vista Verde		
Summer School day at this site begins: 8:00AM and ends:2:00PM It is all distant learning, no student will be on campus daily for two hours. Total Time: (Hrs/Min)		
Meals offered during regular school year: Breakfast ☐ Lunch ☐		
Meal time at this site for the summer session begins: and ends:		
Check which condition below meets your circumstances:		
Condition ONE ☐	Condition TWO ☐	Condition THREE X☐

Site Name:		
Summer School day at this site begins: and ends: Total Time: (Hrs/Min)		
Meals offered during regular school year: Breakfast ☐ Lunch ☐		
Meal time at this site for the summer session begins: and ends:		
Check which condition below meets your circumstances:		
Condition ONE ☐	Condition TWO ☐	Condition THREE ☐

Site Name:		
Summer School day at this site begins: and ends: Total Time: (Hrs/Min)		
Meals offered during regular school year: Breakfast ☐ Lunch ☐		
Meal time at this site for the summer session begins: and ends:		
Check which condition below meets your circumstances:		
Condition ONE ☐	Condition TWO ☐	Condition THREE ☐

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California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 1965169 Waiver Number: 52-1-2014 Active Year: 2014

Date In: 1/31/2014 11:07:37 AM

Local Education Agency: Wiseburn Elementary School District
Address: 13530 Aviation Blvd.
Hawthorne, CA 90250

Start: 6/30/2014 End: 7/18/2014

Waiver Renewal: Y
Previous Waiver Number: 12-2-2013-W-07 Previous SBE Approval Date: 5/16/2013

Waiver Topic: State Meal Mandate
Ed Code Title: Summer School Session
Ed Code Section: 49550
Ed Code Authority: 49548

Ed Code or *CCR* to Waive: Not withstanding any other provision of law, each school district or county superintendent of schools maintaining any kindergarten or any of grades 1 to 12, inclusive, shall provide for each needy pupil one nutritionally adequate free or reduced-price meal during each school day, except for family day care homes that shall be reimbursed for 75 percent of the meals served.

Outcome Rationale: Providing lunches during summer school would result in a financial hardship and there is a summer lunch program within 1/2 mile of Juan de Anza Elementary School - where our summer school program will be held.

Student Population: 2550

City Type: Suburban

Local Board Approval Date: 1/23/2014

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Debra Chow
Position: Food Service Clerk
E-mail: dchow@wiseburn.k12.ca.us
Telephone: 310-643-3025
Fax: 310-643-3025

DISTRICT INFORMATION

Site Name: Juan de Anza Elementary School		
Summer School day at this site begins: 8:00 a.m. and ends: 11:55 a.m. Total Time: 3 hrs 55 min (Hrs/Min)		
Meals offered during regular school year: Breakfast ☐ Lunch X		
Meal time at this site for the summer session begins: and ends:		
Check which condition below meets your circumstances:		
Condition ONE X	Condition TWO ☐	Condition THREE ☐

Site Name:		
Summer School day at this site begins: and ends: Total Time: (Hrs/Min)		
Meals offered during regular school year: Breakfast ☐ Lunch ☐		
Meal time at this site for the summer session begins: and ends:		
Check which condition below meets your circumstances:		
Condition ONE ☐	Condition TWO ☐	Condition THREE ☐

Site Name:		
Summer School day at this site begins: and ends: Total Time: (Hrs/Min)		
Meals offered during regular school year: Breakfast ☐ Lunch ☐		
Meal time at this site for the summer session begins: and ends:		
Check which condition below meets your circumstances:		
Condition ONE ☐	Condition TWO ☐	Condition THREE ☐

Site Name:		
Summer School day at this site begins: and ends: Total Time: (Hrs/Min)		
Meals offered during regular school year: Breakfast ☐ Lunch ☐		
Meal time at this site for the summer session begins: and ends:		
Check which condition below meets your circumstances:		
Condition ONE ☐	Condition TWO ☐	Condition THREE ☐

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California State Board of Education

Meeting Agenda Items for May 7-8, 2014

WAIVER ITEM W-18

ITEM #W-18

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2014 AGENDA

☒ **General Waiver**

SUBJECT Request by **San Jose Unified School District** to waive California *Education Code* Section 44929.21(b), to enable both the granting of permanent status after the first year of probationary status and the granting of a third year of probationary status as deemed necessary. Waiver Number: 39-1-2014	☒ **Action** ☐ **Consent**

SUMMARY OF THE ISSUES

San Jose Unified School District (SJUSD) is requesting a waiver of *Education Code* (*EC*) Section 44929.21(b), which entitles an employee to tenure after the completion of two consecutive school years in a position requiring certification and who is reelected for the next succeeding school year to be classified and become a permanent employee of the district.

Authority for Waiver: *EC* Section 33050

RECOMMENDATION

☐ **Approval** ☐ **Approval with conditions** ☒ **Denial**

The California Department of Education (CDE) recommends denial of SJUSD's request to waive *EC* Section 44929.21(b), for multiple reasons. In general, this waiver request would impact major policies and would be better addressed by the Legislature. Specifically, this waiver is recommended for denial because (a) the waiver would eliminate the statutory requirements to grant tenure if the conditions of EC 44929.21(b) are met; (b) the waiver is in conflict with other provisions of the *EC* which cannot be waived; (c) under *EC* Section 33051(a)(4) the abrogation of this provision of the *EC* would result in unequal and potentially contentious treatment of probationary teachers; (d) it is unclear how probationary teachers who have been on probation for more than two years as of January 22, 2016, the date the waiver is scheduled to expire, would be treated; and (e) SJUSD should seek to amend the statute, which is the work of the Legislature. Therefore, CDE recommends that the SBE make a finding that the waiver would jeopardize pupil or school personnel protections pursuant to *EC* 33051(a)(4).

SUMMARY OF KEY ISSUES

At the March 12, 2014 meeting, the SBE requested that this waiver be held over to the May meeting. If the SBE fails to take action on this waiver request at this meeting, the request is deemed approved for one year pursuant to *EC* Section 33052 and there will be no conditions on the approval.

The waiver request states that SJUSD and the San Jose Teacher's Association have developed and implemented a teacher evaluation and support system. As part of that new evaluation system, SJUSD seeks to waive *EC* Section 44929.21(b), stating that the new evaluation system would allow for some teachers to be granted tenure after one year of teaching, and others to be granted tenure after three years of probationary status.

The CDE's concern is that the proposed waiver would eliminate the statutory requirements and two-year period for determining when a probationary teacher becomes permanent. Without the statute in place, the time period for achieving permanent status could be as short or as long as the school district and the teachers' exclusive representative agree, or as the district determines if there is no agreement. If the waiver were granted, it would create uncertainty for teachers and students because it is not clear how probationary teachers would be treated at the end of the waiver period. Granting the waiver could also encourage other school districts to apply for similar waivers, thus potentially further undermining the statutory framework.

For these reasons, the changes proposed by SJUSD should be achieved through the legislative process.

In addition, *EC* Section 44929.21(b) is part of a complex statutory framework regarding certificated employee rights and status, including probationary status, permanent status, and dismissal. Granting of this waiver may result in an unresolvable conflict with other relevant sections of the *EC* that are not subject to waiver by the SBE. For example**,** *EC* Section 44948.3 provides that first and second year probationary employees may be subject to dismissal for unsatisfactory performance or for cause. SJUSD is requesting a waiver that would, in effect, result in third-year probationary employees. Because *EC* 44948.3 is not subject to waiver by the SBE, it is unclear how SJUSD could dismiss those "third-year probationary employees" as requested in the waiver application since *EC* 44948.3 only provides for dismissal of a first-year or second-year probationary employee. Similarly**,** *EC* 44932, which is also not subject to waiver by the SBE, provides for dismissal of an employee that has achieved permanent status and would also not cover these "third-year probationary employees." Again, given the potential for such consequences, with major policy implications, SJUSD is more likely to achieve the desired results through legislative action since the SBE's waiver authority is limited.

In conclusion, the CDE staff believes that the abrogation of this provision of the *EC* would result in uncertain, unequal and potentially contentious treatment of probationary teachers since the granting of this waiver would result in some teachers having longer or shorter probationary periods than others, thus jeopardizing personnel protections. All teachers should have equal access, opportunities, and outcomes.

Because this is a general waiver, if the SBE decides to deny the waiver, it must cite one of the seven reasons in the California *EC* 33051(a), available at http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC&sectionNum=33051.

Demographic Information: SJUSD has a student population of 33,306 and is located in Santa Clara County

Period of request: January 23, 2014, to January 22, 2016

Local board approval date(s): October 10, 2013

Public hearing held on date(s): October 10, 2013
San Jose USD Board minutes indicate this waiver was heard on October 24, 2013 at 6:00 pm.

Bargaining unit(s) consulted on date(s): San Jose Teachers Association
Representative: Jennifer Thomas, President
consulted on September 19, 2013

Public hearing advertised by: Published in the Central Office lobby and on the school district's website

Advisory committee(s) consulted: District Advisory Council (DAC)

Objections raised (choose one): ☒ None ☐ Objections are as follows:
Did not receive any questions or opposing statements to the waiver as submitted to CDE.

Date Consulted: February 13, 2014

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

This is the first time the SBE has heard a request from an LEA for an entire district versus a specific certificated probationary teacher. At its September 2008 meeting, the SBE considered an application by San Francisco Unified School District for a waiver of *EC* Section 44929.21(b). The waiver was approved, with conditions, for one certificated probationary teacher for a third year of probation. The SBE stated that granting the waiver request would afford the district and the specific teacher a reasonable opportunity to resolve a dispute as to the individual teacher's fitness to be given tenure after two years.

FISCAL ANALYSIS (AS APPROPRIATE)

There is no statewide fiscal impact of waiver approval or denial.

ATTACHMENT(S)

Attachment 1: San Jose Unified School District General Waiver Request 39-1-2014 (2 pages) (Original waiver request is a signed and on file in the Waiver Office.)

California Department of Education
WAIVER SUBMISSION - General

CD Code: 4369666 Waiver Number: 39-1-2014 Active Year: 2014

Date In: 1/23/2014 1:42:09 PM

Local Education Agency: San Jose Unified School District
Address: 855 Lenzen Ave.
San Jose, CA 95126

Start: 1/23/2014 End: 1/22/2016

Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: Teacher Evaluation and Assessment
Ed Code Title: Teacher Evaluation
Ed Code Section: Chapter 4. Employment - Certificated Employees, Article 2.7, Section 44929.21
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: *Education Code* Section 44929.21 (b)

[Every employee of a school district of any type or class having an average daily attendance of 250 or more who, after having been employed by the district for two complete consecutive school years in a position or positions requiring certification qualifications, is reelected for the next succeeding school year to a position requiring certification qualifications shall, at the commencement of the succeeding school year be classified as and become a permanent employee of the district. The governing board shall notify the employee, on or before March 15 of the employee's second complete consecutive school year of employment by the district in a position or positions requiring certification qualifications, of the decision to reelect or not reelect the employee for the next succeeding school year to the position. In the event that the governing board does not give notice pursuant to this section on or before March 15, the employee shall be deemed reelected for the next succeeding school year. This subdivision shall apply only to probationary employees whose probationary period commenced during the 1983-84 fiscal year or any fiscal year thereafter.]

Outcome Rationale: San Jose Unified School District (SJUSD) and the San Jose Teacher's Association have worked together over the last couple of years to try to develop and implement an innovative teacher evaluation and support system that would improve the quality of education provided to the District's students. A collaborative process, including during the course of bargaining the latest contract, led to an agreement to implement a new teacher evaluation system. As part of that new evaluation system, both parties saw it necessary to waive existing *Education Code* that prescribes the probationary period for teachers to be two years under all circumstances. Both parties believe the evaluation period should be more flexible, allowing the District to grant permanent status after one year, if appropriate, or to allow a third year of probationary status if further evaluation and support are required. The most recent contract includes an agreement to jointly pursue a waiver of the California *Education Code* as necessary to enable both the granting of permanent status after the first year of probationary status and the granting of a third year of probationary status.

This is necessary to facilitate local agency operations, particularly as it focuses on the new evaluation system and ensuring that teachers are receiving ongoing and timely feedback about their instructional practice that will contribute to their professional growth. Exceptional teachers should be granted permanent status as soon as they demonstrate the merit as evidenced by a thorough and thoughtful evaluation process. Teachers who would benefit from an additional year of support should not be subjected to the harsh consequences of non-reelection if an additional year of probationary status would ensure that they become a highly functioning component of the educational system.

If granted the waiver, SJUSD and SJTA intend to comply with all current requirements in *Education Code* 44929.21 (b) with the exception of the above alternative to the strict two year probationary period.

Student Population: 33306

City Type: Urban

Public Hearing Date: 10/10/2013
Public Hearing Advertised: Published in the Central Office lobby and on the school district's website

Local Board Approval Date: 10/10/2013

Community Council Reviewed By: None, not necessary
Community Council Reviewed Date: 8/1/2013
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Jason Willis
Position: Assistant Superintendent
E-mail: jwillis@sjusd.org
Telephone: 408-535-6650
Fax:

Bargaining Unit Date: 09/19/2013
Name: San Jose Teachers Association
Representative: Jennifer Thomas
Title: President
Position: Support
Comments:

California State Board of Education

Meeting Agenda Items for May 7-8, 2014

WAIVER ITEM W-19

ITEM #W-19

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2014 AGENDA

☒ **General Waiver**

SUBJECT

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

Waiver Numbers: 9-2-2014
10-2-2014
11-2-2014
12-2-2014
13-2-2014
14-2-2014
16-2-2014
17-2-2014
18-2-2014
19-2-2014
20-2-2014
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41-2-2014
42-2-2014
43-2-2014
44-2-2014
45-2-2014

☒ **Action**

☒ **Consent**

46-2-2014 47-2-2014 48-2-2014 49-2-2014 50-2-2014 51-2-2014 52-2-2014 53-2-2014 54-2-2014 55-2-2014 56-2-2014 57-2-2014 58-2-2014 59-2-2014 60-2-2014 61-2-2014 62-2-2014 63-2-2014 64-2-2014 65-2-2014 66-2-2014 67-2-2014 68-2-2014 69-2-2014 70-2-2014 71-2-2014 72-2-2014 73-2-2014 74-2-2014 75-2-2014 76-2-2014 77-2-2014 78-2-2014 79-2-2014 80-2-2014	

SUMMARY OF THE ISSUES

See Attachment 1 for details.

Los Angeles Unified School District (USD) is an urban district located in Los Angeles County with a student population of approximately 655,494 students. Monitoring performed by the Los Angeles County Office of Education indicates that the class size reduction (CSR) requirements of the Quality Education Investment Act (QEIA) were fully met in school year 2012–13 through a previous waiver, but the district is asking for a continuance of the QEIA CSR targets for school year 2014–15.

Los Angeles USD states that:

> In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.
>
> At the current CSR targets, the school is able to afford utilizing the majority of QEIA dollars to purchase CSR teachers. If the school is required to assume its original CSR targets, categorical funds would have to be used to ensure the school can continue to have access to any QEIA carryover funds beyond the 2014-15 academic year. The impact of using of categorical funds to supplement the QEIA program will diminish the effective implementation of other intervention programs.

Los Angeles USD requests a waiver to continue the alternative CSR targets of 24.0 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 through twelve at 79 schools for school year 2014–15.

Authority for Waiver: *Education Code* (*EC*) Section 33050

RECOMMENDATION

☐ **Approval** ☒ **Approval with conditions** ☐ **Denial**

The California Department of Education (CDE) supports Los Angeles USD's request to continue the alternative QEIA CSR targets for kindergarten and grades one through three, and grades four through twelve at all of the schools identified on Attachment 1, with the following conditions: (1) Applies to kindergarten and grades one through three, and grades four through twelve at all of the schools identified on Attachment 1 for school year 2014–15; (2) All schools identified on Attachment 1 continue enrollments of 24.0 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 through twelve; (3) For all schools identified on Attachment 1, no core class in grades four through twelve may exceed 27 students per classroom regardless of the average classroom size; and (4) Within 30 days of approval of this waiver, Los Angeles USD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the CSR requirement.

SUMMARY OF KEY ISSUES

Class Size Reduction

Schools participating in the QEIA program were monitored by their county offices of education for compliance with program requirements for the first time at the end of the 2008–09 school year. At that time, local educational agencies 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 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 STATEBOARD OF EDUCATION DISCUSSION AND ACTION

The 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: Los Angeles Unified School District Quality Education Investment Act Class Size Reduction Waivers (18 Pages)

Attachment 2: Los Angeles Unified School District General Waiver Request 9-2-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: Los Angeles Unified School District General Waiver Request 10-2-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 4: Los Angeles Unified School District General Waiver Request 11-2-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 5: Los Angeles Unified School District General Waiver Request 12-2-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 6: Los Angeles Unified School District General Waiver Request 13-2-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 7: Los Angeles Unified School District General Waiver Request 14-2-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 8: Los Angeles Unified School District General Waiver Request 16-2-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 9: Los Angeles Unified School District General Waiver Request 17-2-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 10: Los Angeles Unified School District General Waiver Request 18-2-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 11: Los Angeles Unified School District General Waiver Request 19-2-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 12: Los Angeles Unified School District General Waiver Request 20-2-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 13: Los Angeles Unified School District General Waiver Request 21-2-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 14: Los Angeles Unified School District General Waiver Request 22-2-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 15: Los Angeles Unified School District General Waiver Request 23-2-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 16: Los Angeles Unified School District General Waiver Request 24-2-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 17: Los Angeles Unified School District General Waiver Request 25-2-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 18: Los Angeles Unified School District General Waiver Request 26-2-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 19: Los Angeles Unified School District General Waiver Request 27-2-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 20: Los Angeles Unified School District General Waiver Request 28-2-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 21: Los Angeles Unified School District General Waiver Request 29-2-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 22: Los Angeles Unified School District General Waiver Request 30-2-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 23: Los Angeles Unified School District General Waiver Request 31-2-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 24: Los Angeles Unified School District General Waiver Request 32-2-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 25: Los Angeles Unified School District General Waiver Request 34-2-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 26: Los Angeles Unified School District General Waiver Request 35-2-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 27: Los Angeles Unified School District General Waiver Request 36-2-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 28: Los Angeles Unified School District General Waiver Request 37-2-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 29: Los Angeles Unified School District General Waiver Request 38-2-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 30: Los Angeles Unified School District General Waiver Request 39-2-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 31: Los Angeles Unified School District General Waiver Request 40-2-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 32: Los Angeles Unified School District General Waiver Request 41-2-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 33: Los Angeles Unified School District General Waiver Request 42-2-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 34: Los Angeles Unified School District General Waiver Request 43-2-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 35: Los Angeles Unified School District General Waiver Request 44-2-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 36: Los Angeles Unified School District General Waiver Request 45-2-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 37: Los Angeles Unified School District General Waiver Request 46-2-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 38: Los Angeles Unified School District General Waiver Request 47-2-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 39: Los Angeles Unified School District General Waiver Request 48-2-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 40: Los Angeles Unified School District General Waiver Request 49-2-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 41: Los Angeles Unified School District General Waiver Request 50-2-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 42: Los Angeles Unified School District General Waiver Request 51-2-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 43: Los Angeles Unified School District General Waiver Request 52-2-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

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Attachment 48: Los Angeles Unified School District General Waiver Request 57-2-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 49: Los Angeles Unified School District General Waiver Request 58-2-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 50: Los Angeles Unified School District General Waiver Request 59-2-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 51: Los Angeles Unified School District General Waiver Request 60-2-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 52: Los Angeles Unified School District General Waiver Request 61-2-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 53: Los Angeles Unified School District General Waiver Request 62-2-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 54: Los Angeles Unified School District General Waiver Request 63-2-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 55: Los Angeles Unified School District General Waiver Request 64-2-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 56: Los Angeles Unified School District General Waiver Request 65-2-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 57: Los Angeles Unified School District General Waiver Request 66-2-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 58: Los Angeles Unified School District General Waiver Request 67-2-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 59: Los Angeles Unified School District General Waiver Request 68-2-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 60: Los Angeles Unified School District General Waiver Request 69-2-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 61: Los Angeles Unified School District General Waiver Request 70-2-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 62: Los Angeles Unified School District General Waiver Request 71-2-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 63: Los Angeles Unified School District General Waiver Request 72-2-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 64: Los Angeles Unified School District General Waiver Request 73-2-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 65: Los Angeles Unified School District General Waiver Request 74-2-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 66: Los Angeles Unified School District General Waiver Request 75-2-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 67: Los Angeles Unified School District General Waiver Request 76-2-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 68: Los Angeles Unified School District General Waiver Request 77-2-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 69: Los Angeles Unified School District General Waiver Request 78-2-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 70: Los Angeles Unified School District General Waiver Request 79-2-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 71: Los Angeles Unified School District General Waiver Request 80-2-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Los Angeles Unified School District Quality Education Investment Act Class Size Reduction Waivers

Waiver Number	School (CDS Code)	LEAs Request	CDE Recommendation	Period of Request	Collective Bargaining Unit Position	SSC/Advisory Committee Position	Local Board Approval Date
9-2-2014	Belmont Senior High School 19 64733 1930924	QEIA CSR	Approval with conditions: See Page 3 under Recommendation.	**Requested:** July 1, 2014 to June 29, 2015 **Recommended:** July 1, 2014 to June 29, 2015	United Teachers Los Angeles on November 19, 2013 Neutral	SSC, on February 7, 2014 No objections	January 14, 2014
10-2-2014	Helen Bernstein Senior High School 19 64733 0117069	QEIA CSR	Approval with conditions: See Page 3 under Recommendation.	**Requested:** July 1, 2014 to June 29, 2015 **Recommended:** July 1, 2014 to June 29, 2015	United Teachers Los Angeles on November 19, 2013 Neutral	SSC, on January 28, 2014 No objections	January 14, 2014
11-2-2014	Civitas School of Leadership 19 64733 0117739	QEIA CSR	Approval with conditions: See Page 3 under Recommendation.	**Requested:** July 1, 2014 to June 29, 2015 **Recommended:** July 1, 2014 to June 29, 2015	United Teachers Los Angeles on November 19, 2013 Neutral	SSC, on February 7, 2014 No objections	January 14, 2014
12-2-2014	Susan Miller Dorsey Senior High School 19 64733 1932383	QEIA CSR	Approval with conditions: See Page 3 under Recommendation.	**Requested:** July 1, 2014 to June 29, 2015 **Recommended:** July 1, 2014 to June 29, 2015	United Teachers Los Angeles on November 19, 2013 Neutral	SSC, on February 7, 2014 No objections	January 14, 2014

Waiver Number	School (CDS Code)	LEAs Request	CDE Recommendation	Period of Request	Collective Bargaining Unit Position	SSC/Advisory Committee Position	Local Board Approval Date
13-2-2014	Hollywood Senior High School 19 64733 1934033	QEIA CSR	Approval with conditions: See Page 3 under Recommendation.	**Requested:** July 1, 2014 to June 29, 2015 **Recommended:** July 1, 2014 to June 29, 2015	United Teachers Los Angeles on November 19, 2013 Neutral	SSC, on January 23, 2014 No objections	January 14, 2014
14-2-2014	Los Angeles High School of the Arts 19 64733 0117747	QEIA CSR	Approval with conditions: See Page 3 under Recommendation.	**Requested:** July 1, 2014 to June 29, 2015 **Recommended:** July 1, 2014 to June 29, 2015	United Teachers Los Angeles on November 19, 2013 Neutral	SSC, on February 7, 2014 No objections	January 14, 2014
16-2-2014	Los Angeles Senior High School 19 64733 1935352	QEIA CSR	Approval with conditions: See Page 3 under Recommendation.	**Requested:** July 1, 2014 to June 29, 2015 **Recommended:** July 1, 2014 to June 29, 2015	United Teachers Los Angeles on November 19, 2013 Neutral	SSC, on January 14, 2014 No objections	January 14, 2014
17-2-2014	Los Angeles Teachers Preparatory Academy School 19 64733 0117754	QEIA CSR	Approval with conditions: See Page 3 under Recommendation.	**Requested:** July 1, 2014 to June 29, 2015 **Recommended:** July 1, 2014 to June 29, 2015	United Teachers Los Angeles on November 19, 2013 Neutral	SSC, on January 21, 2014 No objections	January 14, 2014

Waiver Number	School (CDS Code)	LEAs Request	CDE Recommendation	Period of Request	Collective Bargaining Unit Position	SSC/Advisory Committee Position	Local Board Approval Date
18-2-2014	Roybal Learning Center 19 64733 0117051	QEIA CSR	Approval with conditions: See Page 3 under Recommendation.	**Requested:** July 1, 2014 to June 29, 2015 **Recommended:** July 1, 2014 to June 29, 2015	United Teachers Los Angeles on November 19, 2013 Neutral	SSC, on January 23, 2014 No objections	January 14, 2014
19-2-2014	George Washington Preparatory High School 19 64733 1939305	QEIA CSR	Approval with conditions: See Page 3 under Recommendation.	**Requested:** July 1, 2014 to June 29, 2015 **Recommended:** July 1, 2014 to June 29, 2015	United Teachers Los Angeles on November 19, 2013 Neutral	SSC, on January 23, 2014 No objections	January 14, 2014
20-2-2014	West Adams Preparatory Senior High School 19 64733 0114850	QEIA CSR	Approval with conditions: See Page 3 under Recommendation.	**Requested:** July 1, 2014 to June 29, 2015 **Recommended:** July 1, 2014 to June 29, 2015	United Teachers Los Angeles on November 19, 2013 Neutral	SSC, on January 30, 2014 No objections	January 14, 2014
21-2-2014	Woodrow Wilson Senior High School 19 64733 1939859	QEIA CSR	Approval with conditions: See Page 3 under Recommendation.	**Requested:** July 1, 2014 to June 29, 2015 **Recommended:** July 1, 2014 to June 29, 2015	United Teachers Los Angeles on November 19, 2013 Neutral	SSC, on February 7, 2014 No objections	January 14, 2014

Waiver Number	School (CDS Code)	LEAs Request	CDE Recommendation	Period of Request	Collective Bargaining Unit Position	SSC/Advisory Committee Position	Local Board Approval Date
22-2-2014	Tenth Street Elementary School 19 64733 6019459	QEIA CSR	Approval with conditions: See Page 3 under Recommendation.	**Requested:** July 1, 2014 to June 29, 2015 **Recommended:** July 1, 2014 to June 29, 2015	United Teachers Los Angeles on November 19, 2013 Neutral	SSC, on February 3, 2014 No objections	January 14, 2014
23-2-2014	Seventy-Fifth Street Elementary School 19 64733 6019137	QEIA CSR	Approval with conditions: See Page 3 under Recommendation.	**Requested:** July 1, 2014 to June 29, 2015 **Recommended:** July 1, 2014 to June 29, 2015	United Teachers Los Angeles on November 19, 2013 Neutral	SSC, on January 16, 2014 No objections	January 14, 2014
24-2-2014	One Hundred Seventh Street Elementary School 19 64733 6018535	QEIA CSR	Approval with conditions: See Page 3 under Recommendation.	**Requested:** July 1, 2014 to June 29, 2015 **Recommended:** July 1, 2014 to June 29, 2015	United Teachers Los Angeles on November 19, 2013 Neutral	SSC, on January 14, 2014 No objections	January 14, 2014
25-2-2014	Bridge Street Elementary School 19 64733 6016091	QEIA CSR	Approval with conditions: See Page 3 under Recommendation.	**Requested:** July 1, 2014 to June 29, 2015 **Recommended:** July 1, 2014 to June 29, 2015	United Teachers Los Angeles on November 19, 2013 Neutral	SSC, on January 22, 2014 No objections	January 14, 2014

Waiver Number	School (CDS Code)	LEAs Request	CDE Recommendation	Period of Request	Collective Bargaining Unit Position	SSC/Advisory Committee Position	Local Board Approval Date
26-2-2014	Evergreen Avenue Elementary School 19 64733 6016976	QEIA CSR	Approval with conditions: See Page 3 under Recommendation.	**Requested:** July 1, 2014 to June 29, 2015 **Recommended:** July 1, 2014 to June 29, 2015	United Teachers Los Angeles on November 19, 2013 Neutral	SSC, on January 27, 2014 No objections	January 14, 2014
27-2-2014	Farmdale Elementary School 19 64733 6017008	QEIA CSR	Approval with conditions: See Page 3 under Recommendation.	**Requested:** July 1, 2014 to June 29, 2015 **Recommended:** July 1, 2014 to June 29, 2015	United Teachers Los Angeles on November 19, 2013 Neutral	SSC, on January 17, 2014 No objections	January 14, 2014
28-2-2014	Fernangeles Elementary School 19 64733 6017024	QEIA CSR	Approval with conditions: See Page 3 under Recommendation.	**Requested:** July 1, 2014 to June 29, 2015 **Recommended:** July 1, 2014 to June 29, 2015	United Teachers Los Angeles on November 19, 2013 Neutral	SSC, on January 22, 2014 No objections	January 14, 2014
29-2-2014	Evelyn Thurman Gratts Elementary School 19 64733 6113419	QEIA CSR	Approval with conditions: See Page 3 under Recommendation.	**Requested:** July 1, 2014 to June 29, 2015 **Recommended:** July 1, 2014 to June 29, 2015	United Teachers Los Angeles on November 19, 2013 Neutral	SSC, on February 7, 2014 No objections	January 14, 2014

Waiver Number	School (CDS Code)	LEAs Request	CDE Recommendation	Period of Request	Collective Bargaining Unit Position	SSC/Advisory Committee Position	Local Board Approval Date
30-2-2014	Gulf Avenue Elementary School 19 64733 6017404	QEIA CSR	Approval with conditions: See Page 3 under Recommendation.	**Requested:** July 1, 2014 to June 29, 2015 **Recommended:** July 1, 2014 to June 29, 2015	United Teachers Los Angeles on November 19, 2013 Neutral	SSC, on February 7, 2014 No objections	January 14, 2014
31-2-2014	John Adams Middle School 19 64733 6057855	QEIA CSR	Approval with conditions: See Page 3 under Recommendation.	**Requested:** July 1, 2014 to June 29, 2015 **Recommended:** July 1, 2014 to June 29, 2015	United Teachers Los Angeles on November 19, 2013 Neutral	SSC, on January 23, 2014 No objections	January 14, 2014
32-2-2014	Langdon Avenue Elementary School 19 64733 6017776	QEIA CSR	Approval with conditions: See Page 3 under Recommendation.	**Requested:** July 1, 2014 to June 29, 2015 **Recommended:** July 1, 2014 to June 29, 2015	United Teachers Los Angeles on November 19, 2013 Neutral	SSC, on January 16, 2014 No objections	January 14, 2014
34-2-2014	Belvedere Middle School 19 64733 6057889	QEIA CSR	Approval with conditions: See Page 3 under Recommendation.	**Requested:** July 1, 2014 to June 29, 2015 **Recommended:** July 1, 2014 to June 29, 2015	United Teachers Los Angeles on November 19, 2013 Neutral	SSC, on January 27, 2014 No objections	January 14, 2014

Waiver Number	School (CDS Code)	LEAs Request	CDE Recommendation	Period of Request	Collective Bargaining Unit Position	SSC/Advisory Committee Position	Local Board Approval Date
35-2-2014	Audubon Middle School 19 64733 6061394	QEIA CSR	Approval with conditions: See Page 3 under Recommendation.	**Requested:** July 1, 2014 to June 29, 2015 **Recommended:** July 1, 2014 to June 29, 2015	United Teachers Los Angeles on November 19, 2013 Neutral	SSC, on January 23, 2014 No objections	January 14, 2014
36-2-2014	Magnolia Avenue Elementary School 19 64733 6017990	QEIA CSR	Approval with conditions: See Page 3 under Recommendation.	**Requested:** July 1, 2014 to June 29, 2015 **Recommended:** July 1, 2014 to June 29, 2015	United Teachers Los Angeles on November 19, 2013 Neutral	SSC, on February 7, 2014 No objections	January 14, 2014
37-2-2014	Berendo Middle School 19 64733 6061402	QEIA CSR	Approval with conditions: See Page 3 under Recommendation.	**Requested:** July 1, 2014 to June 29, 2015 **Recommended:** July 1, 2014 to June 29, 2015	United Teachers Los Angeles on November 19, 2013 Neutral	SSC, on January 16, 2014 No objections	January 14, 2014
38-2-2014	Main Street Elementary School 19 64733 6018006	QEIA CSR	Approval with conditions: See Page 3 under Recommendation.	**Requested:** July 1, 2014 to June 29, 2015 **Recommended:** July 1, 2014 to June 29, 2015	United Teachers Los Angeles on November 19, 2013 Neutral	SSC, on February 7, 2014 No objections	January 14, 2014

Waiver Number	School (CDS Code)	LEAs Request	CDE Recommendation	Period of Request	Collective Bargaining Unit Position	SSC/Advisory Committee Position	Local Board Approval Date
39-2-2014	Mary McLeod Bethune Middle School 19 64733 6058143	QEIA CSR	Approval with conditions: See Page 3 under Recommendation.	**Requested:** July 1, 2014 to June 29, 2015 **Recommended:** July 1, 2014 to June 29, 2015	United Teachers Los Angeles on November 19, 2013 Neutral	SSC, on January 24, 2014 No objections	January 14, 2014
40-2-2014	Andrew Carnegie Middle School 19 64733 6057913	QEIA CSR	Approval with conditions: See Page 3 under Recommendation.	**Requested:** July 1, 2014 to June 29, 2015 **Recommended:** July 1, 2014 to June 29, 2015	United Teachers Los Angeles on November 19, 2013 Neutral	SSC, on January 22, 2014 No objections	January 14, 2014
41-2-2014	Malabar Street Elementary School 19 64733 6018014	QEIA CSR	Approval with conditions: See Page 3 under Recommendation.	**Requested:** July 1, 2014 to June 29, 2015 **Recommended:** July 1, 2014 to June 29, 2015	United Teachers Los Angeles on November 19, 2013 Neutral	SSC, on January 23, 2014 No objections	January 14, 2014
42-2-2014	Johnnie Cochran, Jr. Middle School 19 64733 6061535	QEIA CSR	Approval with conditions: See Page 3 under Recommendation.	**Requested:** July 1, 2014 to June 29, 2015 **Recommended:** July 1, 2014 to June 29, 2015	United Teachers Los Angeles on November 19, 2013 Neutral	SSC, on January 16, 2014 No objections	January 14, 2014

Waiver Number	School (CDS Code)	LEAs Request	CDE Recommendation	Period of Request	Collective Bargaining Unit Position	SSC/Advisory Committee Position	Local Board Approval Date
43-2-2014	Manchester Avenue Elementary School 19 64733 6018022	QEIA CSR	Approval with conditions: See Page 3 under Recommendation.	**Requested:** July 1, 2014 to June 29, 2015 **Recommended:** July 1, 2014 to June 29, 2015	United Teachers Los Angeles on November 19, 2013 Neutral	SSC, on February 7, 2014 No objections	January 14, 2014
44-2-2014	Glenn Hammond Curtiss Middle School 19 64733 6066294	QEIA CSR	Approval with conditions: See Page 3 under Recommendation.	**Requested:** July 1, 2014 to June 29, 2015 **Recommended:** July 1, 2014 to June 29, 2015	United Teachers Los Angeles on November 19, 2013 Neutral	SSC, on January 21, 2014 No objections	January 14, 2014
45-2-2014	Miramonte Elementary School 19 64733 6018188	QEIA CSR	Approval with conditions: See Page 3 under Recommendation.	**Requested:** July 1, 2014 to June 29, 2015 **Recommended:** July 1, 2014 to June 29, 2015	United Teachers Los Angeles on November 19, 2013 Neutral	SSC, on January 30, 2014 No objections	January 14, 2014
46-2-2014	Thomas A. Edison Middle School 19 64733 6061444	QEIA CSR	Approval with conditions: See Page 3 under Recommendation.	**Requested:** July 1, 2014 to June 29, 2015 **Recommended:** July 1, 2014 to June 29, 2015	United Teachers Los Angeles on November 19, 2013 Neutral	SSC, on January 27, 2014 No objections	January 14, 2014

Waiver Number	School (CDS Code)	LEAs Request	CDE Recommendation	Period of Request	Collective Bargaining Unit Position	SSC/Advisory Committee Position	Local Board Approval Date
47-2-2014	El Sereno Middle School 19 64733 6068431	QEIA CSR	Approval with conditions: See Page 3 under Recommendation.	**Requested:** July 1, 2014 to June 29, 2015 **Recommended:** July 1, 2014 to June 29, 2015	United Teachers Los Angeles on November 19, 2013 Neutral	SSC, on February 6, 2014 No objections	January 14, 2014
48-2-2014	David Wark Griffith Middle School 19 64733 6058036	QEIA CSR	Approval with conditions: See Page 3 under Recommendation.	**Requested:** July 1, 2014 to June 29, 2015 **Recommended:** July 1, 2014 to June 29, 2015	United Teachers Los Angeles on November 19, 2013 Neutral	SSC, on January 16, 2014 No objections	January 14, 2014
49-2-2014	Bret Harte Preparatory Middle School 19 64733 6058044	QEIA CSR	Approval with conditions: See Page 3 under Recommendation.	**Requested:** July 1, 2014 to June 29, 2015 **Recommended:** July 1, 2014 to June 29, 2015	United Teachers Los Angeles on November 19, 2013 Neutral	SSC, on January 15, 2014 No objections	January 14, 2014
50-2-2014	Napa Street Elementary School 19 64733 6018279	QEIA CSR	Approval with conditions: See Page 3 under Recommendation.	**Requested:** July 1, 2014 to June 29, 2015 **Recommended:** July 1, 2014 to June 29, 2015	United Teachers Los Angeles on November 19, 2013 Neutral	SSC, on January 22, 2014 No objections	January 14, 2014

Waiver Number	School (CDS Code)	LEAs Request	CDE Recommendation	Period of Request	Collective Bargaining Unit Position	SSC/Advisory Committee Position	Local Board Approval Date
51-2-2014	Hollenbeck Middle School 19 64733 6058051	QEIA CSR	Approval with conditions: See Page 3 under Recommendation.	**Requested:** July 1, 2014 to June 29, 2015 **Recommended:** July 1, 2014 to June 29, 2015	United Teachers Los Angeles on November 19, 2013 Neutral	SSC, on January 16, 2014 No objections	January 14, 2014
52-2-2014	Joseph Le Conte Middle School 19 64733 6061501	QEIA CSR	Approval with conditions: See Page 3 under Recommendation.	**Requested:** July 1, 2014 to June 29, 2015 **Recommended:** July 1, 2014 to June 29, 2015	United Teachers Los Angeles on November 19, 2013 Neutral	SSC, on February 6, 2014 No objections	January 14, 2014
53-2-2014	Nevin Avenue Elementary School 19 64733 6018303	QEIA CSR	Approval with conditions: See Page 3 under Recommendation.	**Requested:** July 1, 2014 to June 29, 2015 **Recommended:** July 1, 2014 to June 29, 2015	United Teachers Los Angeles on November 19, 2013 Neutral	SSC, on January 15, 2014 No objections	January 14, 2014
54-2-2014	John H. Liechty Middle School 19 64733 0114199	QEIA CSR	Approval with conditions: See Page 3 under Recommendation.	**Requested:** July 1, 2014 to June 29, 2015 **Recommended:** July 1, 2014 to June 29, 2015	United Teachers Los Angeles on November 19, 2013 Neutral	SSC, on February 7, 2014 No objections	January 14, 2014

Waiver Number	School (CDS Code)	LEAs Request	CDE Recommendation	Period of Request	Collective Bargaining Unit Position	SSC/Advisory Committee Position	Local Board Approval Date
55-2-2014	Park Avenue Elementary School 19 64733 6018667	QEIA CSR	Approval with conditions: See Page 3 under Recommendation.	**Requested:** July 1, 2014 to June 29, 2015 **Recommended:** July 1, 2014 to June 29, 2015	United Teachers Los Angeles on November 19, 2013 Neutral	SSC, on January 16, 2014 No objections	January 14, 2014
56-2-2014	Los Angeles Academy Middle School 19 64733 6005794	QEIA CSR	Approval with conditions: See Page 3 under Recommendation.	**Requested:** July 1, 2014 to June 29, 2015 **Recommended:** July 1, 2014 to June 29, 2015	United Teachers Los Angeles on November 19, 2013 Neutral	SSC, on January 22, 2014 No objections	January 14, 2014
57-2-2014	Charles Maclay Middle School 19 64733 6058101	QEIA CSR	Approval with conditions: See Page 3 under Recommendation.	**Requested:** July 1, 2014 to June 29, 2015 **Recommended:** July 1, 2014 to June 29, 2015	United Teachers Los Angeles on November 19, 2013 Neutral	SSC, on February 7, 2014 No objections	January 14, 2014
58-2-2014	Mark Twain Middle School 19 64733 6058135	QEIA CSR	Approval with conditions: See Page 3 under Recommendation.	**Requested:** July 1, 2014 to June 29, 2015 **Recommended:** July 1, 2014 to June 29, 2015	United Teachers Los Angeles on November 19, 2013 Neutral	SSC, on February 7, 2014 No objections	January 14, 2014

Waiver Number	School (CDS Code)	LEAs Request	CDE Recommendation	Period of Request	Collective Bargaining Unit Position	SSC/Advisory Committee Position	Local Board Approval Date
59-2-2014	Edwin Markham Middle School 19 64733 6061527	QEIA CSR	Approval with conditions: See Page 3 under Recommendation.	**Requested:** July 1, 2014 to June 29, 2015 **Recommended:** July 1, 2014 to June 29, 2015	United Teachers Los Angeles on November 19, 2013 Neutral	SSC, on January 17, 2014 No objections	January 14, 2014
60-2-2014	Ritter Elementary School 19 64733 6018915	QEIA CSR	Approval with conditions: See Page 3 under Recommendation.	**Requested:** July 1, 2014 to June 29, 2015 **Recommended:** July 1, 2014 to June 29, 2015	United Teachers Los Angeles on November 19, 2013 Neutral	SSC, on January 29, 2014 No objections	January 14, 2014
61-2-2014	John Muir Middle School 19 64733 6058176	QEIA CSR	Approval with conditions: See Page 3 under Recommendation.	**Requested:** July 1, 2014 to June 29, 2015 **Recommended:** July 1, 2014 to June 29, 2015	United Teachers Los Angeles on November 19, 2013 Neutral	SSC, on January 13, 2014 No objections	January 14, 2014
62-2-2014	Florence Nightingale Middle School 19 64733 6058192	QEIA CSR	Approval with conditions: See Page 3 under Recommendation.	**Requested:** July 1, 2014 to June 29, 2015 **Recommended:** July 1, 2014 to June 29, 2015	United Teachers Los Angeles on November 19, 2013 Neutral	SSC, on February 3, 2014 No objections	January 14, 2014

