

Agenda--January 7-8, 2004

California State Board of Education (SBE) meeting agenda.

FULL BOARD Public Session

AGENDA

January 7-8, 2004

All Items within the Agenda are Portable Document Format (PDF) Files. And you'll need Adobe Acrobat Reader to open them.

[Schedule of Meeting and Closed Session Agenda](#) (PDF; 69KB; 5pp.)

Wednesday, January 7, 2004 - 9:00 a.m.± (Upon adjournment of Closed Session if held)
California Department of Education, 1430 N Street, Room 1101, Sacramento , California

- Call to Order
- Salute to the Flag
- Approval of Minutes (November 2003 Meeting)
- Announcements
- Communications
- REPORT OF THE SUPERINTENDENT
- SPECIAL PRESENTATIONS

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

[ITEM 1](#)

(PDF;
180KB;
6pp.)

STATE BOARD PROJECTS AND PRIORITIES.

Including, but not limited to, future meeting plans; agenda items; State Board office budget; staffing, appointments, and direction to staff; declaratory and commendatory resolutions; update on litigation; bylaw review and revision; review of the status of State Board-approved charter schools as necessary; election of State Board officers; and other matters of interest.

INFORMATION
ACTION

[ITEM 2](#)

(PDF;
75KB;
1p.)

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.

INFORMATION

[ITEM 3](#)

(PDF;
96KB;
3pp.)

California High School Exit Examination (CAHSEE): Including, but not limited to, the Presentation of the CAHSEE Report to the Legislature.

- [Last Minute Blue](#) (PDF; 339KB; 23pp.)

INFORMATION
ACTION

ITEM 4 (PDF; 306KB; 48pp.)	California High School Exit Examination (CAHSEE): Approval of the Request for Proposal (RFP) for a Study Regarding Alternatives to the CAHSEE.	INFORMATION ACTION
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ITEM 5 (PDF; 55KB; 1p.)	California English Language Development Test (CELDT): Including, but not limited to, Update on CELDT Program.	INFORMATION ACTION
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ITEM 6 (PDF; 83KB; 1p.)	Standardized Testing and Reporting (STAR) Program: Including, but not limited to, a Program Update.	INFORMATION ACTION
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ITEM 7 (PDF; 202KB; 9pp.)	Golden State Seal Merit Diploma: Approve Commencement of the Rulemaking Process for Proposed Additions to Title 5 Code of Regulations. <ul style="list-style-type: none">• Last Minute Blue (PDF; 46KB; 1p.)	INFORMATION ACTION
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ITEM 8 (PDF; 88KB; 2pp.)	<i>No Child Left Behind (NCLB) Act of 2001</i> : Including, but not limited to, a report on the December NCLB Liaison Team meeting and an update on a visit from the federal Teacher Assistance Corps (TAC).	INFORMATION ACTION
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ITEM 9 (PDF; 199KB; 12pp.)	<i>No Child Left Behind (NCLB) Act of 2001</i> : Middle School and High School Science Tests: Grade Selection for Test Administration and Approval of Test Blueprints.	INFORMATION ACTION
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ITEM 10 (PDF; 99KB; 3pp.)	<i>No Child Left Behind (NCLB) Act of 2001</i> : Supplemental Educational Service Providers (required by Title 1, Section 1116(e)). <ul style="list-style-type: none">• Last Minute Blue (PDF; 134KB; 5pp.)	INFORMATION ACTION
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ITEM 11 (PDF; 81KB; 1p.)	<i>No Child Left Behind (NCLB) Act of 2001</i> : Local Educational Agency Plans required by Section 1112. <ul style="list-style-type: none">• Last Minute Blue (PDF; 65KB; 2pp.)	INFORMATION ACTION
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ITEM 12 (PDF; 144KB; 6pp.)	United States Senate Youth Program Presentation.	INFORMATION
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[ITEM 13](#) California Teachers of the Year 2004 Presentation. INFORMATION
(PDF;
176KB;
6pp.)

[ITEM 14](#) The Academic Performance Index (API) Growth Report: Moving the Release Date to ACTION
(PDF;
101KB;
6pp.) August.

[ITEM 15](#) *No Child Left Behind Act of 2001: Identifying Title I-funded Local Educational INFORMATION
(PDF;
163KB;
10pp.)* Agencies (LEAs) for Program Improvement (PI); Section 1116(c)(3) ACTION

[ITEM 16](#) Special Education: Approve Commencement of the Rulemaking Process for INFORMATION
(PDF;
308KB;
15pp.) Proposed Additions to Title 5 Code of Regulations. ACTION

[ITEM 17](#) Vision Testing: Approve Commencement of the Rulemaking Process for Proposed ACTION
(PDF;
209KB;
11pp.) Amendments to Title 5 Code of Regulations.

- [Last Minute](#) Blue (PDF;126KB; 3pp.)

[ITEM 18](#) California School Accountability Manual: 2003 Revisions. INFORMATION
(PDF;
106KB;
3pp.) ACTION

[ITEM 19](#) California School Information Services (CSIS) Data Dictionary, Version 5.1: ACTION
(PDF;
285KB;
26pp.) Proposed Changes.

[ITEM 20](#) The Principal Training Program (AB 75): Approval of Local Educational Agencies ACTION
(PDF;
100KB;
4pp.) (LEAs) and Consortia applications for funding.

[ITEM 21](#) Mathematics and Reading Professional Development Program (AB 466): Approval of ACTION
(PDF;
97KB;
4pp.) Requests for Local Educational Agency (LEA) Reimbursement for the 2003-04 Fiscal Year.

[ITEM 22](#) Mathematics and Reading Professional Development Program (AB 466) (Chapter ACTION
(PDF; 737, Statutes of 2001): Including, but not limited to, Approval of Training Providers
107KB; and Training Curricula.
1p.)

[ITEM 23](#) Appointments to the Curriculum Development and Supplemental Materials INFORMATION ACTION
(PDF; Commission.
79KB;

- [Last Minute](#) Blue (PDF; 129KB; 3pp.)

1p.)

[ITEM 24](#) 2004 Health Primary Adoption of Instructional Materials: Appointment of Instructional ACTION
(PDF; Materials Advisory Panel (IMAP) members and Content Review Panel (CRP)
300KB; experts.
13pp.)

*** PUBLIC HEARING***

A Public Hearing on the following agenda item will commence no earlier than 3:30 p.m. The Public Hearing will be held after 3:30 p.m. as the business of the State Board permits.

[ITEM 25](#) Curriculum Commission: Approval of Visual and Performing Arts Framework for ACTION
(PDF; California Public Schools.
92KB; PUBLIC
2pp.) HEARING

*** END OF PUBLIC HEARING ***

ADJOURNMENT OF DAY'S SESSION

Thursday, January 8, 2004 - 8:00 a.m.+ (Upon adjournment of Closed Session if held)
California Department of Education, 1430 N Street, Room 1101, Sacramento , California

REPORT OF THE SUPERINTENDENT (unless presented on the preceding day)

SPECIAL PRESENTATIONS

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

ITEMS DEFERRED FROM PRECEDING DAY

Any matters deferred from the previous day's session may be considered.

The State Board of Education will also consider and take action as appropriate on the following agenda items:

[ITEM 26](#) Appointments to Advisory Commission on Charter Schools. INFORMATION ACTION
(PDF;

- [Last Minute](#) Blue (PDF; 94KB; 1p.)

78KB; 1p.)

[ITEM 27](#) Assignment of Numbers for Charter School Petitions. ACTION
(PDF; 88KB;

2pp.)

[ITEM 28](#) Determination of funding requests from charter schools pursuant to Senate Bill 740 ACTION
 (PDF; (Chapter 892, Statutes of 2001), specifically Education Code Sections 47612.5 and
 101KB; 47634.2, and California Code of Regulations, Title 5, Sections 11963 to 11963.6,
 6pp.) inclusive: Retroactive approval for 2002-03, and approval for 2003-04 (and beyond).

[ITEM 29](#) Countywide Charter Schools (Assembly Bill 1994): Approve commencement of the ACTION
 (PDF; permanent rulemaking process for an addition to Title 5 of the California Code of
 156KB; Regulations.
 10pp.)

- [Last Minute](#) Blue (PDF; 47KB; 1p.)

[ITEM 30](#) Consolidated Applications 2003-2004: Approval. ACTION
 (PDF;

- [Last Minute](#) Blue (PDF; 161KB; 4pp.)

 90KB;
 2pp.)

[ITEM 31](#) Immediate Intervention/Underperforming Schools Program (II/USP): Proposed INFORMATION
 (PDF; Intervention for (Cohorts I and II) schools that failed to show significant growth. ACTION
 88KB;

- [Last Minute](#) Blue (PDF; 187KB; 6pp.)

 5pp.)

[ITEM 32](#) Immediate Intervention/Underperforming Schools Program (II/USP): School INFORMATION
 (PDF; Assistance and Intervention Team (SAIT): Approval of expenditure plan to support ACTION
 74KB; activities and corrective actions in non-Title 1 "state-monitored" schools.
 1p.)

- [Last Minute](#) Blue (PDF; 101KB; 2pp.)

WAIVER REQUESTS

CONSENT MATTERS

The following agenda items include waivers and other administrative matters that California Department of Education (CDE) staff have identified as having no opposition and presenting no new or unusual issues requiring the State Board's attention.

ADULT EDUCATION INNOVATION AND ALTERNATIVE INSTRUCTIONAL DELIVERY PROGRAM

[ITEM WC-1](#) Request by Whittier Union High School District to waive *Education Code* (*EC*) ACTION
 (PDF; Section 52522(b) to increase their adult education state block entitlement of 5 percent to
 112KB; 7 percent for implementation of approved programs (Adult Education Innovation and
 4pp.) Alternative Instructional Delivery Program)
 CDSIS-3-8-2003
 (Recommended for APPROVAL) for one year only

CARL D. PERKINS VOCATIONAL & APPLIED TECHNOLOGY EDUCATION ACT

[ITEM WC-2](#) Request by Southern Humboldt Unified School District for a waiver of Section 131(d)(1) of the Carl D. Perkins Vocational and Technical Education Act of 1998. (Public
(PDF;
77KB;
1p.)
CDSIS-29-7-2003
(Recommended for APPROVAL) ACTION

FEDERAL WAIVERS - SAFE AND DRUG FREE

[ITEM WC-3](#) Request by Chino Valley Unified School District to waive No Child Left Behind Act (NCLB); Title IV, Part A, Section 4115 (a)(1)(c) to use Safe and Drug Free Schools and Communities funds to support the cost of The Great Body Shop , a Comprehensive Health, Substance Abuse, Violence prevention Program preK-8th grade.
(PDF;
94KB;
2pp.)
CDSIS-Fed-09-2003
(Recommended for APPROVAL WITH CONDITIONS) ACTION

[ITEM WC-4](#) Request by Sacramento City Unified School District to waive No Child Left Behind Act (NCLB); Title IV, Part A, Section 4115 (a)(1)(C) to use Safe and Drug Free Schools and Communities funds to support the cost of Connecting With Kids, multi-media approach to teaching life skills for grades 3-12.
(PDF;
86KB;
3pp.)
CDSIS-Fed-12-2003
(Recommended for APPROVAL WITH CONDITIONS) ACTION

GOLDEN STATE EXAMINATION

[ITEM WC-5](#) Request by Liberty Union High School District to waive *Education Code* (EC) Section 51451, regarding the method of qualifying the 2003 high school seniors for a Golden State Seal Merit Diploma.
(PDF;
93KB;
2pp.)
CDSIS-10-10-2003
(Recommended for APPROVAL WITH CONDITIONS) ACTION

NONPUBLIC SCHOOL/AGENCY (annual certification)

[ITEM WC-6](#) Request by Santa Monica-Malibu Unified School District to waive *Education Code* (EC) Section 56366.1(g), the August 1 through October 31 timeline on annual certification renewal application for Step by Step for the 2003 certification year (October 31, 2002).
(PDF;
78KB;
1p.)
CDSIS-20-11-2003
(Recommended for APPROVAL) ACTION

[ITEM WC-7](#) Request by Glendale Unified School District to waive *Education Code* (EC) Section 56366.1(g), which would allow Gayle L. Slott NPA (speech/language therapist) to submit the renewal application outside the August 1 - October 31 timeline.
(PDF;
84KB;
1pp.)
CDSIS-11-10-2003
(Recommended for APPROVAL) ACTION

REGIONAL OCCUPATIONAL PROGRAM

ITEM WC-8 (PDF; 95KB; 2pp.)	Request by La Puente Valley Regional Occupational Program for a renewal waiver of <i>Education Code</i> (EC) Section 52314.6(a) regarding the 3% limit enrollment of students under the age of 16, in the Regional Occupational Program (ROP). CDSIS-2-11-2003 (Recommended for APPROVAL WITH CONDITIONS) <i>Education Code</i> (EC) Section 33051(c) will apply	ACTION
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ITEM WC-9 (PDF; 95KB; 2pp.)	Request by San Bernardino County Superintendent of Schools Regional Occupational Program to waive <i>Education Code</i> (EC) Section 52314.6(a) regarding the 3% limit enrollment of students under the age of 16, in the Regional Occupational Program (ROP), which will cover all sixteen districts and the juvenile court school program within the district ROP Consortium. CDSIS-5-11-2003 (Recommended for APPROVAL WITH CONDITIONS)	ACTION
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NON-CONSENT (ACTION)

The following agenda items include waivers and other administrative matters that CDE staff have identified as having opposition, being recommended for denial, or presenting new or unusual issues that should be considered by the State Board. On a case by case basis public testimony may be considered regarding the tem, subject to the limits set by the Board President or the President's designee; and action different from that recommended by CDE staff may be taken.