Waiver Number	School (CDS Code)	LEAs Request	CDE Recommendation	Period of Request	Collective Bargaining Unit Position	SSC/Advisory Committee Position	Local Board Approval Date
63-2-2014	Trinity Street Elementary School 19 64733 6019558	QEIA CSR	Approval with conditions: See Page 3 under Recommendation.	**Requested:** July 1, 2014 to June 29, 2015 **Recommended:** July 1, 2014 to June 29, 2015	United Teachers Los Angeles on November 19, 2013 Neutral	SSC, on January 23, 2014 No objections	January 14, 2014
64-2-2014	Chester W. Nimitz Middle School 19 64733 6057939	QEIA CSR	Approval with conditions: See Page 3 under Recommendation.	**Requested:** July 1, 2014 to June 29, 2015 **Recommended:** July 1, 2014 to June 29, 2015	United Teachers Los Angeles on November 19, 2013 Neutral	SSC, on February 7, 2014 No objections	January 14, 2014
65-2-2014	Vermont Avenue Elementary School 19 64733 6019731	QEIA CSR	Approval with conditions: See Page 3 under Recommendation.	**Requested:** July 1, 2014 to June 29, 2015 **Recommended:** July 1, 2014 to June 29, 2015	United Teachers Los Angeles on November 19, 2013 Neutral	SSC, on January 30, 2014 No objections	January 14, 2014
66-2-2014	Northridge Middle School 19 64733 6058200	QEIA CSR	Approval with conditions: See Page 3 under Recommendation.	**Requested:** July 1, 2014 to June 29, 2015 **Recommended:** July 1, 2014 to June 29, 2015	United Teachers Los Angeles on November 19, 2013 Neutral	SSC, on January 23, 2014 No objections	January 14, 2014

Waiver Number	School (CDS Code)	LEAs Request	CDE Recommendation	Period of Request	Collective Bargaining Unit Position	SSC/Advisory Committee Position	Local Board Approval Date
67-2-2014	West Vernon Avenue Elementary School 19 64733 6019889	QEIA CSR	Approval with conditions: See Page 3 under Recommendation.	**Requested:** July 1, 2014 to June 29, 2015 **Recommended:** July 1, 2014 to June 29, 2015	United Teachers Los Angeles on November 19, 2013 Neutral	SSC, on January 27, 2014 No objections	January 14, 2014
68-2-2014	Olive Vista Middle School 19 64733 6061550	QEIA CSR	Approval with conditions: See Page 3 under Recommendation.	**Requested:** July 1, 2014 to June 29, 2015 **Recommended:** July 1, 2014 to June 29, 2015	United Teachers Los Angeles on November 19, 2013 Neutral	SSC, on January 21, 2014 No objections	January 14, 2014
69-2-2014	Western Avenue Elementary School 19 64733 6019905	QEIA CSR	Approval with conditions: See Page 3 under Recommendation.	**Requested:** July 1, 2014 to June 29, 2015 **Recommended:** July 1, 2014 to June 29, 2015	United Teachers Los Angeles on November 19, 2013 Neutral	SSC, on February 7, 2014 No objections	January 14, 2014
70-2-2014	Robert E. Peary Middle School 19 64733 6061576	QEIA CSR	Approval with conditions: See Page 3 under Recommendation.	**Requested:** July 1, 2014 to June 29, 2015 **Recommended:** July 1, 2014 to June 29, 2015	United Teachers Los Angeles on November 19, 2013 Neutral	SSC, on January 23, 2014 No objections	January 14, 2014

Waiver Number	School (CDS Code)	LEAs Request	CDE Recommendation	Period of Request	Collective Bargaining Unit Position	SSC/Advisory Committee Position	Local Board Approval Date
71-2-2014	Hyde Park Boulevard Elementary School YES Academy 19 64733 6017677	QEIA CSR	Approval with conditions: See Page 3 under Recommendation.	**Requested:** July 1, 2014 to June 29, 2015 **Recommended:** July 1, 2014 to June 29, 2015	United Teachers Los Angeles on November 19, 2013 Neutral	SSC, on January 27, 2014 No objections	January 14, 2014
72-2-2014	San Fernando Middle School 19 64733 6058283	QEIA CSR	Approval with conditions: See Page 3 under Recommendation.	**Requested:** July 1, 2014 to June 29, 2015 **Recommended:** July 1, 2014 to June 29, 2015	United Teachers Los Angeles on November 19, 2013 Neutral	SSC, on February 7, 2014 No objections	January 14, 2014
73-2-2014	Francisco Sepulveda Middle School 19 64733 6058291	QEIA CSR	Approval with conditions: See Page 3 under Recommendation.	**Requested:** July 1, 2014 to June 29, 2015 **Recommended:** July 1, 2014 to June 29, 2015	United Teachers Los Angeles on November 19, 2013 Neutral	SSC, on December 3, 2013 No objections	January 14, 2014
74-2-2014	San Fernando Institute of Applied Media Middle School 19 64733 0125971	QEIA CSR	Approval with conditions: See Page 3 under Recommendation.	**Requested:** July 1, 2014 to June 29, 2015 **Recommended:** July 1, 2014 to June 29, 2015	United Teachers Los Angeles on November 19, 2013 Neutral	SSC, on February 7, 2014 No objections	January 14, 2014

Waiver Number	School (CDS Code)	LEAs Request	CDE Recommendation	Period of Request	Collective Bargaining Unit Position	SSC/Advisory Committee Position	Local Board Approval Date
75-2-2014	Wilmington Middle School 19 64733 6058374	QEIA CSR	Approval with conditions: See Page 3 under Recommendation.	**Requested:** July 1, 2014 to June 29, 2015 **Recommended:** July 1, 2014 to June 29, 2015	United Teachers Los Angeles on November 19, 2013 Neutral	SSC, on February 7, 2014 No objections	January 14, 2014
76-2-2014	Sun Valley Middle School 19 64733 6061600	QEIA CSR	Approval with conditions: See Page 3 under Recommendation.	**Requested:** July 1, 2014 to June 29, 2015 **Recommended:** July 1, 2014 to June 29, 2015	United Teachers Los Angeles on November 19, 2013 Neutral	SSC, on February 7, 2014 No objections	January 14, 2014
77-2-2014	Van Nuys Middle School 19 64733 6058333	QEIA CSR	Approval with conditions: See Page 3 under Recommendation.	**Requested:** July 1, 2014 to June 29, 2015 **Recommended:** July 1, 2014 to June 29, 2015	United Teachers Los Angeles on November 19, 2013 Neutral	SSC, on January 21, 2014 No objections	January 14, 2014
78-2-2014	Daniel Webster Middle School 19 64733 6058358	QEIA CSR	Approval with conditions: See Page 3 under Recommendation.	**Requested:** July 1, 2014 to June 29, 2015 **Recommended:** July 1, 2014 to June 29, 2015	United Teachers Los Angeles on November 19, 2013 Neutral	SSC, on February 7, 2014 No objections	January 14, 2014

Waiver Number	School (CDS Code)	LEAs Request	CDE Recommendation	Period of Request	Collective Bargaining Unit Position	SSC/Advisory Committee Position	Local Board Approval Date
79-2-2014	Virgil Middle School 19 64733 6058341	QEIA CSR	Approval with conditions: See Page 3 under Recommendation.	**Requested:** July 1, 2014 to June 29, 2015 **Recommended:** July 1, 2014 to June 29, 2015	United Teachers Los Angeles on November 19, 2013 Neutral	SSC, on February 6, 2014 No objections	January 14, 2014
80-2-2014	Vista Middle School 19 64733 0106971	QEIA CSR	Approval with conditions: See Page 3 under Recommendation.	**Requested:** July 1, 2014 to June 29, 2015 **Recommended:** July 1, 2014 to June 29, 2015	United Teachers Los Angeles on November 19, 2013 Neutral	SSC, on January 27, 2014 No objections	January 14, 2014

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1964733 Waiver Number: 9-2-2014 Active Year: 2014

Date In: 2/10/2014 9:35:26 AM

Local Education Agency: Los Angeles Unified School District
Address: 333 South Beaudry Ave.
Los Angeles, CA 90017

Start: 7/1/2014 End: 6/29/2015

Waiver Renewal: Y
Previous Waiver Number: 47-12-2012-W-18 Previous SBE Approval Date: 3/14/2013

Waiver Topic: Quality Education Investment Act
Ed Code Title: Class Size Reduction Requirements
Ed Code Section: 52055.740(a)(1)(A)(B)(i)(ii)(C)(i)(ii)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: (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.
(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.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to continue class size reduction targets as follows:

All secondary QEIA regular application senior high schools would be required to meet a 25 to 1 target in grades 9-12 from July 1, 2014 to June 29, 2015.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.

At the current CSR targets, the school is able to afford utilizing the majority of QEIA dollars to purchase CSR teachers. If the school is required to assume its original CSR targets, categorical funds would have to be used to ensure the school can continue to have access to any QEIA carryover funds beyond the 2014-15 academic year. The impact of using of categorical funds to supplement the QEIA program will diminish the effective implementation of other intervention programs.

It should be noted that Belmont Senior High has shown 127 points of academic growth as measured by the Academic Performance Index over the last five years.

Student Population: 1000

City Type: Urban

Public Hearing Date: 1/14/2014
Public Hearing Advertised: Newspaper—Los Angeles Daily Journal 01/07/2014 – 01/13/2014

Local Board Approval Date: 1/14/2014

Community Council Reviewed By: Schoolsite Council
Community Council Reviewed Date: 2/7/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Maureen Sellier-Carter
Position: Coordinator
E-mail: maureen.sellier@lausd.net
Telephone: 213-241-6990
Fax: 213-241-8032

Bargaining Unit Date: 11/19/2013
Name: United Teachers Los Angeles
Representative: Gregg Solkovits
Title: Vice President
Position: Neutral
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1964733 Waiver Number: 10-2-2014 Active Year: 2014

Date In: 2/10/2014 9:58:27 AM

Local Education Agency: Los Angeles Unified School District
Address: 333 South Beaudry Ave.
Los Angeles, CA 90017

Start: 7/1/2014 End: 6/29/2015

Waiver Renewal: Y
Previous Waiver Number: 49-12-2012-W-18 Previous SBE Approval Date: 3/14/2013

Waiver Topic: Quality Education Investment Act
Ed Code Title: Class Size Reduction Requirements
Ed Code Section: 52055.740(a)(1)(A)(B)(i)(ii)(C)(i)(ii)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: (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:
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(i) [At least five pupils fewer per classroom than was the average in 2006-07.]
(ii)An average of 25 pupils per classroom.
(C)For classes in English language arts, reading, mathematics, science, or history and social science courses in grades 4 to 12, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:
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At the current CSR targets, the school is able to afford utilizing the majority of QEIA dollars to purchase CSR teachers. If the school is required to assume its original CSR targets, categorical funds would have to be used to ensure the school can continue to have access to any QEIA carryover funds beyond the 2014-15 academic year. The impact of using of categorical funds to supplement the QEIA program will diminish the effective implementation of other intervention programs.

It should be noted that Bernstein Senior High has shown 104 points of academic growth as measured by the Academic Performance Index over the last four years.

Student Population: 700

City Type: Urban

Public Hearing Date: 1/14/2014
Public Hearing Advertised: Newspaper—Los Angeles Daily Journal 01/07/2014 – 01/13/2014

Local Board Approval Date: 1/14/2014

Community Council Reviewed By: Schoolsite Council
Community Council Reviewed Date: 1/28/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Maureen Sellier-Carter
Position: Coordinator
E-mail: maureen.sellier@lausd.net
Telephone: 213-241-6990
Fax: 213-241-8032

Bargaining Unit Date: 11/19/2013
Name: United Teachers Los Angeles
Representative: Gregg Solkovits
Title: Vice President
Position: Neutral
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1964733 Waiver Number: 11-2-2014 Active Year: 2014

Date In: 2/10/2014 10:08:59 AM

Local Education Agency: Los Angeles Unified School District
Address: 333 South Beaudry Ave.
Los Angeles, CA 90017

Start: 7/1/2014 End: 6/29/2015

Waiver Renewal: Y
Previous Waiver Number: 51-12-2012-W-18 Previous SBE Approval Date: 3/14/2013

Waiver Topic: Quality Education Investment Act
Ed Code Title: Class Size Reduction Requirements
Ed Code Section: 52055.740(a)(1)(A)(B)(i)(ii)(C)(i)(ii)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: (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.
(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.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to modify class size reduction targets as follows:

All secondary QEIA regular application senior high schools would be required to meet a 25 to 1 target in grades 9-12 from July 1, 2014 to June 29, 2015.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.

At the current CSR targets, the school is able to afford utilizing the majority of QEIA dollars to purchase CSR teachers. If the school is required to assume its original CSR targets, categorical funds would have to be used to ensure the school can continue to have access to any QEIA carryover funds beyond the 2014-15 academic year. The impact of using of categorical funds to supplement the QEIA program will diminish the effective implementation of other intervention programs.

It should be noted that Civitas School of Leadership has shown 54 points of academic growth as measured by the Academic Performance Index over the last four years.

Student Population: 350

City Type: Urban

Public Hearing Date: 1/14/2014
Public Hearing Advertised: Newspaper—Los Angeles Daily Journal 01/07/2014 – 01/13/2014

Local Board Approval Date: 1/14/2014

Community Council Reviewed By: Schoolsite Council
Community Council Reviewed Date: 2/7/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Maureen Sellier-Carter
Position: Coordinator
E-mail: maureen.sellier@lausd.net
Telephone: 213-241-6990
Fax: 213-241-8032

Bargaining Unit Date: 11/19/2013
Name: United Teachers Los Angeles
Representative: Gregg Solkovits
Title: Vice President
Position: Neutral
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1964733 Waiver Number: 12-2-2014 Active Year: 2014

Date In: 2/10/2014 10:33:39 AM

Local Education Agency: Los Angeles Unified School District
Address: 333 South Beaudry Ave.
Los Angeles, CA 90017

Start: 7/1/2014 End: 6/29/2015

Waiver Renewal: Y
Previous Waiver Number: 54-12-2012-W-18 Previous SBE Approval Date: 3/14/2013

Waiver Topic: Quality Education Investment Act
Ed Code Title: Class Size Reduction Requirements
Ed Code Section: 52055.740(a)(1)(A)(B)(i)(ii)(C)(i)(ii)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: (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.
(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.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to continue class size reduction targets as follows:

All secondary QEIA regular application senior high schools would be required to meet a 25 to 1 target in grades 9-12 from July 1, 2014 to June 29, 2015.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.

At the current CSR targets, the school is able to afford utilizing the majority of QEIA dollars to purchase CSR teachers. If the school is required to assume its original CSR targets, categorical funds would have to be used to ensure the school can continue to have access to any QEIA carryover funds beyond the 2014-15 academic year. The impact of using of categorical funds to supplement the QEIA program will diminish the effective implementation of other intervention programs.

It should be noted that Dorsey Senior High has shown 57 points of academic growth as measured by the Academic Performance Index over the last five years.

Student Population: 1200

City Type: Urban

Public Hearing Date: 1/14/2014
Public Hearing Advertised: Newspaper—Los Angeles Daily Journal 01/07/14 – 01/13/14

Local Board Approval Date: 1/14/2014

Community Council Reviewed By: Schoolsite Council
Community Council Reviewed Date: 2/7/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Maureen Sellier-Carter
Position: Coordinator
E-mail: maureen.sellier@lausd.net
Telephone: 213-241-6990
Fax: 213-241-8032

Bargaining Unit Date: 11/19/2013
Name: United Teachers Los Angeles
Representative: Gregg Solkovits
Title: Vice President
Position: Neutral
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1964733 Waiver Number: 13-2-2014 Active Year: 2014

Date In: 2/10/2014 10:40:42 AM

Local Education Agency: Los Angeles Unified School District
Address: 333 South Beaudry Ave.
Los Angeles, CA 90017

Start: 7/1/2014 End: 6/29/2015

Waiver Renewal: Y
Previous Waiver Number: 59-12-2012-W-18 Previous SBE Approval Date: 3/14/2013

Waiver Topic: Quality Education Investment Act
Ed Code Title: Class Size Reduction Requirements
Ed Code Section: 52055.740(a)(1)(A)(B)(i)(ii)(C)(i)(ii)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: (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.
(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.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to continue class size reduction targets as follows:

All secondary QEIA regular application senior high schools would be required to meet a 25 to 1 target in grades 9-12 from July 1, 2014 to June 29, 2015.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.

At the current CSR targets, the school is able to afford utilizing the majority of QEIA dollars to purchase CSR teachers. If the school is required to assume its original CSR targets, categorical funds would have to be used to ensure the school can continue to have access to any QEIA carryover funds beyond the 2014-15 academic year. The impact of using of categorical funds to supplement the QEIA program will diminish the effective implementation of other intervention programs.

It should be noted that Hollywood Senior High has shown 150 points of academic growth as measured by the Academic Performance Index over the last five years.

Student Population: 1600

City Type: Urban

Public Hearing Date: 1/14/2014
Public Hearing Advertised: Newspaper—Los Angeles Daily Journal 01/07/14 – 01/13/14

Local Board Approval Date: 1/14/2014

Community Council Reviewed By: Schoolsite Council
Community Council Reviewed Date: 1/23/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Maureen Sellier-Carter
Position: Coordinator
E-mail: maureen.sellier@lausd.net
Telephone: 213-241-6990
Fax: 213-241-8032

Bargaining Unit Date: 11/19/2013
Name: United Teachers Los Angeles
Representative: Gregg Solkovits
Title: Vice President
Position: Neutral
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1964733 Waiver Number: 14-2-2014 Active Year: 2014

Date In: 2/10/2014 11:22:00 AM

Local Education Agency: Los Angeles Unified School District
Address: 333 South Beaudry Ave.
Los Angeles, CA 90017

Start: 7/1/2014 End: 6/29/2015

Waiver Renewal: Y
Previous Waiver Number: 62-12-2012-W-18 Previous SBE Approval Date: 3/14/2013

Waiver Topic: Quality Education Investment Act
Ed Code Title: Class Size Reduction Requirements
Ed Code Section: 52055.740 (a)(1)(A)(B)(i)(ii)(C)(i)(ii)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: (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.
(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.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to continue class size reduction targets as follows:

All secondary QEIA regular application senior high schools would be required to meet a 25 to 1 target in grades 9-12 from July 1, 2014 to June 29, 2015.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from

year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.

Due to the deep economic cuts that the District has had to make over the last few years, schools are struggling to purchase class size reduction teachers to meet the established class size targets. QEIA carryover accounts have been depleted.

It should be noted that Los Angeles High School of the Arts has shown 56 points of academic growth as measured by the Academic Performance Index over the last four years.

Student Population: 400

City Type: Urban

Public Hearing Date: 1/14/2014
Public Hearing Advertised: Newspaper—Los Angeles Daily Journal 01/07/2014 – 01/13/2014

Local Board Approval Date: 1/14/2014

Community Council Reviewed By: School Site Council
Community Council Reviewed Date: 2/7/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Maureen Sellier-Carter
Position: Coordinator
E-mail: maureen.sellier@lausd.net
Telephone: 213-241-6990
Fax: 213-241-8032

Bargaining Unit Date: 11/19/2013
Name: United Teachers Los Angeles
Representative: Gregg Solkovits
Title: Vice President
Position: Neutral
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1964733 Waiver Number: 16-2-2014 Active Year: 2014

Date In: 2/10/2014 11:35:50 AM

Local Education Agency: Los Angeles Unified School District
Address: 333 South Beaudry Ave.
Los Angeles, CA 90017

Start: 7/1/2014 End: 6/29/2015

Waiver Renewal: Y
Previous Waiver Number: 65-12-2012-W-18 Previous SBE Approval Date: 3/14/2013

Waiver Topic: Quality Education Investment Act
Ed Code Title: Class Size Reduction Requirements
Ed Code Section: 52055.740 (a)(1)(A)(B)(i)(ii)(C)(i)(ii)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: (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.
(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.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to continue class size reduction targets as follows:

- All secondary QEIA regular application senior high schools would be required to meet a 25 to 1 target in grades 9-12 from July 1, 2014 to June 29, 2015.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.

At the current CSR targets, the school is able to afford utilizing the majority of QEIA dollars to purchase CSR teachers. If the school is required to assume its original CSR targets, categorical funds would have to be used to ensure the school can continue to have access to any QEIA carryover funds beyond the 2014-15 academic year. The impact of using of categorical funds to supplement the QEIA program will diminish the effective implementation of other intervention programs.

It should be noted that Los Angeles Senior High has shown 78 points of academic growth as measured by the Academic Performance Index over the last five years.

Student Population: 1750

City Type: Urban

Public Hearing Date: 1/14/2014
Public Hearing Advertised: Newspaper—Los Angeles Daily Journal 01/07/2014 – 01/13/2014

Local Board Approval Date: 1/14/2014

Community Council Reviewed By: School Site Council
Community Council Reviewed Date: 1/14/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Maureen Sellier-Carter
Position: Coordinator
E-mail: maureen.sellier@lausd.net
Telephone: 213-241-6990
Fax: 213-241-8032

Bargaining Unit Date: 11/19/2013
Name: United Teachers Los Angeles
Representative: Gregg Solkovits
Title: Vice President
Position: Neutral
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1964733 Waiver Number: 17-2-2014 Active Year: 2014

Date In: 2/10/2014 11:45:13 AM

Local Education Agency: Los Angeles Unified School District
Address: 333 South Beaudry Ave.
Los Angeles, CA 90017

Start: 7/1/2014 End: 6/29/2015

Waiver Renewal: Y
Previous Waiver Number: 68-12-2012-W-18 Previous SBE Approval Date: 3/14/2013

Waiver Topic: Quality Education Investment Act
Ed Code Title: Class Size Reduction Requirements
Ed Code Section: 52055.740 (a)(1)(A)(B)(i)(ii)(C)(i)(ii)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: (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.
(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.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to continue class size reduction targets as follows:

- All secondary QEIA regular application senior high schools would be required to meet a 25 to 1 target in grades 9-12 from July 1, 2014 to June 29, 2015.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.

At the current CSR targets, the school is able to afford utilizing the majority of QEIA dollars to purchase CSR teachers. If the school is required to assume its original CSR targets, categorical funds would have to be used to ensure the school can continue to have access to any QEIA carryover funds beyond the 2014-15 academic year. The impact of using of categorical funds to supplement the QEIA program will diminish the effective implementation of other intervention programs.

It should be noted that Los Angeles Teacher Preparatory Academy has shown 55 points of academic growth as measured by the Academic Performance Index over the last five years.

Student Population: 260

City Type: Urban

Public Hearing Date: 1/14/2014
Public Hearing Advertised: Newspaper—Los Angeles Daily Journal 01/07/2014 – 01/13/2014

Local Board Approval Date: 1/14/2014

Community Council Reviewed By: School Site Council
Community Council Reviewed Date: 1/21/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Maureen Sellier-Carter
Position: Coordinator
E-mail: maureen.sellier@lausd.net
Telephone: 213-241-6990
Fax: 213-241-8032

Bargaining Unit Date: 11/19/2013
Name: United Teachers Los Angeles
Representative: Gregg Solkovits
Title: Vice President
Position: Neutral
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1964733 Waiver Number: 18-2-2014 Active Year: 2014

Date In: 2/10/2014 11:59:46 AM

Local Education Agency: Los Angeles Unified School District
Address: 333 South Beaudry Ave.
Los Angeles, CA 90017

Start: 7/1/2014 End: 6/29/2015

Waiver Renewal: Y
Previous Waiver Number: 96-12-2012-W-18 Previous SBE Approval Date: 3/14/2013

Waiver Topic: Quality Education Investment Act
Ed Code Title: Class Size Reduction Requirements
Ed Code Section: 52055.740 (a)(1)(A)(B)(i)(ii)(C)(i)(ii)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: (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.
(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.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to continue class size reduction targets as follows:

All secondary QEIA regular application senior high schools would be required to meet a 25 to 1 target in grades 9-12 from July 1, 2014 to June 29, 2015.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.

At the current CSR targets, the school is able to afford utilizing the majority of QEIA dollars to purchase CSR teachers. If the school is required to assume its original CSR targets, categorical funds would have to be used to ensure the school can continue to have access to any QEIA carryover funds beyond the 2014-15 academic year. The impact of using of categorical funds to supplement the QEIA program will diminish the effective implementation of other intervention programs.

It should be noted that Roybal Learning Center has shown 93 points of academic growth as measured by the Academic Performance Index over the last four years.

Student Population: 1500

City Type: Urban

Public Hearing Date: 1/14/2014
Public Hearing Advertised: Newspaper—Los Angeles Daily Journal 01/07/2014 – 01/13/2014

Local Board Approval Date: 1/14/2014

Community Council Reviewed By: School Site Council
Community Council Reviewed Date: 1/23/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Maureen Sellier-Carter
Position: Coordinator
E-mail: maureen.sellier@lausd.net
Telephone: 213-241-6990
Fax: 213-241-8032

Bargaining Unit Date: 11/19/2013
Name: United Teachers Los Angeles
Representative: Gregg Solkovits
Title: Vice President
Position: Neutral
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1964733 Waiver Number: 19-2-2014 Active Year: 2014

Date In: 2/10/2014 12:06:05 PM

Local Education Agency: Los Angeles Unified School District
Address: 333 South Beaudry Ave.
Los Angeles, CA 90017

Start: 7/1/2014 End: 6/29/2015

Waiver Renewal: Y
Previous Waiver Number: 97-12-2012-W-18 Previous SBE Approval Date: 3/14/2013

Waiver Topic: Quality Education Investment Act
Ed Code Title: Class Size Reduction Requirements
Ed Code Section: 52055.740 (a)(1)(A)(B)(i)(ii)(C)(i)(ii)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: (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.
(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.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to continue class size reduction targets as follows:

- All secondary QEIA regular application senior high schools would be required to meet a 25 to 1 target in grades 9-12 from July 1, 2014 to June 29, 2015.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.

At the current CSR targets, the school is able to afford utilizing the majority of QEIA dollars to purchase CSR teachers. If the school is required to assume its original CSR targets, categorical funds would have to be used to ensure the school can continue to have access to any QEIA carryover funds beyond the 2014-15 academic year. The impact of using of categorical funds to supplement the QEIA program will diminish the effective implementation of other intervention programs.

It should be noted that Washington Preparatory Senior High has shown 71 points of academic growth as measured by the Academic Performance Index over the last four years.

Student Population: 1500

City Type: Urban

Public Hearing Date: 1/14/2014
Public Hearing Advertised: Newspaper—Los Angeles Daily Journal 01/07/2014 – 01/13/2014

Local Board Approval Date: 1/14/2014

Community Council Reviewed By: School Site Council
Community Council Reviewed Date: 1/23/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Maureen Sellier-Carter
Position: Coordinator
E-mail: maureen.sellier@lausd.net
Telephone: 213-241-6990
Fax: 213-241-8032

Bargaining Unit Date: 11/19/2013
Name: United Teachers Los Angeles
Representative: Gregg Solkovits
Title: Vice President
Position: Neutral
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1964733 Waiver Number: 20-2-2014 Active Year: 2014

Date In: 2/10/2014 1:08:36 PM

Local Education Agency: Los Angeles Unified School District
Address: 333 South Beaudry Ave.
Los Angeles, CA 90017

Start: 7/1/2014 End: 6/29/2015

Waiver Renewal: Y
Previous Waiver Number: 98-12-2012-W-18 Previous SBE Approval Date: 3/14/2013

Waiver Topic: Quality Education Investment Act
Ed Code Title: Class Size Reduction Requirements
Ed Code Section: 52055.740 (a)(1)(A)(B)(i)(ii)(C)(i)(ii)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: (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.
(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.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to continue class size reduction targets as follows:

All secondary QEIA regular application senior high schools would be required to meet a 25 to 1 target in grades 9-12 from July 1, 2014 to June 29, 2015.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.

At the current CSR targets, the school is able to afford utilizing the majority of QEIA dollars to purchase CSR teachers. If the school is required to assume its original CSR targets, categorical funds would have to be used to ensure the school can continue to have access to any QEIA carryover funds beyond the 2014-15 academic year. The impact of using of categorical funds to supplement the QEIA program will diminish the effective implementation of other intervention programs.

It should be noted that West Adams Preparatory Senior High has shown 123 points of academic growth as measured by the Academic Performance Index over the last five years.

Student Population: 2100

City Type: Urban

Public Hearing Date: 1/14/2014
Public Hearing Advertised: Newspaper—Los Angeles Daily Journal 01/07/2014 – 01/13/2014

Local Board Approval Date: 1/14/2014

Community Council Reviewed By: School Site Council
Community Council Reviewed Date: 1/30/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Maureen Sellier-Carter
Position: Coordinator
E-mail: maureen.sellier@lausd.net
Telephone: 213-241-6990
Fax: 213-241-8032

Bargaining Unit Date: 11/19/2013
Name: United Teachers Los Angeles
Representative: Gregg Solkovits
Title: Vice President
Position: Neutral
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1964733 Waiver Number: 21-2-2014 Active Year: 2014

Date In: 2/10/2014 1:19:43 PM

Local Education Agency: Los Angeles Unified School District
Address: 333 South Beaudry Ave.
Los Angeles, CA 90017

Start: 7/1/2014 End: 6/29/2015

Waiver Renewal: Y
Previous Waiver Number: 99-12-2012-W-18 Previous SBE Approval Date: 3/14/2013

Waiver Topic: Quality Education Investment Act
Ed Code Title: Class Size Reduction Requirements
Ed Code Section: 52055.740 (a)(1)(A)(B)(i)(ii)(C)(i)(ii)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: (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.
(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.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to continue class size reduction targets as follows:

All secondary QEIA regular application senior high schools would be required to meet a 25 to 1 target in grades 9-12 from July 1, 2014 to June 29, 2015.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.

At the current CSR targets, the school is able to afford utilizing the majority of QEIA dollars to purchase CSR teachers. If the school is required to assume its original CSR targets, categorical funds would have to be used to ensure the school can continue to have access to any QEIA carryover funds beyond the 2014-15 academic year. The impact of using of categorical funds to supplement the QEIA program will diminish the effective implementation of other intervention programs.

It should be noted that Wilson Senior High has shown 67 points of academic growth as measured by the Academic Performance Index over the last five years.

Student Population: 1900

City Type: Urban

Public Hearing Date: 1/14/2014
Public Hearing Advertised: Newspaper—Los Angeles Daily Journal 01/07/2014 – 01/13/2014

Local Board Approval Date: 1/14/2014

Community Council Reviewed By: School Site Council
Community Council Reviewed Date: 2/7/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Maureen Sellier-Carter
Position: Coordinator
E-mail: maureen.sellier@lausd.net
Telephone: 213-241-6990
Fax: 213-241-8032

Bargaining Unit Date: 11/19/2013
Name: United Teachers Los Angeles
Representative: Gregg Solkovits
Title: Vice President
Position: Neutral
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1964733 Waiver Number: 22-2-2014 Active Year: 2014

Date In: 2/10/2014 1:31:14 PM

Local Education Agency: Los Angeles Unified School District
Address: 333 South Beaudry Ave.
Los Angeles, CA 90017

Start: 7/1/2014 End: 6/29/2015

Waiver Renewal: Y
Previous Waiver Number: 11-12-2012-W-18 Previous SBE Approval Date: 3/14/2013

Waiver Topic: Quality Education Investment Act
Ed Code Title: Class Size Reduction Requirements
Ed Code Section: 52055.740 (a)(1)(A)(B)(i)(ii)(C)(i)(ii)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: (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.
(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.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to continue class size reduction targets as follows:

All elementary QEIA schools would be required to meet a 24 to 1 target in grades K-3 and in grades 4-5/6 a target of 25 to 1 would be implemented.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.

At the current CSR targets, the school is able to afford utilizing the majority of QEIA dollars to purchase CSR teachers. If the school is required to assume its original CSR targets, categorical funds would have to be used to ensure the school can continue to have access to any QEIA carryover funds beyond the 2014-15 academic year. The impact of using of categorical funds to supplement the QEIA program will diminish the effective implementation of other intervention programs.

It should be noted that 10th Street Elementary has shown 113 points of academic growth as measured by the Academic Performance Index over the last five years.

Student Population: 800

City Type: Urban

Public Hearing Date: 1/14/2014
Public Hearing Advertised: Newspaper—Los Angeles Daily Journal 01/07/2014 – 01/13/2014

Local Board Approval Date: 1/14/2014

Community Council Reviewed By: School Site Council
Community Council Reviewed Date: 2/3/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Maureen Sellier-Carter
Position: Coordinator
E-mail: maureen.sellier@lausd.net
Telephone: 213-241-6990
Fax: 213-241-8032

Bargaining Unit Date: 11/19/2013
Name: United Teachers Los Angeles
Representative: Gregg Solkovits
Title: Vice President
Position: Neutral
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1964733 Waiver Number: 23-2-2014 Active Year: 2014

Date In: 2/10/2014 1:47:50 PM

Local Education Agency: Los Angeles Unified School District
Address: 333 South Beaudry Ave.
Los Angeles, CA 90017

Start: 7/1/2014 End: 6/29/2015

Waiver Renewal: Y
Previous Waiver Number: 15-12-2012-W-18 Previous SBE Approval Date: 3/14/2013

Waiver Topic: Quality Education Investment Act
Ed Code Title: Class Size Reduction Requirements
Ed Code Section: 52055.740 (a)(1)(A)(B)(i)(ii)(C)(i)(ii)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: (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.
(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.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to continue class size reduction targets as follows:

All elementary QEIA schools would be required to meet a 24 to 1 target in grades K-3 and in grades 4-5/6 a target of 25 to 1 would be implemented.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.

At the current CSR targets, the school is able to afford utilizing the majority of QEIA dollars to purchase CSR teachers. If the school is required to assume its original CSR targets, categorical funds would have to be used to ensure the school can continue to have access to any QEIA carryover funds beyond the 2014-15 academic year. The impact of using of categorical funds to supplement the QEIA program will diminish the effective implementation of other intervention programs.

It should be noted that 75th Street Elementary has shown 110 points of academic growth as measured by the Academic Performance Index over the last five years.

Student Population: 1100

City Type: Urban

Public Hearing Date: 1/14/2014
Public Hearing Advertised: Newspaper—Los Angeles Daily Journal 01/07/2014 – 01/13/2014

Local Board Approval Date: 1/14/2014

Community Council Reviewed By: School Site Council
Community Council Reviewed Date: 1/16/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Maureen Sellier-Carter
Position: Coordinator
E-mail: maureen.sellier@lausd.net
Telephone: 213-241-6990
Fax: 213-241-8032

Bargaining Unit Date: 11/19/2013
Name: United Teachers Los Angeles
Representative: Gregg Solkovits
Title: Vice President
Position: Neutral
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1964733 Waiver Number: 24-2-2014 Active Year: 2014

Date In: 2/10/2014 1:53:33 PM

Local Education Agency: Los Angeles Unified School District
Address: 333 South Beaudry Ave.
Los Angeles, CA 90017

Start: 7/1/2012 End: 6/29/2015

Waiver Renewal: Y
Previous Waiver Number: 16-12-2012-W-18 Previous SBE Approval Date: 3/14/2013

Waiver Topic: Quality Education Investment Act
Ed Code Title: Class Size Reduction Requirements
Ed Code Section: 52055.740 (a)(1)(A)(B)(i)(ii)(C)(i)(ii)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: (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.
(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.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to continue class size reduction targets as follows:

All elementary QEIA schools would be required to meet a 24 to 1 target in grades K-3 and in grades 4-5/6 a target of 25 to 1 would be implemented.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.

At the current CSR targets, the school is able to afford utilizing the majority of QEIA dollars to purchase CSR teachers. If the school is required to assume its original CSR targets, categorical funds would have to be used to ensure the school can continue to have access to any QEIA carryover funds beyond the 2014-15 academic year. The impact of using of categorical funds to supplement the QEIA program will diminish the effective implementation of other intervention programs.

It should be noted that 107th Street Elementary has shown 50 points of academic growth as measured by the Academic Performance Index over the last four years

Student Population: 950

City Type: Urban

Public Hearing Date: 1/14/2014
Public Hearing Advertised: Newspaper—Los Angeles Daily Journal 01/07/2014 – 01/13/2014

Local Board Approval Date: 1/14/2014

Community Council Reviewed By: School Site Council
Community Council Reviewed Date: 1/14/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Maureen Sellier-Carter
Position: Coordinator
E-mail: maureen.sellier@lausd.net
Telephone: 213-241-6990
Fax: 213-241-8032

Bargaining Unit Date: 11/19/2013
Name: United Teachers Los Angeles
Representative: Gregg Solkovits
Title: Vice President
Position: Neutral
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1964733 Waiver Number: 25-2-2014 Active Year: 2014

Date In: 2/10/2014 2:00:28 PM

Local Education Agency: Los Angeles Unified School District
Address: 333 South Beaudry Ave.
Los Angeles, CA 90017

Start: 7/1/2014 End: 6/29/2015

Waiver Renewal: Y
Previous Waiver Number: 17-12-2012-W-18 Previous SBE Approval Date: 3/14/2013

Waiver Topic: Quality Education Investment Act
Ed Code Title: Class Size Reduction Requirements
Ed Code Section: 52055.740 (a)(1)(A)(B)(i)(ii)(C)(i)(ii)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: (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.
(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.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to continue class size reduction targets as follows:

All elementary QEIA schools would be required to meet a 24 to 1 target in grades K-3 and in grades 4-5/6 a target of 25 to 1 would be implemented.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.

At the current CSR targets, the school is able to afford utilizing the majority of QEIA dollars to purchase CSR teachers. If the school is required to assume its original CSR targets, categorical funds would have to be used to ensure the school can continue to have access to any QEIA carryover funds beyond the 2014-15 academic year. The impact of using of categorical funds to supplement the QEIA program will diminish the effective implementation of other intervention programs.

It should be noted that Bridge Elementary has shown 8 points of academic growth as measured by the Academic Performance Index over the last five years.

Student Population: 300

City Type: Urban

Public Hearing Date: 1/14/2014
Public Hearing Advertised: Newspaper—Los Angeles Daily Journal 01/07/2014 – 01/13/2014

Local Board Approval Date: 1/14/2014

Community Council Reviewed By: School Site Council
Community Council Reviewed Date: 1/22/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Maureen Sellier-Carter
Position: Coordinator
E-mail: maureen.sellier@lausd.net
Telephone: 213-241-6990
Fax: 213-241-8032

Bargaining Unit Date: 11/19/2013
Name: United Teachers Los Angeles
Representative: Gregg Solkovits
Title: Vice President
Position: Neutral
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1964733 Waiver Number: 26-2-2014 Active Year: 2014

Date In: 2/10/2014 2:06:01 PM

Local Education Agency: Los Angeles Unified School District
Address: 333 South Beaudry Ave.
Los Angeles, CA 90017

Start: 7/1/2014 End: 6/29/2015

Waiver Renewal: Y
Previous Waiver Number: 18-12-2012-W-18 Previous SBE Approval Date: 3/14/2013

Waiver Topic: Quality Education Investment Act
Ed Code Title: Class Size Reduction Requirements
Ed Code Section: 52055.740 (a)(1)(A)(B)(i)(ii)(C)(i)(ii)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: (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.
(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.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to continue class size reduction targets as follows:

All elementary QEIA schools would be required to meet a 24 to 1 target in grades K-3 and in grades 4-5/6 a target of 25 to 1 would be implemented.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from

year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.

At the current CSR targets, the school is able to afford utilizing the majority of QEIA dollars to purchase CSR teachers. If the school is required to assume its original CSR targets, categorical funds would have to be used to ensure the school can continue to have access to any QEIA carryover funds beyond the 2014-15 academic year. The impact of using of categorical funds to supplement the QEIA program will diminish the effective implementation of other intervention programs.

It should be noted that Evergreen Elementary has shown 61 points of academic growth as measured by the Academic Performance Index over the last five years.

Student Population: 900

City Type: Urban

Public Hearing Date: 1/14/2014
Public Hearing Advertised: Newspaper—Los Angeles Daily Journal 01/07/2014 – 01/13/2014

Local Board Approval Date: 1/14/2014

Community Council Reviewed By: School Site Council
Community Council Reviewed Date: 1/27/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Maureen Sellier-Carter
Position: Coordinator
E-mail: maureen.sellier@lausd.net
Telephone: 213-241-6990
Fax: 213-241-8032

Bargaining Unit Date: 11/19/2013
Name: United Teachers Los Angeles
Representative: Gregg Solkovits
Title: Vice President
Position: Neutral
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1964733 Waiver Number: 27-2-2014 Active Year: 2014

Date In: 2/10/2014 2:12:04 PM

Local Education Agency: Los Angeles Unified School District
Address: 333 South Beaudry Ave.
Los Angeles, CA 90017

Start: 7/1/2014 End: 6/29/2015

Waiver Renewal: Y
Previous Waiver Number: 19-12-2012-W-18 Previous SBE Approval Date: 3/14/2013

Waiver Topic: Quality Education Investment Act
Ed Code Title: Class Size Reduction Requirements
Ed Code Section: 52055.740 (a)(1)(A)(B)(i)(ii)(C)(i)(ii)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: (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.
(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.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to continue class size reduction targets as follows:

- All elementary QEIA schools would be required to meet a 24 to 1 target in grades K-3 and in grades 4-5/6 a target of 25 to 1 would be implemented.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.

At the current CSR targets, the school is able to afford utilizing the majority of QEIA dollars to purchase CSR teachers. If the school is required to assume its original CSR targets, categorical funds would have to be used to ensure the school can continue to have access to any QEIA carryover funds beyond the 2014-15 academic year. The impact of using of categorical funds to supplement the QEIA program will diminish the effective implementation of other intervention programs.

It should be noted that Farmdale Elementary has shown 9 points of academic growth as measured by the Academic Performance Index over the last five years.

Student Population: 500

City Type: Urban

Public Hearing Date: 1/14/2014
Public Hearing Advertised: Newspaper—Los Angeles Daily Journal 01/07/2014 – 01/13/2014

Local Board Approval Date: 1/14/2014

Community Council Reviewed By: School Site Council
Community Council Reviewed Date: 1/17/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Maureen Sellier-Carter
Position: Coordinator
E-mail: maureen.sellier@lausd.net
Telephone: 213-241-6990
Fax: 213-241-8032

Bargaining Unit Date: 11/19/2013
Name: United Teachers Los Angeles
Representative: Gregg Solkovits
Title: Vice President
Position: Neutral
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1964733 Waiver Number: 28-2-2014 Active Year: 2014

Date In: 2/10/2014 2:18:27 PM

Local Education Agency: Los Angeles Unified School District
Address: 333 South Beaudry Ave.
Los Angeles, CA 90017

Start: 7/1/2014 End: 6/29/2015

Waiver Renewal: Y
Previous Waiver Number: 20-12-2012-W-18 Previous SBE Approval Date: 3/14/2013

Waiver Topic: Quality Education Investment Act
Ed Code Title: Class Size Reduction Requirements
Ed Code Section: 52055.740 (a)(1)(A)(B)(i)(ii)(C)(i)(ii)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: (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.
(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.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to continue class size reduction targets as follows:

- All elementary QEIA schools would be required to meet a 24 to 1 target in grades K-3 and in grades 4-5/6 a target of 25 to 1 would be implemented.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.

At the current CSR targets, the school is able to afford utilizing the majority of QEIA dollars to purchase CSR teachers. If the school is required to assume its original CSR targets, categorical funds would have to be used to ensure the school can continue to have access to any QEIA carryover funds beyond the 2014-15 academic year. The impact of using of categorical funds to supplement the QEIA program will diminish the effective implementation of other intervention programs.

It should be noted that Fernangeles Elementary has shown 27 points of academic growth as measured by the Academic Performance Index over the last five years.

Student Population: 750

City Type: Urban

Public Hearing Date: 1/14/2014
Public Hearing Advertised: Newspaper—Los Angeles Daily Journal 01/07/2014 – 01/13/2014

Local Board Approval Date: 1/14/2014

Community Council Reviewed By: School Site Council
Community Council Reviewed Date: 1/22/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Maureen Sellier-Carter
Position: Coordinator
E-mail: maureen.sellier@lausd.net
Telephone: 213-241-6990
Fax: 213-241-8032

Bargaining Unit Date: 11/19/2013
Name: United Teachers Los Angeles
Representative: Gregg Solkovits
Title: Vice President
Position: Neutral
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1964733 Waiver Number: 29-2-2014 Active Year: 2014

Date In: 2/10/2014 2:25:34 PM

Local Education Agency: Los Angeles Unified School District
Address: 333 South Beaudry Ave.
Los Angeles, CA 90017

Start: 7/1/2014 End: 6/29/2015

Waiver Renewal: Y
Previous Waiver Number: 21-12-2012-W-18 Previous SBE Approval Date: 3/14/2013

Waiver Topic: Quality Education Investment Act
Ed Code Title: Class Size Reduction Requirements
Ed Code Section: 52055.740 (a)(1)(A)(B)(i)(ii)(C)(i)(ii)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: (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.
(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.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to continue class size reduction targets as follows:

- All elementary QEIA schools would be required to meet a 24 to 1 target in grades K-3 and in grades 4-5/6 a target of 25 to 1 would be implemented.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.

At the current CSR targets, the school is able to afford utilizing the majority of QEIA dollars to purchase CSR teachers. If the school is required to assume its original CSR targets, categorical funds would have to be used to ensure the school can continue to have access to any QEIA carryover funds beyond the 2014-15 academic year. The impact of using of categorical funds to supplement the QEIA program will diminish the effective implementation of other intervention programs.

It should be noted that Gratts Elementary has shown 102 points of academic growth as measured by the Academic Performance Index over the last five years.

Student Population: 600

City Type: Urban

Public Hearing Date: 1/14/2014
Public Hearing Advertised: Newspaper—Los Angeles Daily Journal 01/07/2014 – 01/13/2014

Local Board Approval Date: 1/14/2014

Community Council Reviewed By: School Site Council
Community Council Reviewed Date: 2/7/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Maureen Sellier-Carter
Position: Coordinator
E-mail: maureen.sellier@lausd.net
Telephone: 213-241-6990
Fax: 213-241-8032

Bargaining Unit Date: 11/19/2013
Name: United Teachers Los Angeles
Representative: Gregg Solkovits
Title: Vice President
Position: Neutral
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1964733 Waiver Number: 30-2-2014 Active Year: 2014

Date In: 2/10/2014 2:36:01 PM

Local Education Agency: Los Angeles Unified School District
Address: 333 South Beaudry Ave.
Los Angeles, CA 90017

Start: 7/1/2014 End: 6/29/2015

Waiver Renewal: Y
Previous Waiver Number: 22-12-2012-W-18 Previous SBE Approval Date: 3/14/2013

Waiver Topic: Quality Education Investment Act
Ed Code Title: Class Size Reduction Requirements
Ed Code Section: 52055.740 (a)(1)(A)(B)(i)(ii)(C)(i)(ii)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: (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.
(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.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to continue class size reduction targets as follows:

All elementary QEIA schools would be required to meet a 24 to 1 target in grades K-3 and in grades 4-5/6 a target of 25 to 1 would be implemented.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.

Due to the deep economic cuts that the District has had to make over the last few years, schools are struggling to purchase class size reduction teachers to meet the established class size targets. QEIA carryover accounts have been depleted.

It should be noted that Gulf Elementary has shown 120 points of academic growth as measured by the Academic Performance Index over the last five years.

Student Population: 780

City Type: Urban

Public Hearing Date: 1/14/2014
Public Hearing Advertised: Newspaper—Los Angeles Daily Journal 01/07/2014 – 01/13/2014

Local Board Approval Date: 1/14/2014

Community Council Reviewed By: School Site Council
Community Council Reviewed Date: 2/7/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Maureen Sellier-Carter
Position: Coordinator
E-mail: maureen.sellier@lausd.net
Telephone: 213-241-6990
Fax: 213-241-8032

Bargaining Unit Date: 11/19/2013
Name: United Teachers Los Angeles
Representative: Gregg Solkovits
Title: Vice President
Position: Neutral
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1964733 Waiver Number: 31-2-2014 Active Year: 2014

Date In: 2/10/2014 2:46:09 PM

Local Education Agency: Los Angeles Unified School District
Address: 333 South Beaudry Ave.
Los Angeles, CA 90017

Start: 7/1/2014 End: 6/29/2015

Waiver Renewal: Y
Previous Waiver Number: 44-12-2012-W-18 Previous SBE Approval Date: 3/14/2013

Waiver Topic: Quality Education Investment Act
Ed Code Title: Class Size Reduction Requirements
Ed Code Section: 52055.740 (a)(1)(A)(B)(i)(ii)(C)(i)(ii)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: (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.
(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.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to continue class size reduction targets as follows:

- All secondary QEIA schools would be required to meet a 25 to 1 target in grades 6/7-8 from July 1, 2014 to June 29, 2015.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.

At the current CSR targets, the school is able to afford utilizing the majority of QEIA dollars to purchase CSR teachers. If the school is required to assume its original CSR targets, categorical funds would have to be used to ensure the school can continue to have access to any QEIA carryover funds beyond the 2014-15 academic year. The impact of using of categorical funds to supplement the QEIA program will diminish the effective implementation of other intervention programs.

It should be noted that John Adams Middle School has shown 63 points of academic growth as measured by the Academic Performance Index over the last five years.

Student Population: 1000

City Type: Urban

Public Hearing Date: 1/14/2014
Public Hearing Advertised: Newspaper—Los Angeles Daily Journal

Local Board Approval Date: 1/14/2014

Community Council Reviewed By: School Site Council
Community Council Reviewed Date: 1/23/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Maureen Sellier-Carter
Position: Coordinator
E-mail: maureen.sellier@lausd.net
Telephone: 213-241-6990
Fax:

Bargaining Unit Date: 11/19/2013
Name: United Teachers Los Angeles
Representative: Gregg Solkovitz
Title: Vice President
Position: Neutral
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1964733 Waiver Number: 32-2-2014 Active Year: 2014

Date In: 2/10/2014 2:55:35 PM

Local Education Agency: Los Angeles Unified School District
Address: 333 South Beaudry Ave.
Los Angeles, CA 90017

Start: 7/1/2014 End: 6/29/2015

Waiver Renewal: Y
Previous Waiver Number: 24-12-2012-W-18 Previous SBE Approval Date: 3/14/2013

Waiver Topic: Quality Education Investment Act
Ed Code Title: Class Size Reduction Requirements
Ed Code Section: 52055.740 (a)(1)(A)(B)(i)(ii)(C)(i)(ii)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: (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.
(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.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to continue class size reduction targets as follows:

All elementary QEIA schools would be required to meet a 24 to 1 target in grades K-3 and in grades 4-5/6 a target of 25 to 1 would be implemented.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.

At the current CSR targets, the school is able to afford utilizing the majority of QEIA dollars to purchase CSR teachers. If the school is required to assume its original CSR targets, categorical funds would have to be used to ensure the school can continue to have access to any QEIA carryover funds beyond the 2014-15 academic year. The impact of using of categorical funds to supplement the QEIA program will diminish the effective implementation of other intervention programs.

It should be noted that Langdon Elementary has shown 78 points of academic growth as measured by the Academic Performance Index over the last five years.

Student Population: 600

City Type: Urban

Public Hearing Date: 1/14/2014
Public Hearing Advertised: Newspaper—Los Angeles Daily Journal 01/07/2014 – 01/13/2014

Local Board Approval Date: 1/14/2014

Community Council Reviewed By: School Site Council
Community Council Reviewed Date: 1/16/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Maureen Sellier-Carter
Position: Coordinator
E-mail: maureen.sellier@lausd.net
Telephone: 213-241-6990
Fax: 213-241-8032

Bargaining Unit Date: 11/19/2013
Name: United Teachers Los Angeles
Representative: Gregg Solkovits
Title: Vice President
Position: Neutral
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1964733 Waiver Number: 34-2-2014 Active Year: 2014

Date In: 2/10/2014 3:06:47 PM

Local Education Agency: Los Angeles Unified School District
Address: 333 South Beaudry Ave.
Los Angeles, CA 90017

Start: 7/1/2014 End: 6/29/2015

Waiver Renewal: Y
Previous Waiver Number: 46-12-2012-W-18 Previous SBE Approval Date: 3/14/2013

Waiver Topic: Quality Education Investment Act
Ed Code Title: Class Size Reduction Requirements
Ed Code Section: 52055.740 (a)(1)(A)(B)(i)(ii)(C)(i)(ii)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: (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.
(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.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to continue class size reduction targets as follows:

- All secondary QEIA schools would be required to meet a 25 to 1 target in grades 6/7-8 from July 1, 2014 to June 29, 2015.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.

At the current CSR targets, the school is able to afford utilizing the majority of QEIA dollars to purchase CSR teachers. If the school is required to assume its original CSR targets, categorical funds would have to be used to ensure the school can continue to have access to any QEIA carryover funds beyond the 2014-15 academic year. The impact of using of categorical funds to supplement the QEIA program will diminish the effective implementation of other intervention programs.

It should be noted that Belvedere Middle School has shown 95 points of academic growth as measured by the Academic Performance Index over the last five years.

Student Population: 1400

City Type: Urban

Public Hearing Date: 1/14/2014
Public Hearing Advertised: Newspaper—Los Angeles Daily Journal

Local Board Approval Date: 1/14/2014

Community Council Reviewed By: School Site Council
Community Council Reviewed Date: 1/27/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Maureen Sellier-Carter
Position: Coordinator
E-mail: maureen.sellier@lausd.net
Telephone: 213-241-6990
Fax:

Bargaining Unit Date: 11/19/2013
Name: United Teachers Los Angeles
Representative: Gregg Solkovitz
Title: Vice President
Position: Neutral
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1964733 Waiver Number: 35-2-2014 Active Year: 2014

Date In: 2/10/2014 3:12:06 PM

Local Education Agency: Los Angeles Unified School District
Address: 333 South Beaudry Ave.
Los Angeles, CA 90017

Start: 7/1/2014 End: 6/29/2015

Waiver Renewal: Y
Previous Waiver Number: 45-12-2012 Previous SBE Approval Date: 3/14/2013

Waiver Topic: Quality Education Investment Act
Ed Code Title: Class Size Reduction Requirements
Ed Code Section: 52055.740 (a)(1)(A)(B)(i)(ii)(C)(i)(ii)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: (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.
(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.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to continue class size reduction targets as follows:

- All secondary QEIA schools would be required to meet a 25 to 1 target in grades 6/7-8 from July 1, 2014 to June 29, 2015.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.

Due to the deep economic cuts that the District has had to make over the last few years, schools are struggling to purchase class size reduction teachers to meet the established class size targets. QEIA carryover accounts have been depleted.

It should be noted that Audubon Middle School has shown 106 points of academic growth as measured by the Academic Performance Index over the last five years.

Student Population: 800

City Type: Urban

Public Hearing Date: 1/14/2014
Public Hearing Advertised: Newspaper - Los Angeles Daily Journal

Local Board Approval Date: 1/14/2014

Community Council Reviewed By: School Site Council
Community Council Reviewed Date: 1/23/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Maureen Sellier-Carter
Position: Coordinator
E-mail: maureen.sellier@lausd.net
Telephone: 213-241-6990
Fax:

Bargaining Unit Date: 11/19/2013
Name: United Teachers Los Angeles
Representative: Gregg Solkovitz
Title: Vice President
Position: Neutral
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1964733 Waiver Number: 36-2-2014 Active Year: 2014

Date In: 2/10/2014 3:16:52 PM

Local Education Agency: Los Angeles Unified School District
Address: 333 South Beaudry Ave.
Los Angeles, CA 90017

Start: 7/1/2014 End: 6/29/2015

Waiver Renewal: Y
Previous Waiver Number: 26-12-2012-W-18 Previous SBE Approval Date: 3/14/2013

Waiver Topic: Quality Education Investment Act
Ed Code Title: Class Size Reduction Requirements
Ed Code Section: 52055.740 (a)(1)(A)(B)(i)(ii)(C)(i)(ii)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: (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.
(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.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to continue class size reduction targets as follows:

- All elementary QEIA schools would be required to meet a 24 to 1 target in grades K-3 and in grades 4-5/6 a target of 25 to 1 would be implemented.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.

At the current CSR targets, the school is able to afford utilizing the majority of QEIA dollars to purchase CSR teachers. If the school is required to assume its original CSR targets, categorical funds would have to be used to ensure the school can continue to have access to any QEIA carryover funds beyond the 2014-15 academic year. The impact of using of categorical funds to supplement the QEIA program will diminish the effective implementation of other intervention programs.

It should be noted that Magnolia Elementary has shown 95 points of academic growth as measured by the Academic Performance Index over the last five years.

Student Population: 1100

City Type: Urban

Public Hearing Date: 1/14/2014
Public Hearing Advertised: Newspaper—Los Angeles Daily Journal 01/07/2014 – 01/13/2014

Local Board Approval Date: 1/14/2014

Community Council Reviewed By: School Site Council
Community Council Reviewed Date: 2/7/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Maureen Sellier-Carter
Position: Coordinator
E-mail: maureen.sellier@lausd.net
Telephone: 213-241-6990
Fax: 213-241-8032

Bargaining Unit Date: 11/19/2013
Name: United Teachers Los Angeles
Representative: Gregg Solkovits
Title: Vice President
Position: Neutral
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1964733 Waiver Number: 37-2-2014 Active Year: 2014

Date In: 2/10/2014 3:20:39 PM

Local Education Agency: Los Angeles Unified School District
Address: 333 South Beaudry Ave.
Los Angeles, CA 90017

Start: 7/1/2014 End: 6/29/2015

Waiver Renewal: Y
Previous Waiver Number: 48-12-2012-W-18 Previous SBE Approval Date: 3/14/2013

Waiver Topic: Quality Education Investment Act
Ed Code Title: Class Size Reduction Requirements
Ed Code Section: 52055.740 (a)(1)(A)(B)(i)(ii)(C)(i)(ii)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: (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.
(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.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to continue class size reduction targets as follows:

- All secondary QEIA schools would be required to meet a 25 to 1 target in grades 6/7-8 from July 1, 2014 to June 29, 2015.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.

At the current CSR targets, the school is able to afford utilizing the majority of QEIA dollars to purchase CSR teachers. If the school is required to assume its original CSR targets, categorical funds would have to be used to ensure the school can continue to have access to any QEIA carryover funds beyond the 2014-15 academic year. The impact of using of categorical funds to supplement the QEIA program will diminish the effective implementation of other intervention programs.

It should be noted that Berendo Middle School has shown 85 points of academic growth as measured by the Academic Performance Index over the last five years.

Student Population: 1000

City Type: Urban

Public Hearing Date: 1/14/2014
Public Hearing Advertised: Newspaper—Los Angeles Daily Journal

Local Board Approval Date: 1/14/2014

Community Council Reviewed By: School Site Council
Community Council Reviewed Date: 1/16/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Maureen Sellier-Carter
Position: Coordinator
E-mail: maureen.sellier@lausd.net
Telephone: 213-241-6990
Fax:

Bargaining Unit Date: 11/19/2013
Name: United Teachers Los Angeles
Representative: Gregg Solkovits
Title: Vice President
Position: Neutral
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1964733 Waiver Number: 38-2-2014 Active Year: 2014

Date In: 2/10/2014 3:24:24 PM

Local Education Agency: Los Angeles Unified School District
Address: 333 South Beaudry Ave.
Los Angeles, CA 90017

Start: 7/1/2014 End: 6/29/2015

Waiver Renewal: Y
Previous Waiver Number: 27-12-2012-W-18 Previous SBE Approval Date: 3/14/2013

Waiver Topic: Quality Education Investment Act
Ed Code Title: Highly Qualified Teachers
Ed Code Section: 52055.740 (a)(1)(A)(B)(i)(ii)(C)(i)(ii)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: (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.
(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.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to continue class size reduction targets as follows:

- All elementary QEIA schools would be required to meet a 24 to 1 target in grades K-3 and in grades 4-5/6 a target of 25 to 1 would be implemented.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.

Due to the deep economic cuts that the District has had to make over the last few years, schools are struggling to purchase class size reduction teachers to meet the established class size targets. QEIA carryover accounts have been depleted.

It should be noted that Main Street Elementary has shown 74 points of academic growth as measured by the Academic Performance Index over the last five years.

Student Population: 800

City Type: Urban

Public Hearing Date: 1/14/2014
Public Hearing Advertised: Newspaper—Los Angeles Daily Journal 01/07/2014 – 01/13/2014

Local Board Approval Date: 1/14/2014

Community Council Reviewed By: School Site Council
Community Council Reviewed Date: 2/7/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Maureen Sellier-Carter
Position: Coordinator
E-mail: maureen.sellier@lausd.net
Telephone: 213-241-6990
Fax: 213-241-8032

Bargaining Unit Date: 11/19/2013
Name: United Teachers Los Angeles
Representative: Gregg Solkovits
Title: Vice President
Position: Neutral
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1964733 Waiver Number: 39-2-2014 Active Year: 2014

Date In: 2/10/2014 3:25:37 PM

Local Education Agency: Los Angeles Unified School District
Address: 333 South Beaudry Ave.
Los Angeles, CA 90017

Start: 7/1/2014 End: 6/29/2015

Waiver Renewal: Y
Previous Waiver Number: 50-12-2012-W-18 Previous SBE Approval Date: 3/14/2013

Waiver Topic: Quality Education Investment Act
Ed Code Title: Class Size Reduction Requirements
Ed Code Section: 52055.740 (a)(1)(A)(B)(i)(ii)(C)(i)(ii)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: (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.
(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.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to continue class size reduction targets as follows:

- All secondary QEIA schools would be required to meet a 25 to 1 target in grades 6/7-8 from July 1, 2014 to June 29, 2015.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.

At the current CSR targets, the school is able to afford utilizing the majority of QEIA dollars to purchase CSR teachers. If the school is required to assume its original CSR targets, categorical funds would have to be used to ensure the school can continue to have access to any QEIA carryover funds beyond the 2014-15 academic year. The impact of using of categorical funds to supplement the QEIA program will diminish the effective implementation of other intervention programs.

It should be noted that Bethune Middle School has shown 89 points of academic growth as measured by the Academic Performance Index over the last five years.

Student Population: 1300

City Type: Urban

Public Hearing Date: 1/14/2014
Public Hearing Advertised: Newspaper—Los Angeles Daily Journal

Local Board Approval Date: 1/14/2014

Community Council Reviewed By: School Site Council
Community Council Reviewed Date: 1/24/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Maureen Sellier-Carter
Position: Coordinator
E-mail: maureen.sellier@lausd.net
Telephone: 213-241-6990
Fax:

Bargaining Unit Date: 11/19/2013
Name: United Teachers Los Angeles
Representative: Gregg Solkovits
Title: Vice President
Position: Neutral
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1964733 Waiver Number: 40-2-2014 Active Year: 2014

Date In: 2/10/2014 3:30:09 PM

Local Education Agency: Los Angeles Unified School District
Address: 333 South Beaudry Ave.
Los Angeles, CA 90017

Start: 7/1/2014 End: 6/29/2015

Waiver Renewal: Y
Previous Waiver Number: 52-12-2012-W-18 Previous SBE Approval Date: 3/14/2013

Waiver Topic: Quality Education Investment Act
Ed Code Title: Class Size Reduction Requirements
Ed Code Section: 52055.740 (a)(1)(A)(B)(i)(ii)(C)(i)(ii)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: (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.
(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.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to continue class size reduction targets as follows:

- All secondary QEIA schools would be required to meet a 25 to 1 target in grades 6/7-8 from July 1, 2014 to June 29, 2015.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.

At the current CSR targets, the school is able to afford utilizing the majority of QEIA dollars to purchase CSR teachers. If the school is required to assume its original CSR targets, categorical funds would have to be used to ensure the school can continue to have access to any QEIA carryover funds beyond the 2014-15 academic year. The impact of using of categorical funds to supplement the QEIA program will diminish the effective implementation of other intervention programs.

It should be noted that Carnegie Middle School has shown 58 points of academic growth as measured by the Academic Performance Index over the last five years.

Student Population: 900

City Type: Urban

Public Hearing Date: 1/14/2014
Public Hearing Advertised: Newspaper—Los Angeles Daily Journal

Local Board Approval Date: 1/14/2014

Community Council Reviewed By: School Site Council
Community Council Reviewed Date: 1/22/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Maureen Sellier-Carter
Position: Coordinator
E-mail: maureen.sellier@lausd.net
Telephone: 213-241-6990
Fax:

Bargaining Unit Date: 11/19/2013
Name: United Teachers Los Angeles
Representative: Gregg Solkovits
Title: Vice President
Position: Neutral
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1964733 Waiver Number: 41-2-2014 Active Year: 2014

Date In: 2/10/2014 3:31:24 PM

Local Education Agency: Los Angeles Unified School District
Address: 333 South Beaudry Ave.
Los Angeles, CA 90017

Start: 7/1/2014 End: 6/29/2015

Waiver Renewal: Y
Previous Waiver Number: 28-12-2012-W-18 Previous SBE Approval Date: 3/14/2013

Waiver Topic: Quality Education Investment Act
Ed Code Title: Class Size Reduction Requirements
Ed Code Section: 52055.740 (a)(1)(A)(B)(i)(ii)(C)(i)(ii)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: (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.
(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.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to continue class size reduction targets as follows:

- All elementary QEIA schools would be required to meet a 24 to 1 target in grades K-3 and in grades 4-5/6 a target of 25 to 1 would be implemented.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.

At the current CSR targets, the school is able to afford utilizing the majority of QEIA dollars to purchase CSR teachers. If the school is required to assume its original CSR targets, categorical funds would have to be used to ensure the school can continue to have access to any QEIA carryover funds beyond the 2014-15 academic year. The impact of using of categorical funds to supplement the QEIA program will diminish the effective implementation of other intervention programs.

It should be noted that Malabar Elementary has shown 62 points of academic growth as measured by the Academic Performance Index over the last five years.

Student Population: 750

City Type: Urban

Public Hearing Date: 1/14/2014
Public Hearing Advertised: Newspaper—Los Angeles Daily Journal 01/07/2014 – 01/13/2014

Local Board Approval Date: 1/14/2014

Community Council Reviewed By: School Site Council
Community Council Reviewed Date: 1/23/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Maureen Sellier-Carter
Position: Coordinator
E-mail: maureen.sellier@lausd.net
Telephone: 213-241-6990
Fax: 213-241-8032

Bargaining Unit Date: 11/19/2013
Name: United Teachers Los Angeles
Representative: Gregg Solkovits
Title: Vice President
Position: Neutral
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1964733 Waiver Number: 42-2-2014 Active Year: 2014

Date In: 2/10/2014 3:34:55 PM

Local Education Agency: Los Angeles Unified School District
Address: 333 South Beaudry Ave.
Los Angeles, CA 90017

Start: 7/1/2014 End: 6/29/2015

Waiver Renewal: Y
Previous Waiver Number: 53-12-2012-W-18 Previous SBE Approval Date: 3/14/2013

Waiver Topic: Quality Education Investment Act
Ed Code Title: Class Size Reduction Requirements
Ed Code Section: 52055.740 (a)(1)(A)(B)(i)(ii)(C)(i)(ii)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: (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.
(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.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to continue class size reduction targets as follows:

- All secondary QEIA schools would be required to meet a 25 to 1 target in grades 6/7-8 from July 1, 2014 to June 29, 2015.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.

At the current CSR targets, the school is able to afford utilizing the majority of QEIA dollars to purchase CSR teachers. If the school is required to assume its original CSR targets, categorical funds would have to be used to ensure the school can continue to have access to any QEIA carryover funds beyond the 2014-15 academic year. The impact of using of categorical funds to supplement the QEIA program will diminish the effective implementation of other intervention programs.

It should be noted that Cochran Middle School has shown 67 points of academic growth as measured by the Academic Performance Index over the last five years.

Student Population: 1000

City Type: Urban

Public Hearing Date: 1/14/2014
Public Hearing Advertised: Newspaper—Los Angeles Daily Journal

Local Board Approval Date: 1/14/2014

Community Council Reviewed By: School Site Council
Community Council Reviewed Date: 1/16/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Maureen Sellier-Carter
Position: Coordinator
E-mail: maureen.sellier@lausd.net
Telephone: 213-241-6990
Fax:

Bargaining Unit Date: 11/19/2013
Name: United Teachers Los Angeles
Representative: Gregg Solkovits
Title: Vice President
Position: Neutral
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1964733 Waiver Number: 43-2-2014 Active Year: 2014

Date In: 2/10/2014 3:37:57 PM

Local Education Agency: Los Angeles Unified School District
Address: 333 South Beaudry Ave.
Los Angeles, CA 90017

Start: 7/1/2014 End: 6/29/2015

Waiver Renewal: Y
Previous Waiver Number: 29-12-2012-W-18 Previous SBE Approval Date: 3/14/2013

Waiver Topic: Quality Education Investment Act
Ed Code Title: Class Size Reduction Requirements
Ed Code Section: 52055.740 (a)(1)(A)(B)(i)(ii)(C)(i)(ii)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: (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.
(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.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to continue class size reduction targets as follows:

All elementary QEIA schools would be required to meet a 24 to 1 target in grades K-3 and in grades 4-5/6 a target of 25 to 1 would be implemented.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.

At the current CSR targets, the school is able to afford utilizing the majority of QEIA dollars to purchase CSR teachers. If the school is required to assume its original CSR targets, categorical funds would have to be used to ensure the school can continue to have access to any QEIA carryover funds beyond the 2014-15 academic year. The impact of using of categorical funds to supplement the QEIA program will diminish the effective implementation of other intervention programs.

It should be noted that Manchester Elementary has shown 94 points of academic growth as measured by the Academic Performance Index over the last five years.

Student Population: 900

City Type: Urban

Public Hearing Date: 1/14/2014
Public Hearing Advertised: Newspaper—Los Angeles Daily Journal 01/07/2014 – 01/13/2014

Local Board Approval Date: 1/14/2014

Community Council Reviewed By: School Site Council
Community Council Reviewed Date: 2/7/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Maureen Sellier-Carter
Position: Coordinator
E-mail: maureen.sellier@lausd.net
Telephone: 213-241-6990
Fax: 213-241-8032

Bargaining Unit Date: 11/19/2013
Name: United Teachers Los Angeles
Representative: Gregg Solkovits
Title: Vice President
Position: Neutral
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1964733 Waiver Number: 44-2-2014 Active Year: 2014

Date In: 2/10/2014 3:38:56 PM

Local Education Agency: Los Angeles Unified School District
Address: 333 South Beaudry Ave.
Los Angeles, CA 90017

Start: 7/1/2014 End: 6/29/2015

Waiver Renewal: Y
Previous Waiver Number: 55-12-2012-W-18 Previous SBE Approval Date: 3/14/2013

Waiver Topic: Quality Education Investment Act
Ed Code Title: Class Size Reduction Requirements
Ed Code Section: 52055.740 (a)(1)(A)(B)(i)(ii)(C)(i)(ii)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: (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.
(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.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to continue class size reduction targets as follows:

- All secondary QEIA schools would be required to meet a 25 to 1 target in grades 6/7-8 from July 1, 2014 to June 29, 2015.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.

At the current CSR targets, the school is able to afford utilizing the majority of QEIA dollars to purchase CSR teachers. If the school is required to assume its original CSR targets, categorical funds would have to be used to ensure the school can continue to have access to any QEIA carryover funds beyond the 2014-15 academic year. The impact of using of categorical funds to supplement the QEIA program will diminish the effective implementation of other intervention programs.

It should be noted that Curtiss Middle School has shown 66 points of academic growth as measured by the Academic Performance Index over the last five years.

Student Population: 700

City Type: Urban

Public Hearing Date: 1/14/2014
Public Hearing Advertised: Newspaper—Los Angeles Daily Journal

Local Board Approval Date: 1/14/2014

Community Council Reviewed By: School Site Council
Community Council Reviewed Date: 1/21/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Maureen Sellier-Carter
Position: Coordinator
E-mail: maureen.sellier@lausd.net
Telephone: 213-241-6990
Fax:

Bargaining Unit Date: 11/19/2013
Name: United Teachers Los Angeles
Representative: Gregg Solkovits
Title: Vice President
Position: Neutral
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1964733 Waiver Number: 45-2-2014 Active Year: 2014

Date In: 2/10/2014 3:44:05 PM

Local Education Agency: Los Angeles Unified School District
Address: 333 South Beaudry Ave.
Los Angeles, CA 90017

Start: 7/1/2014 End: 6/29/2015

Waiver Renewal: Y
Previous Waiver Number: 30-12-2012-W-18 Previous SBE Approval Date: 3/14/2013

Waiver Topic: Quality Education Investment Act
Ed Code Title: Class Size Reduction Requirements
Ed Code Section: 52055.740 (a)(1)(A)(B)(i)(ii)(C)(i)(ii)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: (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.
(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.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to continue class size reduction targets as follows:

- All elementary QEIA schools would be required to meet a 24 to 1 target in grades K-3 and in grades 4-5/6 a target of 25 to 1 would be implemented.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.

At the current CSR targets, the school is able to afford utilizing the majority of QEIA dollars to purchase CSR teachers. If the school is required to assume its original CSR targets, categorical funds would have to be used to ensure the school can continue to have access to any QEIA carryover funds beyond the 2014-15 academic year. The impact of using of categorical funds to supplement the QEIA program will diminish the effective implementation of other intervention programs.

It should be noted that Miramonte Elementary has shown 46 points of academic growth as measured by the Academic Performance Index over the last five years.

Student Population: 900

City Type: Urban

Public Hearing Date: 1/14/2014
Public Hearing Advertised: Newspaper—Los Angeles Daily Journal 01/07/2014 – 01/13/2014

Local Board Approval Date: 1/14/2014

Community Council Reviewed By: School Site Council
Community Council Reviewed Date: 1/30/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Maureen Sellier-Carter
Position: Coordinator
E-mail: maureen.sellier@lausd.net
Telephone: 213-241-6990
Fax: 213-241-8032

Bargaining Unit Date: 11/19/2013
Name: United Teachers Los Angeles
Representative: Gregg Solkovits
Title: Vice President
Position: Neutral
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1964733 Waiver Number: 46-2-2014 Active Year: 2014

Date In: 2/10/2014 3:46:56 PM

Local Education Agency: Los Angeles Unified School District
Address: 333 South Beaudry Ave.
Los Angeles, CA 90017

Start: 7/1/2014 End: 6/29/2015

Waiver Renewal: Y
Previous Waiver Number: 56-12-2012-W-18 Previous SBE Approval Date: 3/14/2013

Waiver Topic: Quality Education Investment Act
Ed Code Title: Class Size Reduction Requirements
Ed Code Section: 52055.740 (a)(1)(A)(B)(i)(ii)(C)(i)(ii)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: (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.
(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.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to continue class size reduction targets as follows:

- All secondary QEIA schools would be required to meet a 25 to 1 target in grades 6/7-8 from July 1, 2014 to June 29, 2015.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.

At the current CSR targets, the school is able to afford utilizing the majority of QEIA dollars to purchase CSR teachers. If the school is required to assume its original CSR targets, categorical funds would have to be used to ensure the school can continue to have access to any QEIA carryover funds beyond the 2014-15 academic year. The impact of using of categorical funds to supplement the QEIA program will diminish the effective implementation of other intervention programs.

It should be noted that Edison Middle School has shown 133 points of academic growth as measured by the Academic Performance Index over the last five years.

Student Population: 1200

City Type: Urban

Public Hearing Date: 1/14/2014
Public Hearing Advertised: Newspaper—Los Angeles Daily Journal

Local Board Approval Date: 1/14/2014

Community Council Reviewed By: School Site Council
Community Council Reviewed Date: 1/27/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Maureen Sellier-Carter
Position: Coordinator
E-mail: maureen.sellier@lausd.net
Telephone: 213-241-6990
Fax:

Bargaining Unit Date: 11/19/2013
Name: United Teachers Los Angeles
Representative: Gregg Solkovits
Title: Vice President
Position: Neutral
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1964733 Waiver Number: 47-2-2014 Active Year: 2014

Date In: 2/10/2014 3:50:46 PM

Local Education Agency: Los Angeles Unified School District
Address: 333 South Beaudry Ave.
Los Angeles, CA 90017

Start: 7/1/2014 End: 6/29/2015

Waiver Renewal: Y
Previous Waiver Number: 57-12-2012-W-18 Previous SBE Approval Date: 3/14/2013

Waiver Topic: Quality Education Investment Act
Ed Code Title: Class Size Reduction Requirements
Ed Code Section: 52055.740 (a)(1)(A)(B)(i)(ii)(C)(i)(ii)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: (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.
(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.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to continue class size reduction targets as follows:

- All secondary QEIA schools would be required to meet a 25 to 1 target in grades 6/7-8 from July 1, 2014 to June 29, 2015.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.

At the current CSR targets, the school is able to afford utilizing the majority of QEIA dollars to purchase CSR teachers. If the school is required to assume its original CSR targets, categorical funds would have to be used to ensure the school can continue to have access to any QEIA carryover funds beyond the 2014-15 academic year. The impact of using of categorical funds to supplement the QEIA program will diminish the effective implementation of other intervention programs.

It should be noted that El Sereno Middle School has shown 107 points of academic growth as measured by the Academic Performance Index over the last five years.

Student Population: 1400

City Type: Urban

Public Hearing Date: 1/14/2014
Public Hearing Advertised: Newspaper—Los Angeles Daily Journal

Local Board Approval Date: 1/14/2014

Community Council Reviewed By: School Site Council
Community Council Reviewed Date: 2/6/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Maureen Sellier-Carter
Position: Coordinator
E-mail: maureen-sellier@lausd.net
Telephone: 213-241-6990
Fax:

Bargaining Unit Date: 11/19/2013
Name: United Teachers Los Angeles
Representative: Gregg Solkovits
Title: Vice President
Position: Neutral
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1964733 Waiver Number: 48-2-2014 Active Year: 2014

Date In: 2/10/2014 3:54:34 PM

Local Education Agency: Los Angeles Unified School District
Address: 333 South Beaudry Ave.
Los Angeles, CA 90017

Start: 7/1/2014 End: 6/29/2015

Waiver Renewal: Y
Previous Waiver Number: 58-12-2012-W-18 Previous SBE Approval Date: 3/14/2013

Waiver Topic: Quality Education Investment Act
Ed Code Title: Class Size Reduction Requirements
Ed Code Section: 52055.740(a)(1)(A)(B)(i)(ii)(C)(i)(ii)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: (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.
(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.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to continue class size reduction targets as follows:

- All secondary QEIA schools would be required to meet a 25 to 1 target in grades 6/7-8 from July 1, 2014 to June 29, 2015.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.

At the current CSR targets, the school is able to afford utilizing the majority of QEIA dollars to purchase CSR teachers. If the school is required to assume its original CSR targets, categorical funds would have to be used to ensure the school can continue to have access to any QEIA carryover funds beyond the 2014-15 academic year. The impact of using of categorical funds to supplement the QEIA program will diminish the effective implementation of other intervention programs.

It should be noted that Griffith Middle School has shown 63 points of academic growth as measured by the Academic Performance Index over the last five years.

Student Population: 1400

City Type: Urban

Public Hearing Date: 1/14/2014
Public Hearing Advertised: Newspaper—Los Angeles Daily Journal

Local Board Approval Date: 1/14/2014

Community Council Reviewed By: Schoolsite Council
Community Council Reviewed Date: 1/16/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Maureen Sellier-Carter
Position: Coordinator
E-mail: maureen.sellier@lausd.net
Telephone: 213-241-6990
Fax:

Bargaining Unit Date: 11/19/2013
Name: United Teachers Los Angeles
Representative: Gregg Solkovits
Title: Vice President
Position: Neutral
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1964733 Waiver Number: 49-2-2014 Active Year: 2014

Date In: 2/10/2014 3:58:15 PM

Local Education Agency: Los Angeles Unified School District
Address: 333 South Beaudry Ave.
Los Angeles, CA 90017

Start: 7/1/2014 End: 6/29/2015

Waiver Renewal: Y
Previous Waiver Number: 60-12-2012-W-18 Previous SBE Approval Date: 3/14/2013

Waiver Topic: Quality Education Investment Act
Ed Code Title: Class Size Reduction Requirements
Ed Code Section: 52055.740(a)(1)(A)(B)(i)(ii)(C)(i)(ii)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: (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.
(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.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to continue class size reduction targets as follows:

- All secondary QEIA schools would be required to meet a 25 to 1 target in grades 6/7-8 from July 1, 2014 to June 29, 2015.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.

At the current CSR targets, the school is able to afford utilizing the majority of QEIA dollars to purchase CSR teachers. If the school is required to assume its original CSR targets, categorical funds would have to be used to ensure the school can continue to have access to any QEIA carryover funds beyond the 2014-15 academic year. The impact of using of categorical funds to supplement the QEIA program will diminish the effective implementation of other intervention programs.

It should be noted that Harte Middle School has shown 69 points of academic growth as measured by the Academic Performance Index over the last five years.

Student Population: 1000

City Type: Urban

Public Hearing Date: 1/14/2014
Public Hearing Advertised: Newspaper—Los Angeles Daily Journal

Local Board Approval Date: 1/14/2014

Community Council Reviewed By: Schoolsite Council
Community Council Reviewed Date: 1/15/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Maureen Sellier-Carter
Position: Coordinator
E-mail: maureen.sellier@lausd.net
Telephone: 213-241-6990
Fax:

Bargaining Unit Date: 11/19/2013
Name: United Teachers Los Angeles
Representative: Gregg Solkovits
Title: Vice President
Position: Neutral
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1964733 Waiver Number: 50-2-2014 Active Year: 2014

Date In: 2/10/2014 3:58:36 PM

Local Education Agency: Los Angeles Unified School District
Address: 333 South Beaudry Ave.
Los Angeles, CA 90017

Start: 7/1/2014 End: 6/29/2015

Waiver Renewal: Y
Previous Waiver Number: 31-12-2012-W-18 Previous SBE Approval Date: 3/14/2013

Waiver Topic: Quality Education Investment Act
Ed Code Title: Class Size Reduction Requirements
Ed Code Section: 52055.740(a)(1)(A)(B)(i)(ii)(C)(i)(ii)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: (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.
(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.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to continue class size reduction targets as follows:

- All elementary QEIA schools would be required to meet a 24 to 1 target in grades K-3 and in grades 4-5/6 a target of 25 to 1 would be implemented.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.

At the current CSR targets, the school is able to afford utilizing the majority of QEIA dollars to purchase CSR teachers. If the school is required to assume its original CSR targets, categorical funds would have to be used to ensure the school can continue to have access to any QEIA carryover funds beyond the 2014-15 academic year. The impact of using of categorical funds to supplement the QEIA program will diminish the effective implementation of other intervention programs.

It should be noted that Napa Elementary has shown 112 points of academic growth as measured by the Academic Performance Index over the last five years.

Student Population: 500

City Type: Urban

Public Hearing Date: 1/14/2014
Public Hearing Advertised: Newspaper—Los Angeles Daily Journal 01/07/2014 – 01/13/2014

Local Board Approval Date: 1/14/2014

Community Council Reviewed By: Schoolsite Council
Community Council Reviewed Date: 1/22/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Maureen Sellier-Carter
Position: Coordinator
E-mail: maureen.sellier@lausd.net
Telephone: 213-241-6990
Fax: 213-241-8032

Bargaining Unit Date: 11/19/2013
Name: United Teachers Los Angeles
Representative: Gregg Solkovits
Title: Vice President
Position: Neutral
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1964733 Waiver Number: 51-2-2014 Active Year: 2014

Date In: 2/10/2014 4:05:01 PM

Local Education Agency: Los Angeles Unified School District
Address: 333 South Beaudry Ave.
Los Angeles, CA 90017

Start: 7/1/2014 End: 6/29/2015

Waiver Renewal: Y
Previous Waiver Number: 61-12-2012-W-18 Previous SBE Approval Date: 3/14/2013

Waiver Topic: Quality Education Investment Act
Ed Code Title: Class Size Reduction Requirements
Ed Code Section: 52055.740(a)(1)(A)(B)(i)(ii)(C)(i)(ii)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: (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.
(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.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to continue class size reduction targets as follows:

- All secondary QEIA schools would be required to meet a 25 to 1 target in grades 6/7-8 from July 1, 2014 to June 29, 2015.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.

At the current CSR targets, the school is able to afford utilizing the majority of QEIA dollars to purchase CSR teachers. If the school is required to assume its original CSR targets, categorical funds would have to be used to ensure the school can continue to have access to any QEIA carryover funds beyond the 2014-15 academic year. The impact of using of categorical funds to supplement the QEIA program will diminish the effective implementation of other intervention programs.

It should be noted that Hollenbeck Middle School has shown 104 points of academic growth as measured by the Academic Performance Index over the last five years.