ALGEBRA 1 GRADUATION REQUIREMENT

ITEM W-1 (PDF; 100KB; 2pp.)	Request by Santa Cruz City Schools to waive <i>Education Code</i> (EC) Section 51224.5, regarding completion of a course in Algebra 1 as part of the graduation requirement, so that the 6% of the graduating seniors of 2004 may get a diploma. CDSIS-17-11-2003 (Recommendation will be submitted in a Last Minute Memorandum)	ACTION
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- [Last Minute](#) Blue (PDF; 65KB; 1p.)
- [Last Minute](#) Blue (PDF; 73KB; 1p.)

ACADEMIC PERFORMANCE INDEX

ITEM W-2 (PDF; 106KB; 3pp.)	Wasco Union High School District requests a waiver of Title 5, California Code of Regulations (CCR), Section 1032(d)(5) which would in effect allow Wasco Union High School to receive a valid API for the 2002-2203 base and growth targets with "less than 85%" of students taking the World History and U.S. History portion of the California Standards Test. CDSIS-10-11-2003 (Recommended for DENIAL)	ACTION
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ITEM W-3	Oak Park Unified School District (OPUSD) requests a waiver of Title 5, California	ACTION
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(PDF;
93KB;
2pp.) Code of Regulations (CCR), Section1032 (d)(1) and (6) to allow Oak Hills Elementary School to be given a valid API score for the 2003 year "despite adult testing irregularities (writing assessment for 18 students in Grade four)."
CDSIS-9-11-2003
(Recommended for DENIAL)

CLASS SIZE REDUCTION (Option 1 funding)

[ITEM W-4](#) Request by Los Angeles Unified School District for a waiver renewal of *Education Code* (EC) Sections 52122 (b)(2)(A) and 52123 (c) for allowing 22 multi-track year round education school sites with 200 or more students per acre to receive Option 1 Class Size Reduction funding. This is the fifth and final renewal for 22 schools.
(PDF;
101KB;
2pp.) CDSIS-3-11-2003
(Recommended for APPROVAL) ACTION

EQUITY LENGTH OF TIME

[ITEM W-5](#) Request by Bonita Unified School District to waive *Education Code* (EC) Section 37202, equity length of time requirement, to allow a full day kindergarten pilot program at Allen Avenue , Fred Ekstrand, Gladstone , Grace Miller, La Verne Heights , J. Marion Roynon, Arma Shull and Oak Mesa Elementary Schools.
(PDF;
83KB;
2pp.) CDSIS1-9-2003
(Recommended for APPROVAL WITH CONDITIONS) ACTION

[ITEM W-6](#) Request by Tracy Unified School District for a waiver of *Education Code* (EC) Section 37202, equity length of time requirement, to increase instructional minutes at four of their elementary schools, Clover, Delta, South and Poet-Christain.
(PDF;
82KB;
2pp.) CDSIS-4-12-2003
(Recommended for APPROVAL WITH CONDITIONS) ACTION

[ITEM W-7](#) Request by Hesperia Unified School District to waive *Education Code* (EC) Section 37202, equity length of time requirement, to allow a full day kindergarten pilot program at Mesa Academy School.
(PDF;
83KB;
2pp.) CDSIS-18-11-2003
(Recommended for APPROVAL WITH CONDITIONS) ACTION

FEDERAL WAIVERS - SAFE AND DRUG FREE

[ITEM W-8](#) Request by Novato Unified School District to waive No Child Left Behind Act (NCLB); Title IV, Part A, Section 4115 (a)(1)(C) to use Safe and Drug Free Schools and Communities funds to support the cost of Here's Looking At You , as a kindergarten through twelfth grade prevention program
(PDF;
164KB;
6pp.) CDSIS-Fed-08-2003
(Recommended for DENIAL) ACTION

INSTRUCTIONAL MATERIALS FUNDING REALIGNMENT PROGRAM (IMFRP)

<p>ITEM W-9 (PDF; 90KB; 2pp.)</p>	<p>Petition request under <i>Education Code</i> (EC) Sections 60421(d) and 60200(g) by Hillsborough City School District to purchase non-adopted Instructional Resources (<i>Everyday Mathematics, Grades K-5</i>) using Instructional Materials Funding Realignment Program (IMFRP) monies. CDSIS-19-11-2003 (Recommended for APPROVAL WITH CONDITIONS)</p>	<p>ACTION</p>
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INSTRUCTIONAL MATERIALS SUFFICIENCY (Audit Findings)

<p>ITEM W-10 (PDF; 86KB; 2pp.)</p>	<p>Request by Dixon Unified School District for a retroactive waiver of <i>Education Code</i> (EC) Section 60119 regarding Annual Public Hearing on the availability of textbooks or instructional materials. The district had an audit finding for fiscal year 2001-2002 because the public hearing was not noticed for ten days as required. This is the second year in a row for this district as they had an audit finding in fiscal year 2000-2001. CDSIS-7-8-2003 (Recommended for APPROVAL)</p>	<p>ACTION</p>
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INSTRUCTIONAL TIME PENALTY

<p>ITEM W-11 (PDF; 104KB; 2pp.)</p>	<p>Request by Newport-Mesa Unified School District to waive <i>Education Code</i> (EC) Section 46201(d), the longer day instructional time penalty for fiscal year 2001-2002 at Middle College High School due to a shortage of 1,800 instructional minutes. CDSIS-3-10-2003 (Recommended for APPROVAL WITH CONDITIONS)</p>	<p>ACTION</p>
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<p>ITEM W-12 (PDF; 100KB; 2pp.)</p>	<p>Request by Santa Monica-Malibu Unified School District to waive <i>Education Code</i> (EC) Section 46202, because they offered less than the required 1982-83 minutes for fiscal year 2001-2002 at Muir Elementary School due to a shortage of 310 instructional minutes. CDSIS-2-10-2003 (Recommended for APPROVAL WITH CONDITIONS)</p>	<p>ACTION</p>
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NONPUBLIC SCHOOL/AGENCY (child specific)

<p>ITEM W-13 (PDF; 94KB; 2pp.)</p>	<p>Request by Tustin Unified School District (TUSD) to waive <i>Education Code</i> (EC) Section 56366.1(a), certification requirements for an uncertified nonpublic agency to provide Behavioral Intervention Services to a severely disabled special needs student. Supported Unique Consumer Center Education for Post Secondary Students (SUCCESS) Gallegos, The Mountain O.T.R. CDSIS-46-4-2003 (Recommended for APPROVAL)</p>	<p>ACTION</p>
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<p>ITEM W-14 (PDF; 94KB; 1p.)</p>	<p>Request by Claremont Unified School District to waive <i>Education Code</i> (EC) Section 56366.1(a), certification for an uncertified nonpublic school, Briggs and Association to provide speech and language services to one special education student Kau A. CDSIS-30-5-2003 (Recommended for APPROVAL)</p>	<p>ACTION</p>
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<p>ITEM W-15 (PDF; 85KB; 2pp.)</p>	<p>Request by East Side Union High School District to waive <i>Education Code</i> (EC) Section 56366.1(a) certification for an uncertified nonpublic school, Heartspring School located in Wichita , Kansas to provide services to one special education student, Ryan L. CDSIS-4-11-2003 (Recommended for APPROVAL)</p>	<p>ACTION</p>
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<p>ITEM W-16 (PDF; 83KB; 1p.)</p>	<p>Request by East Side Union High School District to waive <i>Education Code</i> (EC) Section 56366.1(a) certification for an uncertified nonpublic school, Sunhawk Academy located in Saint George , Utah to provide services to one special education student, Natalie G. CDSIS-12-11-2003 (Recommended for APPROVAL)</p>	<p>ACTION</p>
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IMMEDIATE INTERVENTION/UNDERPERFORMING SCHOOLS PROGRAM (IIUSP)

<p>ITEM W-17 (PDF; 446KB; 11pp.)</p>	<p>Request by various school district(s) on behalf of (11 possible) school(s) in Cohort I of the Immediate Intervention and/Underperforming Schools Program (IIUSP) postponed Nov 14, 2002 , (Invalid API) to waive sanctions in portions of E.C. 52055.5(b), in effect to keep the schools on "watch" for another year.</p> <p>Recommendations: Some individual waiver and recommendations are attached, more may follow in a Last Minute Memorandum.</p> <ul style="list-style-type: none"> • Last Minute Blue (PDF; 81KB;1p.) 	<p>ACTION</p>
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<p>ITEM W-18 (PDF; 388KB; 10pp.)</p>	<p>Request by various school district(s) on behalf of (6 possible) school(s) in Cohort II of the Immediate Intervention and/Underperforming Schools Program (IIUSP) postponed Nov 14, 2002 , (Invalid API) to waive sanctions in portions of E.C. 52055.5(b), in effect to keep the schools on "watch" for another year.</p> <p>Recommendations: Some individual waiver and recommendations are attached, more may follow in a Last Minute Memorandum.</p>	<p>ACTION</p>
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<p>ITEM W-19 (PDF; 311KB; 7pp.)</p>	<p>Request by various school district(s) on behalf of (20 possible) school(s) in Cohort I of the Immediate Intervention and/Underperforming Schools Program (IIUSP) moved into interventions status on Nov 12, 2002, (Valid API) to waive sanctions in portions of E.C. 52055.5(b), in effect to keep the schools on "watch" for another year. Failing that the district(s) may wish to waive the timeline in portions of E.C. 52055.51(d)</p> <p>Recommendations: Some individual waiver and recommendations are attached, more may follow in a Last Minute Memorandum.</p> <ul style="list-style-type: none"> • Last Minute Blue (PDF; 63KB; 1p.) 	<p>ACTION</p>
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<p>ITEM W-20 (PDF; 92KB; 2pp.)</p>	<p>Request by various school district(s) on behalf of (2 possible) school(s) in Cohort II of the Immediate Intervention and/Underperforming Schools Program (IIUSP) moved into interventions status on Nov 12, 2002, (Valid API) to waive sanctions in portions of E.C. 52055.5(b), in effect to keep the schools on "watch" for</p>	<p>ACTION</p>
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another year. Failing that the district(s) may wish to waive the timeline in portions of E.C. 52055.51(d)

NOTE: This is being submitted as a PLACE HOLDER

Recommendation: Waiver and recommendations may be added in a Last Minute Memorandum.

[ITEM W-21](#)

(PDF;
152KB;
3pp.)

Request by various school district(s) on behalf of school(s) in Cohort I or II of the Immediate Intervention and/Underperforming Schools Program (IIUSP) moved into interventions status on Nov 12, 2002, (Valid API) to waive the timeline for sanctions activities in portions of E.C. 52055.51(d)

ACTION

Recommendations: Some individual waiver and recommendations are attached, more may follow in a Last Minute Memorandum.

SCHOOL SITE COUNCIL

[ITEM W-22](#)

(PDF;
83KB;
2pp.)

Request by Tamalpais Union High School District to waive *Education Code* (EC) Sections 62002 (sunset provision) and 52012, relating to the composition of a school site council (SSC). Waiver will allow the use of Department Chairs on the SSC, even though they are not "elected" by teachers.

ACTION

CDSIS-1-11-2003

(Recommended for APPROVAL WITH CONDITIONS) *Education Code* (EC) Section 33051(c) will apply

- [Last Minute](#) Blue (PDF; 67KB; 1p.)