Student Population: 1300

City Type: Urban

Public Hearing Date: 1/14/2014
Public Hearing Advertised: Newspaper—Los Angeles Daily Journal

Local Board Approval Date: 1/14/2014

Community Council Reviewed By: Schoolsite Council
Community Council Reviewed Date: 1/16/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Maureen Sellier-Carter
Position: Coordinator
E-mail: maureen.sellier@lausd.net
Telephone: 213-241-6990
Fax:

Bargaining Unit Date: 11/19/2013
Name: United Teachers Los Angeles
Representative: Gregg Solkovits
Title: Vice President
Position: Neutral
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1964733 Waiver Number: 52-2-2014 Active Year: 2014

Date In: 2/10/2014 4:08:45 PM

Local Education Agency: Los Angeles Unified School District
Address: 333 South Beaudry Ave.
Los Angeles, CA 90017

Start: 7/1/2014 End: 6/29/2015

Waiver Renewal: Y
Previous Waiver Number: 63-12-2012-W-18 Previous SBE Approval Date: 3/14/2013

Waiver Topic: Quality Education Investment Act
Ed Code Title: Class Size Reduction Requirements
Ed Code Section: 52055.740(a)(1)(A)(B)(i)(ii)(C)(i)(ii)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: (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.
(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.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to continue class size reduction targets as follows:

- All secondary QEIA schools would be required to meet a 25 to 1 target in grades 6/7-8 from July 1, 2014 to June 29, 2015.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.

At the current CSR targets, the school is able to afford utilizing the majority of QEIA dollars to purchase CSR teachers. If the school is required to assume its original CSR targets, categorical funds would have to be used to ensure the school can continue to have access to any QEIA carryover funds beyond the 2014-15 academic year. The impact of using of categorical funds to supplement the QEIA program will diminish the effective implementation of other intervention programs.

It should be noted that Le Conte Middle School has shown 88 points of academic growth as measured by the Academic Performance Index over the last five years.

Student Population: 700

City Type: Urban

Public Hearing Date: 1/14/2014
Public Hearing Advertised: Newspaper—Los Angeles Daily Journal

Local Board Approval Date: 1/14/2014

Community Council Reviewed By: Schoolsite Council
Community Council Reviewed Date: 2/6/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Maureen Sellier-Carter
Position: Coordinator
E-mail: maureen.sellier@lausd.net
Telephone: 213-241-6990
Fax:

Bargaining Unit Date: 11/19/2013
Name: United Teachers Los Angeles
Representative: Gregg Solkovits
Title: Vice President
Position: Neutral
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1964733 Waiver Number: 53-2-2014 Active Year: 2014

Date In: 2/10/2014 4:09:00 PM

Local Education Agency: Los Angeles Unified School District
Address: 333 South Beaudry Ave.
Los Angeles, CA 90017

Start: 7/1/2014 End: 6/29/2015

Waiver Renewal: Y
Previous Waiver Number: 31-12-2012-W-18 Previous SBE Approval Date: 3/14/2013

Waiver Topic: Quality Education Investment Act
Ed Code Title: Class Size Reduction Requirements
Ed Code Section: 52055.740(a)(1)(A)(B)(i)(ii)(C)(i)(ii)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: (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.
(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.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to continue class size reduction targets as follows:

- All elementary QEIA schools would be required to meet a 24 to 1 target in grades K-3 and in grades 4-5/6 a target of 25 to 1 would be implemented.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.

At the current CSR targets, the school is able to afford utilizing the majority of QEIA dollars to purchase CSR teachers. If the school is required to assume its original CSR targets, categorical funds would have to be used to ensure the school can continue to have access to any QEIA carryover funds beyond the 2014-15 academic year. The impact of using of categorical funds to supplement the QEIA program will diminish the effective implementation of other intervention programs.

It should be noted that Nevin Elementary has shown 115 points of academic growth as measured by the Academic Performance Index over the last five years.

Student Population: 640

City Type: Urban

Public Hearing Date: 1/14/2014
Public Hearing Advertised: Newspaper—Los Angeles Daily Journal 01/07/2014 – 01/13/2014

Local Board Approval Date: 1/14/2014

Community Council Reviewed By: Schoolsite Council
Community Council Reviewed Date: 1/15/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Maureen Sellier-Carter
Position: Coordinator
E-mail: maureen.sellier@lausd.net
Telephone: 213-241-6990
Fax: 213-241-8032

Bargaining Unit Date: 11/19/2013
Name: United Teachers Los Angeles
Representative: Gregg Solkovits
Title: Vice President
Position: Neutral
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1964733 Waiver Number: 54-2-2014 Active Year: 2014

Date In: 2/10/2014 4:12:41 PM

Local Education Agency: Los Angeles Unified School District
Address: 333 South Beaudry Ave.
Los Angeles, CA 90017

Start: 7/1/2014 End: 6/29/2015

Waiver Renewal: Y
Previous Waiver Number: 64-12-2012-W-18 Previous SBE Approval Date: 3/14/2013

Waiver Topic: Quality Education Investment Act
Ed Code Title: Class Size Reduction Requirements
Ed Code Section: 52055.740(a)(1)(A)(B)(i)(ii)(C)(i)(ii)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: (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.
(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.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to continue class size reduction targets as follows:

- All secondary QEIA schools would be required to meet a 25 to 1 target in grades 6/7-8 from July 1, 2014 to June 29, 2015.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.

At the current CSR targets, the school is able to afford utilizing the majority of QEIA dollars to purchase CSR teachers. If the school is required to assume its original CSR targets, categorical funds would have to be used to ensure the school can continue to have access to any QEIA carryover funds beyond the 2014-15 academic year. The impact of using of categorical funds to supplement the QEIA program will diminish the effective implementation of other intervention programs.

It should be noted that Liechty Middle School has shown 50 points of academic growth as measured by the Academic Performance Index over the last five years.

Student Population: 1200

City Type: Urban

Public Hearing Date: 1/14/2014
Public Hearing Advertised: Newspaper—Los Angeles Daily Journal

Local Board Approval Date: 1/14/2014

Community Council Reviewed By: Schoolsite Council
Community Council Reviewed Date: 2/7/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Maureen Sellier-Carter
Position: Coordinator
E-mail: maureen.sellier@lausd.net
Telephone: 213-241-6990
Fax:

Bargaining Unit Date: 11/19/2013
Name: United Teachers Los Angeles
Representative: Gregg Solkovits
Title: Vice President
Position: Neutral
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1964733 Waiver Number: 55-2-2014 Active Year: 2014

Date In: 2/10/2014 4:16:28 PM

Local Education Agency: Los Angeles Unified School District
Address: 333 South Beaudry Ave.
Los Angeles, CA 90017

Start: 7/1/2014 End: 6/29/2015

Waiver Renewal: Y
Previous Waiver Number: 33-12-2012-W-18 Previous SBE Approval Date: 3/14/2013

Waiver Topic: Quality Education Investment Act
Ed Code Title: Class Size Reduction Requirements
Ed Code Section: 52055.740(a)(1)(A)(B)(i)(ii)(C)(i)(ii)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: (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.
(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.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to continue class size reduction targets as follows:

All elementary QEIA schools would be required to meet a 24 to 1 target in grades K-3 and in grades 4-5/6 a target of 25 to 1 would be implemented.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.

At the current CSR targets, the school is able to afford utilizing the majority of QEIA dollars to purchase CSR teachers. If the school is required to assume its original CSR targets, categorical funds would have to be used to ensure the school can continue to have access to any QEIA carryover funds beyond the 2014-15 academic year. The impact of using of categorical funds to supplement the QEIA program will diminish the effective implementation of other intervention programs.

It should be noted that Park Elementary has shown 72 points of academic growth as measured by the Academic Performance Index over the last five years.

Student Population: 600

City Type: Urban

Public Hearing Date: 1/14/2014
Public Hearing Advertised: Newspaper—Los Angeles Daily Journal 01/07/2014 – 01/13/2014

Local Board Approval Date: 1/14/2014

Community Council Reviewed By: Schoolsite Council
Community Council Reviewed Date: 1/16/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Maureen Sellier-Carter
Position: Coordinator
E-mail: maureen.sellier@lausd.net
Telephone: 213-241-6990
Fax: 213-241-8032

Bargaining Unit Date: 11/19/2013
Name: United Teachers Los Angeles
Representative: Gregg Solkovits
Title: Vice President
Position: Neutral
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1964733 Waiver Number: 56-2-2014 Active Year: 2014

Date In: 2/10/2014 4:16:38 PM

Local Education Agency: Los Angeles Unified School District
Address: 333 South Beaudry Ave.
Los Angeles, CA 90017

Start: 7/1/2014 End: 6/29/2015

Waiver Renewal: Y
Previous Waiver Number: 66-12-2012-W-18 Previous SBE Approval Date: 3/14/2013

Waiver Topic: Quality Education Investment Act
Ed Code Title: Class Size Reduction Requirements
Ed Code Section: 52055.740(a)(1)(A)(B)(i)(ii)(C)(i)(ii)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: (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.
(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.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to continue class size reduction targets as follows:

- All secondary QEIA schools would be required to meet a 25 to 1 target in grades 6/7-8 from July 1, 2014 to June 29, 2015.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.

At the current CSR targets, the school is able to afford utilizing the majority of QEIA dollars to purchase CSR teachers. If the school is required to assume its original CSR targets, categorical funds would have to be used to ensure the school can continue to have access to any QEIA carryover funds beyond the 2014-15 academic year. The impact of using of categorical funds to supplement the QEIA program will diminish the effective implementation of other intervention programs.

It should be noted that Los Angeles Academy Middle School has shown 98 points of academic growth as measured by the Academic Performance Index over the last five years.

Student Population: 1700

City Type: Urban

Public Hearing Date: 1/14/2014
Public Hearing Advertised: Newspaper—Los Angeles Daily Journal

Local Board Approval Date: 1/14/2014

Community Council Reviewed By: Schoolsite Council
Community Council Reviewed Date: 1/22/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Maureen Sellier-Carter
Position: Coordinator
E-mail: maureen.sellier@lausd.net
Telephone: 213-241-6990
Fax:

Bargaining Unit Date: 11/19/2013
Name: United Teachers Los Angeles
Representative: Gregg Solkovits
Title: Vice President
Position: Neutral
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1964733 Waiver Number: 57-2-2014 Active Year: 2014

Date In: 2/10/2014 4:23:24 PM

Local Education Agency: Los Angeles Unified School District
Address: 333 South Beaudry Ave.
Los Angeles, CA 90017

Start: 7/1/2014 End: 6/29/2015

Waiver Renewal: Y
Previous Waiver Number: 67-12-2012-W-18 Previous SBE Approval Date: 3/14/2013

Waiver Topic: Quality Education Investment Act
Ed Code Title: Class Size Reduction Requirements
Ed Code Section: 52055.740(a)(1)(A)(B)(i)(ii)(C)(i)(ii)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: (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.
(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.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to continue class size reduction targets as follows:

- All secondary QEIA schools would be required to meet a 25 to 1 target in grades 6/7-8 from July 1, 2014 to June 29, 2015.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.

At the current CSR targets, the school is able to afford utilizing the majority of QEIA dollars to purchase CSR teachers. If the school is required to assume its original CSR targets, categorical funds would have to be used to ensure the school can continue to have access to any QEIA carryover funds beyond the 2014-15 academic year. The impact of using of categorical funds to supplement the QEIA program will diminish the effective implementation of other intervention programs.

It should be noted that Maclay Middle School has shown 126 points of academic growth as measured by the Academic Performance Index over the last five years.

Student Population: 800

City Type: Urban

Public Hearing Date: 1/14/2014
Public Hearing Advertised: Newspaper—Los Angeles Daily Journal

Local Board Approval Date: 1/14/2014

Community Council Reviewed By: Schoolsite Council
Community Council Reviewed Date: 2/7/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Maureen Sellier-Carter
Position: Coordinator
E-mail: maureen.sellier@lausd.net
Telephone: 213-241-6990
Fax:

Bargaining Unit Date: 11/19/2013
Name: United Teachers Los Angeles
Representative: Gregg Solkovits
Title: Vice President
Position: Neutral
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1964733 Waiver Number: 58-2-2014 Active Year: 2014

Date In: 2/10/2014 4:27:12 PM

Local Education Agency: Los Angeles Unified School District
Address: 333 South Beaudry Ave.
Los Angeles, CA 90017

Start: 7/1/2014 End: 6/29/2015

Waiver Renewal: Y
Previous Waiver Number: 69-12-2012-W-18 Previous SBE Approval Date: 3/14/2013

Waiver Topic: Quality Education Investment Act
Ed Code Title: Class Size Reduction Requirements
Ed Code Section: 52055.740(a)(1)(A)(B)(i)(ii)(C)(i)(ii)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: (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.
(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.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to continue class size reduction targets as follows:

- All secondary QEIA schools would be required to meet a 25 to 1 target in grades 6/7-8 from July 1, 2014 to June 29, 2015.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.

At the current CSR targets, the school is able to afford utilizing the majority of QEIA dollars to purchase CSR teachers. If the school is required to assume its original CSR targets, categorical funds would have to be used to ensure the school can continue to have access to any QEIA carryover funds beyond the 2014-15 academic year. The impact of using of categorical funds to supplement the QEIA program will diminish the effective implementation of other intervention programs.

It should be noted that Mark Twain Middle School has shown 63 points of academic growth as measured by the Academic Performance Index over the last five years.

Student Population: 700

City Type: Urban

Public Hearing Date: 1/14/2014
Public Hearing Advertised: Newspaper—Los Angeles Daily Journal

Local Board Approval Date: 1/14/2014

Community Council Reviewed By: Schoolsite Council
Community Council Reviewed Date: 2/7/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Maureen Sellier-Carter
Position: Coordinator
E-mail: maureen.sellier@lausd.net
Telephone: 213-241-6990
Fax:

Bargaining Unit Date: 11/19/2013
Name: United Teachers Los Angeles
Representative: Gregg Solkovits
Title: Vice President
Position: Neutral
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1964733 Waiver Number: 59-2-2014 Active Year: 2014

Date In: 2/10/2014 4:30:52 PM

Local Education Agency: Los Angeles Unified School District
Address: 333 South Beaudry Ave.
Los Angeles, CA 90017

Start: 7/1/2014 End: 6/29/2015

Waiver Renewal: Y
Previous Waiver Number: 70-12-2012-W-18 Previous SBE Approval Date: 3/14/2013

Waiver Topic: Quality Education Investment Act
Ed Code Title: Highly Qualified Teachers
Ed Code Section: 52055.740(a)(1)(A)(B)(i)(ii)(C)(i)(ii)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: (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.
(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.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to continue class size reduction targets as follows:

- All secondary QEIA schools would be required to meet a 25 to 1 target in grades 6/7-8 from July 1, 2014 to June 29, 2015.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.

At the current CSR targets, the school is able to afford utilizing the majority of QEIA dollars to purchase CSR teachers. If the school is required to assume its original CSR targets, categorical funds would have to be used to ensure the school can continue to have access to any QEIA carryover funds beyond the 2014-15 academic year. The impact of using of categorical funds to supplement the QEIA program will diminish the effective implementation of other intervention programs.

It should be noted that Markham Middle School has shown 97 points of academic growth as measured by the Academic Performance Index over the last five years.

Student Population: 1200

City Type: Urban

Public Hearing Date: 1/14/2014
Public Hearing Advertised: Newspaper—Los Angeles Daily Journal

Local Board Approval Date: 1/14/2014

Community Council Reviewed By: Schoolsite Council
Community Council Reviewed Date: 1/17/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Maureen Sellier-Carter
Position: Coordinator
E-mail: maureen.sellier@lausd.net
Telephone: 213-241-6990
Fax:

Bargaining Unit Date: 11/19/2013
Name: United Teachers Los Angeles
Representative: Gregg Solkovits
Title: Vice President
Position: Neutral
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1964733 Waiver Number: 60-2-2014 Active Year: 2014

Date In: 2/10/2014 4:33:49 PM

Local Education Agency: Los Angeles Unified School District
Address: 333 South Beaudry Ave.
Los Angeles, CA 90017

Start: 7/1/2014 End: 6/29/2015

Waiver Renewal: Y
Previous Waiver Number: 34-12-2012-W-18 Previous SBE Approval Date: 3/14/2013

Waiver Topic: Quality Education Investment Act
Ed Code Title: Class Size Reduction Requirements
Ed Code Section: 52055.740(a)(1)(A)(B)(i)(ii)(C)(i)(ii)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: (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.
(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.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to continue class size reduction targets as follows:

All elementary QEIA schools would be required to meet a 24 to 1 target in grades K-3 and in grades 4-5/6 a target of 25 to 1 would be implemented.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.

At the current CSR targets, the school is able to afford utilizing the majority of QEIA dollars to purchase CSR teachers. If the school is required to assume its original CSR targets, categorical funds would have to be used to ensure the school can continue to have access to any QEIA carryover funds beyond the 2014-15 academic year. The impact of using of categorical funds to supplement the QEIA program will diminish the effective implementation of other intervention programs.

It should be noted that Ritter Elementary has shown 90 points of academic growth as measured by the Academic Performance Index over the last five years.

Student Population: 400

City Type: Urban

Public Hearing Date: 1/14/2014
Public Hearing Advertised: Newspaper—Los Angeles Daily Journal 01/07/2014 – 01/13/2014

Local Board Approval Date: 1/14/2014

Community Council Reviewed By: Schoolsite Council
Community Council Reviewed Date: 1/29/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Maureen Sellier-Carter
Position: Coordinator
E-mail: maureen.sellier@lausd.net
Telephone: 213-241-6990
Fax: 213-241-8032

Bargaining Unit Date: 11/19/2013
Name: United Teachers Los Angeles
Representative: Gregg Solkovits
Title: Vice President
Position: Neutral
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1964733 Waiver Number: 61-2-2014 Active Year: 2014

Date In: 2/10/2014 4:34:24 PM

Local Education Agency: Los Angeles Unified School District
Address: 333 South Beaudry Ave.
Los Angeles, CA 90017

Start: 7/1/2014 End: 6/29/2015

Waiver Renewal: Y
Previous Waiver Number: 72-12-2012-W-18 Previous SBE Approval Date: 3/14/2013

Waiver Topic: Quality Education Investment Act
Ed Code Title: Class Size Reduction Requirements
Ed Code Section: 52055.740(a)(1)(A)(B)(i)(ii)(C)(i)(ii)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: (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.
(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.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to continue class size reduction targets as follows:

- All secondary QEIA schools would be required to meet a 25 to 1 target in grades 6/7-8 from July 1, 2014 to June 29, 2015.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.

At the current CSR targets, the school is able to afford utilizing the majority of QEIA dollars to purchase CSR teachers. If the school is required to assume its original CSR targets, categorical funds would have to be used to ensure the school can continue to have access to any QEIA carryover funds beyond the 2014-15 academic year. The impact of using of categorical funds to supplement the QEIA program will diminish the effective implementation of other intervention programs.

It should be noted that Muir Middle School has shown 140 points of academic growth as measured by the Academic Performance Index over the last five years.

Student Population: 1200

City Type: Urban

Public Hearing Date: 1/14/2014
Public Hearing Advertised: Newspaper—Los Angeles Daily Journal

Local Board Approval Date: 1/14/2014

Community Council Reviewed By: Schoolsite Council
Community Council Reviewed Date: 1/13/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Maureen Sellier-Carter
Position: Coordinator
E-mail: maureen.sellier@lausd.net
Telephone: 213-241-6990
Fax:

Bargaining Unit Date: 11/19/2013
Name: United Teachers Los Angeles
Representative: Gregg Solkovits
Title: Vice President
Position: Neutral
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1964733 Waiver Number: 62-2-2014 Active Year: 2014

Date In: 2/10/2014 4:37:59 PM

Local Education Agency: Los Angeles Unified School District
Address: 333 South Beaudry Ave.
Los Angeles, CA 90017

Start: 7/1/2014 End: 6/29/2015

Waiver Renewal: Y
Previous Waiver Number: 73-12-2012-W-18 Previous SBE Approval Date: 3/14/2013

Waiver Topic: Quality Education Investment Act
Ed Code Title: Class Size Reduction Requirements
Ed Code Section: 52055.740(a)(1)(A)(B)(i)(ii)(C)(i)(ii)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: (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.
(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.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to continue class size reduction targets as follows:

- All secondary QEIA schools would be required to meet a 25 to 1 target in grades 6/7-8 from July 1, 2014 to June 29, 2015.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.

At the current CSR targets, the school is able to afford utilizing the majority of QEIA dollars to purchase CSR teachers. If the school is required to assume its original CSR targets, categorical funds would have to be used to ensure the school can continue to have access to any QEIA carryover funds beyond the 2014-15 academic year. The impact of using of categorical funds to supplement the QEIA program will diminish the effective implementation of other intervention programs.

It should be noted that Nightingale Middle School has shown 76 points of academic growth as measured by the Academic Performance Index over the last five years.

Student Population: 1100

City Type: Urban

Public Hearing Date: 1/14/2014
Public Hearing Advertised: Newspaper—Los Angeles Daily Journal

Local Board Approval Date: 1/14/2014

Community Council Reviewed By: Schoolsite Council
Community Council Reviewed Date: 2/3/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Maureen Sellier-Carter
Position: Coordinator
E-mail: maureen.sellier@lausd.net
Telephone: 213-241-6990
Fax:

Bargaining Unit Date: 11/19/2013
Name: United Teachers Los Angeles
Representative: Gregg Solkovits
Title: Vice President
Position: Neutral
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1964733 Waiver Number: 63-2-2014 Active Year: 2014

Date In: 2/10/2014 4:40:45 PM

Local Education Agency: Los Angeles Unified School District
Address: 333 South Beaudry Ave.
Los Angeles, CA 90017

Start: 7/1/2014 End: 6/29/2015

Waiver Renewal: Y
Previous Waiver Number: 36-12-2012-W-18 Previous SBE Approval Date: 3/14/2013

Waiver Topic: Quality Education Investment Act
Ed Code Title: Class Size Reduction Requirements
Ed Code Section: 52055.740 (a)(1)(A)(B)(i)(ii)(C)(i)(ii)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: (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.
(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.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to continue class size reduction targets as follows:

- All elementary QEIA schools would be required to meet a 24 to 1 target in grades K-3 and in grades 4-5/6 a target of 25 to 1 would be implemented.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.

At the current CSR targets, the school is able to afford utilizing the majority of QEIA dollars to purchase CSR teachers. If the school is required to assume its original CSR targets, categorical funds would have to be used to ensure the school can continue to have access to any QEIA carryover funds beyond the 2014-15 academic year. The impact of using of categorical funds to supplement the QEIA program will diminish the effective implementation of other intervention programs.

It should be noted that Trinity Elementary has shown 85 points of academic growth as measured by the Academic Performance Index over the last five years.

Student Population: 450

City Type: Urban

Public Hearing Date: 1/14/2014
Public Hearing Advertised: Newspaper—Los Angeles Daily Journal 01/07/2014 – 01/13/2014

Local Board Approval Date: 1/14/2014

Community Council Reviewed By: Schoolsite Council
Community Council Reviewed Date: 1/23/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Maureen Sellier-Carter
Position: Coordinator
E-mail: maureen.sellier@lausd.net
Telephone: 213-241-6990
Fax: 213-241-8032

Bargaining Unit Date: 11/19/2013
Name: United Teachers Los Angeles
Representative: Gregg Solkovits
Title: Vice President
Position: Neutral
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1964733 Waiver Number: 64-2-2014 Active Year: 2014

Date In: 2/10/2014 4:41:35 PM

Local Education Agency: Los Angeles Unified School District
Address: 333 South Beaudry Ave.
Los Angeles, CA 90017

Start: 7/1/2014 End: 6/29/2015

Waiver Renewal: Y
Previous Waiver Number: 75-12-2012-W-18 Previous SBE Approval Date: 3/14/2013

Waiver Topic: Quality Education Investment Act
Ed Code Title: Class Size Reduction Requirements
Ed Code Section: 52055.740(a)(1)(A)(B)(i)(ii)(C)(i)(ii)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: (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.
(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.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to continue class size reduction targets as follows:

- All secondary QEIA schools would be required to meet a 25 to 1 target in grades 6/7-8 from July 1, 2014 to June 29, 2015.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.

At the current CSR targets, the school is able to afford utilizing the majority of QEIA dollars to purchase CSR teachers. If the school is required to assume its original CSR targets, categorical funds would have to be used to ensure the school can continue to have access to any QEIA carryover funds beyond the 2014-15 academic year. The impact of using of categorical funds to supplement the QEIA program will diminish the effective implementation of other intervention programs.

It should be noted that Nimitz Middle School has shown 92 points of academic growth as measured by the Academic Performance Index over the last five years.

Student Population: 2000

City Type: Urban

Public Hearing Date: 1/14/2014
Public Hearing Advertised: Newspaper—Los Angeles Daily Journal

Local Board Approval Date: 1/14/2014

Community Council Reviewed By: Schoolsite Council
Community Council Reviewed Date: 2/7/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Maureen Sellier-Carter
Position: Coordinator
E-mail: maureen.sellier@lausd.net
Telephone: 213-241-6990
Fax:

Bargaining Unit Date: 11/19/2013
Name: United Teachers Los Angeles
Representative: Gregg Solkovits
Title: Vice President
Position: Neutral
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1964733 Waiver Number: 65-2-2014 Active Year: 2014

Date In: 2/10/2014 4:46:47 PM

Local Education Agency: Los Angeles Unified School District
Address: 333 South Beaudry Ave.
Los Angeles, CA 90017

Start: 7/1/2014 End: 6/29/2015

Waiver Renewal: Y
Previous Waiver Number: 37-12-2012-W-18 Previous SBE Approval Date: 3/14/2013

Waiver Topic: Quality Education Investment Act
Ed Code Title: Class Size Reduction Requirements
Ed Code Section: 52055.740(a)(1)(A)(B)(i)(ii)(C)(i)(ii)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: (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.
(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.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to continue class size reduction targets as follows:

- All elementary QEIA schools would be required to meet a 24 to 1 target in grades K-3 and in grades 4-5/6 a target of 25 to 1 would be implemented.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.

At the current CSR targets, the school is able to afford utilizing the majority of QEIA dollars to purchase CSR teachers. If the school is required to assume its original CSR targets, categorical funds would have to be used to ensure the school can continue to have access to any QEIA carryover funds beyond the 2014-15 academic year. The impact of using of categorical funds to supplement the QEIA program will diminish the effective implementation of other intervention programs.

It should be noted that Vermont Elementary has shown 80 points of academic growth as measured by the Academic Performance Index over the last five years.

Student Population: 750

City Type: Urban

Public Hearing Date: 1/14/2014
Public Hearing Advertised: Newspaper—Los Angeles Daily Journal 01/07/2014 – 01/13/2014

Local Board Approval Date: 1/14/2014

Community Council Reviewed By: Schoolsite Council
Community Council Reviewed Date: 1/30/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Maureen Sellier-Carter
Position: Coordinator
E-mail: maureen.sellier@lausd.net
Telephone: 213-241-6990
Fax: 213-241-8032

Bargaining Unit Date: 11/19/2013
Name: United Teachers Los Angeles
Representative: Gregg Solkovits
Title: Vice President
Position: Neutral
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1964733 Waiver Number: 66-2-2014 Active Year: 2014

Date In: 2/10/2014 4:51:05 PM

Local Education Agency: Los Angeles Unified School District
Address: 333 South Beaudry Ave.
Los Angeles, CA 90017

Start: 7/1/2014 End: 6/29/2015

Waiver Renewal: Y
Previous Waiver Number: 76-12-2012-W-18 Previous SBE Approval Date: 3/14/2013

Waiver Topic: Quality Education Investment Act
Ed Code Title: Class Size Reduction Requirements
Ed Code Section: 52055.740(a)(1)(A)(B)(i)(ii)(C)(i)(ii)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: (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.
(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.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to continue class size reduction targets as follows:

- All secondary QEIA schools would be required to meet a 25 to 1 target in grades 6/7-8 from July 1, 2014 to June 29, 2015.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.

At the current CSR targets, the school is able to afford utilizing the majority of QEIA dollars to purchase CSR teachers. If the school is required to assume its original CSR targets, categorical funds would have to be used to ensure the school can continue to have access to any QEIA carryover funds beyond the 2014-15 academic year. The impact of using of categorical funds to supplement the QEIA program will diminish the effective implementation of other intervention programs.

It should be noted that Northridge Middle School has shown 82 points academic growth as measured by the Academic Performance Index over the last five years.

Student Population: 800

City Type: Urban

Public Hearing Date: 1/14/2014
Public Hearing Advertised: Newspaper—Los Angeles Daily Journal

Local Board Approval Date: 1/14/2014

Community Council Reviewed By: Schoolsite Council
Community Council Reviewed Date: 1/23/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Maureen Sellier-Carter
Position: Coordinator
E-mail: maureen.sellier@lausd.net
Telephone: 213-241-6990
Fax:

Bargaining Unit Date: 11/19/2013
Name: United Teachers Los Angeles
Representative: Gregg Solkovits
Title: Vice President
Position: Neutral
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1964733 Waiver Number: 67-2-2014 Active Year: 2014

Date In: 2/10/2014 4:52:22 PM

Local Education Agency: Los Angeles Unified School District
Address: 333 South Beaudry Ave.
Los Angeles, CA 90017

Start: 7/1/2014 End: 6/29/2015

Waiver Renewal: Y
Previous Waiver Number: 38-12-2012-W-18 Previous SBE Approval Date: 3/14/2013

Waiver Topic: Quality Education Investment Act
Ed Code Title: Class Size Reduction Requirements
Ed Code Section: 52055.740(a)(1)(A)(B)(i)(ii)(C)(i)(ii)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: (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.
(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.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to continue class size reduction targets as follows:

All elementary QEIA schools would be required to meet a 24 to 1 target in grades K-3 and in grades 4-5/6 a target of 25 to 1 would be implemented.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.

At the current CSR targets, the school is able to afford utilizing the majority of QEIA dollars to purchase CSR teachers. If the school is required to assume its original CSR targets, categorical funds would have to be used to ensure the school can continue to have access to any QEIA carryover funds beyond the 2014-15 academic year. The impact of using of categorical funds to supplement the QEIA program will diminish the effective implementation of other intervention programs.

It should be noted that West Vernon Elementary has shown 138 points of academic growth as measured by the Academic Performance Index over the last five years.

Student Population: 700

City Type: Urban

Public Hearing Date: 1/14/2014
Public Hearing Advertised: Newspaper—Los Angeles Daily Journal 01/07/2014 – 01/13/2014

Local Board Approval Date: 1/14/2014

Community Council Reviewed By: Schoolsite Council
Community Council Reviewed Date: 1/27/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Maureen Sellier-Carter
Position: Coordinator
E-mail: maureen.sellier@lausd.net
Telephone: 213-241-6990
Fax: 213-241-8032

Bargaining Unit Date: 11/19/2013
Name: United Teachers Los Angeles
Representative: Gregg Solkovits
Title: Vice President
Position: Neutral
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1964733 Waiver Number: 68-2-2014 Active Year: 2014

Date In: 2/10/2014 4:54:59 PM

Local Education Agency: Los Angeles Unified School District
Address: 333 South Beaudry Ave.
Los Angeles, CA 90017

Start: 7/1/2014 End: 6/29/2015

Waiver Renewal: Y
Previous Waiver Number: 78-12-2012-W-18 Previous SBE Approval Date: 3/14/2013

Waiver Topic: Quality Education Investment Act
Ed Code Title: Class Size Reduction Requirements
Ed Code Section: 52055.740(a)(1)(A)(B)(i)(ii)(C)(i)(ii)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: (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.
(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.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to continue class size reduction targets as follows:

- All secondary QEIA schools would be required to meet a 25 to 1 target in grades 6/7-8 from July 1, 2014 to June 29, 2015.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.

At the current CSR targets, the school is able to afford utilizing the majority of QEIA dollars to purchase CSR teachers. If the school is required to assume its original CSR targets, categorical funds would have to be used to ensure the school can continue to have access to any QEIA carryover funds beyond the 2014-15 academic year. The impact of using of categorical funds to supplement the QEIA program will diminish the effective implementation of other intervention programs.

It should be noted that Olive Vista Middle School has shown 111 points of academic growth as measured by the Academic Performance Index over the last five years.

Student Population: 1300

City Type: Urban

Public Hearing Date: 1/14/2014
Public Hearing Advertised: Newspaper—Los Angeles Daily Journal

Local Board Approval Date: 1/14/2014

Community Council Reviewed By: Schoolsite Council
Community Council Reviewed Date: 1/21/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Maureen Sellier-Carter
Position: Coordinator
E-mail: maureen.sellier@lausd.net
Telephone: 213-241-6990
Fax:

Bargaining Unit Date: 11/19/2013
Name: United Teachers Los Angeles
Representative: Gregg Solkovits
Title: Vice President
Position: Neutral
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1964733 Waiver Number: 69-2-2014 Active Year: 2014

Date In: 2/10/2014 4:57:58 PM

Local Education Agency: Los Angeles Unified School District
Address: 333 South Beaudry Ave.
Los Angeles, CA 90017

Start: 7/1/2014 End: 6/29/2015

Waiver Renewal: Y
Previous Waiver Number: 40-12-2012-W-18 Previous SBE Approval Date: 3/14/2013

Waiver Topic: Quality Education Investment Act
Ed Code Title: Class Size Reduction Requirements
Ed Code Section: 52055.740(a)(1)(A)(B)(i)(ii)(C)(i)(ii)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: (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.
(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.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to continue class size reduction targets as follows:

- All elementary QEIA schools would be required to meet a 24 to 1 target in grades K-3 and in grades 4-5/6 a target of 25 to 1 would be implemented.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.

At the current CSR targets, the school is able to afford utilizing the majority of QEIA dollars to purchase CSR teachers. If the school is required to assume its original CSR targets, categorical funds would have to be used to ensure the school can continue to have access to any QEIA carryover funds beyond the 2014-15 academic year. The impact of using of categorical funds to supplement the QEIA program will diminish the effective implementation of other intervention programs.

It should be noted that Western Elementary has shown 116 points of academic growth as measured by the Academic Performance Index over the last five years.

Student Population: 550

City Type: Urban

Public Hearing Date: 1/14/2014
Public Hearing Advertised: Newspaper—Los Angeles Daily Journal 01/07/2014 – 01/13/2014

Local Board Approval Date: 1/14/2014

Community Council Reviewed By: Schoolsite Council
Community Council Reviewed Date: 2/7/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Maureen Sellier-Carter
Position: Coordinator
E-mail: maureen.sellier@lausd.net
Telephone: 213-241-6990
Fax: 213-241-8032

Bargaining Unit Date: 11/19/2013
Name: United Teachers Los Angeles
Representative: Gregg Solkovits
Title: Vice President
Position: Neutral
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1964733 Waiver Number: 70-2-2014 Active Year: 2014

Date In: 2/10/2014 4:59:22 PM

Local Education Agency: Los Angeles Unified School District
Address: 333 South Beaudry Ave.
Los Angeles, CA 90017

Start: 7/1/2014 End: 6/29/2015

Waiver Renewal: Y
Previous Waiver Number: 94-12-2012-W-18 Previous SBE Approval Date: 3/14/2013

Waiver Topic: Quality Education Investment Act
Ed Code Title: Class Size Reduction Requirements
Ed Code Section: 52055.740(a)(1)(A)(B)(i)(ii)(C)(i)(ii)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: (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.
(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.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to continue class size reduction targets as follows:

- All secondary QEIA schools would be required to meet a 25 to 1 target in grades 6/7-8 from July 1, 2014 to June 29, 2015.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.

At the current CSR targets, the school is able to afford utilizing the majority of QEIA dollars to purchase CSR teachers. If the school is required to assume its original CSR targets, categorical funds would have to be used to ensure the school can continue to have access to any QEIA carryover funds beyond the 2014-15 academic year. The impact of using of categorical funds to supplement the QEIA program will diminish the effective implementation of other intervention programs.

It should be noted that Peary Middle School has shown 80 points of academic growth as measured by the Academic Performance Index over the last five years.

Student Population: 1700

City Type: Urban

Public Hearing Date: 1/14/2014
Public Hearing Advertised: Newspaper—Los Angeles Daily Journal

Local Board Approval Date: 1/14/2014

Community Council Reviewed By: Schoolsite Council
Community Council Reviewed Date: 1/23/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Maureen Sellier-Carter
Position: Coordinator
E-mail: maureen.sellier@lausd.net
Telephone: 213-241-6990
Fax:

Bargaining Unit Date: 11/19/2013
Name: United Teachers Los Angeles
Representative: Gregg Solkovits
Title: Vice President
Position: Neutral
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1964733 Waiver Number: 71-2-2014 Active Year: 2014

Date In: 2/10/2014 5:04:43 PM

Local Education Agency: Los Angeles Unified School District
Address: 333 South Beaudry Ave.
Los Angeles, CA 90017

Start: 7/1/2014 End: 6/29/2015

Waiver Renewal: Y
Previous Waiver Number: 42-12-2012-W-18 Previous SBE Approval Date: 3/14/2013

Waiver Topic: Quality Education Investment Act
Ed Code Title: Class Size Reduction Requirements
Ed Code Section: 52055.740(a)(1)(A)(B)(i)(ii)(C)(i)(ii)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: (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.
(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.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to continue class size reduction targets as follows:

- All elementary QEIA schools would be required to meet a 24 to 1 target in grades K-3 and in grades 4-5/6 a target of 25 to 1 would be implemented.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.

At the current CSR targets, the school is able to afford utilizing the majority of QEIA dollars to purchase CSR teachers. If the school is required to assume its original CSR targets, categorical funds would have to be used to ensure the school can continue to have access to any QEIA carryover funds beyond the 2014-15 academic year. The impact of using of categorical funds to supplement the QEIA program will diminish the effective implementation of other intervention programs.

It should be noted that YES Academy has shown 65 points of academic growth as measured by the Academic Performance Index over the last five years.

Student Population: 700

City Type: Urban

Public Hearing Date: 1/14/2014
Public Hearing Advertised: Newspaper—Los Angeles Daily Journal 01/07/2014 – 01/13/2014

Local Board Approval Date: 1/14/2014

Community Council Reviewed By: Schoolsite Council
Community Council Reviewed Date: 1/27/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Maureen Sellier-Carter
Position: Coordinator
E-mail: maureen.sellier@lausd.net
Telephone: 213-241-6990
Fax: 213-241-8032

Bargaining Unit Date: 11/19/2013
Name: United Teachers Los Angeles
Representative: Gregg Solkovits
Title: Vice President
Position: Neutral
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1964733 Waiver Number: 72-2-2014 Active Year: 2014

Date In: 2/10/2014 5:05:49 PM

Local Education Agency: Los Angeles Unified School District
Address: 333 South Beaudry Ave.
Los Angeles, CA 90017

Start: 7/1/2014 End: 6/29/2015

Waiver Renewal: Y
Previous Waiver Number: 79-12-2012-W-18 Previous SBE Approval Date: 3/14/2013

Waiver Topic: Quality Education Investment Act
Ed Code Title: Class Size Reduction Requirements
Ed Code Section: 52055.740(a)(1)(A)(B)(i)(ii)(C)(i)(ii)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: (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.
(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.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to continue class size reduction targets as follows:

- All secondary QEIA schools would be required to meet a 25 to 1 target in grades 6/7-8 from July 1, 2014 to June 29, 2015.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.

At the current CSR targets, the school is able to afford utilizing the majority of QEIA dollars to purchase CSR teachers. If the school is required to assume its original CSR targets, categorical funds would have to be used to ensure the school can continue to have access to any QEIA carryover funds beyond the 2014-15 academic year. The impact of using of categorical funds to supplement the QEIA program will diminish the effective implementation of other intervention programs.

It should be noted that San Fernando Middle School has shown 60 points of academic growth as measured by the Academic Performance Index over the last five years.

Student Population: 1000

City Type: Urban

Public Hearing Date: 1/14/2014
Public Hearing Advertised: Newspaper—Los Angeles Daily Journal

Local Board Approval Date: 1/14/2014

Community Council Reviewed By: Schoolsite Council
Community Council Reviewed Date: 2/7/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Maureen Sellier-Carter
Position: Coordinator
E-mail: maureen.sellier@lausd.net
Telephone: 213-241-6990
Fax:

Bargaining Unit Date: 11/19/2013
Name: United Teachers Los Angeles
Representative: Gregg Solkovits
Title: Vice President
Position: Neutral
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1964733 Waiver Number: 73-2-2014 Active Year: 2014

Date In: 2/10/2014 5:10:55 PM

Local Education Agency: Los Angeles Unified School District
Address: 333 South Beaudry Ave.
Los Angeles, CA 90017

Start: 7/1/2014 End: 6/29/2015

Waiver Renewal: Y
Previous Waiver Number: 80-12-2012-W-18 Previous SBE Approval Date: 3/14/2013

Waiver Topic: Quality Education Investment Act
Ed Code Title: Class Size Reduction Requirements
Ed Code Section: 52055.740(a)(1)(A)(B)(i)(ii)(C)(i)(ii)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: (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.
(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.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to continue class size reduction targets as follows:

- All secondary QEIA schools would be required to meet a 25 to 1 target in grades 6/7-8 from July 1, 2014 to June 29, 2015.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.

At the current CSR targets, the school is able to afford utilizing the majority of QEIA dollars to purchase CSR teachers. If the school is required to assume its original CSR targets, categorical funds would have to be used to ensure the school can continue to have access to any QEIA carryover funds beyond the 2014-15 academic year. The impact of using of categorical funds to supplement the QEIA program will diminish the effective implementation of other intervention programs.

It should be noted that Sepulveda Middle School has shown 30 points of academic growth as measured by the Academic Performance Index over the last five years.

Student Population: 1600

City Type: Urban

Public Hearing Date: 1/14/2014
Public Hearing Advertised: Newspaper—Los Angeles Daily Journal

Local Board Approval Date: 1/14/2014

Community Council Reviewed By: Schoolsite Council
Community Council Reviewed Date: 12/3/2013
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Maureen Sellier-Carter
Position: Coordinator
E-mail: maureen.sellier@lausd.net
Telephone: 213-241-6990
Fax:

Bargaining Unit Date: 11/19/2013
Name: United Teachers Los Angeles
Representative: Gregg Solkovits
Title: Vice President
Position: Neutral
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1964733 Waiver Number: 74-2-2014 Active Year: 2014

Date In: 2/10/2014 5:14:33 PM

Local Education Agency: Los Angeles Unified School District
Address: 333 South Beaudry Ave.
Los Angeles, CA 90017

Start: 7/1/2014 End: 6/29/2015

Waiver Renewal: Y
Previous Waiver Number: 83-12-2012-W-18 Previous SBE Approval Date: 3/14/2013

Waiver Topic: Quality Education Investment Act
Ed Code Title: Class Size Reduction Requirements
Ed Code Section: 52055.740(a)(1)(A)(B)(i)(ii)(C)(i)(ii)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: (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.
(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.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to continue class size reduction targets as follows:

- All secondary QEIA schools would be required to meet a 25 to 1 target in grades 6/7-8 from July 1, 2014 to June 29, 2015.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.

At the current CSR targets, the school is able to afford utilizing the majority of QEIA dollars to purchase CSR teachers. If the school is required to assume its original CSR targets, categorical funds would have to be used to ensure the school can continue to have access to any QEIA carryover funds beyond the 2014-15 academic year. The impact of using of categorical funds to supplement the QEIA program will diminish the effective implementation of other intervention programs.

It should be noted that San Fernando Institute of Applied Media Middle School has an API score of 706, which serves as the base year.

Student Population: 400

City Type: Urban

Public Hearing Date: 1/14/2014
Public Hearing Advertised: Newspaper—Los Angeles Daily Journal

Local Board Approval Date: 1/14/2014

Community Council Reviewed By: Schoolsite Council
Community Council Reviewed Date: 2/7/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Maureen Sellier-Carter
Position: Coordinator
E-mail: maureen.sellier@lausd.net
Telephone: 213-241-6990
Fax:

Bargaining Unit Date: 11/19/2013
Name: United Teachers Los Angeles
Representative: Gregg Solkovits
Title: Vice President
Position: Neutral
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1964733 Waiver Number: 75-2-2014 Active Year: 2014

Date In: 2/10/2014 5:15:21 PM

Local Education Agency: Los Angeles Unified School District
Address: 333 South Beaudry Ave.
Los Angeles, CA 90017

Start: 7/1/2014 End: 6/29/2015

Waiver Renewal: Y
Previous Waiver Number: 92-12-2012-W-18 Previous SBE Approval Date: 3/14/2013

Waiver Topic: Quality Education Investment Act
Ed Code Title: Class Size Reduction Requirements
Ed Code Section: 52055.740(a)(1)(A)(B)(i)(ii)(C)(i)(ii)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: (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.
(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.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to continue class size reduction targets as follows:

- All secondary QEIA schools would be required to meet a 25 to 1 target in grades 6/7-8 from July 1, 2014 to June 29, 2015.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.

At the current CSR targets, the school is able to afford utilizing the majority of QEIA dollars to purchase CSR teachers. If the school is required to assume its original CSR targets, categorical funds would have to be used to ensure the school can continue to have access to any QEIA carryover funds beyond the 2014-15 academic year. The impact of using of categorical funds to supplement the QEIA program will diminish the effective implementation of other intervention programs.

It should be noted that Wilmington Middle School has shown 115 points of academic growth as measured by the Academic Performance Index over the last five years.

Student Population: 1600

City Type: Urban

Public Hearing Date: 1/14/2014
Public Hearing Advertised: Newspaper—Los Angeles Daily Journal 01/07/2014 – 01/13/2014

Local Board Approval Date: 1/14/2014

Community Council Reviewed By: Schoolsite Council
Community Council Reviewed Date: 2/7/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Maureen Sellier-Carter
Position: Coordinator
E-mail: maureen.sellier@lausd.net
Telephone: 213-241-6990
Fax: 213-241-8032

Bargaining Unit Date: 11/19/2013
Name: United Teachers Los Angeles
Representative: Gregg Solkovits
Title: Vice President
Position: Neutral
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1964733 Waiver Number: 76-2-2014 Active Year: 2014

Date In: 2/10/2014 5:18:14 PM

Local Education Agency: Los Angeles Unified School District
Address: 333 South Beaudry Ave.
Los Angeles, CA 90017

Start: 7/1/2014 End: 6/29/2015

Waiver Renewal: Y
Previous Waiver Number: 84-12-2012-W-18 Previous SBE Approval Date: 3/14/2013

Waiver Topic: Quality Education Investment Act
Ed Code Title: Class Size Reduction Requirements
Ed Code Section: 52055.740(a)(1)(A)(B)(i)(ii)(C)(i)(ii)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: (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.
(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.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to continue class size reduction targets as follows:

- All secondary QEIA schools would be required to meet a 25 to 1 target in grades 6/7-8 from July 1, 2014 to June 29, 2015.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.

At the current CSR targets, the school is able to afford utilizing the majority of QEIA dollars to purchase CSR teachers. If the school is required to assume its original CSR targets, categorical funds would have to be used to ensure the school can continue to have access to any QEIA carryover funds beyond the 2014-15 academic year. The impact of using of categorical funds to supplement the QEIA program will diminish the effective implementation of other intervention programs.

It should be noted that Sun Valley Middle School has shown 46 points of academic growth as measured by the Academic Performance Index over the last five years.

Student Population: 1100

City Type: Urban

Public Hearing Date: 1/14/2014
Public Hearing Advertised: Newspaper—Los Angeles Daily Journal

Local Board Approval Date: 1/14/2014

Community Council Reviewed By: Schoolsite Council
Community Council Reviewed Date: 2/7/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Maureen Sellier-Carter
Position: Coordinator
E-mail: maureen.sellier@lausd.net
Telephone: 213-241-6990
Fax:

Bargaining Unit Date: 11/19/2013
Name: United Teachers Los Angeles
Representative: Gregg Solkovits
Title: Vice President
Position: Neutral
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1964733 Waiver Number: 77-2-2014 Active Year: 2014

Date In: 2/10/2014 5:22:38 PM

Local Education Agency: Los Angeles Unified School District
Address: 333 South Beaudry Ave.
Los Angeles, CA 90017

Start: 7/1/2014 End: 6/29/2015

Waiver Renewal: Y
Previous Waiver Number: 86-12-2012-W-18 Previous SBE Approval Date: 3/14/2013

Waiver Topic: Quality Education Investment Act
Ed Code Title: Class Size Reduction Requirements
Ed Code Section: 52055.740(a)(1)(A)(B)(i)(ii)(C)(i)(ii)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: (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.
(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.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to continue class size reduction targets as follows:

- All secondary QEIA schools would be required to meet a 25 to 1 target in grades 6/7-8 from July 1, 2014 to June 29, 2015.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.

At the current CSR targets, the school is able to afford utilizing the majority of QEIA dollars to purchase CSR teachers. If the school is required to assume its original CSR targets, categorical funds would have to be used to ensure the school can continue to have access to any QEIA carryover funds beyond the 2014-15 academic year. The impact of using of categorical funds to supplement the QEIA program will diminish the effective implementation of other intervention programs.

It should be noted that Van Nuys Middle School has shown 62 points of academic growth as measured by the Academic Performance Index over the last five years.

Student Population: 1300

City Type: Urban

Public Hearing Date: 1/14/2014
Public Hearing Advertised: Newspaper—Los Angeles Daily Journal

Local Board Approval Date: 1/14/2014

Community Council Reviewed By: Schoolsite Council
Community Council Reviewed Date: 1/21/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Maureen Sellier-Carter
Position: Coordinator
E-mail: maureen.sellier@lausd.net
Telephone: 213-241-6990
Fax:

Bargaining Unit Date: 11/19/2013
Name: United Teachers Los Angeles
Representative: Gregg Solkovits
Title: Vice President
Position: Neutral
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1964733 Waiver Number: 78-2-2014 Active Year: 2014

Date In: 2/10/2014 5:23:51 PM

Local Education Agency: Los Angeles Unified School District
Address: 333 South Beaudry Ave.
Los Angeles, CA 90017

Start: 7/1/2014 End: 6/29/2015

Waiver Renewal: Y
Previous Waiver Number: 90-12-2012-W-18 Previous SBE Approval Date: 3/14/2013

Waiver Topic: Quality Education Investment Act
Ed Code Title: Class Size Reduction Requirements
Ed Code Section: 52055.740(a)(1)(A)(B)(i)(ii)(C)(i)(ii)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: (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.
(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.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to continue class size reduction targets as follows:

- All secondary QEIA schools would be required to meet a 25 to 1 target in grades 6/7-8 from July 1, 2014 to June 29, 2015.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.

At the current CSR targets, the school is able to afford utilizing the majority of QEIA dollars to purchase CSR teachers. If the school is required to assume its original CSR targets, categorical funds would have to be used to ensure the school can continue to have access to any QEIA carryover funds beyond the 2014-15 academic year. The impact of using of categorical funds to supplement the QEIA program will diminish the effective implementation of other intervention programs.

It should be noted that Webster Middle School has shown 66 points of academic growth as measured by the Academic Performance Index over the last five years.

Student Population: 630

City Type: Urban

Public Hearing Date: 1/14/2014
Public Hearing Advertised: Newspaper—Los Angeles Daily Journal 01/07/2014 – 01/13/2014

Local Board Approval Date: 1/14/2014

Community Council Reviewed By: Schoolsite Council
Community Council Reviewed Date: 2/7/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Maureen Sellier-Carter
Position: Coordinator
E-mail: maureen.sellier@lausd.net
Telephone: 213-241-6990
Fax: 213-241-8032

Bargaining Unit Date: 11/19/2013
Name: United Teachers Los Angeles
Representative: Gregg Solkovits
Title: Vice President
Position: Neutral
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1964733 Waiver Number: 79-2-2014 Active Year: 2014

Date In: 2/10/2014 5:28:46 PM

Local Education Agency: Los Angeles Unified School District
Address: 333 South Beaudry Ave.
Los Angeles, CA 90017

Start: 7/1/2014 End: 6/29/2015

Waiver Renewal: Y
Previous Waiver Number: 87-12-2012-W-18 Previous SBE Approval Date: 3/14/2013

Waiver Topic: Quality Education Investment Act
Ed Code Title: Class Size Reduction Requirements
Ed Code Section: 52055.740(a)(1)(A)(B)(i)(ii)(C)(i)(ii)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: (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.
(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.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to continue class size reduction targets as follows:

- All secondary QEIA schools would be required to meet a 25 to 1 target in grades 6/7-8 from July 1, 2014 to June 29, 2015.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.

At the current CSR targets, the school is able to afford utilizing the majority of QEIA dollars to purchase CSR teachers. If the school is required to assume its original CSR targets, categorical funds would have to be used to ensure the school can continue to have access to any QEIA carryover funds beyond the 2014-15 academic year. The impact of using of categorical funds to supplement the QEIA program will diminish the effective implementation of other intervention programs.

It should be noted that Virgil Middle School has shown 38 points of academic growth as measured by the Academic Performance Index over the last five years.

Student Population: 1100

City Type: Urban

Public Hearing Date: 1/14/2014
Public Hearing Advertised: Newspaper—Los Angeles Daily Journal

Local Board Approval Date: 1/14/2014

Community Council Reviewed By: Schoolsite Council
Community Council Reviewed Date: 2/6/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Maureen Sellier-Carter
Position: Coordinator
E-mail: maureen.sellier@lausd.net
Telephone: 213-241-6990
Fax:

Bargaining Unit Date: 11/19/2013
Name: United Teachers Los Angeles
Representative: Gregg Solkovits
Title: Vice President
Position: Neutral
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1964733 Waiver Number: 80-2-2014 Active Year: 2014

Date In: 2/10/2014 5:30:17 PM

Local Education Agency: Los Angeles Unified School District
Address: 333 South Beaudry Ave.
Los Angeles, CA 90017

Start: 7/1/2014 End: 6/29/2015

Waiver Renewal: Y
Previous Waiver Number: 89-12-2012-W-18 Previous SBE Approval Date: 3/14/2013

Waiver Topic: Quality Education Investment Act
Ed Code Title: Class Size Reduction Requirements
Ed Code Section: 52055.740(a)(1)(A)(B)(i)(ii)(C)(i)(ii)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: (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.
(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.

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to continue class size reduction targets as follows:

- All secondary QEIA schools would be required to meet a 25 to 1 target in grades 6/7-8 from July 1, 2014 to June 29, 2015.

In 2007, the Los Angeles County Office of Education (LACOE) in collaboration with the Los Angeles Unified School District did a preliminary seven-year projection to calculate the annual cost of QEIA when implemented. Based upon this projection, regular application QEIA schools were advised to save QEIA dollars allocated given the ability of these funds to carry over from year to year. The carryover dollars would provide a means by which a school could later scale down of staff purchased using QEIA funds after the program ended.

At the current CSR targets, the school is able to afford utilizing the majority of QEIA dollars to purchase CSR teachers. If the school is required to assume its original CSR targets, categorical funds would have to be used to ensure the school can continue to have access to any QEIA carryover funds beyond the 2014-15 academic year. The impact of using of categorical funds to supplement the QEIA program will diminish the effective implementation of other intervention programs.

It should be noted that Vista Middle School has shown 60 points of academic growth as measured by the Academic Performance Index over the last five years.

Student Population: 1500

City Type: Urban

Public Hearing Date: 1/14/2014
Public Hearing Advertised: Newspaper—Los Angeles Daily Journal 01/07/2014 – 01/13/2014

Local Board Approval Date: 1/14/2014

Community Council Reviewed By: Schoolsite Council
Community Council Reviewed Date: 1/27/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Maureen Sellier-Carter
Position: Coordinator
E-mail: maureen.sellier@lausd.net
Telephone: 213-241-6990
Fax: 213-241-8032

Bargaining Unit Date: 11/19/2013
Name: United Teachers Los Angeles
Representative: Gregg Solkovits
Title: Vice President
Position: Neutral
Comments:

California State Board of Education

Meeting Agenda Items for May 7-8, 2014

WAIVER ITEM W-20

ITEM #W-20

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2014 AGENDA

☒ **General Waiver**

SUBJECT

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

Waiver Numbers: Azusa Unified School District 104-2-2014
Azusa Unified School District 105-2-2014
Azusa Unified School District 106-2-2014
Banning Unified School District 128-2-2014
Chualar Union School District 124-2-2014
Del Norte County Unified School District 28-1-2014
Los Nietos School District 126-2-2014
Romoland Elementary School District 83-2-2014
San Diego Unified School District 50-1-2014
San Diego Unified School District 51-1-2014
San Jose Unified School District 93-2-2014
Ukiah Unified School District 53-1-2014

☒ **Action**

☒ **Consent**

SUMMARY OF THE ISSUES

See Attachments 1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, and 23 for details.

Authority for Waiver: *Education Code* (*EC*) Section 33050

RECOMMENDATION

☐ **Approval** ☒ **Approval with conditions** ☐ **Denial**

See Attachments 1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, and 23 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 STATEBOARD OF EDUCATION DISCUSSION AND ACTION

The California Department of Education 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.

The San Diego Unified School District meets the criteria for the SBE Streamlined Waiver Policy, available at http://www.cde.ca.gov/re/lr/wr/documents/sbestreamlined.doc, achieving an Academic Performance Index (API) of 800 or above in the current scoring cycle. Therefore, these waivers have been scheduled for the consent calendar. The 2013 Growth API score for the district is 809.

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: Azusa Unified School District Request 104-2-2014 for a Quality Education Investment Act Class Size Reduction Waiver (2 Pages)

Attachment 2: Azusa Unified School District General Waiver Request 104-2-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: Azusa Unified School District Request 105-2-2014 for a Quality Education Investment Act Class Size Reduction Waiver (2 Pages)

Attachment 4: Azusa Unified School District General Waiver Request 105-2-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 5: Azusa Unified School District Request 106-2-2014 for a Quality Education Investment Act Class Size Reduction Waiver (2 Pages)

Attachment 6: Azusa Unified School District General Waiver Request 106-2-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 7: Banning Unified School District Request 128-2-2014 for a Quality Education Investment Act Class Size Reduction Waiver (2 Pages)

Attachment 8: Banning Unified School District General Waiver Request 128-2-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 9: Chualar Union School District Request 124-2-2014 for a Quality Education Investment Act Class Size Reduction Waiver (2 Pages)

Attachment 10: Chualar Union School District General Waiver Request 124-2-2014 (5 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 11: Del Norte County Unified School District Request 28-1-2014 for a Quality Education Investment Act Class Size Reduction Waiver (2 Pages)

Attachment 12: Del Norte County Unified School District General Waiver Request 28-1-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 13: Los Nietos School District Request 126-2-2014 for a Quality Education Investment Act Class Size Reduction Waiver (1 Page)

Attachment 14: Los Nietos School District General Waiver Request 126-2-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 15: Romoland Elementary School District Request 83-2-2014 for a Quality Education Investment Act Class Size Reduction Waiver (2 Pages)

Attachment 16: Romoland Elementary School District General Waiver Request 83-2-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 17: San Diego Unified School District Request 50-1-2014 for a Quality Education Investment Act Class Size Reduction Waiver (2 Pages)

Attachment 18: San Diego Unified School District General Waiver Request 50-1-2014 (3 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 19: San Diego Unified School District Request 51-1-2014 for a Quality Education Investment Act Class Size Reduction Waiver (2 Pages)

Attachment 20: San Diego Unified School District General Waiver Request 51-1-2014 (3 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 21: San Jose Unified School District Request 93-2-2014 for a Quality Education Investment Act Class Size Reduction Waiver (1 Page)

Attachment 22: San Jose Unified School District General Waiver Request 93-2-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 23: Ukiah Unified School District Request 53-1-2014 for a Quality Education Investment Act Class Size Reduction Waiver (1 Page)

Attachment 24: Ukiah Unified School District General Waiver Request 53-1-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Waiver Number: 104-2-2014

Period of Request: July 1, 2014, to June 30, 2015
Period Recommended: July 1, 2014, to June 30, 2015

Valleydale Elementary School
Azusa Unified School District

CDS Code: 19 64279 6011332

Local Educational Agency Request:

Azusa Unified School District (USD) is an urban district located in Los Angeles County with a student population of approximately 9,450 students. Valleydale Elementary School (ES) serves 331 students in kindergarten and grades one through five. Monitoring performed by the Los Angeles County Office of Education indicates that the class size reduction (CSR) requirements of the Quality Education Investment Act (QEIA) were fully met by Valleydale ES in school year 2012–13 through a previous waiver, but the district is asking for a continuance of the QEIA CSR targets for school year 2014–15. Based on the previous waiver, the school's current QEIA CSR targets 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.

Azusa USD states that Valleydale ES maintained the CSR requirements in all grades during the first four years and in accordance with the approved waiver request for the last two years. In addition, the district states that approval of an extension to the current waiver will allow it to continue to operate classes in kindergarten and grades one through three at a ratio of 25:1 while maintaining grades four and five at the reduced ratio of 25:1 as required by QEIA. Lastly, the district states that current funding levels do not provide sufficient revenue to operate the QEIA program as originally required.

Azusa USD requests a waiver of the QEIA CSR targets for kindergarten and grades one through three, and grade five at Valleydale 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 Azusa USD's request to increase its QEIA CSR targets for kindergarten and grades one through three, and grade five at Valleydale 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 Valleydale ES for school year 2014–15; (2) Valleydale 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, Azusa USD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the CSR requirement.

Reviewed by Valleydale ES Schoolsite Council on December 17, 2013.

Supported by Azusa Educators Association, February 4, 2014.

Local Board Approval: February 18, 2014.

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1964279 Waiver Number: 104-2-2014 Active Year: 2014

Date In: 2/21/2014 10:53:12 AM

Local Education Agency: Azusa Unified School District
Address: 546 South Citrus Ave.
Azusa, CA 91702

Start: 7/1/2014 End: 6/30/2015

Waiver Renewal: Y
Previous Waiver Number: 1-12-2012-W-20 Previous SBE Approval Date: 3/14/2013

Waiver Topic: Quality Education Investment Act
Ed Code Title: Class Size Reduction Requirements
Ed Code Section: 52055.740
Ed Code Authority: 33050-33053

Ed Code or *CCR* to Waive: 52055.740 (1) Meet all class size requirements: [(A) For Kindergarten and grade 1-3, 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 fewer per classroom than was the average in 2006-07]

Outcome Rationale: Azusa Unified School District is seeking an extension to the current waiver 1-12-2012-W-20 for Valleydale elemtary school, granted at the Board of Education meeting on March 14, 2013

Student Population: 9450

City Type: Urban

Public Hearing Date: 2/18/2014
Public Hearing Advertised: Posted at Sschool sites

Local Board Approval Date: 2/18/2014

Community Council Reviewed By: Valleydale schoolsite council and ELAC
Community Council Reviewed Date: 12/17/2013
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. James Moore
Position: Assistant Superintendent Education Service
E-mail: jmoore@azusa.org
Telephone: 626-858-6182
Fax:

Bargaining Unit Date: 02/04/2014
Name: Azusa Educators Association
Representative: Jennie Pelstick
Title: AEA Negotiations Chair
Position: Support
Comments:

Waiver Number: 105-2-2014 **Period of Request:** July 1, 2014, to June 30, 2015
Period Recommended: July 1, 2014, to June 30, 2015
Charles H. Lee Elementary School **CDS Code**: 19 64279 6011233
Azusa Unified School District

Local Educational Agency Request:

Azusa Unified School District (USD) is an urban district located in Los Angeles County with a student population of approximately 9,450 students. Charles H. Lee Elementary School (ES) serves 444 students in kindergarten and grades one through five. Monitoring performed by the Los Angeles County Office of Education indicates that the class size reduction (CSR) requirements of the Quality Education Investment Act (QEIA) were fully met by Charles H. Lee ES in school year 2012–13 through a previous waiver, but the district is asking for a continuance of the QEIA CSR targets for school year 2014–15. Based on the previous waiver, the school's current QEIA CSR targets 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.

Azusa USD states that Charles H. Lee ES maintained the CSR requirements in all grades during the first four years and in accordance with the approved waiver request for the last two years. In addition, the district states that approval of an extension to the current waiver will allow it to continue to operate classes in kindergarten and grades one through three at a ratio of 25:1 while maintaining grades four and five at the reduced ratio of 25:1 as required by QEIA. Lastly, the district states that current funding levels do not provide sufficient revenue to operate the QEIA program as originally required.

Azusa USD requests a waiver of the QEIA CSR targets for kindergarten and grades one through three, and grade five at Charles H. Lee 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 Azusa USD's request to increase its QEIA CSR targets for kindergarten and grades one through three, and grade five at Charles H. Lee 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 Charles H. Lee ES for school year 2014–15; (2) Charles H. Lee 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, Azusa USD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the CSR requirement.

Reviewed by Charles H. Lee ES Schoolsite Council on December 10, 2013.

Supported by Azusa Educators Association, February 14, 2014.

Local Board Approval: February 18, 2014.

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1964279 Waiver Number: 105-2-2014 Active Year: 2014

Date In: 2/21/2014 11:06:51 AM

Local Education Agency: Azusa Unified School District
Address: 546 South Citrus Ave.
Azusa, CA 91702

Start: 7/1/2014 End: 6/30/2015

Waiver Renewal: Y
Previous Waiver Number: 23-12-2012-W-20 Previous SBE Approval Date: 3/14/2013

Waiver Topic: Quality Education Investment Act
Ed Code Title: Class Size Reduction Requirements
Ed Code Section: 52055.740
Ed Code Authority: 33050-33053

Ed Code or *CCR* to Waive: 52055.740 (1) Meet all class size requirements: [(A) For Kindergarten and grade 1-3, 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 fewer per classroom than was the average in 2006-07]

Outcome Rationale: Azusa Unified School District is seeking an extension to the current waiver 23-12-2012-W-20 for Charles H. Lee school, granted at the Board of Education meeting held March 14, 2013

Student Population: 9450

City Type: Urban

Public Hearing Date: 2/18/2014
Public Hearing Advertised: School Sites

Local Board Approval Date: 2/18/2014

Community Council Reviewed By: Schoolsite Council
Community Council Reviewed Date: 12/10/2013
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. James Moore
Position: Assistant Superintendent Education Service
E-mail: jmoore@azusa.org
Telephone: 626-858-6182
Fax:

Bargaining Unit Date: 02/14/2014
Name: Azusa Educators Association
Representative: Jennie Pelstick
Title: AEA Negotiations Chair
Position: Support
Comments:

Waiver Number: 106-2-2014 **Period of Request:** July 1, 2014, to June 30, 2015
Period Recommended: July 1, 2014, to June 30, 2015
Clifford D. Murray Elementary School **CDS Code**: 19 64279 6011241
Azusa Unified School District

Local Educational Agency Request:

Azusa Unified School District (USD) is an urban district located in Los Angeles County with a student population of approximately 9,450 students. Clifford D. Murray Elementary School (ES) serves 551 students in kindergarten and grades one through five. Monitoring performed by the Los Angeles County Office of Education indicates that the class size reduction (CSR) requirements of the Quality Education Investment Act (QEIA) were fully met by Clifford D. Murray ES in school year 2012–13 through a previous waiver, but the district is asking for a continuance of the QEIA CSR targets for school year 2014–15. Based on the previous waiver, the school's current QEIA CSR targets 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.

Azusa USD states that Clifford D. Murray ES maintained the CSR requirements in all grades during the first four years and in accordance with the approved waiver request for the last two years. In addition, the district states that approval of an extension to the current waiver will allow it to continue to operate classes in kindergarten and grades one through three at a ratio of 25:1 while maintaining grades four and five at the reduced ratio of 25:1 as required by QEIA. Lastly, the district states that current funding levels do not provide sufficient revenue to operate the QEIA program as originally required.

Azusa USD requests a waiver of the QEIA CSR targets for kindergarten and grades one through three at Clifford D. Murray 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.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports Azusa USD's request to increase its QEIA CSR targets for kindergarten and grades one through three at Clifford D. Murray ES for school year 2014–15.

The CDE recommends approval with the following conditions: (1) Applies only to kindergarten and grades one through three at Clifford D. Murray ES for school year 2014–15; (2) Clifford D. Murray ES continues its enrollment of 25.0 students per class in core classes in kindergarten and grades one through three; (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, Azusa USD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the CSR requirement.

Reviewed by Clifford D. Murray ES Schoolsite Council on January 21, 2014.

Supported by Azusa Educators Association, February 4, 2014.

Local Board Approval: February 18, 2014.

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1964279 Waiver Number: 106-2-2014 Active Year: 2014

Date In: 2/21/2014 11:17:34 AM

Local Education Agency: Azusa Unified School District
Address: 546 South Citrus Ave.
Azusa, CA 91702

Start: 7/1/2014 End: 6/30/2015

Waiver Renewal: Y
Previous Waiver Number: 25-12-2012-W-20 Previous SBE Approval Date: 3/14/2013

Waiver Topic: Quality Education Investment Act
Ed Code Title: Class Size Reduction Requirements
Ed Code Section: 52055.740
Ed Code Authority: 33050-33053

Ed Code or *CCR* to Waive: 52055.740 (1) Meet all class size requirements: [(A) For Kindergarten and grade 1-3, 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 fewer per classroom than was the average in 2006-07]

Outcome Rationale: Azusa Unified School District is seeking an extension to the current waiver 25-12-2012-W-20 for Clifford D. Murray school, granted at the Board of Education meeting held March 14, 2013

Student Population: 9450

City Type: Urban

Public Hearing Date: 2/18/2014
Public Hearing Advertised: School Sites

Local Board Approval Date: 2/18/2014

Community Council Reviewed By: Schoolsite Council
Community Council Reviewed Date: 1/21/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. James Moore
Position: Assistant Superintendent Education Service
E-mail: jmoore@azusa.org
Telephone: 626-858-6182
Fax:

Bargaining Unit Date: 02/04/2014
Name: Azusa Educators Association
Representative: Jennie Pelstick
Title: AEA Negotiations Chair
Position: Support
Comments:

Waiver Number: 128-2-2014 **Period of Request:** July 1, 2012, to May 31, 2013
Period Recommended: July 1, 2012, to June 30, 2013
Nicolet Middle School **CDS Code**: 33 66985 6112080
Banning Unified School District

Local Educational Agency Request:

Banning Unified School District (USD) is an urban district located in Riverside County with a student population of approximately 4,524 students. Nicolet Middle School (MS) serves 961 students in grades six through eight. Monitoring performed by the Riverside County Office of Education indicates that the class size reduction (CSR) requirements of the Quality Education Investment Act (QEIA) were not fully met by Nicolet MS in 17 grade six classes, 33 grade seven classes, and 29 grade eight classes that exceeded the QEIA 27-student cap per classroom requirement in school year 2012–13. The school's current QEIA CSR targets for core classes of English, mathematics, history-social science, and science are an average of 24.0, 22.0, and 22.0 in grades six through eight, respectively.

Banning USD states it was under an appointed advisor from Riverside County Office of Education because the submitted budget for 2012–13 was out of balance. The district also states that their recommendation was to use QEIA funds to assist in balancing the budget because all other measure for reductions had been taken. Therefore, the district states, QEIA funds were not used to lower class sizes and these measures prevented the additional funds required to maintain the QEIA 27-student cap. Further, the district states that a new administration began in 2013 and it has been the intent of this current administration, the superintendent and the director of Educational Services, to utilize QEIA in its original intent to reduce class sizes and keep the QEIA 27-student cap. Lastly, the district states that class sizes are within the CSR targets for school year 2013–14.

Banning USD requests a waiver of the QEIA 27-student cap per core classroom requirement for 17 grade six classes, 33 grade seven classes, and 29 grade eight classes at Nicolet MS for school year 2012–13.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports Banning USD's request to waive the QEIA 27-student cap per core classroom requirement for grades six through eight at Nicolet MS for school year 2012–13.

The CDE recommends approval with the following conditions: (1) Applies only to 17 grade six classes, 33 grade seven classes, and 29 grade eight classes at Nicolet MS for school year 2012–13; and (2) Within 30 days of approval of this waiver, Banning USD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the CSR requirement.

Reviewed by Nicolet MS Schoolsite Council on February 14, 2014.

Supported by California Schools Employee Association Chapter #147, February 27, 2014; and Banning Teachers Association, February 13, 2014.

Local Board Approval: February 27, 2014.

California Department of Education
WAIVER SUBMISSION - General

CD Code: 3366985 Waiver Number: 128-2-2014 Active Year: 2014

Date In: 2/28/2014 8:08:27 AM

Local Education Agency: Banning Unified School District
Address: 161 West Williams St.
Banning, CA 92220

Start: 7/1/2012 End: 5/31/2013

Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: Quality Education Investment Act
Ed Code Title: Rule of 27
Ed Code Section: 52055.740(a)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: (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:
(iii) For purposes of this subparagraph, average classroom size shall be calculated at the grade level based on the number of subject-specific classrooms in that grade at the schoolsite. If the subject-specific classrooms at the school averaged fewer than 25 pupils per classroom during the 2005-06 school year, that lower average shall be used as the "average in 2006-07" for purposes of this subparagraph. A school that receives funding under this article shall not have a class in English language arts, reading, mathematics, science, or history and social science in grades 4 to 12, inclusive, with more than 27 pupils regardless of its average classroom size.

Outcome Rationale: We were under a county appointed advisor from Riverside County Office of Education due to the originally submitted 2012-2013 budget being out of balance. The original recommendation was to use QEIA money to assist in balancing the budget. All other measures for reductions were taken, therefore QEIA funds were not used to lower class sizes. This caused not only our class sizes to increase but to not follow the rule of 27. For the 2012-2013 school year we had 17 6th grade classes over 27 pupils, 33 7th grade classes over and 29 8th grade classes over. New administration began in 2013. It has been the intent of the current administration, Superintendent and Director of Educational Services to utilize QEIA in its original intent to reduce class sizes and not violate the rule of 27. For the 2013-2014 school year since November we have had no classes violate the rule of 27. In October we had one 8th grade class over 27 pupils. We will continue to maintain both class size and not violate the rule of 27.

Student Population: 961

City Type: Small

Public Hearing Date: 2/27/2014
Public Hearing Advertised: Notice posted at each school site

Local Board Approval Date: 2/27/2014

Community Council Reviewed By: Nicolet Middle School Site Council
Community Council Reviewed Date: 2/14/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Felicia Adkins
Position: Director, Educational Services
E-mail: fadkins@banning.k12.ca.us
Telephone: 951-922-0218
Fax: 951-922-2725

Bargaining Unit Date: 02/13/2014
Name: Banning Teachers' Association
Representative: Jeanine Kersavage
Title: President
Position: Support
Comments:

Bargaining Unit Date: 02/27/2014
Name: CSEA Chapter #147
Representative: Jennifer Serrano
Title: President
Position: Support
Comments:

Waiver Number: 124-2-2014 **Period of Request:** July 1, 2012, to June 29, 2013
Period Recommended: July 1, 2012, to June 30, 2013
Chualar Elementary School **CDS Code**: 27 65995 6026082
Chualar Union School District

Local Educational Agency Request:

Chualar Union School District (USD) is a rural district located in Monterey County with a student population of approximately 350 students. Chualar Elementary School (ES) serves 350 students in kindergarten and grades one through eight. Monitoring performed by the Monterey County Office of Education indicates that the class size reduction (CSR) requirements of the Quality Education Investment Act (QEIA) were not fully met by Chualar ES in one grade six class, two grade seven classes, and one grade eight class that exceeded the QEIA 27-student cap per classroom requirement in school year 2012–13. The school's 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 25.0, 16.4, 24.0, 21.0, and 15.0 in grades four through eight, respectively.

Chualar USD states that QEIA CSR targets are difficult to achieve because it is in a rural community with only one small school. In addition, the district states that the difficulties are compounded because approximately 97 percent of its students receive free or reduced lunch, 33 percent of the families are migrant which causes enrollment to fluctuate throughout the year, and school enrollment is composed predominantly of English learners. Further, the district states that the school is at maximum capacity because there are no other rooms or structures that can be safely converted and/or used as classrooms due to so much of the funding being used to lower the student-to-teacher ratio. Additionally, the district states that it was financially impossible to hire an additional teacher to meet the QEIA 27-student cap CSR requirement, but the school continues to address CSR and the Rule of 27 every month in order to comply with these areas. Lastly, the district states that it has put systems in place to prevent these issues from occurring again because without QEIA funding, Chualar ES would not be able to continue to implement the programs that have had a very positive effect on student learning.

Chualar USD requests a waiver of the QEIA 27-student cap per core classroom requirement for one grade six class, two grade seven classes, and one grade eight class at Chualar ES for school year 2012–13.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports Chualar USD's request to waive the QEIA 27-student cap per core classroom requirement for grades six through eight at Chualar ES for school year 2012–13.

The CDE recommends approval with the following conditions: (1) Applies only to one grade six class, two grade seven classes, and one grade eight class at Chualar ES for school year 2012–13; and (2) Within 30 days of approval of this waiver, Chualar USD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the CSR requirement.

Reviewed by Chualar ES Schoolsite Council on January 28, 2014.

Supported by Del Norte County Teachers Association, February 14, 2014.

Local Board Approval: February 26, 2014.

California Department of Education
WAIVER SUBMISSION - General

CD Code: 2765995 Waiver Number: 124-2-2014 Active Year: 2014

Date In: 2/27/2014 5:07:17 PM

Local Education Agency: Chualar Union School District
Address: 24285 Lincoln St.
Chualar, CA 93925

Start: 7/1/2012 End: 6/29/2013

Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: Quality Education Investment Act
Ed Code Title: Rule of 27
Ed Code Section: 52055.740
Ed Code Authority: 33050-33053

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 school site. If the self-contained classrooms at the school averaged fewer than 25 pupils per classroom during the 2005-06 school year, that lower average shall be used as the "average in 2006-07" for purposes of this subparagraph. A school that receives funding under this article shall not have a self-contained classroom in grades 4 to 8, inclusive, with more than 27 pupils regardless of its average classroom size.]

Outcome Rationale: The District is requesting waiver for QEIA 27-student cap classroom requirement (See Attached)
Chualar Elementary School is a Title 1 school with approximately 97% if its students receiving free or reduced lunch. The school is very small and it is located in a rural community consisting of predominantly English learners and low income. Chualar Elementary School has approximately 336 ADA/350 enrollment. Enrollment varies throughout the year due to the nature of family dynamics, one-third of our students are migrant, some students start after school begins and move away before school ends. The school is currently running at maximum capacity, meaning there are no other rooms or structures that can be safely converted and/or used as classrooms at this time due to lack of funding. QEIA funding is assisting Chualar Elementary School in its efforts to have a low student teacher ratio. Without QEIA's funding the school would not be able to continue to have a low student teacher ratio.

Student Population: 350

City Type: Rural

Public Hearing Date: 2/26/2014
Public Hearing Advertised: Notice was posted at Chualar ES, Chualar Post Office, Taqueria Hidalgo, and Alma's Bakery.

Local Board Approval Date: 2/26/2014

Community Council Reviewed By: Chualar School Site Council
Community Council Reviewed Date: 1/28/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Roberto Rios
Position: Superintendent
E-mail: rrios_26@yahoo.com
Telephone: 831-679-2504 x105
Fax: 831-679-2071

Bargaining Unit Date: 02/07/2014
Name: California School Employees Association
Representative: Sylvia Valdez
Title: CSEA President
Position: Support
Comments:

Bargaining Unit Date: 02/14/2014
Name: California Teachers Association
Representative: Diana Perez
Title: CTA Representative
Position: Support
Comments:

CALIFORNIA DEPARTMENT OF EDUCATION
GENERAL WAIVER REQUEST
QEIA 27-student cap classroom requirement

7. Desired outcome/rationale

Chualar Union Elementary School District and Chualar Elementary School have encountered various challenges in meeting the QEIA 27-student cap classroom requirement.

(See Attached) Class Size Reduction spreadsheet for Chualar Elementary School

Desired Outcome

- Monitoring performed by the Monterey County Office of Education indicates that the class size reduction (CSR) requirements of the Quality Education Investment Act (QEIA) were not fully met by Chualar ES in **one** grade six class, **one** grade seven class, **one** six/seven grade class, and **one** seven/eight grade class that exceeded the QEIA 27-student cap per classroom requirement in school year 2012–13. The school's current QEIA CSR targets for self-contained classes are 20.44 in kindergarten and grades one through three, and an average of 25.0, 16.5, 24.0, 21.0, and 15.0 in grades four through eight, respectively.

  Chualar ES had class size averages for year 2012-13 in grades four through eight of 25.43, 24.4, 28.13, 28.04 and 27.82, respectivelly. Chualar Elementary reconfigured classes in January 2013 to try to stay within the Rule of 27. It was financially impossible to hire an additional teacher to meet the QEIA 27-student cap classroom requirement. Chualar UESD and Chualar ES continue to address CSR and the Rule of 27 monthly in order to comply with these areas. It has put systems in place to prevent this type of issues from occurring again.

  Chualar UESD requests a waiver of the QEIA 27-student cap per self-contained classroom requirement for grades six, seven, and eight at Chualar ES for school year 2012–13, and the establishment of an alternative CSR targets of 28.13, 27.99, 28.10, 27.82 students on average in four self-contained classes in grades six, seven, and eight, respectively.

- In addition, establish a combined average of 27.0 students for all of the 4th to 8th grade classes combined and that no class in 4th to 8th grade exceed an average of 27.0 students in any classroom for 2013-2014 and future school years.

Rationale: Various factors have impacted the school's ability to meet the Rule of 27
The result of the CSR limits established through QEIA, the school and district instructional decisions, budget constraints, are some of the challenges that Chualar ES has encountered in meeting the QEIA 27-student cap per classroom requirement.

In Addition, the school is composed predominantly of English Learners, low income and migrant families. Enrollment varies throughout the year due to the nature of family dynamics. Some students start after school begins, leave during winter break and move away before school ends. Chualar Elementary has a high mobility rate. Less than 30% of students who start Kindergarten continue to be enrolled at Chualar by the end of the eighth grade.

Furthermore, Chualar ES continues to monitor CSR and the Rule of 27 and moves students in an attempt to reduce class size in all its grades. Currently, for 2013-14 we are forced to create combination classes and hire a new teacher for half a year in order to try to comply with QEIA CSR and Rule of 27 requirements. The QEIA CSR Targets and Rule of 27 established are difficult to achieve because we are a rural district with only one small school.

Because of Chualar's academic performance, the School Site Council and District made a decision to provide instruction in single grade level configurations because it maximizes grade level instructional time. However, they continue to revisit this monthly and in the middle of the school year make adjustments and are forced to create combination classes. QEIA funding is assisting Chualar Elementary School in its efforts to have a low student teacher ratio. (See Attached Table)

The QEIA grant has provided the resources that have reduced class sizes, provided professional development to improve instruction and increased student learning evidenced by a 144 point API growth over the last six years. Chualar Elementary School has made continuous improvement with the implementation of the QEIA grant and is requesting a waiver of the Rule of 27 requirement for 2012-2013 and future school years. Without QEIA's funding the school would not be able to continue to implement these programs that have had a very positive effect on student learning.

Chualar Elementary has substantially met the following requirements at the previous benchmark years:

- Met the class size reduction waiver requirements for full implementation.
- Teachers that are highly qualified as defined by federal requirements teach all classes. (100%)
- Forty hours of professional development provided to teachers. (100%)
- Professional development provided to paraprofessionals.
- Met all the requirements for the Williams settlement.
- Exceeded the API growth targets for the school averaged over the past six years. (144 API)

Chualar UESD and Chualar ES are asking for a waiver of the QEIA 27-student cap classroom requirement in order to continue to benefit from the academic improvement that the QEIA grant has provided for the school.

Year	Growth Target	Growth	Growth API
2007-2008	9	617	36
2008-2009	8	654	5
2009-2010	7	715	63
2010-2011	5	731	18
2011-2012	5	727	-3
2012-2013	5	752	25
Six Year Average			24

Chualar UESD and Chualar ES are asking for a waiver of the QEIA 27-student cap classroom requirement requirement in order to continue to benefit from the academic improvement that the

QEIA grant has provided for the school. Chualar is seeking a waiver of this requirement for 2012-2013 and future school years.

The QEIA grant has provided the resources that have reduced class sizes, provided professional development to improve instruction and increased student learning evidenced by a 24 point API growth average over the last six years. (Total 144 API growth over six years)

Chualar ES has made continuous improvement with the implementation of the QEIA grant and is requesting a waiver of QEIA 27-student cap classroom requirement for the 2012-2013 and future QEIA school years.

Waiver Number: 28-1-2014 **Period of Request:** July 1, 2013, to June 30, 2015
Period Recommended: July 1, 2013, to June 30, 2014
Joe Hamilton Elementary School **CDS Code**: 08 61820 6005391
Del Norte County Unified School District

Local Educational Agency Request:

Del Norte County Unified School District (USD) is a rural district located in Del Norte County with a student population of approximately 3,595 students. Joe Hamilton Elementary School (ES) serves 332 students in kindergarten and grades one through five. Monitoring performed by the Del Norte County Office of Education indicates that the class size reduction (CSR) requirements of the Quality Education Investment Act (QEIA) were fully met by Joe Hamilton ES in school year 2012–13, but the district is asking for an alternative QEIA CSR target for school years 2013–14 and 2014–15. The school's 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 25.0 in grades four and five.

Del Norte County USD states that even though Joe Hamilton ES has maintained and met QEIA CSR targets since 2006–07, it is becoming more difficult to maintain due to budget constraints relative to state funding reductions, which include reductions to transportation. The district also states that approval of this waiver will provide the flexibility needed to maintain a ratio of 25:1 or less in kindergarten and grades one through five and allow the school to live within the actual QEIA budget.

Del Norte County USD requests a waiver of the QEIA CSR targets for kindergarten and grades one through three at Joe Hamilton ES for school years 2013–14 and 2014–15, and the establishment of an alternative CSR target of 25.0 students per class in core classes in kindergarten and grades one through three.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports Del Norte County USD's request to increase its QEIA CSR targets for kindergarten and grades one through three at Joe Hamilton ES for school year 2013–14.