END OF WAIVER REQUESTS

ADJOURNMENT OF MEETING

For more information concerning this agenda, please contact Rae Belisle, Executive Director of the California State Board of Education, or Deborah Franklin, Education Policy Consultant, at 1430 N Street, Room 5111, Sacramento, Ca, 95814; telephone (916) 319-0827; fax (916) 319-0175. To be added to the speaker's list, please fax or mail your written request to the above referenced address/fax number. This agenda is posted on the State Board of Education's Web site at <http://www.cde.ca.gov/be/>

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

Last Reviewed: Friday, August 05, 2011

California Department of Education

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CALIFORNIA STATE BOARD OF EDUCATION

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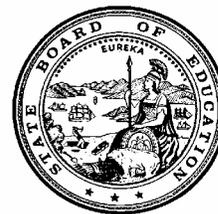
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Executive Director
Rae Belisle

AGENDA

January 7-8, 2004



SCHEDULE OF MEETING

LOCATION

Wednesday, January 7, 2004

9:00 a.m. ±

STATE BOARD OF EDUCATION
Closed Session – IF NECESSARY
(The public may not attend.)

California Department of Education

1430 N Street, Room 1101
Sacramento, California
(916) 319-0827

The Closed Session (1) may commence earlier than 9:00 a.m.; (2) may begin at or before 9:00 a.m., be recessed, and then be reconvened later in the day; or (3) may commence later than 9:00 a.m.

CLOSED SESSION AGENDA

Under *Government Code* section 11126(e)(1), the State Board of Education hereby provides public notice that some or all of the pending litigation which follows will be considered and acted upon, as necessary and appropriate, in closed session:

- *Acevedo, et al. v. State of California, et al.*, Sacramento County Superior Court, Case No. 03CS00827
- *Adkins, et al. v. State of California, et al.*, Sacramento County Superior Court, Case No. 03CS00938
- *Aguayo, et al. v. State of California, et al.*, Sacramento County Superior Court, Case No. 03CS00825
- *Amy v. California Dept. of Education, et al.*, Los Angeles County Superior Court, Case No. 99CV2644LSP
- *Boyd, et al. v. State of California, et al.*, Sacramento County Superior Court, Case No. 01CS00136
- *Brian Ho, et al., v. San Francisco Unified School District, et al.*, United States District Court, Northern District of California, Case No. C-94-2418 WHO
- *Buckle, et al. v. State of California, et al.*, Sacramento County Superior Court, Case No 03CS00826
- *California Association of Private Special Education Schools, et al., v. California Department of Education, et al.*, Los Angeles County Superior Court, Case No. BC272983
- *California Department of Education, et al., v. San Francisco Unified School District, et al.*, San Francisco Superior Court, Case No. 994049 and cross-complaint and cross-petition for writ of mandate and related actions
- *California State Board of Education v. Delaine Eastin, the Superintendent of Public Instruction for the State of California*, Sacramento County Superior Court, Case No. 97CS02991 and related appeal
- *Californians for Justice Education Fund, et al. v. State Board of Education*, San Francisco City/County Superior Court, Case No. CPF-03-50227

For more information concerning this agenda, please contact Rae Belisle, Executive Director of the California State Board of Education, or Deborah Franklin, Education Policy Consultant, at 1430 N Street, Room 5111, Sacramento, CA, 95814; telephone (916) 319-0827; fax (916) 319-0175. To be added to the speaker's list, please fax or mail your written request to the above-referenced address/fax number. **This agenda is posted on the State Board of Education's website:**

www.cde.ca.gov/board.

California State Board of Education

AGENDA..... January 7-8, 2004

- *Campbell Union High School District, et al. v. State Board of Education, et al.*, Sacramento Superior Court, Case No. 99CS00570
- *Chapman, et al. v. California Department of Education, et al.*, Alameda County Superior Court, Case No. 2002-049636
- *Chapman, et al. v. California Department of Education, et al.*, United States District Court, Northern District of California, Case No. C-01-1780 BZ
- *City Council of the City of Folsom v. State Board of Education*, Sacramento County Superior Court, Case No. 96-CS00954
- *Coalition for Locally Accountable School Systems v. State Board of Education*, Sacramento County Superior Court, Case No. 96-CS00939
- *Comité de Padres de Familia v. Honig*, Sacramento County Superior Court, Case No. 281124; 192 Cal.App.3d 528 (1987)
- *Crawford v. Honig*, United States District Court, Northern District of California, Case No. C-89-0014 DLJ
- *CTA, et al. v. Wilson*, United States District Court, Central District of California, Case No. 98-9694 ER (CWx) and related appeal
- *Daniel, et al. v. State of California, et al.*, Los Angeles Superior Court, Case No. BC214156.
- *Donald Urista, et al. v. Torrance Unified School District, et al.*, United States District Court, Central District of California, Case No. 97-6300 ABC
- *Educational Ideas, Inc. v. State of California, et al.*, Sacramento County Superior Court, Case No. 00CS00798
- *Emma C., et al. v. Delaine Eastin, et al.*, United States District Court, Northern District of California, 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 / 03CS01079
- *Ephorm, et al. v. California Board of Education, et al.*, Los Angeles Superior Court, Case No. TC013485
- *Larry P. v. Riles*, 495 F.Supp 926 (N.D. Ca. 1979) aff'd in part, rev'd in part, 793 F.2d 969 (9th Cir. 1986)
- *Maria Quiroz, et al. v. State Board of Education, et al.*, Sacramento County Superior Court, Case No. 97CS01793 and related appeal
- *Maureen Burch, et al. v. California State Board of Education*, Los Angeles County Superior Court, Case No. BS034463 and related appeal
- *McNeil v. State Board of Education*, San Mateo County Superior Court, Case No. 395185
- *Meinsen, et al. v. Grossmont Unified School District, et al.*, C 96 1804 S LSP, U.S. District Court, Southern District of California (pending)
- *Ocean View School District, et al. v SBE, et al.*, Superior Court of San Francisco, Case No. CGC-02-406738
- *Pazmino, et al. v. California State Board of Education, et al.*, San Francisco City/County Superior Court, Case No. CPF-03-502554
- *Porter, et al., v. Manhattan Beach Unified School District, et al.*, United States District Court, Central District, Case No. CV-00-08402
- *Roxanne Serna, et al., v. Delaine Eastin, State Superintendent of Public Instruction, et al.*, Los Angeles County Superior Court, Case No. BC174282
- *San Francisco NAACP v. San Francisco Unified School District, et al.*, United States District Court, Northern District of California, Case No. 78-1445 WHO
- *San Mateo-Foster City School District, et al., v. State Board of Education*, San Mateo County Superior Court, Case No. 387127
- *San Rafael Elementary School District v. State Board of Education, et al.*, Sacramento County Superior Court, Case No. 98-CS01503 and related appeal
- *Shevtsov v. California Department of Education*, United States District Court, Central District of California, Case No. CV 97-6483 IH (CT)
- *Valeria G., et al. v. Wilson, et al.*, United States District Court, Northern District of California, Case No. C-98-2252-CAL; *Angel V. v. Davis*, Ninth Circuit No. 01-15219
- *Wilkins, et al., v. California Board of Education, et al.*, Los Angeles Superior Court, Case No. TC014071
- *Williams, et al. v. State of California, et al.*, San Francisco Superior Court, Case No. 312236
- *Wilson, et al. v. State Board of Education, et al.*, Los Angeles Superior Court, Case No. BC254081

For more information concerning this agenda, please contact Rae Belisle, Executive Director of the California State Board of Education, or Deborah Franklin, Education Policy Consultant, at 1430 N Street, Room 5111, Sacramento, CA, 95814; telephone (916) 319-0827; fax (916) 319-0175. To be added to the speaker's list, please fax or mail your written request to the above-referenced address/fax number. **This agenda is posted on the State Board of Education's website:**

www.cde.ca.gov/board.

California State Board of Education

AGENDA..... January 7-8, 2004

Under *Government Code* section 11126(e)(2), the State Board of Education hereby provides public notice that it may meet in closed session to determine whether, based on existing facts and circumstances, any matter presents a significant exposure to litigation [see *Government Code* section 11126(e)(2)(B)(ii)] and, if so, to proceed with closed session consideration and action on that matter, as necessary and appropriate [see *Government Code* section 11126(e)(2)(B)(i)]; or, based on existing facts and circumstances, if it has decided to initiate or is deciding whether to initiate litigation [see *Government Code* section 11126(e)(2)(C)].

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 of employees exempt from civil service under Article VII, Section 4(e) of the California Constitution.

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 of employees exempt from civil service under Article VII, Section 4(e) of the California Constitution.

Wednesday, January 7, 2004

9:00 a.m. ± (Upon Adjournment of Closed Session, if held)
STATE BOARD OF EDUCATION
Public Session

California Department of Education
1430 N Street, Room 1101
Sacramento, California
(916) 319-0827

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

Thursday, January 8, 2004

8:00 a.m. ±
STATE BOARD OF EDUCATION
Closed Session – IF NECESSARY
(The public may not attend.)

California Department of Education
1430 N Street, Room 1101
Sacramento, California
(916) 319-0827

Please see Closed Session Agenda above. The Closed Session (1) may commence earlier than 8:00 a.m.; (2) may begin at or before 8:00 a.m., be recessed, and then be reconvened later in the day; or (3) may commence later than 8:00 a.m.

Thursday, January 8, 2004

8:00 a.m. ± (Upon Adjournment of Closed Session, if held)
STATE BOARD OF EDUCATION
Public Session

California Department of Education
1430 N Street, Room 1101
Sacramento, CA 95814
(916) 319-0827

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

For more information concerning this agenda, please contact Rae Belisle, Executive Director of the California State Board of Education, or Deborah Franklin, Education Policy Consultant, at 1430 N Street, Room 5111, Sacramento, CA, 95814; telephone (916) 319-0827; fax (916) 319-0175. To be added to the speaker's list, please fax or mail your written request to the above-referenced address/fax number. **This agenda is posted on the State Board of Education's website:**
www.cde.ca.gov/board.

California State Board of Education

AGENDA..... January 7-8, 2004

ALL TIMES ARE APPROXIMATE AND ARE PROVIDED FOR CONVENIENCE ONLY
ALL ITEMS MAY BE RE-ORDERED TO BE HEARD ON ANY DAY OF THE NOTICED MEETING
THE ORDER OF BUSINESS MAY BE CHANGED WITHOUT NOTICE

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

REASONABLE ACCOMMODATION FOR ANY INDIVIDUAL WITH A DISABILITY

Pursuant to the *Rehabilitation Act of 1973* and the *Americans with Disabilities Act of 1990*, any individual with a disability who requires reasonable accommodation to attend or participate in a meeting or function of the California State Board of Education (SBE), may request assistance by contacting the SBE Office, 1430 N Street, Room 5111, P.O. Box 944272, Sacramento, CA, 94244-2720; telephone, (916) 319-0827; fax, (916) 319-0175.

For more information concerning this agenda, please contact Rae Belisle, Executive Director of the California State Board of Education, or Deborah Franklin, Education Policy Consultant, at 1430 N Street, Room 5111, Sacramento, CA, 95814; telephone (916) 319-0827; fax (916) 319-0175. To be added to the speaker's list, please fax or mail your written request to the above-referenced address/fax number. **This agenda is posted on the State Board of Education's website:**
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JANUARY 2004 AGENDA

<p>SUBJECT: STATE BOARD PROJECTS AND PRIORITIES. Including, but not limited to, future meeting plans; agenda items; State Board office budget; staffing, appointments, and direction to staff; declaratory and commendatory resolutions; update on litigation; bylaw review and revision; review of the status of State Board-approved charter schools as necessary; election of State Board officers; and other matters of interest.</p>	<p><input checked="" type="checkbox"/> INFORMATION <input checked="" type="checkbox"/> ACTION <input type="checkbox"/> PUBLIC HEARING</p>
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RECOMMENDATION:

Consider and take action (as necessary and appropriate) regarding State Board Projects and Priorities, including, but not limited to, future meeting plans; agenda items; State Board office budget; staffing, appointments, and direction to staff; declaratory and commendatory resolutions; update on litigation; bylaw review and revision; review of the status of State Board-approved charter schools as necessary; election of State Board officers; and other matters of interest.

Summary of Previous State Board of Education Discussion and Action.

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

Summary of Key Issue(s).

N/A

Fiscal Analysis (as appropriate).

N/A

Background Information Attached to this Agenda Item.

State Board Bylaws (as amended July 9, 2003).

[Agenda Planner](#)

[Acronyms Chart](#)

California Assessment System: 2003-04

AGENDA PLANNER 2003-2004

JANUARY 7-8, 2004 BOARD MEETING..... SACRAMENTO

Other Dates of Interest to the State Board:

- Curriculum Development and Supplemental Materials Commission, Sacramento, January 14-16
- Title I Committee of Practitioners, Sacramento, date to be determined
- California High School Proficiency Exam contract expires, January 31

FEBRUARY 2004

Other Dates of Interest to the State Board:

- Advisory Commission on Special Education, Sacramento, February 12-13

MARCH 10-11, 2004 SACRAMENTO

Board Meeting

- STAR, update/action as necessary
- CAHSEE, update/action as necessary
- GED, amendment to regulations
- No Child Left Behind Act, update/action as necessary
- Consolidated Applications, report on districts that received conditional approval, including their progress toward compliance

APRIL 2004

Other Dates of Interest to the State Board:

- Curriculum Development and Supplemental Materials Commission, Sacramento, April 9
- Advisory Commission on Special Education, Sacramento, April 22-23

MAY 12-13, 2004 SACRAMENTO

Board Meeting

- Board Meeting Schedule, evaluation of every-other month meeting schedule
- Instructional Materials, adopt maximum weight standards for textbooks
- STAR, update/action as necessary
- CAHSEE, update/action as necessary
- No Child Left Behind Act, approval of supplemental service providers for 2004-05

Other Dates of Interest to the State Board:

- Curriculum Development and Supplemental Materials Commission, Sacramento, May 20-21

AGENDA PLANNER 2003-2004

JUNE 2004

Other Dates of Interest to the State Board:

- Advisory Commission on Special Education, Sacramento, June 24-25
- Title I Committee of Practitioners, Sacramento, date to be determined

JULY 7-8, 2004 SACRAMENTO

Board Meeting

- STAR, update/action as necessary
- CAHSEE, update/action as necessary
- No Child Left Behind Act, update/action as necessary

Other Dates of Interest to the State Board:

- 2004 Health Adoption, deliberations of Instructional Materials Advisory Panels and Content Review Panels, Sacramento, July 19-23

SEPTEMBER 8-9, 2004 SACRAMENTO

Board Meeting

- STAR, update/action as necessary
- CAHSEE, update/action as necessary
- No Child Left Behind Act, update/action as necessary

Other Dates of Interest to the State Board:

- Curriculum Development and Supplemental Materials Commission, Sacramento, September 16-17
- Title I Committee of Practitioners, Sacramento, date to be determined

NOVEMBER 9-10, 2004 (TUESDAY/WEDNESDAY)..... SACRAMENTO

Board Meeting

- STAR, update/action as necessary
- CAHSEE, update/action as necessary
- No Child Left Behind Act, update/action as necessary
- 2004 Health Adoption, Curriculum Commission recommendations for adoption, for information only
- Student Advisory Board on Education, presentation of recommendations
- Interviews of candidates for 2005-06 Student Member of the State Board

Other Dates of Interest to the State Board:

- Curriculum Development and Supplemental Materials Commission, Sacramento, November 18-19

ACRONYMS CHART

<i>ACRONYMS</i>	
AB	Assembly Bill
ACCS	Advisory Commission on Charter Schools
ACES	Autism Comprehensive Educational Services
ACSA	Association of California School Administrators
ADA	Americans with Disabilities Act
ADA	Average Daily Attendance
AFT	American Federation of Teachers (Union)
AP	Advanced Placement
API	Academic Performance Index
ASAM	Alternative Schools Accountability Model
AYP	Adequate Yearly Progress
BTSA	Beginning Teacher Support and Assessment
CAHSEE	California High School Exit Examination
CAPA	California Alternate Performance Assessment
CASH	Coalition for Adequate School Housing
CAT/6	California Achievement Tests
CNAC	Child Nutrition Advisory Council
CDE	California Department of Education
CELDT	California English Language Development Test
COE	County Office of Education
ConAPP	Consolidated Applications
CRP	Content Review Panel
CSBA	California School Board Association
CSIS	California Student Information System
CST	California Standards Test
CTA	California Teachers Association (Union)
CTC	California Commission on Teacher Credentialing
EL	English Learner
ELAC	English Learner Advisory Council
ESL	English as a Second Language
FAPE	Free and Appropriate Education Program
FEP	Fluent English Proficient
GATE	Gifted and Talented Education

ACRONYMS CHART

ACRONYMS	
GED	General Education Development
HPSGP	High-Priority School Grant Program
HumRRO	Human Resources Research Organization
IDEA	Individuals with Disabilities Act
IEP	Individualized Education Program
II/USP	Immediate Interventions/Underperforming Schools Program
IMAP	Instructional Materials Advisory Panel
IMFRP	Instructional Materials Fund Realignment Program
LEA	Local Educational Agency
LEP	Limited English Proficient
NAEP	National Assessment of Educational Progress
NCLB	No Child Left Behind Act of 2001
NPS/NPA	Non Public Schools/Non Public Agencies
NRT	Norm-Referenced Test
OSE	Office of The Secretary For Education
PAR	Peer Assistance Review
PSAA	Public School Accountability Act
ROP	Regional Occupation Program
RLA/ELD	Reading/Language Arts/English Language Development
SABE/2	Spanish Assessment of Basic Education, Second Edition
SAIT	School Assistance and Intervention Team
SARC	School Accountability Report Card
SAT 9	Stanford Achievement Test, 9th Edition
SEA	State Educational Agency
SELPA	Special Education Local Plan Area
SBCP	School Based Coordinated Program
SBE	State Board of Education
SSPI	State Superintendent of Public Instruction (Jack O'Connell)
STAR	Standardized Testing and Report Program
TDG	Technical Design Group

USD	Unified School District
USDE	Unified States Department of Education
WIA	Workforce Investment Act



JANUARY 2004 AGENDA

SUBJECT: PUBLIC COMMENT. Public Comment is invited on any matter <u>not</u> 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.	<input type="checkbox"/>	ACTION
	<input checked="" type="checkbox"/>	INFORMATION
	<input type="checkbox"/>	PUBLIC HEARING

RECOMMENDATION:

Listen to public comment on matters not included on the agenda.

Summary of Previous State Board of Education Discussion and Action.

N/A.

Summary of Key Issue(s).

N/A.

Fiscal Analysis (as appropriate).

N/A.

Background Information Attached to this Agenda Item.

None.



JANUARY 2004 AGENDA

SUBJECT California High School Exit Examination (CAHSEE): Including, but not limited to, the Presentation of the CAHSEE Report to the Legislature.	<input checked="" type="checkbox"/>	Action
	<input checked="" type="checkbox"/>	Information
	<input type="checkbox"/>	Public Hearing

Recommendation:

The following item is provided to the State Board of Education for information and action as deemed necessary and appropriate.

Summary of Previous State Board of Education Discussion and Action

Senate Bill (SB) 2X (passed in 1999) authorized the California High School Exit Examination (CAHSEE) and specified an independent evaluation of the CAHSEE. The *Independent Evaluation of the California High School Exit Examination: Year 4 Evaluation Report* was presented to the State Board of Education (SBE) in November 2003 as an information item.

Assembly Bill (AB) 1609 (passed in 2001) required an additional evaluation and report of the CAHSEE. The *Independent Evaluation of the California High School Exit Examination: AB 1609 Study Report* was presented to SBE in May 2003 as an information item.

Summary of Key Issue(s)

California Education Code section 60855 requires that the CAHSEE independent evaluator submit a report to the Governor of California, the Office of the Legislative Analyst, the State Superintendent of Public Instruction, the State Board of Education, the Secretary for Education, and the Chairs of the Education Policy Committees in both houses of the California Legislature by February 1, 2004, of even-numbered years.

The February 2004 report will incorporate both the CAHSEE Year 4 Evaluation Report to the California Department of Education and the Assembly Bill (AB) 1609 Study Report. The contractor for the independent evaluation, Human Resources Research Organization (HumRRO), will present the major points of the February 2004 report to the SBE at the January meeting.

Summary of Key Issue(s)

Major findings from the AB 1609 study and the Year 4 Evaluation Report include the following:

1. The development of CAHSEE meets all of the test standards for use as a graduation requirement.
2. The CAHSEE requirement has been a major factor leading to dramatically increased coverage of the California Content Standards at both the high school and middle school levels, and to development or improvement of courses providing help for students who have difficulty mastering these standards.
3. Available evidence indicates that many courses of initial instruction and remedial courses have only limited effectiveness in helping students master the required standards.
4. Many factors suggest that the effectiveness of standards-based instruction will improve for each succeeding class after the Class of 2004, but the speed with which passing rates will improve is currently unknown.
5. Precise comparisons are not possible between the Classes of 2004 and 2005 because California does not yet have individual student identifiers. Additionally, the Class of 2004 began taking the test as ninth graders, and the Class of 2005 first took the test as tenth graders. Passing rates for students in the Class of 2005 (March and May) were slightly lower than passing rates for students in the Class of 2004 (end of tenth grade).
6. Schools are continuing efforts to ensure that the content standards are covered in instruction and to provide support for students who need additional help in mastering these standards. Many programs that were in the planning stages or only partially implemented a year ago have now been fully implemented.

Major recommendations from the AB 1609 study and the Year 4 Evaluation Report include the following:

1. Restarting the exam with the Class of 2006 provides some opportunities for improvement; however, careful consideration should be given to any changes that are implemented.
2. CDE and SBE should continue to monitor and encourage efforts by districts and schools to implement effective standards-based instruction.
3. Professional development for teachers is a significant opportunity for improvement.

Summary of Key Issue(s)

4. SBE might consider other ways that students could demonstrate mastery of the content standards and the California Legislature might consider state-wide options for recognizing levels of achievement below that required for a diploma.
5. Further consideration of CAHSEE requirements for special education students is needed, in light of the low passing rates for this group. Apparent disparities between racial and ethnic groups within the special education population require further investigation.

Fiscal Analysis (as appropriate)

Presentation of the report to the Legislature has no direct fiscal impact on school districts.

Attachment(s)

None.



Independent Evaluation of CAHSEE

Update on Evaluation Findings and Recommendations

Presentation to:
The California State Board of Education

Date:
Wednesday, January 7, 2004

Prepared by:
Dr. Laress L. Wise
HumRRO



Background

- ◆ SB-2X, passed in 1999, established the California High School Exit Exam (CAHSEE)
 - ◆ HSEE Standards Panel was established to recommend the content of the English-language arts and mathematics sections of the exam.
 - ◆ Exam content was adopted by the State Board in December 2000.
 - ◆ Beginning with the Class of 2004, students must pass both sections of the exam to receive a high school diploma.
 - ◆ A multiyear independent evaluation of the CAHSEE began in January 2000.
- ◆ AB-1609, passed in 2001, required CDE, with approval from the State Board, to contract for a study to determine if:
 - The CAHSEE test development process and
 - The implementation of standards-based instructionmeet standards required for a high school graduation test.



Background

- ◆ The CDE contracted with Human Resources Research Organization (HumRRO) to conduct the evaluation of the CAHSEE following requirements in EC 60855
- ◆ EC 60855 requires:
 - A preliminary report based on field test results in July 1, 2000
 - Biennial reports on operational results beginning with Feb. 1, 2002
- ◆ HumRRO's contract with CDE also requires an annual report of evaluation activities plus any findings and recommendations
 - This presentation summarizes the findings and conclusions to be included in our Feb. 1, 2004 Biennial Report
 - It covers preliminary results from the July 2002 through June 2003 test administrations, plus school surveys, and reviews of development activities



Overview of Results

This presentation covers the following topics:

◆ Passing Rates

- ◆ For 10th graders in the Class of 2005, taking the CAHSEE for the first time
- ◆ For 11th graders in the Class of 2004, taking the CAHSEE for a second or subsequent time
- ◆ Estimates of cumulative passing rates for each class

◆ Retention and Drop-Out Rates

- ◆ Trends in enrollment declines from one grade to the next
- ◆ Student responses to questions on graduation and post-high school plans

◆ School Efforts to Improve Initial and Remedial Instruction

- ◆ Spring 2003 survey of teachers and principals provided data to supplement the AB1609 survey conducted in Feb. 2003
- ◆ Longitudinal study design supports identification of trends



Main Findings

While precise comparisons are not possible, by the end of 10th grade, passing rates for students in the Class of 2005 were slightly lower than passing rates for students in the Class of 2004.