The CDE recommends approval with the following conditions: (1) Applies only to kindergarten and grades one through three at Joe Hamilton ES for school year 2013–14; (2) Joe Hamilton ES increases enrollment to 25.0 students per class in core classes in kindergarten and grades one through three; (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, Del Norte County USD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the CSR requirement.

Reviewed by Joe Hamilton ES Schoolsite Council and English Learner Advisory Council on May 16, 2013.

Supported by Del Norte Teachers Association, May 20, 2013.

Local Board Approval: June 6, 2013.

California Department of Education
WAIVER SUBMISSION - General

CD Code: 0861820 Waiver Number: 28-1-2014 Active Year: 2014

Date In: 1/9/2014 4:43:23 PM

Local Education Agency: Del Norte County Unified School District
Address: 301 West Washington Blvd.
Crescent City, CA 95531

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: Class Size Reduction Requirements
Ed Code Section: 52055.740[a][1]
Ed Code Authority: 33050-33053

Ed Code or *CCR* to Waive: *EC* 52055.740.[a]For each funded school, the county superintendent of schools for the county in which the school is located shall annually review the school and its data to determine if the school has met all of the following program requirements by the school by the end of the third full year of funding:
(1) Meet all of the following class size requirements:
[A. For kindergarten and grades 1-3, inclusive, no more than 20 pupils per class, as set forth in the Class Size Reduction Program.]

Outcome Rationale: Outcome Rationale: The Del Norte Unified School District requests that a portion of *Education Code* (*EC*) Section 52055.740 [a][1][A] regarding the K-3 class size reduction requirements under the Quality Education Investment Act (QEIA) be waived for Joe Hamilton Elementary School for the 2013-2015 academic years from Kindergarten and grades 1 to 3 (K-3), 20 pupils per class to an alternative target of 25 students in core classes in grades K-3 combined. All non-QEIA sites are averaging 25:1 class reduction sizes.

Even thought Joe Hamilton has maintained and met QEIA targets since 2006-2007, it is becoming harder to maintain CSR targets due to budget constraints relative to state funding reductions which include reductions to transportation.

Approval of this waiver will provide flexibility to be able to maintain a 25:1 or less class size in grades K-5 at Joe Hamilton School. Additionally, this waiver will allow Joe Hamilton School to live within the actual QEIA budget.

Student Population: 332

City Type: Rural

Public Hearing Date: 5/21/2013

Public Hearing Advertised: The Public Hearing was advertised through notices posted at Joe Hamilton Elementary School.

Local Board Approval Date: 6/6/2013

Community Council Reviewed By: Joe Hamilton School Site Council (SSC) and English Learner Advisory Council (ELAC)
Community Council Reviewed Date: 5/16/2013
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Donald Olson
Position: Superintendent
E-mail: dolson@delnorte.k12.ca.us
Telephone: 707-464-0200
Fax:

Bargaining Unit Date: 05/20/2013
Name: Del Norte Teachers Association (DNTA)
Representative: Amber Cron
Title: DNTA President
Position: Support
Comments:

Waiver Number: 126-2-2014 **Period of Request:** July 1, 2012, to June 30, 2013
Period Recommended: July 1, 2012, to June 30, 2013
Aeolian Elementary School **CDS Code**: 19 64758 6020085
Los Nietos School District

Local Educational Agency Request:

Los Nietos School District (SD) is an urban district located in Los Angeles County with a student population of approximately 1,899 students. Aeolian Elementary School (ES) serves 558 students in kindergarten and grades one through six. Monitoring performed by the Los Angeles County Office of Education indicates that the class size reduction (CSR) requirements of the Quality Education Investment Act (QEIA) were not fully met by Aeolian ES in two kindergarten classes, two grade one classes, two grade four classes, two grade five classes, and one grade six class that exceeded the QEIA 27-student cap per classroom requirement in school year 2012–13. The school's 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, 22.7, and 20.2 in grades four through six, respectively.

Los Nietos SD states that due to an unexpected growth in enrollment of nearly 10 percent from 2011–12, Aeolian ES was unable to meet the QEIA 27-student cap for grades four and five. In addition, the district states that the State's reduction of funding in 2012–13 prevented the acquisition of additional funds required to maintain the QEIA 27-student cap.

Los Nietos SD requests a waiver of the QEIA 27-student cap per core classroom requirement for two kindergarten classes, two grade one classes, two grade four classes, two grade five classes, and one grade six class at Aeolian ES for school year 2012–13.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports Los Nietos SD's request to waive the QEIA 27-student cap per core classroom requirement for kindergarten and grade one, and grades four through six at Aeolian ES for school year 2012–13.

The CDE recommends approval with the following conditions: (1) Applies only to two kindergarten classes, two grade one classes, two grade four classes, two grade five classes, and one grade six class at Aeolian ES for school year 2012–13; and (2) Within 30 days of approval of this waiver, Los Nietos 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 Aeolian ES Schoolsite Council on February 26, 2014.

Supported by Los Nietos Teachers Association, February 24, 2014.

Local Board Approval: February 27, 2014.

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1964758 Waiver Number: 126-2-2014 Active Year: 2014

Date In: 2/28/2014 7:26:46 AM

Local Education Agency: Los Nietos School District
Address: 8324 South Westman Ave.
Whittier, CA 90606

Start: 7/1/2012 End: 6/30/2013

Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: Quality Education Investment Act
Ed Code Title: Rule of 27
Ed Code Section: Class Size Reduction Rule of 27
Ed Code Authority: CSR REquirements

Ed Code or *CCR* to Waive: Rule of 27 - Class Size Reduction Requirements

Outcome Rationale: Aeolian Elementary, as part of the Los Nietos School District has participated in the Quality Education Investment Act Program since it's inception. The school has seen tremendous growth during that period as the school's API has increased by over 170 points. The additional funds have contributed greatly to the success. Lowering class size, providing additional instructional materials, and professional development.

Unfortunately, due to an "unexpected" enrollment growth over nearly 10%, the school was unable to meet the "Rule of| 27" for two of the schools upper grades, 4th and 5th. The State's reduction of funding to our District in 2012-13 prevented the District from the additional funds required to maintain the "Rule of 27."

Student Population: 1899

City Type: Suburban

Public Hearing Date: 2/27/2014
Public Hearing Advertised: Agenda posted at School Sites and the District Board Meeting Room

Local Board Approval Date: 2/27/2014

Community Council Reviewed By: School Site Council
Community Council Reviewed Date: 2/26/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Douglas McMasters
Position: Assistant Superintendent of Business Services
E-mail: Douglas_McMasters@lnsd.net
Telephone: 562-692-0271 x3223
Fax: 562-692-9787

Bargaining Unit Date: 02/24/2014
Name: Los Nietos Teachers Association
Representative: Carroll McCrorry
Title: LNTA Chief Negotiatior
Position: Support
Comments:

Waiver Number: 83-2-2014 **Period of Request:** July 1, 2014, to June 30, 2015
Period Recommended: July 1, 2014, to June 30, 2015
Romoland Elementary School **CDS Code**: 33 67231 6032791
Romoland Elementary School District

Local Educational Agency Request:

Romoland Elementary School District (ESD) is a rural district located in Riverside County with a student population of approximately 3,233 students. Romoland Elementary School (ES) serves 510 students in kindergarten and grades one through five. Monitoring performed by the Riverside County Office of Education indicates that the class size reduction (CSR) requirements of the Quality Education Investment Act (QEIA) were fully met by Romoland ES in school year 2012–13 through a previous waiver, but the district is asking for a continuance of the QEIA CSR targets for school year 2014–15. Based on the previous waiver, the school's current QEIA CSR targets 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.

Romoland ESD states that state-level cuts to revenue limit funding have resulted in an increase of the student-to-teacher ratio in all schools. The district further states that enrollment has continued to grow, six percent last year and five percent this year, and currently, all kindergarten through eighth grade non-QEIA classes have grown into a ratio of 32:1 in kindergarten and grades one to two, and 33:1 in grades three through eight. Lastly, the district states that the continuance of the current waiver would allow the school to maintain a 25:1 staffing ratio and continue its goals without general fund encroachment.

Romoland ESD requests a waiver of the QEIA CSR targets for kindergarten and grades one through three, and grades four and five at Romoland 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 five.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports Romoland ESD's request to increase its QEIA CSR targets for kindergarten and grades one through five at Romoland ES for school year 2014–15.

The CDE recommends approval with the following conditions: (1) Applies only to kindergarten and grades one through five at Romoland ES for school year 2014–15; (2) Romoland 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 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, Romoland ESD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the CSR requirement.

Reviewed by Romoland ES Schoolsite Council on January 31, 2014.

Supported by Romoland Teachers Association, January 31, 2014.

Local Board Approval: February 11, 2014.

California Department of Education
WAIVER SUBMISSION - General

CD Code: 3367231 Waiver Number: 83-2-2014 Active Year: 2014

Date In: 2/12/2014 8:40:54 AM

Local Education Agency: Romoland Elementary School District
Address: 25900 Leon Rd.
Homeland, CA 92548

Start: 7/1/2014 End: 6/30/2015

Waiver Renewal: Y
Previous Waiver Number: 128-2-2012-W-32 Previous SBE Approval Date: 5/17/2012

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: Phrases requested to be waived: (C) (I) At least five pupils fewer per classroom than was the average in 2006-07. (ii) An average of 25 pupils per classroom. (iii) 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: The District is requesting a QEIA class size target of 25 students per classroom in grades kindergarten through third. In grades fourth and fifth the CSR target in core classes at each grade level is being requested to be 25, not to exceed 27 pupils per classroom. The waiver time period being requested is July 1, 2014 through June 30, 2015. State level cuts to revenue limit funding have resulted in an increase of the student to teacher ratio in all schools in the District. The District enrollment continues to grow, 6% last year and 5% this year. currently, all kindergarten through eighth grade non-QEIA classes have grown into a 32:1 K-2 and 33:1 3-8 class size. Romoland Elementary School, The QEIA school, is a Title 1 school, 97% free and reduced lunch student eligibility, and 64% English Language Learners. The current QEIA grant would allow the school to maintain a 25:1 staffing ratio and continue their QEIA/School site Plan goals and objectives without General Fund encroachment.

Student Population: 510

City Type: Rural

Public Hearing Date: 2/11/2014
Public Hearing Advertised: Notice posted at each school

Local Board Approval Date: 2/11/2014

Community Council Reviewed By: Romoland Elementary Schoolsite council
Community Council Reviewed Date: 1/31/2014

Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Hilda Swain
Position: Chief Business Official
E-mail: hswain@romoland.k12.ca.us
Telephone: 951-926-9244 x1225
Fax: 951-926-2170

Bargaining Unit Date: 01/31/2014
Name: Romoland Teachers Association
Representative: Kirk Carroll
Title: President, Romoland Teachers Association
Position: Support
Comments:

Waiver Number: 50-1-2014 **Period of Request:** July 1, 2012, to June 30, 2013
Period Recommended: July 1, 2012, to June 30, 2013
Montgomery Middle School **CDS Code**: 37 68338 6059679
San Diego Unified School District

Local Educational Agency Request:

San Diego Unified School District (USD) is an urban district located in San Diego County with a student population of approximately 130,278 students. Montgomery Middle School (MS) serves 454 students in grades six through eight. Monitoring performed by the San Diego County Office of Education indicates that the class size reduction (CSR) requirements of the Quality Education Investment Act (QEIA) were not fully met by Montgomery MS in 4 grade six classes, 9 grade seven classes, and 13 grade eight classes that exceeded the QEIA 27-student cap per classroom requirement in school year 2012–13. The school's current QEIA CSR targets for core classes of English, mathematics, history-social science, and science are an average of 20.3, 21.2, and 18.9 in grades six through eight, respectively.

San Diego USD states that Montgomery MS made every attempt to begin the school year in compliance by strategically arranging the master schedule to meet the class size requirements for each grade level. Further, the district states that due to the district mandate for every school to become a quality neighborhood school while maintaining or increasing enrollment, it strengthened its Project Lead the Way Program by adding sections with an engineering focus. In addition, the district states that in order to ensure that it met its expectations to implement the Response to Intervention model, three sections of intervention classes for English and math were added to the master schedule. Lastly, the district states that because of these changes, a total of 26 classes exceeded the QEIA 27-student cap per core classroom requirement; however, only 8 classes were still above 27 at the end of the year. The district states that it anticipates Montgomery MS meeting its requirements in school year 2013–14.

San Diego USD requests a waiver of the QEIA 27-student cap per core classroom requirement for 4 grade six classes, 9 grade seven classes, and 13 grade eight classes at Montgomery MS for school year 2012–13.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports San Diego USD's request to waive the QEIA 27-student cap per core classroom CSR requirement for grades six through eight at Montgomery MS for school year 2012–13.

The CDE recommends approval with the following conditions: (1) Applies only to 4 grade six classes, 9 grade seven classes, and 13 grade eight classes at Montgomery MS for school year 2012–13; and (2) Within 30 days of approval of this waiver, San Diego USD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the CSR requirement.

Reviewed by Montgomery MS Schoolsite Council on January 17, 2014.

Supported by San Diego Education Association, January 23, 2014.

Local Board Approval: January 28, 2014.

California Department of Education
WAIVER SUBMISSION - General

CD Code: 3768338 Waiver Number: 50-1-2014 Active Year: 2014

Date In: 1/30/2014 9:25:52 AM

Local Education Agency: San Diego Unified School District
Address: 4100 Normal St.
San Diego, CA 92103

Start: 7/1/2012 End: 6/30/2013

Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: Quality Education Investment Act
Ed Code Title: Rule of 27
Ed Code Section: *EC* 52055.740(a)(1)(C)(iii)]
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: (a) For each funded school, the county superintendent of schools for the county in which the school is located shall annually review the school and its data to determine if the school has met all of the following program requirements by the school by the end of the third full year of funding: (1) Meet all of the following class size requirements: (C) For classes in English language arts, reading, mathematics, science, or history and social science courses in grades 4 to 12, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows: (iii) For purposes of this subparagraph, average classroom size shall be calculated at the grade level based on the number of subject-specific classrooms in that grade at the schoolsite. If the subject-specific classrooms at the school averaged fewer than 25 pupils per classroom during the 2005–06 school year, that lower average shall be used as the "average in 2006–07" for purposes of this subparagraph. A school that receives funding under this article shall not have a class in English language arts, reading, mathematics, science, or history and social science in grades 4 to 12, inclusive, with more than 27 pupils regardless of its average classroom size.

Outcome Rationale: In 2007-08, Montgomery Middle School began participation in the eight-year Quality Education Investment Act (QEIA) program that provides low performing schools with funding to reduce class sizes and provide additional professional development. Montgomery will receive approximately $408,600 in 2013-14. Each year QEIA schools must meet six performance targets to continue to be eligible for funding. For 2012-13, Montgomery's class size exceeded the QEIA target for no core class over 27 students. During the 2012-13 school year, 26 classes exceeded 27 and 8 were still above 27 at the end of the year. It is anticipated that Montgomery will meet its other QEIA targets this year, and with the HQT and class size requirements waived, Montgomery will continue to be eligible for funding. Upon board approval, required information will be available so that relevant data can be entered into the state's online waiver system.

Student Population: 130278

City Type: Urban

Public Hearing Date: 1/28/2014
Public Hearing Advertised: Posted at District Office and Newspaper (UT-San Diego)

Local Board Approval Date: 1/28/2014

Community Council Reviewed By: School Site Council
Community Council Reviewed Date: 1/17/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Ron Rode
Position: Executive Director, Office of Accountability
E-mail: rrode@sandi.net
Telephone: 619-725-7190
Fax: 619-725-7180

Bargaining Unit Date: 01/23/2014
Name: San Diego Education Association
Representative: Bill Freeman
Title: President, SDEA
Position: Neutral
Comments:

Montgomery Waiver Narrative CSR

In response to the Quality Education Investment Act (QEIA) 2012- 2013 annual review, the following addresses why Montgomery Middle School was not able to meet the program requirements in the area of: Class Size Reduction (CSR).

CSR - the school made every attempt to begin the school year strategically arranging the master schedule to meet the class size requirements for each grade level (6, 7, and 8). However, due to the district mandate for every school to become a quality neighborhood school, and maintain and increase enrollment, we strengthened Project Lead the Way Program by adding additional sections (an engineering focus aligned with our feeder high school). In addition, in order to ensure that we met district expectations to implement the *Response to Intervention model*, three sections of intervention classes for English and math were added to the master schedule.

Waiver Number: 51-1-2014 **Period of Request:** July 1, 2012, to June 30, 2013
Period Recommended: July 1, 2012, to June 30, 2013
Roosevelt International Middle School **CDS Code**: 37 68338 6059703
San Diego Unified School District

Local Educational Agency Request:

San Diego Unified School District (USD) is an urban district located in San Diego County with a student population of approximately 130,278 students. Roosevelt International Middle School (MS) serves 931 students in grades six through eight. Monitoring performed by the San Diego County Office of Education indicates that the class size reduction (CSR) requirements of the Quality Education Investment Act (QEIA) were not fully met by Roosevelt International MS in 10 grade six classes, 3 grade seven classes, and 8 grade eight classes that exceeded the QEIA 27-student cap per classroom requirement in school year 2012–13. The school's current QEIA CSR targets for core classes of English, mathematics, history-social science, and science are an average of 20.9, 20.7, and 21.1 in grades six through eight, respectively.

San Diego USD states that two factors interrupted the normal class enrollment. The district states that one is that Roosevelt International MS is an International Baccalaureate (IB) School and must offer more courses than is required of an IB program. The other factor, the district states, is that special education students are counted in general education classes and may exceed the limit of 27 students if there is a co-teacher assigned. Further, the district states that at the end of school year 2012–13, Roosevelt International MS had 21 classes that exceeded the QEIA 27-student cap per core classroom requirement, 5 of which had co-teachers. Lastly, the district states that it is anticipated that Roosevelt International MS will meet its requirements in school year 2013–14.

San Diego USD requests a waiver of the QEIA 27-student cap per core classroom requirement for 10 grade six classes, 3 grade seven classes, and 8 grade eight classes at Roosevelt International MS for school year 2012–13.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports San Diego USD's request to waive the QEIA 27-student cap per core classroom CSR requirement for grades six through eight at Roosevelt International MS for school year 2012–13.

The CDE recommends approval with the following conditions: (1) Applies only to 10 grade six classes, 3 grade seven classes, and 8 grade eight classes at Roosevelt International MS for school year 2012–13; (2) Within 30 days of approval of this waiver, San Diego USD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the CSR requirement.

Reviewed by Roosevelt International MS Schoolsite Council on January 16, 2014.

Supported by San Diego Education Association, January 23, 2014.

Local Board Approval: January 28, 2014.

California Department of Education
WAIVER SUBMISSION - General

CD Code: 3768338 Waiver Number: 51-1-2014 Active Year: 2014

Date In: 1/30/2014 10:10:16 AM

Local Education Agency: San Diego Unified School District
Address: 4100 Normal St.
San Diego, CA 92103

Start: 7/1/2012 End: 6/30/2013

Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: Quality Education Investment Act
Ed Code Title: Rule of 27
Ed Code Section: *EC* 52055.740(a)(1)(C)(iii)]
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: (a) For each funded school, the county superintendent of schools for the county in which the school is located shall annually review the school and its data to determine if the school has met all of the following program requirements by the school by the end of the third full year of funding: (1) Meet all of the following class size requirements: (C) For classes in English language arts, reading, mathematics, science, or history and social science courses in grades 4 to 12, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows: (iii) For purposes of this subparagraph, average classroom size shall be calculated at the grade level based on the number of subject-specific classrooms in that grade at the schoolsite. If the subject-specific classrooms at the school averaged fewer than 25 pupils per classroom during the 2005–06 school year, that lower average shall be used as the "average in 2006–07" for purposes of this subparagraph. A school that receives funding under this article shall not have a class in English language arts, reading, mathematics, science, or history and social science in grades 4 to 12, inclusive, with more than 27 pupils regardless of its average classroom size.

Outcome Rationale: In 2007-08, Roosevelt Middle School began participation in the eight-year Quality Education Investment Act (QEIA) program that provides low performing schools with funding to reduce class sizes and provide additional professional development. Roosevelt will receive approximately $837,900 in 2013-14. Each year QEIA schools must meet six performance targets to continue to be eligible for funding. Regarding the class size requirement, at the end of the 2012-13 school year, Roosevelt had 5 classes that were over the QEIA required limit of 27 students. QEIA class size reduction records are kept by the District's office of Pupil Accounting and data is pulled from the student information system. Special education students are counted in general education classes and may exceed the limit of 27 if there is a co-teacher assigned. All 5 classes had co-teachers. It is anticipated that Roosevelt will meet its other QEIA targets this year, and with the HQT and class size waived, Roosevelt will continue to be eligible for funding. Upon board approval, required information will be available so that relevant data can be entered into the state's online waiver system.

Student Population: 130278

City Type: Urban

Public Hearing Date: 1/28/2014
Public Hearing Advertised: Posted at District Office and Newspaper (UT-San Diego)

Local Board Approval Date: 1/28/2014

Community Council Reviewed By: School Site Council
Community Council Reviewed Date: 1/16/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Ron Rode
Position: Executive Director, Office of Accountability
E-mail: rrode@sandi.net
Telephone: 619-725-7190
Fax: 619-725-7180

Bargaining Unit Date: 01/23/2014
Name: San Diego Education Association
Representative: Bill Freeman
Title: President, SDEA
Position: Neutral
Comments:

Roosevelt Waiver Narrative CSR

In response to the Quality Education Investment Act (QEIA) 2012-13 annual review, the following addresses why Roosevelt Middle School was not able to meet the program requirement in the area of Class Size Reduction (CSR):

Roosevelt Middle School is an International Baccalaureate School and offers all courses required of an IB program. At the end of the 2012-13 school year, Roosevelt had five classes that were over the QEIA required limit of 27 students. QEIA class size reduction records are kept by the District's office of Pupil Accounting and data is pulled from the student information system. Special Education students are counted in general education classes and may exceed the limit of 27 if there is a co-teacher assigned. All five classes had a co-teacher assigned. It is anticipated that Roosevelt will meet all QEIA targets for the 2013-14 school year.

Waiver Number: 93-2-2014 **Period of Request:** August 14, 2013, to June 5, 2014
Period Recommended: July 1, 2013, to June 30, 2014
Walter L. Bachrodt Elementary School **CDS Code**: 43 69666 6048730
San Jose Unified School District

Local Educational Agency Request:

San Jose Unified School District (USD) is an urban district located in Santa Clara County with a student population of approximately 6,163 students. Walter L. Bachrodt Elementary School (ES) serves 668 students in kindergarten and grades one through five. Monitoring performed by the Santa Clara County Office of Education indicates that the class size reduction (CSR) requirements of the Quality Education Investment Act (QEIA) were fully met by Walter L. Bachrodt ES in school year 2012–13, but the district is asking for an alternative QEIA CSR target for school year 2013–14. The school's 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 and 21.0 in grades four and five, respectively.

San Jose USD states that it expected mobility that has not occurred during the present school year. In addition, the district states that it did not have an alternative school where students over the CSR targets could be placed, and consequently, grades four and five exceeded their targets by 2.0 each.

San Jose USD requests a waiver of the QEIA CSR targets for grades four and five at Walter L. Bachrodt ES for school year 2013–14, and the establishment of an alternative CSR target of 24.0 and 23.0 students on average in core classes in grades four and five, respectively.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports San Jose USD's request to increase its QEIA CSR targets for grades four and five at Walter L. Bachrodt ES for school year 2013–14.

The CDE recommends approval with the following conditions: (1) Applies only to grades four and five at Walter L. Bachrodt ES for school year 2013–14; (2) Walter L. Bachrodt ES increases enrollment to 24.0 and 23.0 students on average in core classes in grades four and five, respectively; (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, San Jose USD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the CSR requirement.

Reviewed by Walter L. Bachrodt ES Schoolsite Council on February 13, 2014.

Supported by San Jose Teachers Association, February 7, 2014.

Local Board Approval: February 13, 2014.

California Department of Education
WAIVER SUBMISSION - General

CD Code: 4369666 Waiver Number: 93-2-2014 Active Year: 2014

Date In: 2/14/2014 1:07:05 PM

Local Education Agency: San Jose Unified School District
Address: 855 Lenzen Ave.
San Jose, CA 95126

Start: 8/14/2013 End: 6/5/2014

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
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: (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 at 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: Bachrodt Academy (Elementary) has one regular 4th grade class with an average class size of 24, and two bilingual 4th grade classes with an average class size of 23 and 24, respectively at this point in the school year. The QEIA cap is 22 for the 4th grade. Bachrodt Academy (Elementary) also has two regular 5th grade classes that have an average class size of 23 and 22 respectively at this point in the school year. The QEIA cap is 21 for the 5th grade.
SJUSD was expecting counting on mobility that did not occur at this school this year. SJUSD does not have a school where students over the cap can be placed.
SJUSD will continue to monitor class size averages closely.

Student Population: 668

City Type: Urban

Public Hearing Date: 2/12/2014
Public Hearing Advertised: Public Notice posted on the District Office Door, District Website and on Board Agenda

Local Board Approval Date: 2/13/2014

Community Council Reviewed By: Bachrodt Elementary School - School Site Council
Community Council Reviewed Date: 2/13/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Janice Samuels
Position: Categorical Programs Manager
E-mail: jsamuels@sjusd.org
Telephone: 408-535-6602 x14314
Fax: 408-535-6489

Bargaining Unit Date: 02/07/2014
Name: San Jose Teachers Association
Representative: Jennifer Thomas
Title: President
Position: Support
Comments:

Waiver Number: 53-1-2014 **Period of Request:** August 20, 2012, to June 6, 2013
Period Recommended: July 1, 2012, to June 30, 2013
Nokomis Elementary School **CDS Code**: 23 65615 6025217
Ukiah Unified School District

Local Educational Agency Request:

Ukiah Unified School District (USD) is a rural district located in Mendocino County with a student population of approximately 6,163 students. Nokomis Elementary School (ES) serves 350 students in kindergarten and grades one through five. Monitoring performed by the Mendocino County Office of Education indicates that the class size reduction (CSR) requirements of the Quality Education Investment Act (QEIA) were not fully met by Nokomis ES in school year 2012–13. The school's 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 24.0 in grades four and five.

Ukiah USD states that the 2012–13 school enrollment projections were impacted across kindergarten, which led to an overage of 1.14 in one class and .35 in another. In addition, the district states that it has established a revised system to mitigate this issue for the present year.

Ukiah USD requests a waiver of the QEIA CSR target for kindergarten at Nokomis ES for school year 2012–13, and the establishment of an alternative CSR target of 21.58 students per class in core classes in kindergarten.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports Ukiah USD's request to increase its QEIA CSR targets for kindergarten at Nokomis ES for school year 2012–13.

The CDE recommends approval with the following conditions: (1) Applies only to kindergarten at Nokomis ES for school year 2012–13; (2) Nokomis ES increases enrollment to 21.58 students per class in core classes in kindergarten for school year 2012–13; (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, Ukiah USD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the CSR requirement.

Reviewed by Nokomis ES Schoolsite Council on January 14, 2013.

Supported by Ukiah Teachers Association, December 19, 2013.

Local Board Approval: January 14, 2014.

California Department of Education
WAIVER SUBMISSION - General

CD Code: 2365615 Waiver Number: 53-1-2014 Active Year: 2014

Date In: 1/31/2014 12:18:23 PM

Local Education Agency: Ukiah Unified School District
Address: 925 North State St.
Ukiah, CA 95482

Start: 8/20/2012 End: 6/6/2013

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)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: (1) Meet all of the following class size requirements:
(A) For kindergarten and grades 1-3, inclusive, no more than 20 pupils per class, as set forth in the Class Size Reduction Program (Chapter 6.10 (commencing with Section 52120)).

Outcome Rationale: Th 2012-2013 school enrollment projections were impacted across kindergarten and this led to the one student overage. In addition, we have established a revised system to mitigate this issue.

Student Population: 350

City Type: Rural

Public Hearing Date: 12/10/2013
Public Hearing Advertised: Public Postings throughout the district community and School Board Action.

Local Board Approval Date: 1/14/2013

Community Council Reviewed By: Ukiah Unified School District, Nokomis Schoolsite Council
Community Council Reviewed Date: 1/14/2013
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Dr. Maria Armstrong
Position: Assistant Superintendent
E-mail: marmstrong@uusd.net
Telephone: 707-472-5053
Fax: 707-463-2120

Bargaining Unit Date: 12/19/2013
Name: Ukiah Teachers Association
Representative: Leslie Barkley
Title: UTA President
Position: Support
Comments:

California State Board of Education

Meeting Agenda Items for May 7-8, 2014

WAIVER ITEM W-21

ITEM #W-21

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2014 AGENDA

☒ **General Waiver**

SUBJECT Request by three local educational agencies to waive portions of California *Education Code* Section 52055.740(a), regarding Highly Qualified Teachers and/or the *Williams* case settlement requirements under the Quality Education Investment Act. Waiver Numbers: San Diego Unified School District 45-1-2014 San Diego Unified School District 48-1-2014 Sweetwater Union High School District 20-3-2014 West Contra Costa Unified School District 120-2-2014	☒ **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

Quality Education Investment Act

Per California *EC* Section 52055.710(c) and (d), it is the intent of the Legislature that the Quality Education Investment Act (QEIA) funding accomplish the following:

(c) Improve the quality of academic instruction and the level of pupil achievement in schools in which pupils have high levels of poverty and complex educational needs.

(d) Develop exemplary school district and school practices that will create the working conditions and classroom learning environments that will attract and retain well qualified teachers, administrators, and other staff.

To assist local educational agencies (LEAs) in properly implementing requirements to meet statutory timelines, schools participating in the QEIA program were monitored by their county offices of education for compliance with program requirements for the first time at the end of the 2008–09 school year. At that time, QEIA schools were required to demonstrate one-third progress toward full implementation of program requirements. At the end of the 2009–10 school year, QEIA schools were required to demonstrate two-thirds progress toward full program implementation. QEIA schools were required to demonstrate full compliance with all program requirements at the end of the 2010–11 school year.

Highly Qualified Teachers

California *EC* Section 52055.740(a)(3) requires, in QEIA funded schools, that by the end of the 2010–11 school year and each year after, each teacher, including intern teachers, be highly qualified in accordance with the federal No Child Left Behind Act (NCLB) of 2001.

The federal NCLB statutes require that all elementary, middle, and high school teachers assigned to teach core academic subjects be highly qualified. In California, the NCLB core academic subjects are defined as:

- English/language arts/reading (including reading intervention and California High School Exit Exam [CAHSEE] English classes)
- Mathematics (including math intervention and CAHSEE math classes)
- Biological sciences, chemistry, geosciences, and physics
- Social science (history, government, economics, and geography)
- Foreign languages (specific)
- Drama/theater, visual arts (including dance), and music

Meeting the federal requirement for Highly Qualified Teachers (HQT) is determined based on the number of classes in core academic subjects taught by highly qualified teachers as reported in the California Longitudinal Pupil Achievement Data System (CALPADS).

Williams Case Settlement Requirements

California *EC* Section 52055.740(b)(4) requires QEIA funded schools, by the end of the 2008–09 school year and each year thereafter, to meet all of the requirements of the settlement agreement in *Eliezer Williams, et al., vs. State of California, et al.*

These requirements include:

- Ensuring students have sufficient instructional materials.

- Ensuring school facilities pose no emergency or urgent threat to health and safety.

- Ensuring there are no teacher vacancies or misassignments.

If an LEA requests a waiver of the HQT or *Williams* case settlement requirements, the California Department of Education (CDE) reviews a range of information regarding the unique circumstances of the school and the district to formulate 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* 33051(a), available at http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC&sectionNum=33051.

SUMMARY OF PREVIOUS STATEBOARD OF EDUCATION DISCUSSION AND ACTION

The CDE Waiver Office has previously presented requests to waive the HQT target and the *Williams* case settlement requirements as defined by QEIA to the SBE. All HQT and *Williams* case settlement requirement waivers previously presented have been approved by the SBE.

The San Diego Unified School District meets the criteria for the SBE Streamlined Waiver Policy, available at http://www.cde.ca.gov/re/lr/wr/documents/sbestreamlined.doc, achieving an Academic Performance Index (API) of 800 or above in the current scoring cycle. Therefore, these waivers have been scheduled for the consent calendar. The 2013 Growth API score for the district is 809.

FISCAL ANALYSIS (AS APPROPRIATE)

There are no statewide costs as a result of waiver approval. If the waiver is denied, the school must implement the HQT targets based on statute requirements or the *Williams* case settlement 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: San Diego Unified School District Request for a Quality Education Investment Act Highly Qualified Teachers Waiver 45-1-2014 (1 Page)

Attachment 2: San Diego Unified School District General Waiver Request 45-1-2014 (3 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: San Diego Unified School District Request for a Quality Education Investment Act Highly Qualified Teachers Waiver 48-1-2014 (1 Page)

Attachment 4: San Diego Unified School District General Waiver Request 48-1-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 5: Sweetwater Union High School District Request for a Quality Education Investment Act Highly Qualified Teachers Waiver 20-3-2014 (1 Page)

Attachment 6: Sweetwater Union High School District General Waiver Request 20-3-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 7: West Contra Costa Unified School District Request for a Quality Education Investment Act Highly Qualified Teachers Waiver 120-2-2014 (1 Page)

Attachment 8: West Contra Costa Unified School District General Waiver Request 120-2-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Waiver Number: 45-1-2014 **Period of Request:** July 1, 2012, to June 30, 2013
Period Recommended: July 1, 2012, to June 30, 2013
Edison Elementary School **CDS Code**: 37 68338 6039499
San Diego Unified School District

Local Educational Agency Request:

San Diego Unified School District (USD) is an urban district located in San Diego County with a student population of approximately 130,278 students. Edison Elementary School (ES) serves 592 students in kindergarten and grades one through five. Monitoring performed by the San Diego County Office of Education indicates that the Highly Qualified Teacher (HQT) requirements of the Quality Education Investment Act (QEIA) were not fully met by Edison ES in school year 2012–13.

San Diego USD states that Edison ES had one teacher who did not possess documentation to show compliance. The district explains that the teacher possessed the correct credential and certification for the assignment as a bilingual-literacy teacher; however, the teacher needed to pass the California Subject Examination for Teachers (CSET) for Multiple Subjects and did not. Lastly, the district states that the teacher was replaced by a HQT teacher.

San Diego USD is requesting that the HQT requirement for teachers at Edison ES be waived for school year 2012–13.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports San Diego USD's request that HQT requirements for teachers at Edison ES be waived for school year 2012–13.

The CDE recommends approval with the following conditions: (1) Applies only to teachers at Edison ES for school year 2012–13; (2) Edison ES meets the HQT requirements in school year 2013–14 and all subsequent years that the district receives QEIA funds; and (3) Within 30 days of approval of this waiver, San Diego USD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the HQT requirements.

Reviewed by Edison ES Schoolsite Council on January 27, 2014.

Neutral position by San Diego Education Association, January 23, 2014.

Local Board Approval: January 28, 2014.

California Department of Education
WAIVER SUBMISSION - General

CD Code: 3768338 Waiver Number: 45-1-2014 Active Year: 2014

Date In: 1/29/2014 12:02:38 PM

Local Education Agency: San Diego Unified School District
Address: 4100 Normal St.
San Diego, CA 92103

Start: 7/1/2012 End: 6/30/2013

Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: Quality Education Investment Act
Ed Code Title: Highly Qualified Teachers
Ed Code Section: 52055.740 (a)(3)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: (a) For each funded school, the county superintendent of schools for the county in which the school is located shall annually review the school and its data to determine if the school has met all of the following program requirements by the school by the end of the third full year of funding: (3) Ensure that each teacher in the school, including intern teachers, shall be highly qualified in accordance with the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.).

Outcome Rationale: In 2007-08, Edison Elementary School began participation in the eight year Quality Education Investment Act (QEIA) program that provides low performing schools with funding to reduce class sizes and provide additional professional development. Edison will receive approximately $369,200 in 2013-14. Each year QEIA schools must meet six performance targets to continue to be eligible for funding. One of those targets is achieving 100 percent employment of highly qualified teachers. For 2012-13, Edison had one teacher, who did not possess documentation to show compliance. The teacher possessed the correct credential and certification for her assignment as a biliteracy teacher. She needed to pass the California Subject Examination for Teachers (CSET) for Multiple Subjects. However, she did not pass the exam. Upon board approval, required information will be available so that relevant data can be entered into the state's online waiver system.

Student Population: 130278

City Type: Urban

Public Hearing Date: 1/28/2014
Public Hearing Advertised: Posted at District Office and Newspaper (UT-San Diego)

Local Board Approval Date: 1/28/2014

Community Council Reviewed By: School Site Council
Community Council Reviewed Date: 1/27/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Ron Rode
Position: Executive Director, Office of Accountability
E-mail: rrode@sandi.net
Telephone: 619-725-7190
Fax: 619-725-7180

Bargaining Unit Date: 01/23/2014
Name: San Diego Education Association
Representative: Bill Freeman
Title: President, SDEA
Position: Neutral
Comments:

San Diego Unified
SCHOOL DISTRICT

Bernadette Nguyen
Interim Chief Human Resources Officer
P- 619-725-7248
F- 619-296-7522
bnguyen@sandi.net

December 17, 2013

San Diego County of Education
6401 Linda Vista Road
San Diego, CA 92111-7319

Dear San Diego County of Education,

In reviewing the QEIA findings for the 2012-2013 school year, we have addressed the necessary areas for compliance. Edison Elementary did not meet all requirements in the area of Highly Qualified Teachers. There was one teacher who did not possess documentation to show compliance. The teacher possessed the correct credential and certification for her assignment as a biliteracy teacher. She needed to pass the California Subject Examination for Teachers (CSET) for Multiple Subjects. However, she did not pass the exam.

San Diego Unified School District is requesting a waiver for this one assignment. We recognize the need to have all teachers meet the Highly Qualified Teachers requirements. We are committed to working with our teachers towards this end. We thank you for your consideration.

Sincerely,

/s/

Bernadette Nguyen
Interim Chief Human Resources Officer

Waiver Number: 48-1-2014 **Period of Request:** July 1, 2012, to June 30, 2013
Period Recommended: July 1, 2012, to June 30, 2013
Mann Middle School **CDS Code**: 37 68338 6059646
San Diego Unified School District

Local Educational Agency Request:

San Diego Unified School District (USD) is an urban district located in San Diego County with a student population of approximately 130,278 students. Mann Middle School (MS) serves 921 students in grades six through eight. Monitoring performed by the San Diego County Office of Education indicates that the Highly Qualified Teacher (HQT) requirements of the Quality Education Investment Act (QEIA) were not fully met by Mann MS in school year 2012–13.

San Diego USD states that Mann MS had one teacher who had a limited assignment in English. The district also states that the teacher was not HQT and was not removed from assignment until December 2012.

San Diego USD is requesting that the HQT requirement for teachers at Mann MS ES be waived for school year 2012–13.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports San Diego USD's request that HQT requirements for teachers at Mann MS be waived for school year 2012–13.

The CDE recommends approval with the following conditions: (1) Applies only to teachers at Mann MS for school year 2012–13; (2) Mann MS meets the HQT requirements in school year 2013–14 and all subsequent years that the district receives QEIA funds; and (3) Within 30 days of approval of this waiver, San Diego USD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the HQT requirements.

Reviewed by Mann MS Schoolsite Council on December 17, 2013.

Neutral position by San Diego Education Association, January 23, 2014.

Local Board Approval: January 28, 2014.

California Department of Education
WAIVER SUBMISSION - General

CD Code: 3768338 Waiver Number: 48-1-2014 Active Year: 2014

Date In: 1/29/2014 3:52:14 PM

Local Education Agency: San Diego Unified School District
Address: 4100 Normal St.
San Diego, CA 92103

Start: 7/1/2012 End: 6/30/2013

Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: Quality Education Investment Act
Ed Code Title: Highly Qualified Teachers
Ed Code Section: *EC* 52055.740 (a)(3)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: (a) For each funded school, the county superintendent of schools for the county in which the school is located shall annually review the school and its data to determine if the school has met all of the following program requirements by the school by the end of the third full year of funding: (3) Ensure that each teacher in the school, including intern teachers, shall be highly qualified in accordance with the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.).

Outcome Rationale: In 2007-08, Mann Middle School began participation in the eight-year Quality Education Investment Act (QEIA) program that provides low performing schools with funding to reduce class sizes and provide additional professional development. Mann will receive approximately $828,900 in 2013-14. Each year QEIA schools must meet six performance targets to continue to be eligible for funding. For HQT, Mann had one teacher in the Fall CALPADS report listed as not HQT for teaching Arabic. This was an input error as the teacher had completed the required coursework and is certified to teach Arabic. CALPADS was changed to correct the error. Upon board approval, required information will be available so that relevant data can be entered into the state's online waiver system.

Student Population: 130278

City Type: Urban

Public Hearing Date: 1/28/2014
Public Hearing Advertised: Posted at District Office and Newspaper (UT-San Diego)

Local Board Approval Date: 1/28/2014

Community Council Reviewed By: School Site Council
Community Council Reviewed Date: 12/17/2013
Community Council Objection: N

Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Ron Rode
Position: Executive Director, Office of Accountability
E-mail: rrode@sandi.net
Telephone: 619-725-7190
Fax: 619-725-7180

Bargaining Unit Date: 01/23/2014
Name: San Diego Education Association
Representative: Bill Freeman
Title: President, SDEA
Position: Neutral
Comments:

Waiver Number: 20-3-2014 **Period of Request:** July 1, 2012, to June 30, 2013
Period Recommended: July 1, 2012, to June 30, 2013
Southwest Middle School **CDS Code**: 37 68411 6062012
Sweetwater Union High School District

Local Educational Agency Request:

Sweetwater Union High School District (UHSD) is an urban district located in San Diego County with a student population of approximately 41,000 students. Southwest Middle School (MS) serves 653 students in grades seven through eight. Monitoring performed by the San Diego County Office of Education indicates that the Highly Qualified Teacher (HQT) requirements of the Quality Education Investment Act (QEIA) were not fully met by Southwest MS in school year 2012–13.

Sweetwater UHSD states that a coding error caused the misidentification of teachers, with an aggregate of fifteen separate courses, as being non-compliant with HQT when first reported in the California Longitudinal Pupil Achievement Data System (CALPADS). In addition, there was only one specific teacher (four specific assignments) who was non-compliant for the 2012–13 school year. Lastly, the district states that resolution was achieved by the teacher being removed from two of those assignments and the teacher participating in the Verification Process for Specialized Settings.

Sweetwater UHSD is requesting that the HQT requirement for teachers at Southwest MS be waived for school year 2012–13.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports Sweetwater UHSD's request that HQT requirements for teachers at Southwest MS be waived for school year 2012–13.