- ◆ Many students in the Class of 2004 were able to take the CAHSEE twice before the end of 10th grade; this was not true for the Class of 2005.
- ◆ By the end of 10th grade, 67% of the Class of 2005 had passed the ELA test compared to 73% of the Class of 2004 at the end of 10th grade.
- ◆ Corresponding passing rates for Math were 52% for the Class of 2005 and 53% for the Class of 2004.
- ◆ Math passing rates for some demographic groups continued to be very low. Passing rates for the Class of 2005 10th graders were:
 - ◆ 31% for Black students and 35% for Hispanic students
 - ◆ 16% for English Learners and 14% for special education students



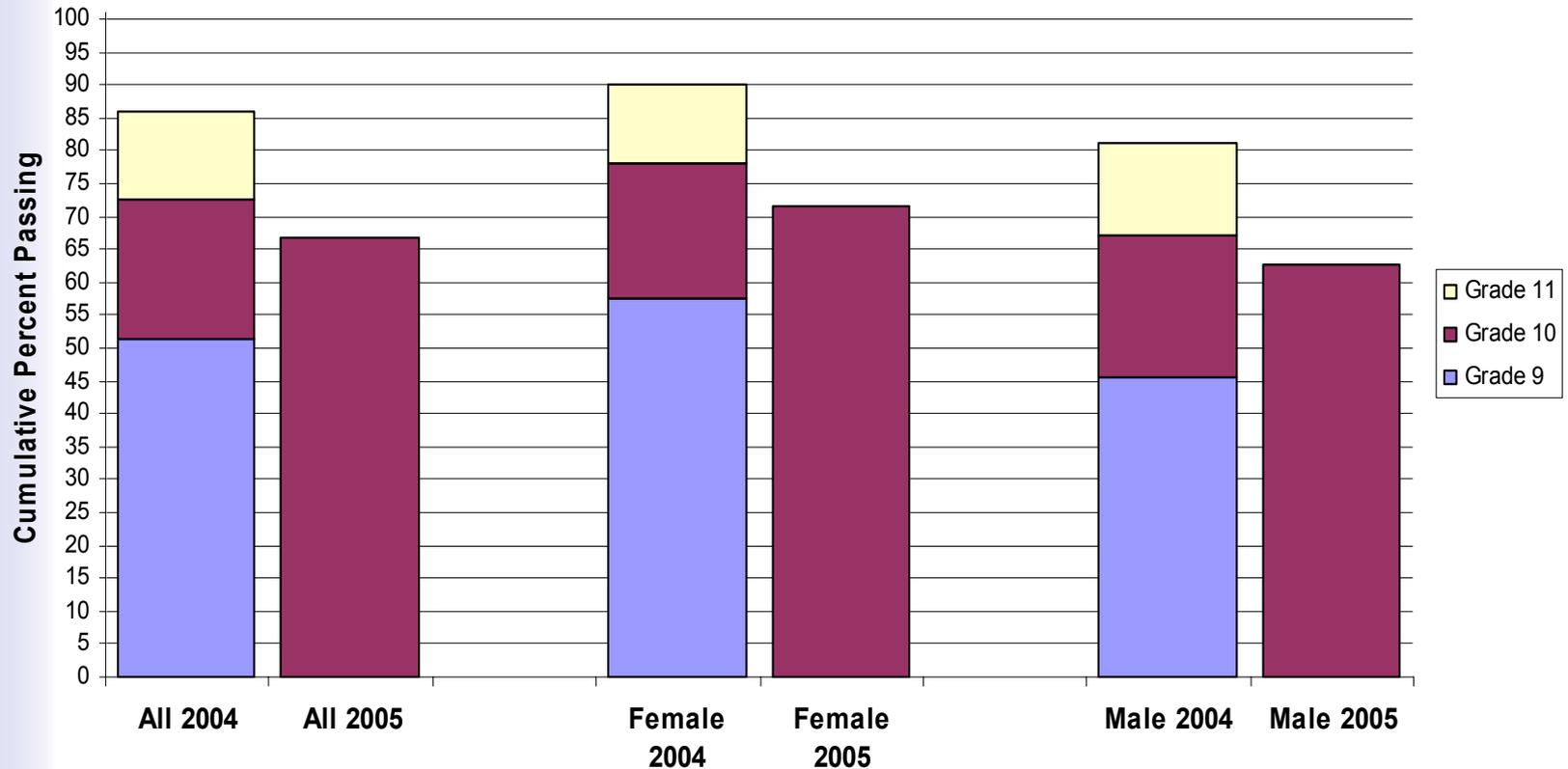
Number of Tests Administered July 2002 through June 2003

High School Class	ELA	Math
10 th Graders – Class of 2005	404,748	417,736
11 th Graders – Class of 2004	170,447	318,770
Other Students	3,751	4,499
10 th Grade Enrollment		
Class of 2004	459,580	
Class of 2005	471,648	



Cumulative ELA Passing Rates

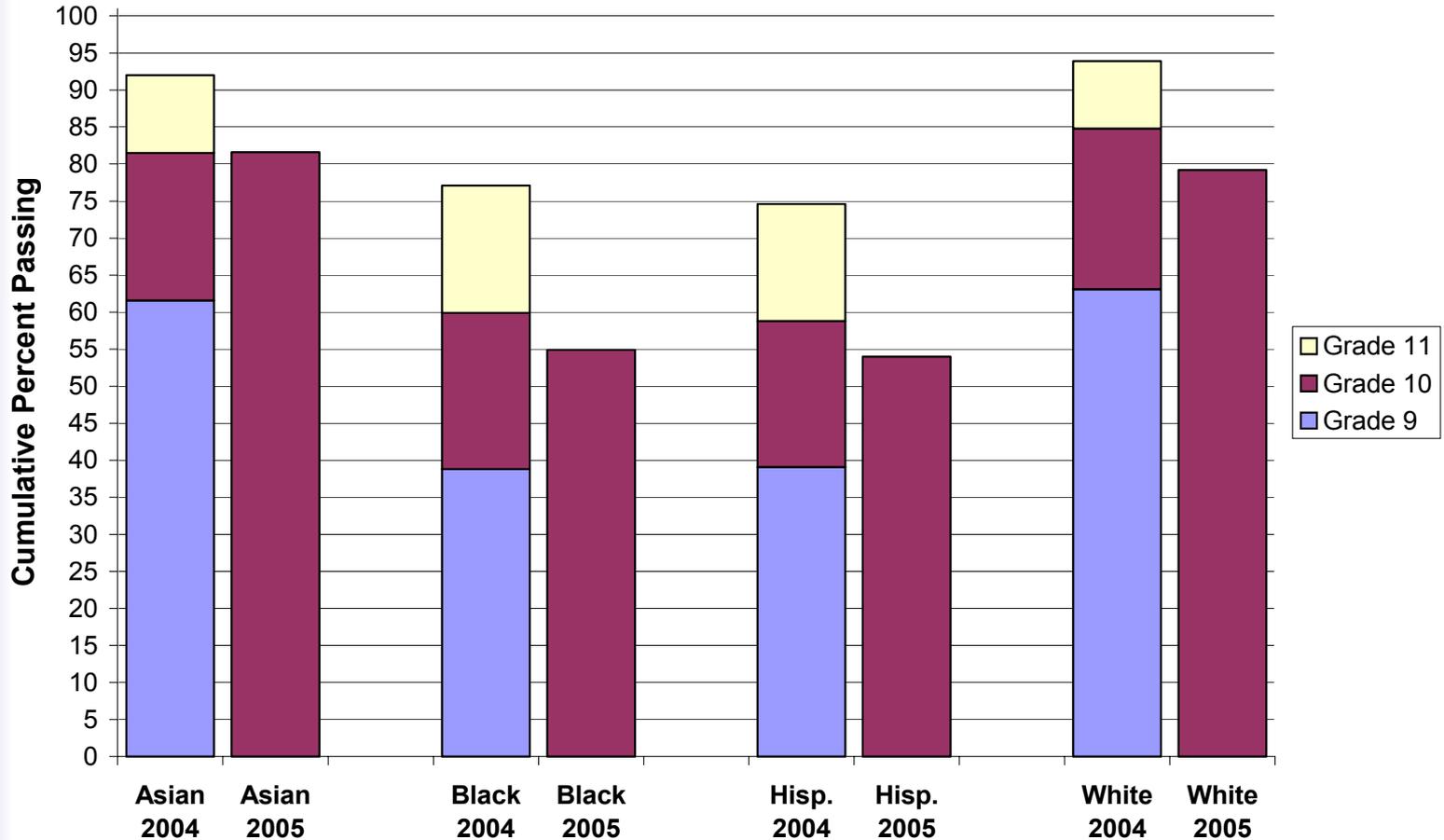
ELA Passing Rates by Gender and Class





Cumulative ELA Passing Rates

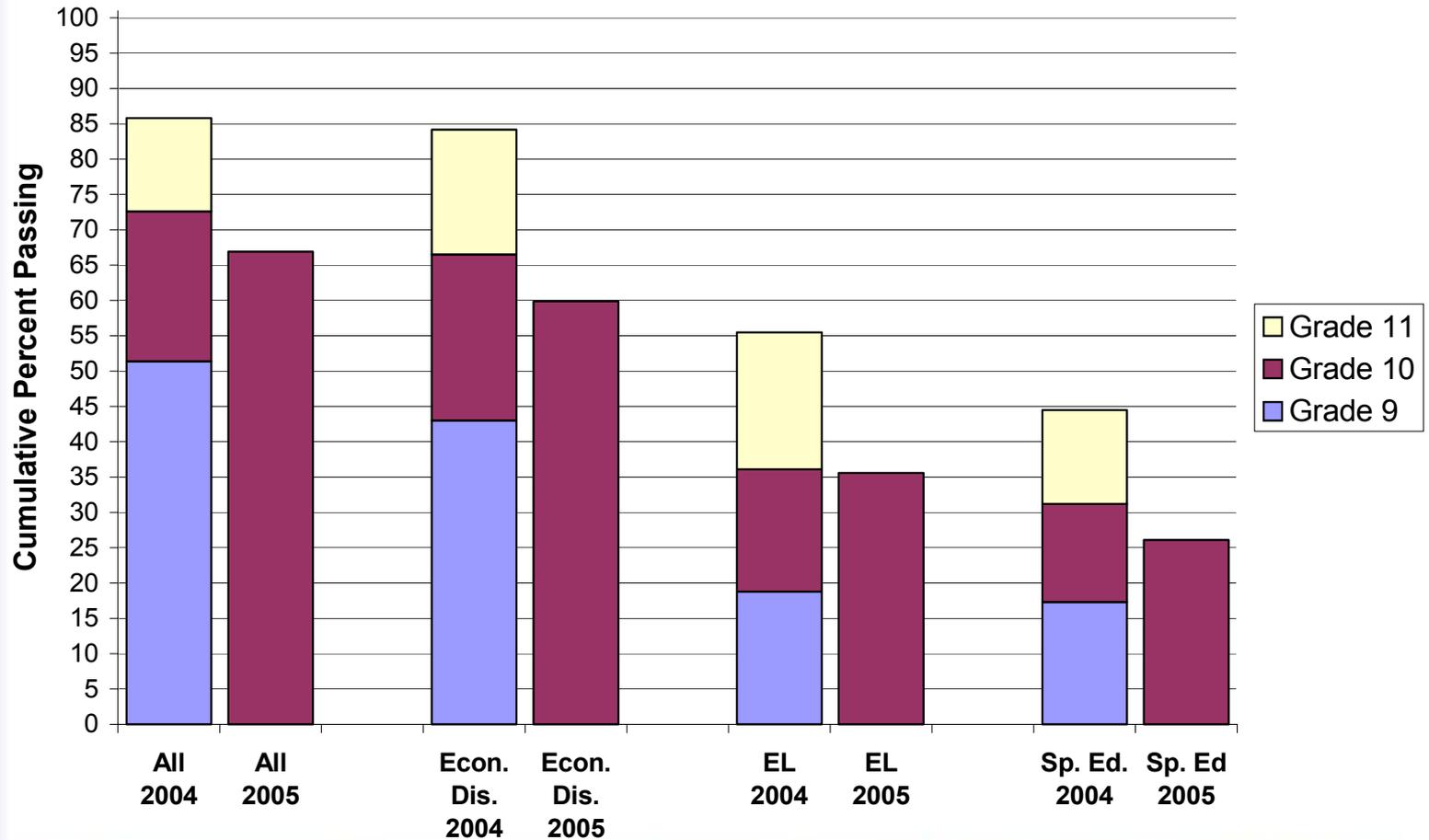
ELA Passing Rates by Ethnicity and Class





Cumulative ELA Passing Rates

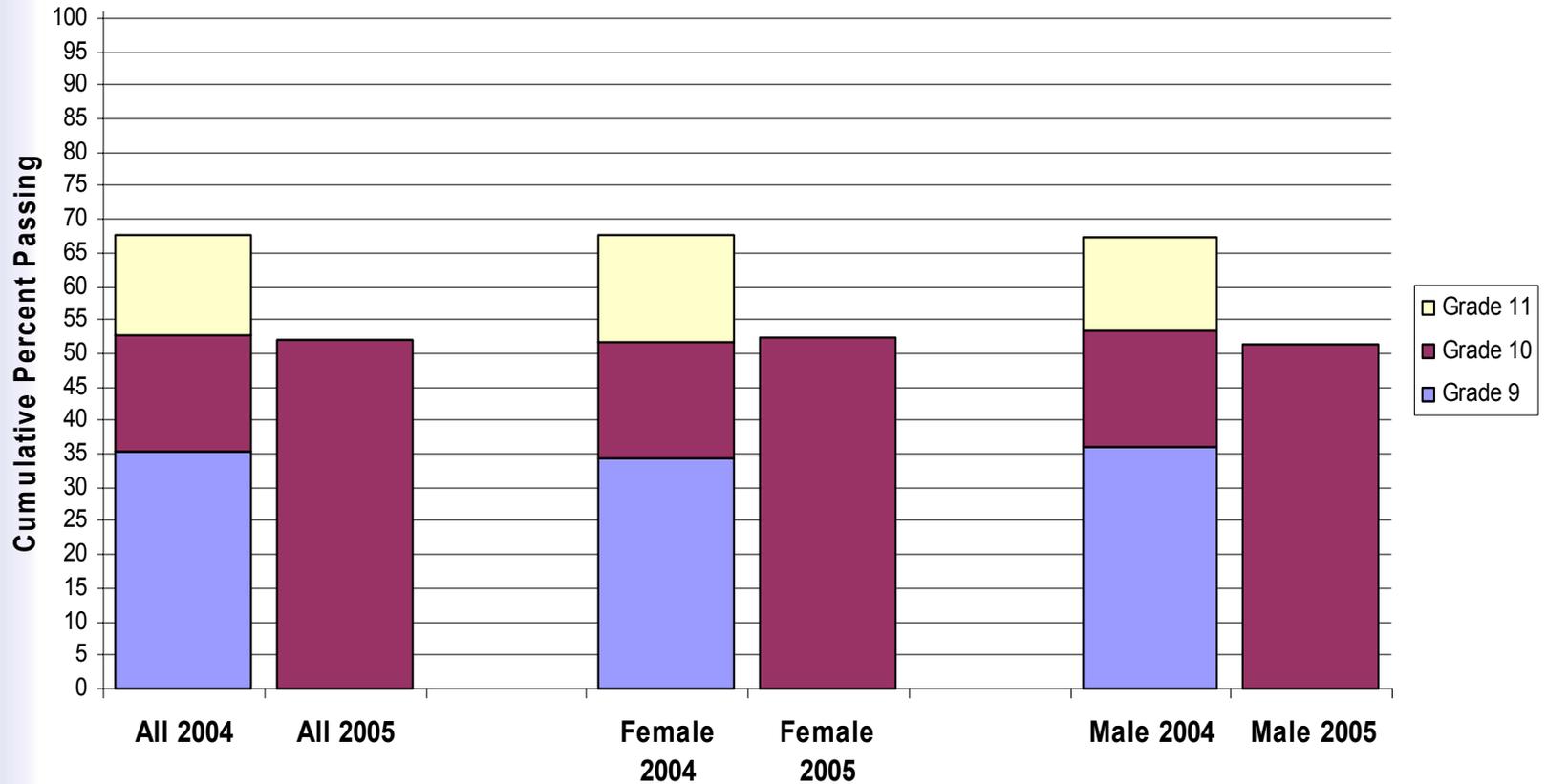
ELA Passing Rates by Special Population and Class





Cumulative Math Passing Rates

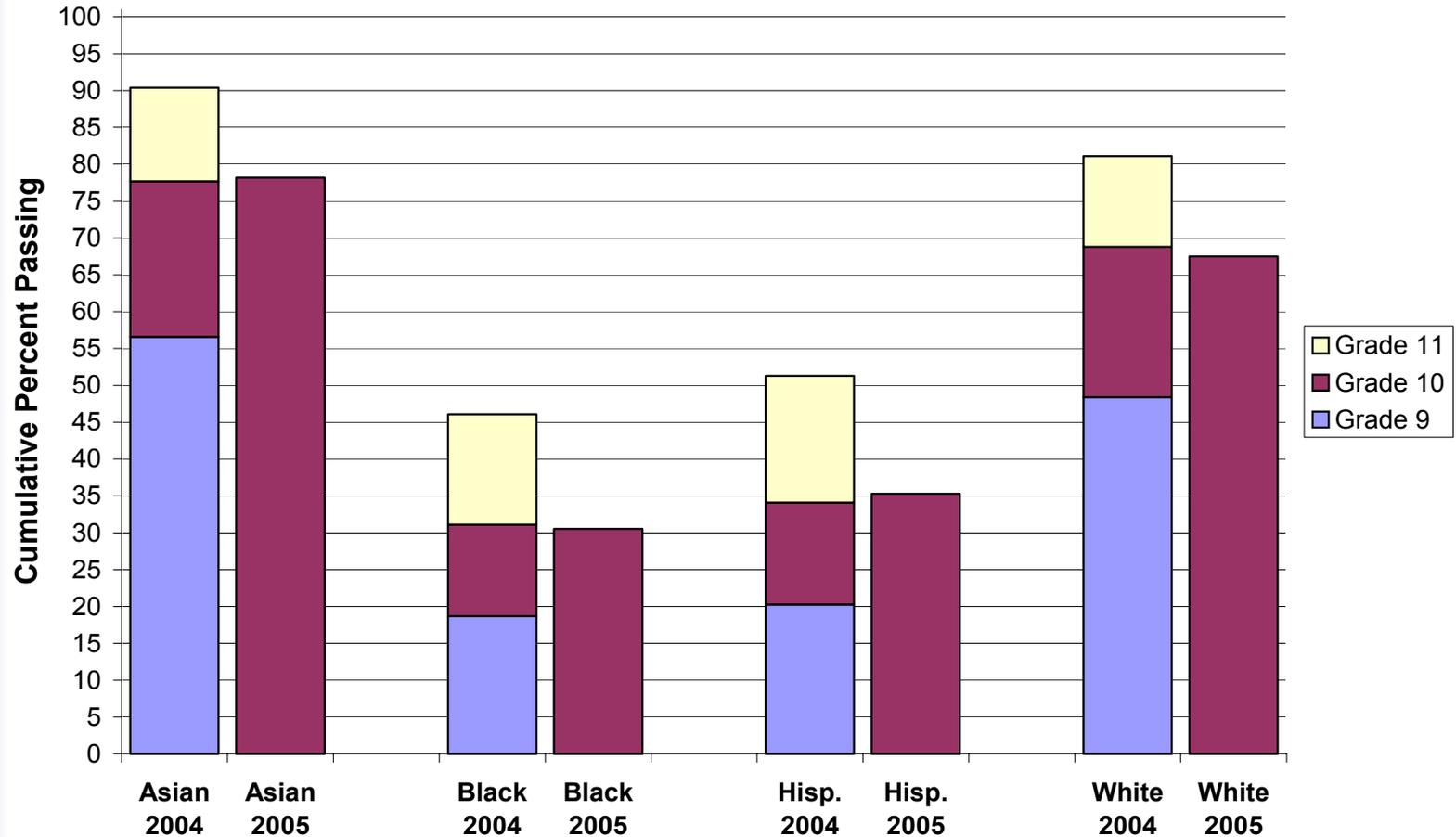
Mathematics Passing Rates by Gender and Class





Cumulative Math Passing Rates

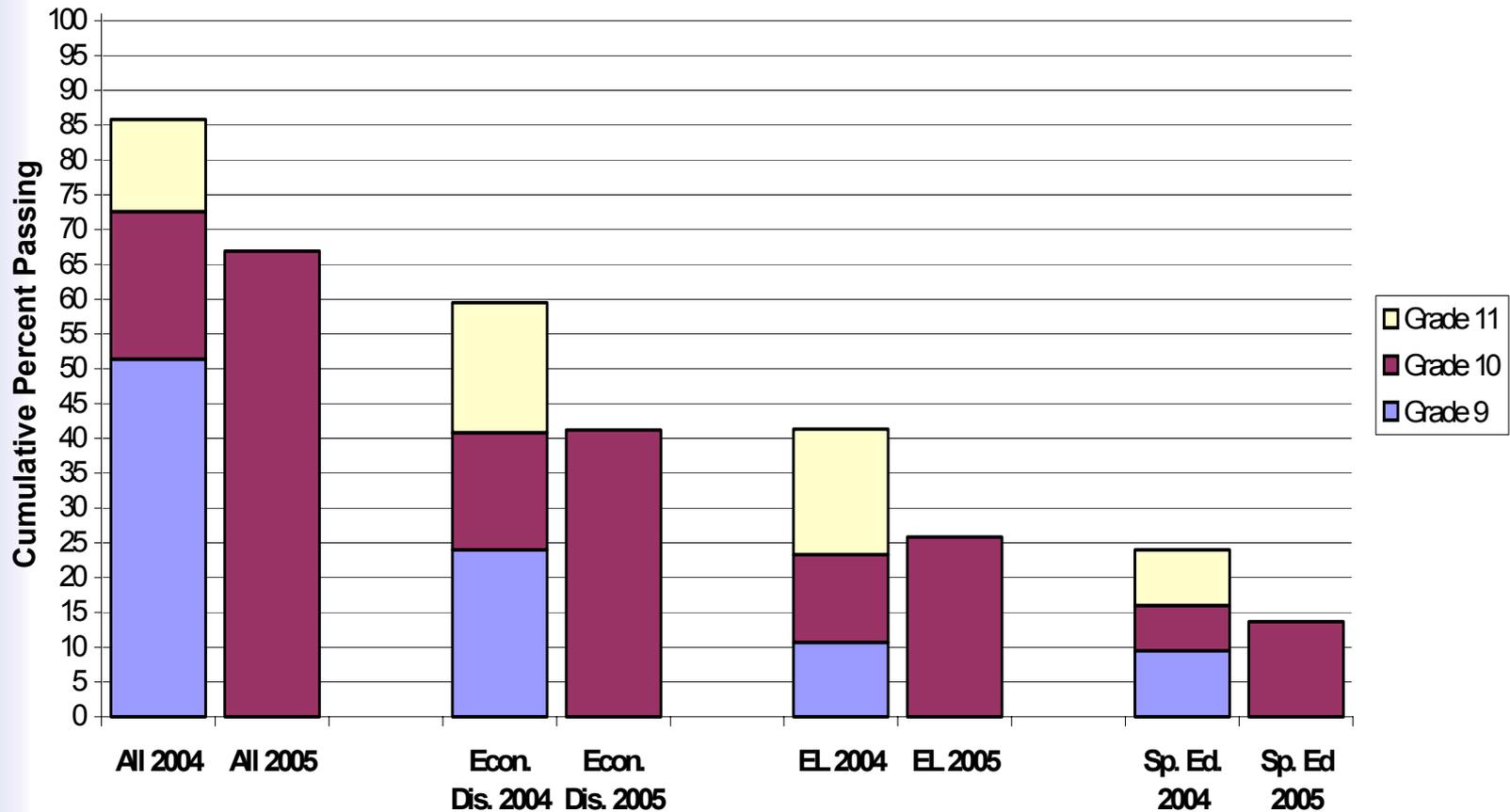
Mathematics Passing Rates by Ethnicity and Class





Cumulative Math Passing Rates

Mathematics Passing Rates by Special Population and Class





Findings

Available evidence indicates that the CAHSEE has not led to any increase in dropout rates. In fact, enrollment declines from 10th to 11th grade for the Class of 2004 were significantly lower than declines for prior high school classes.