The CDE recommends approval with the following conditions: (1) Applies only to teachers at Southwest MS for school year 2012–13; (2) Southwest MS meets the HQT requirements in school year 2013–14 and all subsequent years that the district receives QEIA funds; and (3) Within 30 days of approval of this waiver, Sweetwater UHSD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the HQT requirements.

Reviewed by Southwest MS Schoolsite Council on December 20, 2014.

Supported by Sweetwater Education Association, January 31, 2014.

Local Board Approval: February 18, 2014.

California Department of Education
WAIVER SUBMISSION - General

CD Code: 3768411 Waiver Number: 20-3-2014 Active Year: 2014

Date In: 3/26/2014 1:45:23 PM

Local Education Agency: Sweetwater Union High
Address: 1130 Fifth Ave.
Chula Vista, CA 91911

Start: 7/1/2012 End: 6/30/2013

Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: Quality Education Investment Act
Ed Code Title: Highly Qualified Teachers
Ed Code Section: *EC* 52055.740
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: [Ensure that each teacher in the school, including intern teachers, shall be highly qualified in accordance with the Federal No Child Left Behind Act of 2001 (20.U.S.C. S*EC*. 6301 et seq.).]

Outcome Rationale: A coding error caused the mis-identification of teachers with an aggregate of fifteen separate courses, as being non-compliant as Highly Qualified Teachers (HQT) when first reported in the California Longitudinal Pupil Achievement Data System (CALPADS). To date, there is only one specific teacher (four specific assignments) that was non-compliant for the 2012-2013 school year. Resolution was achieved by the teacher being removed from two of those assignments and the teacher participating in the Verification Process for Specialized Settings (see supporting documentation).

Student Population: 653

City Type: Urban

Public Hearing Date: 2/18/2014
Public Hearing Advertised: 72 hour postings in public areas, District website

Local Board Approval Date: 2/18/2014

Community Council Reviewed By: School Site Council, Southwest Middle School
Community Council Reviewed Date: 12/20/2013
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Bill Walsh
Position: Principal
E-mail: william.walsh@sweetwaterschools.org
Telephone: 619-300-0424
Fax: 619-628-2600

Bargaining Unit Date: 01/31/2013
Name: Sweetwater Education Association (SEA)
Representative: Lian Shoemake
Title: Executive Director of South County United (SEA/CTA
Position: Support
Comments:

Waiver Number: 120-2-2014 **Period of Request:** August 1, 2012, to June 30, 2013
Period Recommended: July 1, 2012, to June 30, 2013
Helms Middle School **CDS Code**: 07 61796 6057228
West Contra Costa Unified School District

Local Educational Agency Request:

West Contra Costa Unified School District (USD) is an urban district located in Contra Costa County with a student population of approximately 30,398 students. Helms Middle School (MS) serves 889 students in grades seven and eight. Monitoring performed by the Contra Costa County Office of Education indicates that the Highly Qualified Teacher (HQT) requirements of the Quality Education Investment Act (QEIA) were not fully met by Helms MS in school year 2012–13.

West Contra Costa USD states that Helms MS had one special education teacher that was not HQT in the 2012 California Longitudinal Pupil Achievement Data System report. Also, the district states that the teacher was not in a self-contained classroom, and although the teacher was HQT in one subject taught, the teacher was not in the other. In addition, the district states that the school was unaware of the teacher's HQT status due to a miscommunication with the district. Further, the teacher retired in the middle of the school year and after that, all teachers were HQT. Lastly, the district states that moving forward, only HQT teachers will be assigned to Helms MS.

West Contra Costa USD is requesting that the HQT requirement for teachers at Helms MS be waived for school year 2012–13.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports West Contra Costa USD's request that HQT requirements for teachers at Helms MS be waived for school year 2012–13.

The CDE recommends approval with the following conditions: (1) Applies only to teachers at Helms MS for school year 2012–13; (2) Helms MS meets the HQT requirements in school year 2013–14 and all subsequent years that the district receives QEIA funds; and (3) Within 30 days of approval of this waiver, West Contra Costa USD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the HQT requirements.

Reviewed by Helms MS Schoolsite Council on January 14, 2014.

Supported by United Teachers of Richmond, January 10, 2014.

Local Board Approval: February 12, 2014.

California Department of Education
WAIVER SUBMISSION - General

CD Code: 0761796 Waiver Number: 120-2-2014 Active Year: 2014

Date In: 2/27/2014 9:35:31 AM

Local Education Agency: West Contra Costa Unified School District
Address: 1108 Bissell Ave.
Richmond, CA 94801

Start: 8/1/2012 End: 6/30/2013

Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: Quality Education Investment Act
Ed Code Title: Highly Qualified Teachers
Ed Code Section: 52055.740
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: California *EC* Section 52055.740(a)(3) requires in QEIA funded schools by the end of the 2010-11 school year and each year after, each teacher, including intern teachers, be highly qualified in accordance with NCLB.

The federal NCLB statues require that all elementary, middle, and high school teachers assigned to teach core academic subjects are highly qualified.

Outcome Rationale: In 2012-13 one Special Education teacher at Helms was assigned to one class without the appropriate credential. As a result the California Department of Education determined that Helms was 97% HQT for that year. This teacher retired in the middle of the 12-13 school year. Moving forward HQT teachers will be assigned to Helms Middle School.

Student Population: 889

City Type: Urban

Public Hearing Date: 2/12/2014
Public Hearing Advertised: Newspapers, Posted on District website, send out notifications to all schools and posted at schools

Local Board Approval Date: 2/12/2014

Community Council Reviewed By: WCCUSD School Board and Helms Schoolsite Council
Community Council Reviewed Date: 1/14/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Lyn Potter
Position: Director Educational Services
E-mail: lpotter@wccusd.net
Telephone: 510-307-4500
Fax:

Bargaining Unit Date: 01/10/2012
Name: United Teachers of Richmond
Representative: Diane Brown
Title: President
Position: Support
Comments:

California State Board of Education

Meeting Agenda Items for May 7-8, 2014

WAIVER ITEM W-22

ITEM #W-22

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2014 AGENDA

☒ **General Waiver**

SUBJECT Request by **San Diego Unified 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: 49-1-2014	☒ **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 STATEBOARD OF EDUCATION DISCUSSION AND ACTION

The CDE 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.

The San Diego Unified School District meets the criteria for the SBE Streamlined Waiver Policy, available at http://www.cde.ca.gov/re/lr/wr/documents/sbestreamlined.doc, achieving an Academic Performance Index (API) of 800 or above in the current scoring cycle. Therefore, these waivers have been scheduled for the consent calendar. The 2013 Growth API score for the district is 809.

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: San Diego Unified School District Request 49-1-2014 for a Quality Education Investment Act Teacher Experience Index Waiver (2 Pages)

Attachment 2: San Diego Unified School District General Waiver 49-1-2014 (3 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Waiver Number: 49-1-2014 **Period of Request:** July 1, 2012, to June 30, 2013
Period Recommended: July 1, 2012, to June 30, 2013
Horace Mann Middle School **CDS Code:** 37 68338 6059646
San Diego Unified School District

Local Educational Agency Request:

San Diego Unified School District (USD) is an urban district located in San Diego County with a student population of approximately 130,278 students. Horace Mann Middle School (MS) serves 921 students in grades six through eight. San Diego USD provided teacher experience information from 2005–06, the base year upon which Quality Education Investment Act (QEIA) Teacher Experience Index (TEI) targets are calculated, showing that the average San Diego USD middle school TEI is 6.6. San Diego USD's average TEI for 2012–13 for this type of school is 7.5.

San Diego USD states that Horace Mann MS received a waiver for the 5.5 TEI for school year 2011–12 because seven veteran teachers retired with a collective experience of 55 years and were replaced by eight teachers with a collective experience of 9 years. As predicted, the district states that the TEI for school year 2012–13 increased to 6.2. The district now states that with one more year of experience for Horace Mann MS's current teachers, the school will likely meet the TEI target for school year 2013–14.

San Diego USD requests a waiver of the QEIA TEI target for Horace Mann MS and establishment of an alternative TEI target of 6.2 for school year 2012–13.

Additional Local Educational Agency and School Information for Consideration:

School Locale Code	11*
LEA Average Daily Attendance (ADA)	130,278
School ADA	921
Grade Span	6–8
Total Number Of Schools With Similar Grade Span	23
2005–06 TEI (Baseline Calculation)	6.6
2011–12 QEIA School TEI	5.5
2012–13 QEIA School TEI	6.2
2013–14 QEIA School TEI	7.3
2011–12 Similar Type School TEI	7.3
2012–13 Similar Type School TEI	7.5
2013–14 Similar Type School TEI	8.8
Percent of Similar Type School (2012–13 Data)	83%
Made API Growth Target?	No
Made AYP?	No

***City, Large:** Territory inside an urbanized area and inside a principal city with population of 250,000 or more.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports San Diego USD's request to reduce its TEI target for Horace Mann MS for school year 2012–13.

The CDE recommends approval with the following conditions: (1) Applies only to teachers at Horace Mann MS; (2) For the period of July 1, 2012, through June 30, 2013, the alternate TEI target of 6.2 shall be established at Horace Mann MS; and (3) Within 30 days of approval of this waiver, San Diego USD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the TEI requirement.

Reviewed by Horace Mann MS Schoolsite Council on January 17, 2014.

Supported by San Diego Education Association, January 23, 2014.

Local Board Approval: January 28, 2014.

California Department of Education
WAIVER SUBMISSION - General

CD Code: 3768338 Waiver Number: 49-1-2014 Active Year: 2014

Date In: 1/29/2014 5:00:23 PM

Local Education Agency: San Diego Unified School District
Address: 4100 Normal St.
San Diego, CA 92103

Start: 7/1/2012 End: 6/30/2013

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: (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: In 2007-08, Mann Middle School began participation in the eight-year Quality Education Investment Act (QEIA) program that provides low performing schools with funding to reduce class sizes and provide additional professional development. Mann will receive approximately $828,900 in 2013-14. Each year QEIA schools must meet six performance targets to continue to be eligible for funding. One of those targets is a TEI calculated on average years of teaching experience. However, QEIA places a cap of 10 years' experience for its calculations. Therefore, a teacher with 25 actual years of experience is assigned a value of 10 when determining the QEIA TEI. For 2012-13, Mann's TEI is 6.2 years, which is below the required 6.6 years. The requested waiver would suspend the requirement for last year, and with one more year of experience for Mann's current teachers, the school will likely meet the TEI target for this year. Upon board approval, required information will be available so that relevant data can be entered into the state's online waiver system.

Student Population: 130278

City Type: Urban

Public Hearing Date: 1/28/2014
Public Hearing Advertised: Posted at District Office and Newspaper (UT-San Diego)

Local Board Approval Date: 1/28/2014

Community Council Reviewed By: School Site Council
Community Council Reviewed Date: 12/17/2013
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Ron Rode
Position: Executive Director, Office of Accountability
E-mail: rrode@sandi.net
Telephone: 619-725-7190
Fax: 619-725-7180

Bargaining Unit Date: 01/23/2014
Name: San Diego Education Association
Representative: Bill Freeman
Title: President, SDEA
Position: Neutral
Comments:

TEI Data
In July of 2013, Mann Middle School received a waiver for the 2011-12 school year for their teacher experience index. Last year, TEI at Mann was 5.5 years of experience. For the 2012-13 QEIA report, TEI was 6.2 years of experience. If a waiver is granted for Mann Middle School for TEI, it is likely the school will meet the 6.6 years of experience requirement for the 2013-14 school year.

Background on Mann Middle School
Seven years ago, the school's academic performance was in steep decline. Mann did not show significant growth based on the CST scores. In 2005-2006, the school fell under state monitoring and as a result, the site was restructured. This plan resulted in the creation of three thematically focused schools. The test results showed marginal gains at the end of the third year. At this time, the district was beginning to experience budget crisis and Mann Middle restructured from three small schools back into one.

Since the restructuring, Mann has made significant academic gains in all categories for all students. In its first year of restructuring, Horace Mann exited the state monitoring process. This was highly significant because it allowed the school to provide more elective courses and establish an A-G curriculum with a high school and college bound focus. One year after Mann's restructuring, the API score increased to 630 from 594.

Although the teachers at Mann lack the years of experience required for QEIA funding, they certainly possess the ability to improve the academic culture and achievement levels among the students. The decision to maintain our staff of less senior teachers has been made to support student achievement. This is evidenced through the increased proficiency levels of our students. It is notable that throughout the 2009 - 2013 school years, Horace Mann's API score of 630 increased to 749. According to QEIA teaching index, our teachers have a low average number of teaching years, but it is important to note that each year they still produce an increase in academic results. Clearly, Mann's group of less senior teachers is functioning to improve the educational experiences of all students, as substantiated by the data.

Since 2008, Mann has maintained a stable group of staff members. This has greatly contributed to the stabilization of Mann and its academic focus. As a QEIA school, Mann teachers have received hundreds of specialized, professional development hours with a focus on student academic achievement. We have created strong PLCs centered on excelling student achievement in all content areas among all subgroups. Retaining the stable group of Mann teachers is essential to our continued progress to meet that target. The staff has consistently implemented the learning that has taken place during the Professional Developments, which is evidenced in the consistent trend of academic gains.

The loss of support from the Quality Education Investment Act would severely hinder the successful work occurring at Mann Middle School in regard to increasing student achievement. Please consider renewing this waiver so that we are able to continue to offer professional development to the teaching staff and maximize the benefits of small class size.

California State Board of Education

Meeting Agenda Items for May 7-8, 2014

WAIVER ITEM W-23

ITEM #W-23

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2014 AGENDA

☒ **General Waiver**

SUBJECT Request by three local educational agencies to waive portions of California *Education Code* Section 52055.740(a), regarding class size reduction requirements under the Quality Education Investment Act. Waiver Numbers: Banning Unified School District 127-2-2014 Chualar Union School District 123-2-2014 Los Nietos School District 125-2-2014	☒ **Action** ☐ **Consent**

SUMMARY OF THE ISSUES

See Attachments 1, 3, and 5 for details.

Authority for Waiver: *Education Code* (*EC*) Section 33050

RECOMMENDATION

☐ **Approval** ☐ **Approval with conditions** ☒ **Denial**

The California Department of Education (CDE) recommends denial of this waiver request because its approval would not adequately address the educational needs of pupils per *EC* Section 33051(a)(1). If approved, termination is effective as of June 30, 2014. The school is receiving Quality Education Investment Act (QEIA) funds for 2013–14 and is not obligated to return 2013–14 funds if the funds are expended by June 30, 2014.

See Attachments 1, 3, and 5 for details.

SUMMARY OF KEY ISSUES

These school districts were out of compliance with two separate QEIA programmatic requirements: the QEIA 27-student cap per core classroom and also the class size reduction (CSR) targets. The QEIA 27-student cap is being presented at the May 2014 State Board of Education (SBE) meeting as W-20 and is recommended for Approval with Conditions because the student caps per classroom presented in the waiver request are consistent with previous SBE actions. This waiver for meeting their respective CSR targets is recommended for denial because all districts have requested a class size target of over 25, which is consistent with CDE's recommendation for

denial. Denial of either QEIA waiver will result in termination from the QEIA program, effective June 30, 2014.

Class Size Reduction

Schools participating in the QEIA program were monitored by their county offices of education for compliance with program requirements for the first time at the end of the 2008–09 school year. At that time, local educational agencies 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 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 STATEBOARD OF EDUCATION DISCUSSION AND ACTION

The CDE Waiver Office has previously presented requests to the 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: Banning Unified School District Request 127-2-2014 for a Quality Education Investment Act Class Size Reduction Waiver (2 Pages)

Attachment 2: Banning Unified School District General Waiver Request 127-2-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: Chualar Union School District Request 123-2-2014 for a Quality Education Investment Act Class Size Reduction Waiver (2 Pages)

Attachment 4: Chualar Union School District General Waiver Request 123-2-2014 (5 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 5: Los Nietos School District Request 125-2-2014 for a Quality Education Investment Act Class Size Reduction Waiver (2 Pages)

Attachment 6: Los Nietos School District General Waiver Request 125-2-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Waiver Number: 127-2-2014 **Period of Request:** July 1, 2012, to May 31, 2013
Period Recommended: July 1, 2012, to June 30, 2013
Nicolet Middle School **CDS Code**: 33 66985 6112080
Banning Unified School District

Local Educational Agency Request:

Banning Unified School District (USD) is an urban district located in Riverside County with a student population of approximately 4,524 students. Nicolet Middle School (MS) serves 961 students in grades six through eight. Monitoring performed by the Riverside County Office of Education (RCOE) indicates that the class size reduction (CSR) requirements of the Quality Education Investment Act (QEIA) were not fully met by Nicolet MS in school year 2012–13. The school's current QEIA CSR targets for core classes of English, mathematics, history-social science, and science are an average of 24.0, 22.0, and 22.0 in grades six through eight, respectively.

Banning USD states it was under an appointed advisor from RCOE because the submitted budget for 2012–13 was out of balance. The district also states that RCOE's recommendation was to use QEIA funds to assist in balancing the budget because all other measure for reductions had been taken. Therefore, the district states, QEIA funds were not used to lower class sizes and these measures prevented the additional funds required to maintain the CSR targets. Further, the district states that a new administration began in 2013 and it has been the intent of this current administration, the superintendent and the director of Educational Services, to utilize QEIA in its original intent to reduce class sizes and keep the CSR targets. Lastly, the district states that class sizes are within the CSR targets for school year 2013–14.

Banning USD requests a waiver of the QEIA CSR targets for grades six through eight at Nicolet MS for school year 2012–13, and the establishment of alternative CSR targets of 28.2, 27.4, and 28.3 students on average in core classes in grades six through eight, respectively.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) recommends denial of this waiver request because its approval would not adequately address the educational needs of pupils per California *Education Code* (*EC*) Section 33051(a)(1).

CDE recommends denial of this waiver based on four factors: (1) QEIA legislation requires an average classroom size of 25 students or lower for core subjects, with no more than 27 students per classroom regardless of the average classroom size; (2) significant increases in classroom sizes will potentially impact academic performance in the near future, causing student performance to suffer; (3) QEIA funding is to be used specifically for program use and not budget balancing; and (4) approximately 80 percent of all QEIA schools have been successful in meeting QEIA program requirements and staying within the parameters of the program.

Reviewed by Nicolet MS Schoolsite Council on February 14, 2014.

Supported by California Schools Employee Association Chapter #147, February 27, 2014; and Banning Teachers Association, February 13, 2014.

Local Board Approval: February 27, 2014.

California Department of Education
WAIVER SUBMISSION - General

CD Code: 3366985 Waiver Number: 127-2-2014 Active Year: 2014

Date In: 2/28/2014 7:49:03 AM

Local Education Agency: Banning Unified School District
Address: 161 West Williams St.
Banning, CA 92220

Start: 7/1/2012 End: 5/31/2013

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)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: (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:
(ii) An average of 25 pupils per classroom.

Outcome Rationale: We were under a county appointed advisor from Riverside County Office of Education due to the originally submitted 2012-2013 budget being out of balance. the original recommendation was to use QEIA money to assist in balancing the budget. All other measures for reductions were taken, therefore QEIA funds were not used to lower class sizes. Our class sizes for 2012-2013 were 28.2 for 6th grade, 27.4 for 7th grade and 28.3 for 8th grade. New administration began in 2013. It has been the intent of the current administration, Superintendent and Director of Educational Services to utilize QEIA in its original intent to reduce class sizes. For the 2013-2014 school year class sizes are 24 for 6th grade, 22 for both 7th and 8th grade.

Student Population: 961

City Type: Small

Public Hearing Date: 2/27/2014
Public Hearing Advertised: Notice posted at each school

Local Board Approval Date: 2/27/2014

Community Council Reviewed By: Nicolet Middle School Site Council
Community Council Reviewed Date: 2/14/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Felicia Adkins
Position: Director, Educational Services
E-mail: fadkins@banning.k12.ca.us
Telephone: 951-922-0218
Fax: 951-922-2725

Bargaining Unit Date: 02/13/2014
Name: Banning Teachers' Association
Representative: Jeanine Kersavage
Title: President
Position: Support
Comments:

Bargaining Unit Date: 02/27/2014
Name: CSEA Chapter #147
Representative: Jennifer Serrano
Title: President
Position: Support
Comments:

Waiver Number: 123-2-2014 **Period of Request:** July 1, 2012, to June 29, 2013
Period Recommended: July 1, 2012, to June 30, 2013
Chualar Elementary School **CDS Code**: 27 65995 6026082
Chualar Union School District

Local Educational Agency Request:

Chualar Union School District (USD) is a rural district located in Monterey County with a student population of approximately 350 students. Chualar Elementary School (ES) serves 350 students in kindergarten and grades one through eight. Monitoring performed by the Monterey County Office of Education indicates that the class size reduction (CSR) requirements of the Quality Education Investment Act (QEIA) were not fully met by Chualar ES in school year 2012–13. The school's 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 25.0, 16.5, 24.0, 21.0, and 15.0 in grades four through eight, respectively.

Chualar USD states that QEIA CSR targets are difficult to achieve because it is in a rural community with only one small school. In addition, the district states that the difficulties are compounded because approximately 97 percent of its students receive free or reduced lunch, 33 percent of the families are migrant which causes enrollment to fluctuate throughout the year, and school enrollment is composed predominantly of English learners. Further, the district states that the school is at maximum capacity because there are no other rooms or structures that can be safely converted and/or used as classrooms due to so much of the funding being used to lower the student-to-teacher ratio. Lastly, the district states that without QEIA funding, Chualar ES would not be able to continue to implement these programs that have had a very positive effect on student learning.

Chualar USD requests a waiver of the QEIA CSR targets for kindergarten and grades two and three, and grades four through eight at Chualar ES for school year 2012–13, and the establishment of alternative CSR targets of 21.1, 21.4, and 23.3 students per class in core classes in kindergarten and grades two and three, respectively, and 25.4, 24.4, 28.1, 28.0, and 27.8 students on average in core classes in grades four through eight, respectively.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) recommends denial of this waiver request because its approval would not adequately address the educational needs of pupils per California *Education Code* (*EC*) Section 33051(a)(1).

CDE recommends denial of this waiver based on three factors: (1) QEIA legislation requires an average classroom size of 25 students or lower for core subjects, with no more than 27 students per classroom regardless of the average classroom size; (2) significant increases in classroom sizes will potentially impact academic performance in the near future, causing student performance to suffer; and (3) approximately 80 percent of all QEIA schools have been successful in meeting QEIA program requirements and staying within the parameters of the program.

Reviewed by Chualar ES Schoolsite Council on January 28, 2014.

Supported by California School Employees Association, February 7, 2014; and California Teachers Association, February 14, 2014.

Local Board Approval: February 26, 2014.

California Department of Education
WAIVER SUBMISSION - General

CD Code: 2765995 Waiver Number: 123-2-2014 Active Year: 2014

Date In: 2/27/2014 4:42:01 PM

Local Education Agency: Chualar Union School District
Address: 24285 Lincoln St.
Chualar, CA 93925

Start: 7/1/2012 End: 6/29/2013

Waiver Renewal: Y
Previous Waiver Number: 2-4-2011 Previous SBE Approval Date: 11/9/2011

Waiver Topic: Quality Education Investment Act
Ed Code Title: Class Size Reduction Requirements
Ed Code Section: 52055.740
Ed Code Authority: 33050-33053

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 school site. If the self-contained classrooms at the school averaged fewer than 25 pupils per classroom during the 2005-06 school year, that lower average shall be used as the "average in 2006-07" for purposes of this subparagraph. A school that receives funding under this article shall not have a self-contained classroom in grades 4 to 8, inclusive, with more than 27 pupils regardless of its average classroom size.]

Outcome Rationale: The District is requesting CSR targets (See Attached)
Chualar Elementary School is a Title 1 school with approximately 97% if its students receiving free or reduced lunch. The school is very small and it is located in a rural community consisting of predominantly English learners and low income. Chualar Elementary School has approximately 336 ADA/350 enrollment. Enrollment varies throughout the year due to the nature of family dynamics, one-third of our students are migrant, some students start after school begins and move away before school ends. The school is currently running at maximum capacity, meaning there are no other rooms or structures that can be safely converted and/or used as classrooms at this time due to lack of funding. QEIA funding is assisting Chualar Elementary School in its efforts to have a low student teacher ratio. Without QEIA's funding the school would not be able to continue to have a low student teacher ratio.

Student Population: 350

City Type: Rural

Public Hearing Date: 2/26/2014
Public Hearing Advertised: Notice posted at Chualar Elementary School, Chualar Post Office, Taqueria Hidalgo, Alma's Bakery.

Local Board Approval Date: 2/26/2014

Community Council Reviewed By: Chualar School Site Council
Community Council Reviewed Date: 1/28/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Roberto Rios
Position: Superintendent
E-mail: rrios_26@yahoo.com
Telephone: 831-679-2504 x105
Fax: 831-679-2071

Bargaining Unit Date: 02/07/2014
Name: California School Employees Association
Representative: Sylvia Valdez
Title: President
Position: Support
Comments:

Bargaining Unit Date: 02/14/2014
Name: California Teachers Association
Representative: Diana Perez
Title: CTA Representative
Position: Support
Comments:

CALIFORNIA DEPARTMENT OF EDUCATION
GENERAL WAIVER REQUEST
Class Size Average

7. Desired outcome/rationale

Chualar Union Elementary School District and Chualar Elementary School have encountered various challenges in meeting the QEIA CSR Target.

(See Attached) Class Size Reduction spreadsheet for Chualar Elementary School

Desired Outcome
For the 2012-2013 Chualar Union Elementary School District and Chualar School are requesting CSR targets for grades K-8th to be modified to fully be able to comply with all components of QEIA for the period of July 1, 2012 through June 29, 2013.

- Chualar UESD requests a waiver of the QEIA CSR target for kindergarten, and grades two, three, and four through eight at Chualar Elementary School for school year 2012-2013, and the establishment of alternative CSR targets for classes as follow: (K = 21.28), (2nd = 21.42), (3rd = 22.34 & 23.31), (4th = 25.43), (5th = 25.96 & 22.84), (6th = 28.13), (7th = 27.99 & 28.10), and (8th = 27.82) students for school year 2012-2013.
- Also, establish a new CSR target for K-3 of 24.0 for 2013-14 and future school years. (LCFF Requirement)
- In addition, establish a combined average of 27.0 students for all of the 4th to 8th grade classes combined and that no class in 4th to 8th grade exceed an average of 27.0 students in any classroom for 2013-2014 and future school years.

Rationale: Various factors have impacted the school's ability to meet the CSR targets
The result of the CSR limits established through QEIA, the school and district instructional decisions, budget constraints, are some of the challenges that Chualar has encountered in meeting the QEIA CSR Targets.

In Addition, the school is composed predominantly of English Learners, low income and migrant families. Enrollment varies throughout the year due to the nature of family dynamics. Some students start after school begins, leave during winter break and move away before school ends. Chualar Elementary has a high mobility rate. Less than 30% of students who start Kindergarten continue to be enrolled at Chualar by the end of the eighth grade.

Furthermore, Chualar ES continues to monitor CSR and moves students in an attempt to reduce class size in all its grades. Currently, we are forced to create combination classes and hire a new teacher for half a year in order to try to comply the QEIA CSR requirements. The QEIA CSR Targets established are difficult to achieve because we are a rural school with only one small school.

Because of Chualar's academic performance, the School Site Council and District made a decision to provide instruction in single grade level configurations because it maximizes grade level instructional time. However, they continue to revisit this in the middle of the school year

and make adjustments and are forced to create combination classes. QEIA funding is assisting Chualar ES in its efforts to have a low student teacher ratio. (See Attached Table)

The QEIA grant has provided the resources that have reduced class sizes, provided professional development to improve instruction and increased student learning evidenced by a 144 point API growth over the last six years. Chualar ES has made continuous improvement with the implementation of the QEIA grant and is requesting a waiver of the Class Size Reduction requirement for 2012-2013 and future school years. Without QEIA's funding the school would not be able to continue to implement these programs that have had a very positive effect on student learning.

Chualar Elementary has substantially met the following requirements at the previous benchmark years:

- Met the class size reduction waiver requirements for full implementation.
- Teachers that are highly qualified as defined by federal requirements teach all classes. (100%)
- Forty hours of professional development provided to teachers. (100%)
- Professional development provided to paraprofessionals.
- Met all the requirements for the Williams settlement.
- Exceeded the API growth targets for the school averaged over the past six years. (144 API)

Chualar UESD and Chualar ES are asking for a waiver of the CSR in order to continue to benefit from the academic improvement that the QEIA grant has provided for the school.

Year	Growth Target	Growth	Growth API
2007-2008	9	617	36
2008-2009	8	654	5
2009-2010	7	715	63
2010-2011	5	731	18
2011-2012	5	727	-3
2012-2013	5	752	25
Six Year Average			24

Chualar UESD and Chualar ES are asking for a waiver of the Class Size Reduction (CSR) requirement in order to continue to benefit from the academic improvement that the QEIA grant has provided for the school. Chualar is seeking a waiver of this requirement for 2012-2013 and future school years.

The QEIA grant has provided the resources that have reduced class sizes, provided professional development to improve instruction and increased student learning evidenced by a 24 point API growth average over the last six years. (Total 144 API growth over six years)

Chualar Elementary School has made continuous improvement with the implementation of the QEIA grant and is requesting a waiver of the CSR requirement for the 2012-2013 and future QEIA school years.

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 termination from the program.

Waiver Number: 125-2-2014 **Period of Request:** July 1, 2012, to June 30, 2013
Period Recommended: July 1, 2012, to June 30, 2013
Aeolian Elementary School **CDS Code**: 19 64758 6020085
Los Nietos School District

Local Educational Agency Request:

Los Nietos School District (SD) is an urban district located in Los Angeles County with a student population of approximately 1,899 students. Aeolian Elementary School (ES) serves 558 students in kindergarten and grades one through six. Monitoring performed by the Los Angeles County Office of Education indicates that the class size reduction (CSR) requirements of the Quality Education Investment Act (QEIA) were not fully met by Aeolian ES in school year 2012–13. The school's 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, 22.7, and 20.2 in grades four through six, respectively.

Los Nietos SD states that two primary factors caused the inability to maintain the QEIA CSR targets. The first was an unexpected growth in enrollment of nearly 10 percent from 2011–12 due to the success of the school and the smaller classes. Secondly, the district's overall enrollment declined so the revenues from the State declined. In addition, the district states that with the reduction of average daily attendance, the State continued to reduce funds so that it was impossible to move certificated personnel from other school sites without disruption and there were no additional funds to hire more certificated staff to lower the class sizes.

Los Nietos SD requests a waiver of the QEIA CSR targets for kindergarten and grades one through six at Aeolian ES for school year 2012–13, and the establishment of alternative CSR targets of 29.7, 28.1, 25.9, and 27.0 students per class in core classes in kindergarten and grades one through three, respectively, and 32.0, 32.3, and 25.3 students on average in core classes in grades four through six, respectively.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) recommends denial of this waiver request because its approval would not adequately address the educational needs of pupils per California *Education Code* (*EC*) Section 33051(a)(1).

CDE recommends denial of this waiver based on three factors: (1) QEIA legislation requires an average classroom size of 25 students or lower for core subjects, with no more than 27 students per classroom regardless of the average classroom size; (2) significant increases in classroom sizes will potentially impact academic performance in the near future, causing student performance to suffer; and (3) approximately 80 percent of all QEIA schools have been successful in meeting QEIA program requirements and staying within the parameters of the program.

Reviewed by Aeolian ES Schoolsite Council on February 26, 2014.

Supported by Los Nietos Teachers Association, February 24, 2014.

Local Board Approval: February 27, 2014.

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1964758 Waiver Number: 125-2-2014 Active Year: 2014

Date In: 2/28/2014 7:09:58 AM

Local Education Agency: Los Nietos School District
Address: 8324 South Westman Ave.
Whittier, CA 90606

Start: 7/1/2012 End: 6/30/2013

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: CSR Requirements
Ed Code Authority: CSR REquirements

Ed Code or *CCR* to Waive: Request is to waive the Class Size Reduction Requirement.

Outcome Rationale: The Los Nietos School district is requesting a waiver for the 2012-13 CSR Requirement.

Aeolian Elementary School in the Los Nietos School District has participated in the Quality Education Investment Act Grant Program since it's inception and has benefited greatly from the additional funds.The School's API growth was over 170 points during that time.

Unfortunately, in 2012-13 Aeolian School was unable to continue meeting the required K-6 CSR targets. There were two primary factors that caused this situation.

First, the School had an "unexpected" growth in enrollment of nearly 10% from 2011-12. The success of the school and the smaller classes were contributing factors for this growth.

Second, the District's overall enrollment declined, thus, the revenues from the State declined. In addition to the reduction of ADA, the State continued to deficit the District. We were unable to move certificated personnel from other school sites as we didn't want to disrupt the instructional programs at the other schools and we did not have the additional funds to hire additional certificated staff to lower the class sizes.

Student Population: 1899

City Type: Suburban

Public Hearing Date: 2/27/2014
Public Hearing Advertised: Agenda posted at School Sites and the District Board Meeting Room

Local Board Approval Date: 2/27/2014

Community Council Reviewed By: School Site Council
Community Council Reviewed Date: 2/26/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Douglas McMasters
Position: Assistant Superintendent of Business Services
E-mail: Douglas_McMasters@lnsd.net
Telephone: 562-692-0271 x3223
Fax: 562-692-9787

Bargaining Unit Date: 02/24/2014
Name: Los Nietos Teachers Association
Representative: Carroll McCrorry
Title: LNTA Chief Negotiatior
Position: Support
Comments:

California State Board of Education

Meeting Agenda Items for May 7-8, 2014

WAIVER ITEM W-24

ITEM #W-24

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2014 AGENDA

☒ **Specific Waiver**

SUBJECT Request by **Willits Unified School District** to waive California *Education Code* Section 51224.5(b), the requirement that all students graduating in the 2013–14 school year be required to complete a course in Algebra I (or equivalent) to be given a diploma of graduation for one special education student based on *Education Code* Section 56101, the special education waiver authority. Waiver Number: 122-2-2014	☒ **Action** ☒ **Consent**

SUMMARY OF THE ISSUE(S)

The District requests to waive the requirement that a student complete a course in Algebra I (or equivalent) to be given a diploma of graduation, for one special education student. The student will lose his eligibility for tribal benefits if he does not submit his diploma before July 1, 2014.

Authority for Waiver: *Education Code (EC)* Section 56101

RECOMMENDATION

☐ **Approval** ☒ **Approval with conditions** ☐ **Denial**

The California Department of Education recommends that the State Board of Education (SBE) approves the request to waive only the requirement that one student successfully complete a course in Algebra I (or its equivalent) for the 2013–14 graduating year. The student has met other course requirements stipulated by the governing board of the school district and *EC* Section 51225.3 in order to receive a high school diploma. If the student does not graduate in 2013–14, this waiver does not relieve the student of the responsibility to continue to attempt to successfully complete a course in Algebra I (or its equivalent) in 2014–15, as required by *EC* Section 51224.5.

SUMMARY OF KEY ISSUES

For the review of this waiver request, the Willits Unified School District provided the following documentation:

- A valid, current copy of the student's individualized education program (IEP) highlighting the areas of mathematic deficiencies and how the student's needs in

mathematics were addressed.

- Selected pages from the student's IEP from three previous years showing that the student was consistently on a diploma-track, and that the IEPs were written to support the student's participation in diploma-track math courses, particularly algebra.

- The specific assistance the district provided to the student which included supplementary aids, services, accommodations, test modifications, and supports to attain the diploma-track goal for the algebra requirement.

- A copy of the transcript for the student highlighting attempts to pass algebra and pre-algebra classes.

- An assessment summary that reports the student participated in the Standardized Testing and Reporting program and failed multiple attempts to meet graduation requirements related to the algebra requirement.

The above documentation was confidentially reviewed by a special education consultant and the district provided documentation indicating that failure to approve this waiver request will result in the student not meeting graduation requirements.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

In 2000, *EC* Section 51224.5 was enacted to require students to complete a course in Algebra I, as a condition of receiving a high school diploma. The Algebra I requirement applied to students who were scheduled for graduation beginning in 2003−04. All waiver requests of this type have been granted by the SBE for students with special needs.

FISCAL ANALYSIS (AS APPROPRIATE)

There is no statewide fiscal impact of waiver approval.

ATTACHMENT(S)

Attachment 1: Summary Table (1 page)

Attachment 2: Willits Unified School District Specific Waiver Request 122-2-2014 (1 Page) (Original waiver request is signed and on file in the Waiver Office.)

Algebra 1 Summary Table

Waiver Number	Local Educational Agency	Demographics	Period of Request	Local Board Approval Date
122-2-2014	Willits Unified School District	Student Population: 50 City Type: Rural County: Mendocino	**Requested:** 8/15/10 to 6/15/14 **Recommended:** 8/15/10 to 6/15/14	1/8/14

Created by the California Department of Education
April 10, 2014

California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 2365623 Waiver Number: 122-2-2014 Active Year: 2014

Date In: 2/27/2014 2:02:53 PM

Local Education Agency: Willits Unified School District
Address: 1277 Blosser Ln.
Willits, CA 95490

Start: 8/15/2010 End: 6/15/2014

Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: Special Education Program
Ed Code Title: Algebra I Requirement for Graduation
Ed Code Section: 51224.5
Ed Code Authority: 56101

Ed Code or *CCR* to Waive: Algebra requirement

Outcome Rationale: Student has a brain trauma which manifests as a mathematical disorder. Student has difficulty with linguistic skills such as coding written problems into mathematical symbols, percpetual skills, and attention skills. Please review the attached documentation for detailed information.

Student Population: 50

City Type: Rural

Local Board Approval Date: 1/8/2014

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Gina Danner
Position: Director Special Education
E-mail: ginadanner@willitsunified.net
Telephone: 707-459-5314 x1109
Fax:

California State Board of Education

Meeting Agenda Items for May 7-8, 2014

WAIVER ITEM W-25

ITEM #W-25

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2014 AGENDA

☒ **General Waiver**

SUBJECT Request by two school districts to waive California *Education Code* Section 37202, the equity length of time requirement for transitional kindergarten and kindergarten programs at the district's elementary schools. Waiver Numbers: Milpitas Unified School District 21-3-2014 San Diego Unified School District 116-2-2014	☒ **Action** ☒ **Consent**

SUMMARY OF THE ISSUES

Milpitas Unified School District (MUSD) and San Diego Unified School District (SDUSD) seek waivers of California *Education Code* (*EC*) section 37202(a), the equity length of time requirement for kindergarten and transitional Kindergarten (TK). The California Department of Education (CDE) recommends approval of the waiver with conditions.

Authority for Waiver: *EC* Section 33050

RECOMMENDATION

☐ **Approval** ☒ **Approval with conditions** ☐ **Denial**

The CDE recommends approval of the waiver with conditions. The MUSD and SDUSD will provide updates to MUSD and SDUSD families by September 2, 2014, explaining the waiving of *EC* Section 37202(a) allowing TK students to attend school for fewer minutes than kindergarten students. Also, the local school board will provide an agenda item at their September 2014 school board meeting explaining the waiver of *EC* Section 37202(a) and to inform the public.

SUMMARY OF KEY ISSUES

MUSD and SDUSD 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. MUSD and SDUSD currently offer extended-day (full day) kindergarten programs which exceeds the maximum four-hour school day (*EC* 46110). MUSD and SDUSD are requesting flexibility in determining the length of their TK programs (3.5 - 4 hours) in order to provide a modified instructional day, curricula, and

developmentally appropriate instructional practices. MUSD and SDUSD are concerned that holding TK students in excess of the four-hour minimum school day (pursuant to *EC* 48911) is not in the best educational interest of their TK students.

Demographic Information:

MUSD has a student population of 10,202 and is located in a Suburban area in Santa Clara County.

SDUSD has a student population of 132,000 and is located in an urban area in San Diego County.

Because this is a general waiver, if the SBE decides to deny the waiver, it must cite one of the seven reasons in *EC* 33051(a), available at http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC&sectionNum=33051.

Milpitas Unified School District meets the criteria for the SBE Streamlined Waiver Policy, available at http://www.cde.ca.gov/re/lr/wr/documents/sbestreamlined.doc, due to an individual school achieving an Academic Performance Index (API) of 800 or above in the current scoring cycle and meeting API growth targets for all subgroups. Therefore, this waiver has been scheduled for the consent calendar. The Milpitas Unified School District has a 2013 Growth API of 851.

San Diego Unified School District meets the criteria for the SBE Streamlined Waiver Policy, available at http://www.cde.ca.gov/re/lr/wr/documents/sbestreamlined.doc, due to an individual school achieving an Academic Performance Index (API) of 800 or above in the current scoring cycle and meeting API growth targets for all subgroups. Therefore, this waiver has been scheduled for the consent calendar. The San Diego Unified School District has a 2013 Growth API of 810.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

In January 2014, the State Board of Education (SBE) approved, with conditions, a waiver request by Escalon Unified School District and Douglas City Elementary School District to waive *EC* Section 37202, the equity length of time requirement for TK and kindergarten programs.

In 2013, the SBE approved, with conditions, waiver requests by Forestville Union Elementary School District (FUESD) and Harmony Union Elementary School District (HUESD) to waive *EC* Section 37202, the equity length of time requirement for TK and kindergarten programs. The conditions of the waivers were as follows: the local school boards provided an update to all families of FUESD and HUESD explaining the waiving of *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: Districts requesting a waiver for transitional kindergarten (1 page).

Attachment 2: Milpitas Unified School District General Waiver Request 116-2-2014 (2 pages) (Original waiver request is signed and on file in the Waiver Office)

Attachment 3: San Diego Unified School District General Waiver Request 116-2-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office)

Information from Districts Requesting Waivers of Equity Length of Time for Transitional Kindergarten Portions of California *Education Code* Section 37202(b)

Waiver Number	District	Period of Request	Bargaining Unit, Representatives Consulted, Date, and Position	Public Hearing and Board Approval Date	Public Hearing Advertisement	SSC/Advisory Committee Position
21-3-2012	Milpitas Unified School District	**Requested:** August 18, 2014, to June, 4 2015 **Recommended**: August 18, 2014, to June 4, 2015	Milpitas USD Certificated Employees Unit, Diana Orlando, President, Machelle Kessinger, President 01/27/14: **Support**	March 25, 2014	Advertised by postings at meeting site, all schools and on the district Website for 72 hours prior to board meeting.	Reviewed by the Community Board Advisory, District English Language Advisory & School Site Councils. 2/27/2014 **No Objection**
116-2-2014	San Diego Unified School District	**Requested:** July 1, 2014, to June 30, 2016 **Recommended**: July 1, 2014, to June 30, 2015	San Diego Education Association Bill and Lindsay Freeman and Burningham. President and Vice President 2/20/2014 **Neutral**	February 25, 2014	Posted on district Web site; electronic distribution to stakeholder groups; posted in location available 24/7; and Board Docs.	Reviewed by the District Advisory Committee on 2/19/2014 **Objections –** Members of the DAC posed questions about childcare, potential combination classes, and funding.