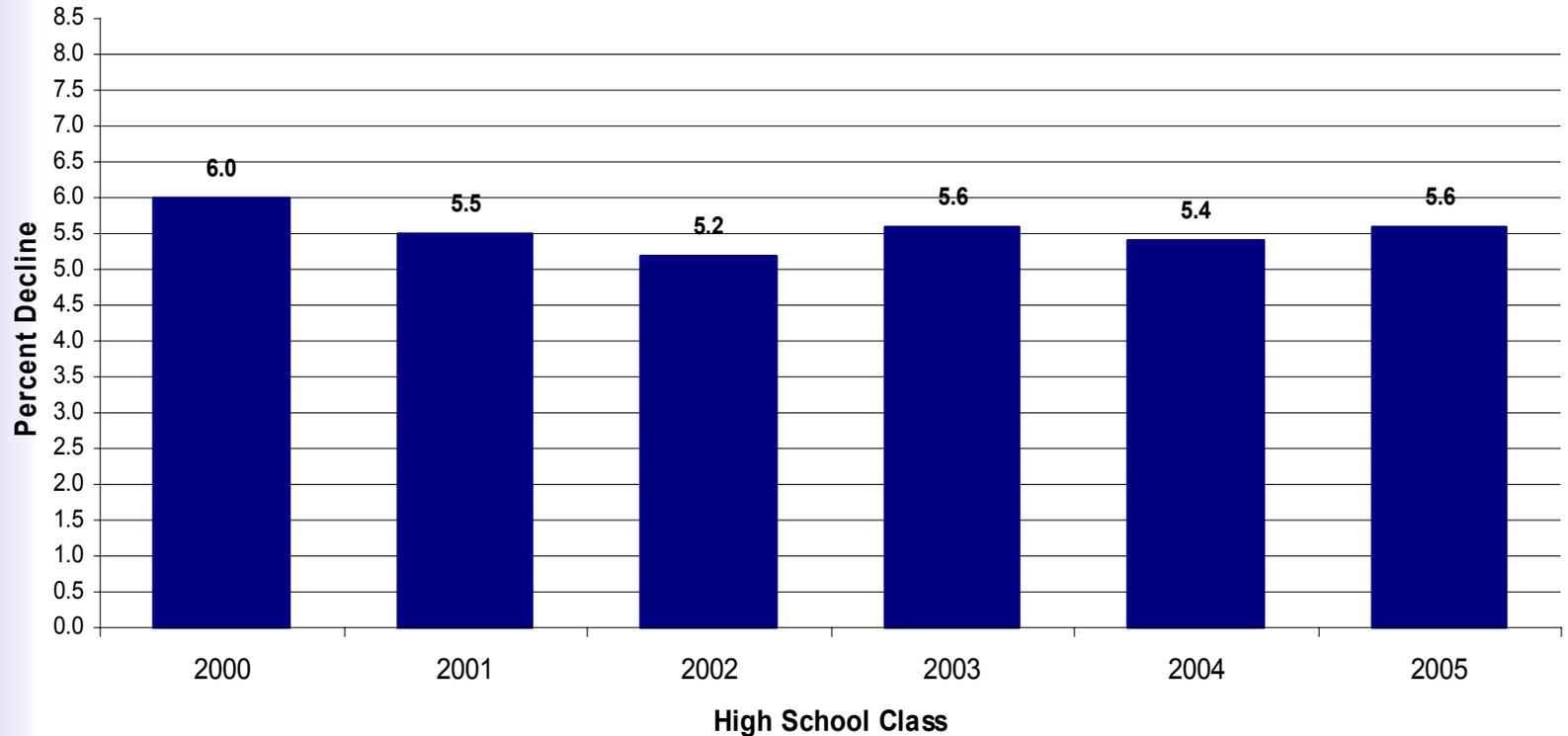
- ◆ Enrollment declines result from a combination of dropouts and students who are retained in grade.
- ◆ Enrollment declines from 9th to 10th grade were 5.4% for the Class of 2004 and 5.6% for the Class of 2005 compared to between 5.2% and 6.0% or prior classes.
- ◆ The enrollment decline from 10th to 11th grade was 6.8% for the Class of 2004 compared to 7.4 to 7.9%.



Trends in Enrollment Declines

Enrollment Decline from Grades 9 to 10

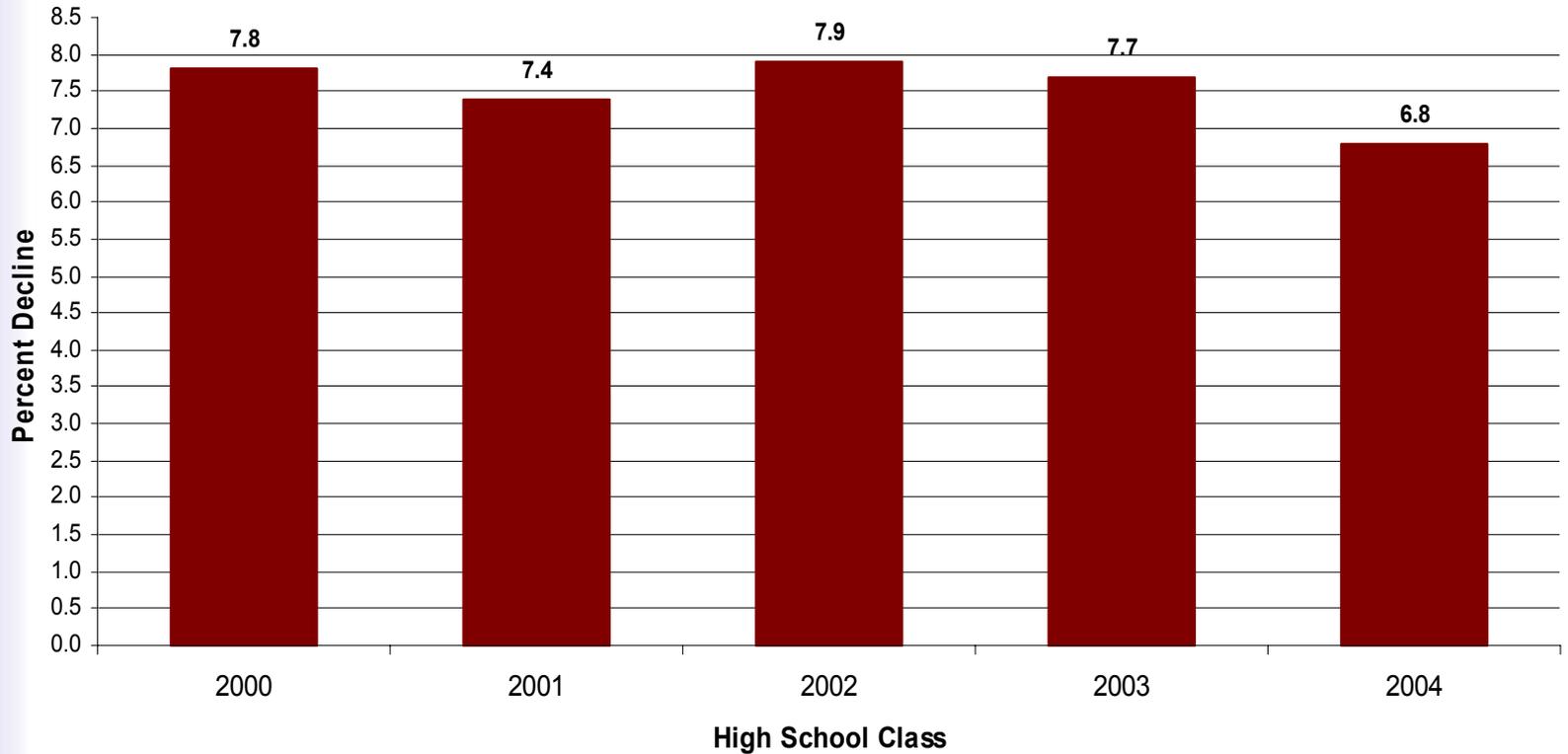
(Percent Decrease in Fall Enrollment from Grade 9 One Year to Grade 10 the Next)





Trends in Enrollment Declines

Enrollment Decline from Grades 10 to 11
(Percent Decrease in Fall Enrollment from Grade 10 One Year to Grade 11 the Next)





Findings (Continued)

More students in the Class of 2005 believed that the CAHSEE was important to them compared to Class of 2004 students when they were in the 10th grade. Slightly more said they did as well as they could on the exam. Expectations for graduation and post-high school plans were largely unchanged for the Class of 2005 in comparison to the Class of 2004.

- ✎ In 2003, 75% of 10th graders (Class of 2005) said the test was very important compared to 69% of first-time test-takers in 2002.***
- ✎ In 2003, 82% of 10th graders said that they did as well as they could compared to 79% of first-time test-takers in 2002.***



Findings (Continued)

Schools are continuing efforts to cover the California Content Standards in instruction and provide support for students who need additional help in mastering these standards. Many programs that were planned or only partially implemented a year ago have now been fully implemented.

-  More high school principals reported the following programs were fully implemented in 2003 compared to 2002:
- Adoption of California Content Standards
 - Increased remedial courses
 - Individual/group tutoring
 - Use of test results to change instruction
 - Placement of students according to abilities
 - Ensured availability of demanding courses from the beginning



Implementation of Activities to Help Students Pass the CAHSEE

Program/Activity	2002 % Fully Implemented	2003 % Fully Implemented
Adopted California Content Standards	45%	82%
Placed students by ability	23%	57%
Provided individual or group tutoring	29%	45%
Offered demanding courses from beginning	25%	43%
Increased remedial courses in high school	10%	33%
Used test results to change instruction	5%	25%
Included teachers of other subjects in instructional planning for CAHSEE	16%	26%



Findings (Continued)

Additional Findings:

- Teacher and principal expectations for the impact of the CAHSEE on students were largely unchanged from prior years.*
- Professional development in the teaching of the state's academic content standards has not yet been extensive.*
 - 38% of teachers received no or poor CAHSEE-related professional development from local sources; 60% said they received no or poor CAHSEE-related professional development from the state
- Some issues remain with the student data provided by schools and assignment of testing accommodations.*

Examples:

- Some students in the Class of 2005 tested early.
- In a few cases, information on disabilities or limited English proficiency was not consistent with information on testing accommodations provided.
- Schools continued to request corrections to demographic data after results were released.



Recommendations

Restarting the exam with the Class of 2006 provides some opportunities for improvement; however, careful consideration should be given to changes to the testing program.

- ◆ The ELA test is being shortened to allow it to be administered in a single day. Data are not yet available to indicate the extent to which the accuracy of the test scores or coverage of the content standards will be compromised by the reduction in number of test questions, particularly the reduction from two essay questions down to one.
- ◆ For math, the same minimum percent correct standard will be applied to somewhat easier sets of test questions. The likely increase in passing rates due to this change cannot yet be determined.



Recommendations (Continued)

The Department of Education and the State Board of Education should continue to monitor and encourage efforts by districts and schools to implement effective standards-based instruction

- ◆ Results from the AB1609 Study, reported in May 2003, indicated that the CAHSEE requirement has led to significant improvements in both initial and remedial instruction.
- ◆ This instruction was still not effective for many students, who appeared to lack prerequisite skills.
- ◆ Continued monitoring is needed to ensure all students in the Class of 2006 and beyond have adequate instruction in the material covered by the CAHSEE.



Recommendations (Continued)

Professional Development for Teachers is a significant opportunity for improvement.

- ◆ CDE could build and/or evaluate professional development activities around the use of the CAHSEE teacher guides and the newly released Student Study Guides.
- ◆ In addition to providing funding for professional development, the state could do more in evaluating the quality of professional development programs and disseminating information about programs with proven effectiveness.



Recommendations (Continued)

Further consideration of the CAHSEE requirements for special education students is needed, in light of the low passing rates for this group.

- ◆ Different expectations, in the form of an alternative diploma, might be considered for special education students who cannot participate in regular instruction and thus do not receive instruction in the content covered by the CAHSEE.
- ◆ Passing rates for English Learners increase dramatically once they learn English so further considerations are less critical for EL students.



JANUARY 2004 AGENDA

SUBJECT California High School Exit Examination (CAHSEE): Approval of the Request for Proposal (RFP) for a Study Regarding Alternatives to the CAHSEE.	<input checked="" type="checkbox"/>	Action
	<input checked="" type="checkbox"/>	Information
	<input type="checkbox"/>	Public Hearing

Recommendation:

Approve the RFP for the Senate Bill (SB) 964 Study Report.

Summary of Previous State Board of Education Discussion and Action

This State Board adopted the CAHSEE in 2000. Beginning in 2006 students must pass this exam as a condition of receiving a diploma of graduation or a condition of graduation from high school.

Summary of Key Issue(s)

Senate Bill (SB) 964, chaptered in October 2003, requires the State Board of Education (SBE) to approve a request for a proposal (RFP) for an independent consultant to assess options for alternatives to the CAHSEE for pupils with exceptional needs to be eligible for a high school diploma, and make recommendations about graduation requirements and assessments. The RFP must be developed and approved by January 31, 2004. Once the SBE approves the RFP, CDE staff will work with SBE staff to finalize any changes to the RFP, and sent it out to potential bidders by end of January.