California Department of Education
WAIVER SUBMISSION - General

CD Code: 4373387 Waiver Number: 21-3-2014 Active Year: 2014

Date In: 3/26/2014 4:58:54 PM

Local Education Agency: Milpitas Unified School District
Address: 1331 East Calaveras Blvd.
Milpitas, CA 95035

Start: 8/18/2014 End: 6/4/2015

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 (b)
Ed Code Authority: 33050 (a)

Ed Code or *CCR* to Waive: Notwithstanding subdivision (a), a school district that is implementing an early primary program, pursuant to Chapter 8, commencing with Section 8970 of Part 6, may maintain kindergarten classes at (different) school sites within the district for different lengths of time during the school day

Outcome Rationale: Our district is requesting that, as part of our early primary program, we may maintain kindergarten and transitional kindergarten (TK) classes at the same school sites within the district for different lengths of time during the school day. In the 2014/2015 school year our extended day kindergarten classes at all elementary schools will have 275 instructional minutes per day. We are requesting that our TK classes at those same schools have 210 instructional minutes per day. We feel that requiring our TK students to attend school for an extended day would not be in their best educational interest. Our TK program provides students with developmentally appropriate, experiential activities and is preparing them for the more academically rigorous second year of our kindergarten program.

Student Population: 10202

City Type: Suburban

Public Hearing Date: 3/25/2014
Public Hearing Advertised: Advertized by postings at mtg. site, all schools and on the district website for 72 hrs. prior to board mtg.

Local Board Approval Date: 3/25/2014

Community Council Reviewed By: Community Board Advisory, District English Language Advisory, & School Site Councils.
Community Council Reviewed Date: 2/27/2014
Community Council Objection: N
Community Council Objection Explanation:
Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Katie Martinez
Position: Coordinator, Educational Services
E-mail: kmartine@musd.org
Telephone: 408-635-2600 x6006
Fax: 408-635-2623

Bargaining Unit Date: 01/27/2014
Name: MUSD Certificated Employees Unit
Representative: Diana Orlando
Title: President
Position: Support
Comments:

Bargaining Unit Date: 01/27/2014
Name: MUSD Classified Employees Unit
Representative: Machelle Kessinger
Title: President
Position: Support
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 3768338 Waiver Number: 116-2-2014 Active Year: 2014

Date In: 2/26/2014 11:40:42 AM

Local Education Agency: San Diego Unified School District
Address: 4100 Normal St., Room 2039
San Diego, CA 92103

Start: 7/1/2014 End: 6/30/2016

Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: Equity Length of Time
Ed Code Title: Equity Length of Time
Ed Code Section: 37202
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: Section 37202 (a) Except if a school has been closed by order of a city or a county board of health, or 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 school established by it for an equal length of time during the school year.]

Outcome Rationale: SDUSD is requesting to waive *EC* Section 37202, the equity length of time requirement for transitional kindergarten and kindergarten programs. *EC* Section 37202 requires that all students at a given grade level in a district receive “an equal length” of instructional time.

SDUSD currently offers an extended-day (full day) kindergarten program which substantively exceeds the maximum four-hour school day (*EC* 46110). SDUSD is requesting flexibility in determining the length of our transitional kindergarten program (3.5-4 hours) in order to provide a clear and appropriate academic staircase for our youngest students that enables us to design and implement a high quality transitional kindergarten program that provides a modified instructional day, modified curricula, and developmentally appropriate instructional practices.

Note: On February 25, 2014 the SDUSD Board of Education unanimously approved a Resolution requesting this waiver and directed the Executive Director of Teaching and Learning to submit this waiver.

Student Population: 132000

City Type: Urban

Public Hearing Date: 2/25/2014
Public Hearing Advertised: 1. Posted on District website; 2. Electronic distribution to stakeholder groups; 3. Posted in location available 24/7; 4. BoardDocs.

Local Board Approval Date: 2/25/2014

Community Council Reviewed By: District Advisory Council (DAC)
Community Council Reviewed Date: 2/19/2014
Community Council Objection: Y
Community Council Objection Explanation: Members of the DAC posed questions about childcare, potential combination classes, and funding.

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Teresa Walter
Position: Executive Director, Teaching and Learning
E-mail: twalter@sandi.net
Telephone: 619-725-7772
Fax: 619-725-7028

Bargaining Unit Date: 02/20/2014
Name: San Diego Education Association
Representative: Bill and Lindsay Freeman and Burningham
Title: President and Vice President
Position: Neutral
Comments:

California State Board of Education

Meeting Agenda Items for May 7-8, 2014

ITEM 15

CALIFORNIA STATE BOARD OF EDUCATION

MAY 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.

California State Board of Education

Meeting Agenda Items for May 7-8, 2014

ITEM 16

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2014 AGENDA

SUBJECT	
English Language Arts/English Language Development Instructional Materials Adoption–Adopt Proposed *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 (SB) 201 (Liu), Statutes of 2013, the attached proposed regulations must be adopted.

RECOMMENDATION

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

- Approve the Final Statement of Reasons.
- Formally adopt the proposed regulations approved by the SBE at the January 2014 meeting. No amendments or edits have been made to the proposed regulations.
- Direct the CDE to submit the rulemaking file to the Office of Administrative Law (OAL) for approval.
- Authorize the CDE to take any necessary ministerial action to respond to any direction or concern expressed by the OAL during its review of the rulemaking file.

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.

At its January 2014 meeting, the SBE approved the commencement of the Rulemaking Process for Amendments to the *5 CCR*, Section 9517.3. A public hearing was held on March 18, 2014. No commenters appeared at the public hearing. The 45-day public comment period began on February 1, 2014, and ended at 5:00 p.m. on March 18, 2014. No written comments were received during the 45-day public comment period.

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 regulated 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.

ATTACHMENT(S)

Attachment 1: Final Statement of Reasons (1 Page)

Attachment 2: Proposed Regulations (2 Pages)

Attachment 3: Economic and Fiscal Impact Statement (STD. 399) (4 Pages)

FINAL STATEMENT OF REASONS

English Language Arts/English Language Development Instructional Materials Adoption

UPDATE OF INITIAL STATEMENT OF REASONS

The original proposed text was made available for public comment for at least 45 days from February 1, 2014 through March 18, 2014. No written comments were received during the 45-day public comment period.

A public hearing was held at 9:00 a.m. on March 18, 2014, at the California Department of Education. No commenters appeared at the public hearing.

SUMMARY AND RESPONSE TO COMMENTS RECEIVED DURING THE INITIAL NOTICE PERIOD OF FEBRUARY 1, 2014, THROUGH MARCH 18, 2014.

No written comments were received during the 45-day public comment period.

ALTERNATIVES DETERMINATION

The State Board of Education 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.

LOCAL MANDATE DETERMINATION

The proposed regulations do not impose any mandate on local agencies or school districts.

3-18-14 [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

This is the official scanned version of Item 16 Attachment 3 from the California State Board of Education (SBE) Meeting Agenda for May 2014 posted at http://www.cde.ca.gov/be/ag/ag/yr14/agenda201405.asp

An accessible version of the contents of this document is located at http://www.cde.ca.gov/be/ag/ag/yr14/may14item16a3aav.asp

The scanned document starts following this initial page.

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	Linda M. Hakala	319-0658
DESCRIPTIVE TITLE FROM NOTICE REGISTER OR FORM 400		NOTICE FILE NUMBER
Publisher Fee for ELA/ELD Instructional Materials Adoption (dated 11-13-13)		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 align to Education Code and would not impose additional private sector costs.

(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. The regulations do not impose any additional costs as they further define the Education Code related to publisher fees.

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. The regulations do not impose any additional costs upon the state as they concur with existing regulations and serve only to define the specifics of publisher fees as provided in the Education Code.

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	Kimberly Hakala	DATE November 22, 2013
AGENCY SECRETARY [1] APPROVAL/CONCURRENCE	Jeannie Ompeza	DATE 12/5/13
DEPARTMENT OF FINANCE [2] APPROVAL/CONCURRENCE	PROGRAM BUDGET MANAGER	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 16 Attachment 3

Accessible Alternative Version (AAV) of Item 16 Attachment 3 for the May 2014 SBE Meeting Agenda.

This page is the Accessible Alternative Version of Item 16 Attachment 3 from the California State Board of Education Meeting Agenda for May 2014. The scanned Item 16 Attachment 3 (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: Linda M. Hakala

Telephone Number: 916-319-0658

Descriptive Title From Notice Register Or From 400: Publisher Fee for ELA/ELD Instructional Materials Adoption (Dated November 13, 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 align to *Education Code* and would not impose additional private section costs.

Fiscal Impact Statement

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

- Selected option is 6: Other.
- Option 6 explanation: The regulations do not impose any additional costs as they further define the *Education Code* related to publisher fees.

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

- Selected option is 4: Other.
- Option 4 explanation: The regulations do not impose any additional costs upon the state as they concur with existing regulations and serve only to define the specifics of publisher fees as provided in the *Education Code*.

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

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

Fiscal Officer Signature: Signed by Linda Hakala dated November 22, 2013

Agency Secretary 1 Approval/Concurrence: Signed by Jeannie Oropeza dated December 5, 2013

Department of Finance 2 Approval/Concurrence: No signature.

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.

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

California State Board of Education

Meeting Agenda Items for May 7-8, 2014

ITEM 17

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2014 AGENDA

SUBJECT	
Consideration of Requests for Determination of Funding as Required for Nonclassroom-based Charter Schools Pursuant to California *Education Code* Sections 47612.5 and 47634.2, and Associated *California Code of Regulations,* Title 5.	☒ Action ☒ Information ☐ Public Hearing

SUMMARY OF THE ISSUE

California *Education Code* (*EC*) sections 47612.5 and 47634.2 established the eligibility requirements for apportionment funding for charter schools that offer nonclassroom-based instruction. The statutes specify that a charter school may receive apportionment funding for nonclassroom-based instruction only if a determination of funding is made by the State Board of Education (SBE). The California Department of Education (CDE) reviews a charter school's determination of funding request and presents it for consideration to the Advisory Commission on Charter Schools (ACCS), pursuant to relevant *California Code of Regulations*, Title 5 (5 *CCR*).

RECOMMENDATION

The CDE recommends that the SBE approve the determination of funding for the nonclassroom-based charter schools listed in Attachment 1.

Advisory Commission on Charter Schools Recommendation

The ACCS met on April 9, 2014, and voted to move the CDE's staff recommendations to the SBE for the determination of funding requests for the charter schools identified in Attachment 1. The motion passed unanimously.

BRIEF ANALYSIS OF THE ISSUE

Pursuant to 5 *CCR* Section 11963.4(a), a nonclassroom-based charter school may qualify for either 70 percent, 85 percent, 100 percent full funding, or may be denied. To qualify for a proposed recommendation of 100 percent funding, a nonclassroom-based charter school must meet the following criteria:

- At least 40 percent of the school's public revenues are to be spent on salaries and benefits for all employees who possess a valid teaching certificate.

- At least 80 percent of all revenues are to be spent on instruction and related services.

- The ratio of average daily attendance for independent study pupils to full-time certificated employees does not exceed a pupil-teacher ratio of 25:1 or the pupil-teacher ratio of the largest unified school district in the county or counties in which the charter school operates.

5 *CCR* Section 11963.6(c) specifies that a determination of funding shall be in increments of a minimum of two years and a maximum of five years in length.

5 *CCR* Section 11963.6(a) requires a determination of two years for a new charter school in its first year of operation.

EC Section 47612.5(d)(2) requires a determination of five years for a charter school that has achieved a rank of six or greater on the Academic Performance Index (API) for the two years immediately prior to receiving a determination of funding. When making a recommendation for a funding determination, the CDE considers the number of years a charter school has been in operation and the number of years requested by the charter school. The funding determination requests are provided in Attachments 2 through 43 of Agenda Item 1 on the ACCS April 9, 2014, Meeting Notice for the ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/accsnotice040914.asp.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SBE is responsible for approving a determination of funding to establish eligibility for apportionment funding for charter schools that offer nonclassroom-based instruction. The CDE notes that this request is a recurring action item for the SBE.

FISCAL ANALYSIS (AS APPROPRIATE)

If approved, the charter schools listed in Attachment 1 would receive apportionment funding under the Local Control Funding Formula model.

ATTACHMENT

Attachment 1: California Department of Education Proposed Determination of Funding Recommendation (8 Pages)

California Department of Education
Proposed Determination of Funding Recommendation

Proposed Recommendation – New Charter Schools

CDS Code	Charter Authorizer	County	Charter School / Charter Number	First Year of Operation	Charter Funding Request	CDE Proposed Recommendation
36-67587-0128462	Adelanto Elementary	San Bernardino	Taylion High Desert Academy / 1520	2013–14	100% for 2 Years	*100% for 2 Years (2013–14 through 2014–15)
36-67876-0128405	San Bernardino Unified	San Bernardino	Center for Learning and Unlimited Educational Success / 1574	2013–14	100% for 2 Years	*100% for 2 Years (2013–14 through 2014–15)
37-67983-0128579	Borrego Springs Unified	San Diego	Oxford Preparatory Academy / 1590	2013–14	100% for 2 Years	*100% for 2 Years (2013–14 through 2014–15)
37-68437-0128470	Vallecitos Elementary	San Diego	Taylion San Diego Academy / 1559	2013–14	100% for 2 Years	*100% for 2 Years (2013–14 through 2014–15)

*Pursuant to 5 *CCR* 11963.6(a), a funding determination for a charter school in its first year of operation shall be for two fiscal years. Pursuant *EC* Section 47612.5(d)(2), API is not applicable for a charter school in its first year of operation.

California Department of Education
Proposed Determination of Funding Recommendation

Proposed Recommendation – Continuing Charter Schools

CDS Code	Charter Authorizer	County	Charter School / Charter Number	First Year of Operation	Charter Funding Request	CDE Proposed Recommendation
04-10041-0430090	Butte County Office of Education	Butte	Learning Community Charter School / 110	1996–97	100% for 5 Years	**100% for 4 Years (2014–15 through 2017–18)
10-62331-0127175	Orange Center	Fresno	California Virtual Academy @ Fresno / 1492	2012–13	100% for 4 Years	**100% for 3 Years (2014–15 through 2016–17)
10-62547-0120535	Westside Elementary	Fresno	Crescent View South / 1138	2009–10	100% for 4 Years	**100% for 4 Years (2014–15 through 2017–18)
12-62687-0107110	Northern Humboldt Union High	Humboldt	Six Rivers Charter High School / 642	2004–05	100% for 5 Years	**100% for 4 Years (2014–15 through 2017–18)
12-75382-1230135	Mattole Unified	Humboldt	Mattole Valley Charter School / 159	1998–99	85% for 2 Years	**85% for 2 Years (2014–15 through 2015–16)

CDS Code	Charter Authorizer	County	Charter School / Charter Number	First Year of Operation	Charter Funding Request	CDE Proposed Recommendation
15-63628-0127183	Maricopa Unified	Kern	California Virtual Academy @ Maricopa / 1490	2012–13	100% for 4 Years	**100% for 3 Years (2014–15 through 2016–17)
15-63628-0127209	Maricopa Unified	Kern	California Virtual Academy High School @ Maricopa / 1491	2012–13	100% for 4 Years	**100% for 3 Years (2014–15 through 2016–17)
16-63891-0120154	Corcoran Joint Unified	Kings	California Pacific Charter School – Central California / 1111	2009–10	100% for 5 Years	**100% for 4 Years (2014–15 through 2017–18)
18-64162-0120287	Ravendale-Termo Elementary	Lassen	New Day Academy / 1123	2009–10	100% for 5 Years	**100% for 4 Years (2014–15 through 2017–18)
19-64246-0126003	Antelope Valley Union High	Los Angeles	Academies of the Antelope Valley / 1415	2012–13	100% for 5 Years	**100% for 3 Years (2014–15 through 2016–17)

CDS Code	Charter Authorizer	County	Charter School / Charter Number	First Year of Operation	Charter Funding Request	CDE Proposed Recommendation
19-64337-1996099	Burbank Unified	Los Angeles	Options For Youth Burbank Charter School / 130	1997–98	85% for 4 Years	**85% for 4 Years (2014–15 through 2017–18)
29-10298-0126227	Nevada County Office of Education	Nevada	Twin Ridges Home Study CS / 1428	2012–13	100% for 5 Years	**100% for 3 Years (2014–15 through 2016–17)
31-66795-0119214	Colfax Elementary	Placer	CORE Placer Charter School / 1064	2009–10	100% for 5 Years	**100% for 4 Years (2014–15 through 2017–18)
31-66852-0120105	Newcastle Elementary	Placer	Creekside Cooperative Charter School / 1102	2009–10	100% for 5 Years	*100% for 5 Years (2014–15 through 2018–19)
31-66852-0121608	Newcastle Elementary	Placer	Harvest Ridge Cooperative Charter School / 1179	2010–11	100% for 5 Years	*100% for 5 Years (2014–15 through 2018–19)
34-75283-3430659	Natomas Unified	Sacramento	Natomas Charter School / 19	1993–94	100% for 5 Years	*100% for 5 Years (2014–15 through 2018–19)

CDS Code	Charter Authorizer	County	Charter School / Charter Number	First Year of Operation	Charter Funding Request	CDE Proposed Recommendation
37-68049-0119990	Dehesa Elementary	San Diego	Diego Hills Charter School / 1088	2009–10	100% for 4 Years	**100% for 4 Years (2014–15 through 2017–18)
37-68155-6117303	Jamul-Dulzura Union Elementary	San Diego	Greater San Diego Academy Charter Homeschool / 261	1999–00	100% for 5 Years	**100% for 4 Years (2014–15 through 2017–18)
37-68213-0119263	Mountain Empire Unified	San Diego	California Pacific Charter School - San Diego / 1065	2009–10	100% for 5 Years	**100% for 4 Years (2014–15 through 2017–18)
37-68213-0119560	Mountain Empire Unified	San Diego	San Diego Neighborhood Homeschools / 1077	2009–10	85% for 2 Years	**85% for 2 Years (2014–15 through 2015–16)
37-68338-3730959	San Diego Unified	San Diego	The Charter School of San Diego / 28	1994–95	100% for 5 Years	**100% for 4 Years (2014–15 through 2017–18)
37-68338-3731395	San Diego Unified	San Diego	Audeo Charter School / 406	2001–02	100% for 5 Years	**100% for 4 Years (2014–15 through 2017–18)
37-68437-0101220	Vallecitos Elementary	San Diego	RAI On-Line Charter School / 518	2004–05	100% for 5 Years	**100% for 4 Years (2014–15 through 2017–18)

CDS Code	Charter Authorizer	County	Charter School / Charter Number	First Year of Operation	Charter Funding Request	CDE Proposed Recommendation
37-73569-3731221	Oceanside Unified	San Diego	Pacific View Charter School / 247	1999–00	100% for 5 Years	**100% for 4 Years (2014–15 through 2017–18)
38-68478-0118141	San Francisco Unified	San Francisco	Five Keys Independence High School / 1028	2008–09	100% for 5 Years	**100% for 4 Years (2014–15 through 2017–18)
39-10397-3930476	San Joaquin County Office of Education	San Joaquin	Venture Academy / 423	2002–03	100% for 5 Years	**100% for 4 Years (2014–15 through 2017–18)
39-68502-0126011	Escalon Unified	San Joaquin	Escalon Charter Academy / 1416	2012–13	100% for 4 Years	**100% for 3 Years (2014–15 through 2016–17)
39-68585-0122580	Lodi Unified	San Joaquin	Rio Valley Charter School/ 1229	2010–11	100% for 5 Years	**100% for 4 Years (2014–15 through 2017–18)
39-68593-0126094	Manteca Unified	San Joaquin	Manteca Unified Vocational Academy / 1408	2012–13	100% for 2 Years	**100% for 2 Years (2014–15 through 2015–16)

CDS Code	Charter Authorizer	County	Charter School / Charter Number	First Year of Operation	Charter Funding Request	CDE Proposed Recommendation
39-68627-0127191	New Jerusalem Elementary	San Joaquin	California Virtual Academy @ San Joaquin / 1489	2012–13	100% for 4 Years	**100% for 3 Years (2014–15 through 2016–17)
39-68650-0125849	Ripon Unified	San Joaquin	California Connection Academy @ Ripon / 1398	2012–13	100% for 5 Years	**100% for 3 Years (2014–15 through 2016–17)
39-75499-0120519	Tracy Joint Unified	San Joaquin	California Pacific Charter School - North Central California / 1129	2009–10	100% for 5 Years	**100% for 4 Years (2014–15 through 2017–18)
44-69807-0110007	San Lorenzo Valley Unified	Santa Cruz	Ocean Grove Charter School / 747	2005–06	100% for 5 Years	**100% for 4 Years (2014–15 through 2017–18)
45-75267-0120170	Gateway Unified	Shasta	Academy of Personalized Learning / 1113	2009–10	100% for 5 Years	**100% for 4 Years (2014–15 through 2017–18)

CDS Code	Charter Authorizer	County	Charter School / Charter Number	First Year of Operation	Charter Funding Request	CDE Proposed Recommendation
47-10470-0117168	Siskiyou County Office of Education	Siskiyou	Golden Eagle Charter School / 983	2008–09	100% for 5 Years	**100% for 4 Years (2014–15 through 2017–18)
49-70839-0120584	Oak Grove Union Elementary	Sonoma	Pivot Online Charter School – North Bay / 1139	2009–10	100% for 5 Years	**100% for 4 Years (2014–15 through 2017–18)
50-71092-6112965	Hart-Ransom Union Elementary	Stanislaus	Hart-Ransom Academic Charter School / 80	1995–96	100% for 5 Years	**100% for 4 Years (2014–15 through 2017–18)
50-10504-5030234	Stanislaus County Office of Education	Stanislaus	Valley Charter High School / 172	1999–00	100% for 5 Years	**100% for 4 Years (2014–15 through 2017–18)

**EC* Section 47612.5(d)(2) requires a determination of five years for a charter school that has achieved a rank of six or greater on the API for the two years immediately prior to receiving a determination of funding.
**For the funding determination effective period, the CDE considers the number of years a charter school has been in operation and the number of years requested by the charter school.

California State Board of Education

Meeting Agenda Items for May 7-8, 2014

ITEM 18

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2014 AGENDA

SUBJECT	
Reconsideration of Requests for Determination of Funding as Required for Nonclassroom-based Charter Schools Pursuant to California *Education Code* Sections 47612.5 and 47634.2, *California Code of Regulations* Section 11963.6(g), and Associated *California Code of Regulations*, Title 5.	☒ Action ☒ Information ☐ Public Hearing

SUMMARY OF THE ISSUE(S)

California *Education Code* (*EC*) sections 47612.5 and 47634.2 specify that a charter school may receive apportionment funding for nonclassroom-based instruction only if a determination of funding is made by the State Board of Education (SBE). Additionally, if during an approved determination period a charter school wishes to seek a higher or lower determination of funding, it shall do so by the filing of a new determination of funding request for consideration by the SBE pursuant to *California Code of Regulations* Title 5 (5 *CCR)* Section 11963.6(g).

The charter schools listed in Attachment 1 are requesting reconsideration of their previously approved determination of funding. Each charter school is requesting a reconsideration to increase its funding determination to 100 percent, which would replace the determination of funding currently in effect.

RECOMMENDATION

California Department of Education Recommendation

The CDE recommends that the SBE approve a 100 percent determination of funding for the nonclassroom-based instruction charter schools listed in Attachment 1, replacing the previously approved determination of funding currently in effect for fiscal years (FYs) 2013–14 through 2016–17.

Advisory Commission on Charter Schools Recommendation

The Advisory Commission on Charter Schools met on April 9, 2014, and voted to move the CDE's staff recommendations to the SBE for the determination of funding requests for the charter schools identified in Attachment 1. The motion passed unanimously.

BRIEF HISTORY OF KEY ISSUES

Each nonclassroom-based charter school listed in Attachment 1 submitted a request for reconsideration of its current SBE-approved determination of funding. Each request includes increasing the existing funding determination to 100 percent.

Pursuant to *5 CCR* Section 11963.6(g), if during the effective period of a determination of funding, a charter school wishes to seek a higher or lower determination of funding, it shall do so by the filing of a new determination of funding request. During the effective period of a charter school's determination of funding, no more than one additional determination of funding request (which would replace the determination of funding then in effect) may be submitted by the charter school in the same fiscal year. Based on the information provided by each charter school, which include revenues and expenditures for FY 2012–13, and pursuant to 5 *CCR* Section 11963.4(a), the CDE finds that each charter school meets the criteria for a proposed recommendation of 100 percent, which would replace the determination of funding currently in effect for FYs 2013–14 through 2016–17. The funding determination requests are provided in Attachments 2 through 8 of Agenda Item 3 on the ACCS April 9, 2014, Meeting Notice for the ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/accsnotice040914.asp.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

At its May 2013 meeting, the SBE approved a 85 percent funding determination for fiscal years 2013–14 through 2016–17 for Opportunities for Learning (OFL)-Baldwin Park II (#874), OFL-Hermosa Beach (#1130), Options for Youth (OFY)-San Gabriel (#117), OFY-San Juan (#217) and OFY-Victorville (#13). At its May 2013 meeting, the SBE also approved a 70 percent funding determination for fiscal years 2013–14 through 2016–17 for OFL-Baldwin Park (#402) and OFL-Santa Clarita (#214) without the consideration of mitigating circumstances. The funding determinations were based on revenues and expenditures for FY 2011–12, as submitted by each charter school.

The SBE is responsible for approving a determination of funding to establish eligibility for apportionment funding for charter schools that offer nonclassroom-based instruction. The CDE notes that this request is a nonrecurring action item for the SBE.

FISCAL ANALYSIS (AS APPROPRIATE)

If approved, the charter schools listed in Attachment 1 would receive apportionment funding under the Local Control Funding Formula model.

ATTACHMENTS

Attachment 1: California Department of Education Proposed Determination of Funding Recommendation (1 Page)

California Department of Education
Proposed Determination of Funding Recommendation

Fiscal Years 2013–14 through 2016–17

CDS Code	Charter Authorizer / County	Charter Name / Charter Number	Percent Spent on Certificated Staff^ Previously Approved Request / Reconsideration Request	Percent Spent on Instruction and Related Services^ Previously Approved Request / Reconsideration Request	*Current SBE Approved Funding Determination and Period	Reconsideration Requested by Charter School	CDE Proposed Recommendation
19-64287-0114397	Baldwin Park Unified / Los Angeles	OFL–Baldwin Park II / 874	40.2% / 40.7%	75.5% / 80.5%	85% 2013–14 to 2016–17	100% 2013–14 to 2016–17	100% 2013–14 to 2016–17
19-64287-1996479	Baldwin Park Unified / Los Angeles	OFL–Baldwin Park / 402	39.9% / 43.5%	75.3% / 83.7%	**70% 2013–14 to 2016–17	100% 2013–14 to 2016–17	100% 2013–14 to 2016–17
19-64600-0120543	Hermosa Beach City Elementary / Los Angeles	OFL–Hermosa Beach / 1130	40.2% / 40.7%	75.5% / 80.5%	85% 2013–14 to 2016–17	100% 2013–14 to 2016–17	100% 2013–14 to 2016–17
19-65136-1996263	William S. Hart Union High / Los Angeles	OFL–Santa Clarita / 214	39.2% / 43.6%	70.2% / 82.2%	**70% 2013–14 to 2016–17	100% 2013–14 to 2016–17	100% 2013–14 to 2016–17
19-75291-1996016	San Gabriel Unified / Los Angeles	OFY–San Gabriel / 117	41.5% / 41.9%	75.0% / 80.3%	85% 2013–14 to 2016–17	100% 2013–14 to 2016–17	100% 2013–14 to 2016–17
34-67447-3430691	San Juan Unified / Sacramento	OFY–San Juan / 217	41.5% / 41.9%	75.0% / 80.3%	85% 2013–14 to 2016–17	100% 2013–14 to 2016–17	100% 2013–14 to 2016–17
36-67934-3630670	Victor Valley Union High / San Bernardino	OFY–Victorville / 013	42.4% / 43.9%	75.1% / 81.2%	85% 2013–14 to 2016–17	100% 2013–14 to 2016–17	100% 2013–14 to 2016–17

^Spending percentages correspond to the charter school's funding determination request as originally submitted to the California Department of Education.
*Approved at the May 2013 SBE Meeting.
**Approved without the consideration of mitigating circumstances.

California State Board of Education

Meeting Agenda Items for May 7-8, 2014

ITEM 19

CALIFORNIA STATE BOARD OF EDUCATION

MAY 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

CDE recommends that the SBE assign charter numbers to the charter schools identified on the attached list.

BRIEF HISTORY OF KEY ISSUES

Since the charter school law was enacted in 1992, the SBE has assigned numbers to 1,642 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 a charter school that has been approved by a local entity in the chronological order in which it was received. Each number assigned shall correspond to a single petition that identifies a charter school that will operate within the geographic and site limitations of this part. Charter Schools that share educational programs and serve similar pupil populations may not be counted as separate schools. This numbering system ensures that the state stays within a statutory cap on the total number of charter schools authorized to operate within California. The cumulative statutory cap 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	Classroom Based/ Nonclassroom Based
1643	National University Academy, Robla	Sacramento	Robla Elementary School District (SD)	Combination
1644	Valley View Charter Prep	San Joaquin	New Jerusalem Elementary SD	Nonclassroom Based
1645	Calstem San Joaquin	San Joaquin	New Jerusalem Elementary SD	Combination
1646	Academy of Arts and Sciences Joaquin	San Joaquin	New Jerusalem Elementary SD	Nonclassroom Based
1647	Design Tech High School	San Mateo	San Mateo Union High SD	Classroom Based
1648	IHS STEAM Charter School	San Diego	San Diego Unified School District (USD)	Classroom Based
1649	Northern Summit Academy	Shasta	Whitmore Elementary SD	Nonclassroom Based
1650	Summit Public School K2	Contra Costa	Contra Costa County Office of Education (COE)	Classroom Based
1651	Academy of Arts and Sciences Los Angeles 9-12	Los Angeles	Acton-Agua Dulce USD	Nonclassroom Based
1652	Academy of Arts and Sciences Los Angeles K-8	Los Angeles	Acton-Agua Dulce USD	Nonclassroom Based
1653	California Connections Academy @ North Bay	Lake	Middletown USD	Nonclassroom Based
1654	Delta Charter Online	San Joaquin	New Jerusalem Elementary SD	Nonclassroom Based
1655	Rising Sun Montessori School	El Dorado	Buckeye Union SD	Classroom Based
1656	Community Preparatory Academy	Los Angeles	Los Angeles USD	Classroom Based
1657	PUC Community Charter Elementary School	Los Angeles	Los Angeles USD	Classroom Based
1658	TEACH Tech Charter High School	Los Angeles	Los Angeles USD	Classroom Based
1659	Lighthouse Charter School	Yolo	Washington USD	Classroom Based
1660	Richmond Charter Elementary	Contra Costa	West Contra Costa USD	Classroom Based
1661	Downtown Charter Academy	Alameda	Oakland USD	Classroom Based
1662	Shenandoah Valley School	Amador	Amador COE	Combination
1663	Aspire Technology Charter Academy	Alameda	Oakland USD	Classroom Based
1664	Sierra Vista Charter High School	Tulare	Tulare Joint Union High SD	Nonclassroom Based
1665	Spark Charter School	Santa Clara	Sunnyvale SD	Classroom Based
1666	Success One!	Glenn	Glenn COE	Nonclassroom Based

Number	Charter Name	County	Authorizing Entity	Classroom Based/ Nonclassroom Based
1667	Lincoln Street School	Tehama	Tehama COE	Nonclassroom Based
1668	Hope Charter Academy	Los Angeles	Acton-Agua Dulce USD	Nonclassroom Based
1669	Equitas Academy – 3 Charter School	Los Angeles	Los Angeles USD	Classroom Based
1670	Valley Prep Academy K-5	Los Angeles	Acton-Agua Dulce USD	Classroom Based
1671	Valley Prep Academy 6-8	Los Angeles	Acton-Agua Dulce USD	Classroom Based
1672	Valley Prep Academy 9-12	Los Angeles	Acton-Agua Dulce USD	Classroom Based

California State Board of Education

Meeting Agenda Items for May 7-8, 2014

ITEM 20

CALIFORNIA STATE BOARD OF EDUCATION

MAY 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 districts, 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 Attachment 1.

BRIEF HISTORY OF KEY ISSUES

Each year, the CDE, in compliance with *California Code of Regulations, Title 5*, Section 3920, recommends that the SBE approve applications for funding Consolidated Categorical Aid Programs submitted by LEAs. Prior to receiving funding, the LEA must also have a SBE-approved LEA Plan that satisfies the SBE's and CDE's criteria for utilizing federal and state categorical funds.

Approximately $2.9 billion of state and federal funding is distributed annually through the ConApp process. The 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 35 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.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

To date, the SBE has approved 2013–14 ConApps for 1,620 LEAs. Attachment 1 represents the fifth 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 (2 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)
37754166119275	All Tribes Charter	$0	$0	$0	$0	18.2	9.1
37754160122796	All Tribes Elementary Charter	$0	$0	$0	$0	23.1	30.8
19647330124941	Alliance College-Ready Academy High No. 18	$0	$0	$0	$0	0	0
19647330128058	Alliance College-Ready Middle Academy No. 12	$0	$0	$0	$0	0	0
33669770000000	Alvord Unified	$11,554,343	$589	$4,818,132	$759	50	54.6
03739810000000	Amador County Unified	$872,134	$215	$516,181	$532	59.7	61.9
01612590114363	American Indian Public Charter School II	$186,688	$286	$181,534	$370	78.7	92
19647330127886	City Charter Elementary	$0	$0	$0	$0	0	0
41690050127282	Connect Community Charter	$0	$0	$0	$0	0	0
37683380127647	e3 Civic High	$0	$0	$0	$0	0	0
19101990127498	Environmental Charter Middle - Inglewood	$0	$0	$0	$0	0	0
37683380126151	Epiphany Prep Charter	$0	$0	$0	$0	0	0
33103300128777	Gateway College and Career Academy	$0	$0	$0	$0	0	0
19647330128116	Global Education Academy Middle	$0	$0	$0	$0	0	0
19645841996305	Gorman Learning Center	$186,143	$106	$173,924	$276	55.2	35.7
36677770124214	Hope Academy Charter	$0	$0	$0	$0	28.7	17.4
56724620000000	Hueneme Elementary	$4,748,290	$567	$1,775,604	$778	40.2	44.2
33103300125385	Imagine Schools, Riverside County	$0	$0	$0	$0	0	0
19647250127506	Intellectual Virtues Academy of Long Beach	$0	$0	$0	$0	0	0
10621660127514	Kepler Neighborhood	$0	$0	$0	$0	0	0
01611920127696	Knowledge Enlightens You (KEY) Academy	$0	$0	$0	$0	0	0
37683380128744	Laurel Preparatory Academy	$0	$0	$0	$0	0	0
19647330127977	Metro Charter	$0	$0	$0	$0	0	0
19647330127936	PREPA TEC - Los Angeles	$0	$0	$0	$0	0	0

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)
41690210000000	San Carlos Elementary	$138,421	$45	$43,699	$656	81.2	78.4
21654660000000	San Rafael City High	$490,295	$238	$220,004	$542	68	63.3
37683790000000	San Ysidro Elementary	$3,956,374	$755	$1,259,744	$984	54	61.8
44698150000000	Santa Cruz City Elementary	$984,690	$436	$484,243	$944	59.7	66
44754320000000	Scotts Valley Unified	$253,581	$101	$129,713	$700	77	75.9
19647330112862	Student Empowerment Academy	$0	$0	$0	$0	0	0
30103060126037	The Academy	$0	$0	$0	$0	0	0
10621660114553	University High	$0	$0	$0	$0	98.3	96.6
19647330127951	Urban Village Middle	$0	$0	$0	$0	0	0
49753580114934	Village Charter	$0	$0	$0	$0	51.5	45.6
19647330121012	Westside Innovative School House	$0	$0	$0	$0	76	80.2

Total Number of LEAs in the report: 35
Total ConApp entitlement funds for LEAs receiving regular approval: $23,370,959

California State Board of Education

Meeting Agenda Items for May 7-8, 2014

ITEM 21

CALIFORNIA STATE BOARD OF EDUCATION

MAY 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, five 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 five 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 1,739 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 (1 Page)

Direct-Funded Charter Schools Recommended for State Board of Education Approval

Local Educational Agency Name	County-District-School Code	Academic Performance Data
Aspire Centennial College Preparatory Academy	19-64733-0126797	None available; opened in August 2013
Executive Preparatory Academy of Finance	19-64733-0127852	None available; opened in August 2013
Imagine Schools, Riverside County	33-10330-0125385	None available; opened in August 2013
Metro Charter	19-64733-0127977	None available; opened in September 2013
San Jose Charter Academy	19-65094-6023527	See Attachment 2

Academic Performance for Direct-Funded Charter Schools Recommended for State Board of Education Approval of Local Educational Agency Plans

LEA Name: San Jose Charter Academy CDS CODE: 19-65094-6023527	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 10 of 13**	**82.3**	**No**	**84.1**	**Yes (SH)**	**931**	**928**	**Yes**
African American or Black (not of Hispanic origin)		85.0	**	85.0	**			
American Indian or Alaska Native		--	--	--	--			
Asian		95.5	**	96.6	**			
Filipino		95.3	**	93.0	**			
Hispanic or Latino		79.5	No	82.3	Yes (SH)			
Native Hawaiian or Pacific Islander		**	**	**	**			
White (not of Hispanic origin)		84.3	**	81.4	**			
Two or More Races		--	--	--	--			
Socioeconomically Disadvantaged		76.9	No	79.8	Yes (SH)			
English Learners		71.4	**	82.5	**			
Students with Disabilities		58.1	**	67.7	**			

-- 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 May 7-8, 2014

ITEM 22

ITEM #22

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2014 AGENDA

SUBJECT	
Elementary and Secondary Education Act: Supplemental Educational Services Providers: Approval of Additional Providers, Including Local Educational Agencies Identified for Improvement as Providers Based on a Waiver Granted Under Title I, Part A Section 9401 of the Elementary and Secondary Education Act to the 2014–16 State Board of Education-Approved Supplemental Educational Services Provider List.	☒ Action ☒ Information ☐ Public Hearing

SUMMARY OF THE ISSUE(S)

Section 1116(e)(4)(C) of the Elementary and Secondary Education Act (ESEA) 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 the State Board of Education (SBE) approve additional providers for a two-year period beginning July 1, 2014, through June 30, 2016, including local educational agencies (LEAs) identified for improvement or corrective action as SES providers based on the waiver granted by the U.S. Department of Education (ED). The summary list of providers recommended for approval is provided as Attachment 1. The summary list of LEAs identified for improvement recommended for approval is provided as Attachment 2.

BRIEF HISTORY OF KEY ISSUES

Title I, Part A Section 1116(e)(1) and (4) of the ESEA requires an SES provider be approved by the SBE before offering tutoring services to low-income students attending schools advancing to Program Improvement (PI) Year 2 and beyond. The CDE has established and maintained a list of SBE-approved SES providers since June 2003.

Title 34, *Code of Federal Regulations* (34 *CFR)* Section 200.47(b)(1)(iv)(A) and (B) prohibits an SEA from approving requests to provide SES services from LEAs identified for improvement or corrective action. However, the SEA may request a waiver of these provisions. A waiver request was submitted to the ED on August 26, 2013, and on November 19, 2013, the ED granted the request for a two-year period. A scanned copy of the response letter from ED can be found at

http://www.cde.ca.gov/be/ag/ag/yr14/documents/mar14item25a3.pdf and an alternative accessible version of the letter is available at http://www.cde.ca.gov/be/ag/ag/yr14/mar14item25a3aav.asp.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

At its March 2014 meeting, the SBE approved providers, including PI LEAs, to provide services beginning July 1, 2014, through June 30, 2016. The total number of approved SES providers is currently 347.

At its January 2014 meeting, the SBE removed 27 providers for failing to submit, correct and/or provide evidence of compliance for the 2012–13 Accountability Report.

At its July 2011 and January 2012 meetings, the SBE approved 21 PI LEAs based on an approved waiver of 34 *CFR* Section 200.47(b)(1)(iv)(A) and (B) granted for the 2011–12 school year.

At its January 2010 meeting, the SBE approved 14 PI LEAs based on an approved waiver for the 2009–10 school year.

FISCAL ANALYSIS (AS APPROPRIATE)

There is no fiscal impact to the state.

ATTACHMENT(S)

Attachment 1: California Department of Education Recommended 2014–16 Supplemental Educational Services Provider Applicant List (1 Page)

Attachment 2: California Department of Education Recommended 2014–16 Program Improvement Local Educational Agencies Supplemental Educational Services Provider Applicant List (1 Page)

California Department of Education Recommended 2014–16 Supplemental Educational Services Provider Applicant List

Provider Name	English-Language Arts	Math	Science	English Learners (EL)	Students with Disabilities (SWD)	Online	Type of Entity
Alpha Learning Centers LLC dba Sylvan Learning Center Beverly Hills	X	X		X	X	X	For-profit agency
Alpha Learning Centers LLC dba Sylvan Learning Center Culver City	X	X		X	X	X	For-profit agency
Alpha Learning Centers LLC dba Sylvan Learning Center Downey	X	X		X	X	X	For-profit agency
Alpha Learning Centers LLC dba Sylvan Learning Center Long Beach	X	X		X	X	X	For-profit agency
Alpha Learning Centers LLC dba Sylvan Learning Center Northridge	X	X		X	X	X	For-profit agency
Eduwizards,Inc.	X	X	X	X	X	X	For-profit agency
Learning Fundamentals, LLC	X	X		X	X		For-profit agency
MyMath.Net Inc	X	X		X			For-profit agency
School Success LLC DBA Tutoring Club	X	X		X	X		For-profit agency
Syvertsen Educational Services, Inc., DBA Tutoring Club	X	X		X	X		For-profit agency
TutoringOne	X	X		X	X	X	For-profit agency

California Department of Education Recommended 2014–16
Program Improvement Local Educational Agencies
Supplemental Educational Services Provider Applicant List
(NOTE: U.S. Department of Education approval of waiver allows providing of two years of SES services)

Provider Name	English-Language Arts	Math	Science	English Learners (EL)	Students with Disabilities (SWD)	Online	Type of Entity
Compton Unified School District	X	X		X	X		LEA in Program Improvement
Newport-Mesa Unified School District	X	X		X	X		LEA in Program Improvement