SB 964 also requires the State Superintendent of Public Instruction to appoint a 15-member High School Exit Examination for Pupils with Disabilities Advisory Panel to advise the independent consultant. A report from the independent consultant is due no later than May 1, 2005. The report must recommend options for graduation requirements and assessments, if any, for students with an Individualized Education Program (IEP) or Section 504 Plan; identify provisions of state and federal law and regulation that are relevant to graduation requirements and assessments for students with an IEP or Section 504 Plan; and recommend steps, to the extent necessary, to bring California into compliance with state and federal law and regulations.

Currently, California law requires all students to pass the CAHSEE as a condition of graduation beginning with the class of 2006. While there is no provision to opt out of the CAHSEE and still graduate from high school, there is an alternate means of satisfying the CAHSEE requirement. The alternate means allows students with disabilities to take the CAHSEE with any accommodations or modifications identified in their IEP or Section 504 Plan for use on the CAHSEE, standardized testing, or for use

Summary of Key Issue(s)

during classroom instruction and assessments. If they take the CAHSEE with modifications that fundamentally alter what the exam measures and receive the equivalent of a passing score on one or both parts of the exam, the school principal shall, on behalf of the student's parents, submit a waiver of the requirement to successfully pass the CAHSEE to the school district governing board.

The draft RFP is attached.

Fiscal Analysis (as appropriate)

Approval of the RFP will allow CDE to send it out to potential bidders. There is \$400,000 available in the 2003-04 budget for this study.

Attachment(s)

[Attachment 1](#): Draft RFP for the SB 964 Study Report (Pages 1-45)

January 26, 2004

Dear Test Publishers:

Subject: **REQUEST FOR PROPOSALS FOR THE SB 964 STUDY**

A Request for Proposal (RFP) for an independent consultant is enclosed. The RFP invites submissions from eligible bidders to conduct a study by an independent consultant to assess options for alternatives to the CAHSEE for students who are individuals with exceptional needs (as defined in Education Code Section 56026, or who are disabled, as defined in Section 504 of the federal Rehabilitation Act of 1973 [29 U.S.C. Sec. 794]). to be eligible for a high school diploma, and to make recommendations about graduation requirements and assessments. . Public or private corporations, agencies, organizations, associations, or individuals with at least three (3) years of experience in conducting similar studies and with expertise in the federal Individuals with Disabilities Education Act and applicable state law, as well as assessments for students with disabilities (as defined above) may submit proposals in response to this request. The bidder must be legally constituted and qualified to do business within the State of California (registered with the Secretary of State). With the exception of bidders whose legal status precludes incorporation (i.e., public agencies, sole proprietorships, partnerships), bidders that are not fully incorporated by the deadline for submitting proposals shall be disqualified.

It is anticipated that this contract will begin approximately on or after May 1, 2004 and will be completed approximately on May 31, 2005. The actual starting date of the contract is contingent upon approval of the contract by the Department of General Services (DGS) and continued legislative authorization. A maximum of \$400,000 is available for this contract.

Interested applicants should note the timeline for application on page 10 of the enclosed RFP. Dates to note include:

- **February 10, 2004:** Bidder's Conference to be held in Sacramento from 9:00 a.m. to 10:00 a.m., Pacific Time (PT), at 1430 N Street, 2nd Floor, Conference Room 2102. Interested applicants should bring this RFP with them.
- **February 11, 2004:** Questions and answers must be submitted in writing to the California Department of Education (CDE) to the attention of Dana Herron, and must be received by 12:00 noon PT, either faxed (916) 319-0962, or e-mailed to dherron@cde.ca.gov.
- **February 17, 2004:** The Intent to Submit a Proposal/Bid must be returned at or before 2:00 p.m. PT to the CDE, Standards and Assessment Division either faxed (916) 319-0962, or mailed to the address on page 2 of this letter.
- **March 16, 2004:** The submitted technical and cost proposals must be received at or before 2:00 p.m. PT. The proposals must be submitted via regular postal service, express courier, or hand delivery to the address noted below. Transmission of the proposal by electronic mail (modem/internet) or facsimile (fax) shall not be accepted.

California Department of Education
Standards and Assessment Division
California High School Exit Examination Office
1430 N Street, Suite 5408
Sacramento, CA 95814
Attn: Dana Herron

In order to guarantee an official response, to ensure a fair and equal opportunity to all interested bidders, and to avoid any appearance of unfair advantage, all questions, with the exception of questions regarding the California Disabled Veteran Business Enterprise (DVBE) Program Requirements, must be submitted in the manner described in Section 4.6 and must be received no later than 12:00 noon PT on February 11, 2004. Please direct questions about the California

Sincerely,

Geno Flores, Deputy Superintendent
Assessment and Accountability Branch

GF:dh

Enclosures

NOTICE: SUBMITTED PROPOSALS ARE PUBLIC RECORDS. All Technical Proposals and all related documents submitted in response to this RFP will become the property of the State of California and are considered public records subject to disclosure upon request pursuant to Government Code section 6250 et seq. All Cost Proposals will likewise become the property of the State of California and those that advance to bid opening are considered public records.

Bidders should not submit any matter that they contend constitutes trade secret. If a bidder determines that trade secret information must be included to be responsive to this RFP, the bidder must clearly identify this information. The identification of this information must be contained in a separate document attached to the cover letter. The document should specify the section(s), page number(s), and lines of text to be redacted, and identify any trade secret material within the proposal that should not be released to the public. The bidder must be prepared to protect the material from disclosure, should that become necessary. Questions regarding the Public Records Act should be directed to your own legal counsel. California law can be accessed online at www.leginfo.ca.gov/calaw.html.

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APPENDICES

Appendix 1— Enabling Legislation

Appendix 2— Intent to Submit a Proposal/Bid

ATTACHMENTS

ATTACHMENT 1—Nondiscrimination Compliance Statement

ATTACHMENT 2—Small Business Preference Sheet

ATTACHMENT 3— California DVBE Program Requirements

Attachment 3A— Documentation of DVBE Program Requirements

ATTACHMENT 4—State Drug-Free Workplace Certification

ATTACHMENT 5—California State Travel Program

ATTACHMENT 6—Protest Procedures for Request for Proposals

Senate Bill (SB) 964 Study Report

1. PURPOSE

This Request for Proposals (RFP) invites submissions from eligible bidders to conduct a study by an independent consultant to assess options for alternatives to the CAHSEE for students who are individuals with exceptional needs [as defined in Education Code Section 56026, or who are disabled, as defined in Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794)] to be eligible for a high school diploma, and to make recommendations about graduation requirements and assessments. The study is required by Senate Bill (SB) 964 (see Appendix 1) and must be completed by May 1, 2005.

A report from the independent consultant is due no later than May 1, 2005. The report must recommend options for graduation requirements and assessments, if any, for students with an Individualized Education Program (IEP) or Section 504 Plan; identify provisions of state and federal law and regulation that are relevant to graduation requirements and assessments for students with an IEP or Section 504 Plan; and recommend steps, to the extent necessary, to bring California into compliance with state and federal law and regulations.

The independent consultant must have expertise in the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.) and applicable state law, as well as assessments for pupils with disabilities.

The State Superintendent of Public Instruction will establish by April 30, 2004, a 15-member High School Exit Examination for Pupils With Disabilities Advisory Panel to advise the independent consultant selected.

Proposals in response to this RFP are due no later than 2:00 p.m. PT on March 16, 2004 (See also Section 5.1).

2. BACKGROUND AND REQUIREMENTS OF THE CALIFORNIA HIGH SCHOOL EXIT EXAMINATION (CAHSEE)

Education Code sections 60850-60859 govern the development and administration of the CAHSEE. In enacting this measure, the Legislature declared that “local proficiency requirements . . . are generally set below a high school level and are not consistent with the state adopted academic content standards” and that “the state must set higher standards for high school graduation.” The law established the CAHSEE to help address this need by requiring that “...each pupil completing grade 12...successfully pass the exit examination as a condition of receiving a diploma of graduation or a condition of graduation from high school.” The CAHSEE has two portions, English-language arts and mathematics, and both must be passed, or satisfied through the waiver process [Education Code Section 60851 (c)] as a condition of graduation.

Currently, California law requires all students to pass the CAHSEE as a condition of graduation beginning with the class of 2006. While there is no provision to opt out of the CAHSEE and still graduate from high school, there is an alternate means of satisfying the CAHSEE requirement. The alternate means allows students with disabilities to take the CAHSEE with any accommodations or modifications identified in their IEP or Section 504 Plan for use on the CAHSEE, standardized testing, or for use during classroom instruction and assessments. If they take the CAHSEE with modifications that fundamentally alter what the exam measures and receive the equivalent of a passing score on one or both parts of the exam, the school principal shall, on behalf of the student's parents, submit a waiver of the requirement to successfully pass the CAHSEE to the school district governing board.

To date, CDE has not been notified of any student on track for graduation who has not been able to access the CAHSEE with the use of accommodations or modifications, and who would therefore, need an alternative assessment. This was one of the issues in the *Chapman v. CDE, et al.*, litigation recently dismissed from federal court. At no time during the litigation were plaintiffs able to identify students with disabilities who could not access the CAHSEE through the use of accommodations or modifications.

The study called for by this RFP should examine if there is a need for an alternative to the CAHSEE, e.g., are there students who have a disability who cannot access the CAHSEE, even with accommodations and modifications, and what is that disability. In the event that the independent consultant should determine there is a need for an alternative to the CAHSEE or the graduation requirements, the study should also determine if an alternative to the CAHSEE can be developed that meets the needs of students with disabilities, and is of the same rigor of the academic content standards assessed on the CAHSEE. Any recommended alternative would need to be equivalent to the CAHSEE to meet the requirement of law to pass the CAHSEE as a condition of graduation.

Test Design, Validity, and Reliability

The CAHSEE is based on a sound psychometric design that ensures curricular and instructional validity and yields scores that are valid and reliable (Education Code Section 60850). The overall test design addresses issues arising from the need for comparable year-to-year test results. To support its high-stakes use, the exam, including the technical quality of the scores produced, are of the highest technical quality and must at a minimum meet the *Standards for Educational and Psychological Testing* (1999) adopted by the American Educational Research Association (AERA), the American Psychological Association (APA), and the National Council on Measurement in Education (NCME). Any recommended assessments proposed by this study must meet all of these requirements.

The CAHSEE is required to be aligned with statewide academically rigorous content standards in English-language arts and mathematics as adopted by the State Board of Education, per Education Code Section 60850 (a). Any recommended assessments

proposed by this study must be aligned with the English-language arts and mathematics academic content standards on the CAHSEE.

The test questions on the CAHSEE must be examined by the Statewide Pupil Assessment Review (SPAR) Panel established pursuant to Education Code section 60606. The panel is to review all test questions to ensure that the content of the examination complies with the requirements of Education Code Section 60614. Any recommended assessments proposed by this study must also be reviewed by the SPAR Panel prior to being adopted by the State Board of Education.

CAHSEE Regulations

Regulations governing the CAHSEE can be found on the Internet at: <http://www.cde.ca.gov/statetests/cahsee/> (Title 5, California Code of Regulations, sections 1200-1225). Topics covered in CAHSEE regulations include test administration, test security, cheating, and apportionment.

Independent Evaluation

Education Code section 60855 requires an independent evaluation of the CAHSEE (separate from the study described in this RFP) and specifies that the "...evaluation shall be based on information gathered in field testing and annual administrations of the examination." It also specifies "Evaluation reports shall include recommendations to improve the quality, fairness, validity, and reliability of the examination. The independent evaluator may also make recommendations for revisions in design, administration, scoring, processing or use of the examination." The independent evaluator's reports are available on CDE Web site on the CAHSEE home page at: <http://www.cde.ca.gov/statetests/cahsee/>.

Accountability Uses of the CAHSEE

The CAHSEE is used for state and federal accountability purposes. It is part of the state accountability program's Academic Performance Index (API) and is the high school test for the federal accountability program "No Child Left Behind" (NCLB) reporting of Adequate Yearly Progress (AYP). NCLB requires that all students participate in state assessments. Information on the API and AYP can be found on CDE Web site at: <http://api.cde.ca.gov/> and <http://www.cde.ca.gov/ayp/>. Each assessment used for AYP must determine if a student performs at a proficient level or above. Any recommended alternatives to the CAHSEE or any recommended assessments must be able to conform to the API and AYP requirements.

CAHSEE Information on the Internet

There is a large body of information available on the Internet about the CAHSEE, including Frequently Asked Questions (FAQs) and resources, such as released test questions, and test blueprints. For more information about the CAHSEE, check the Internet at: <http://www.cde.ca.gov/statetests/cahsee/>.

3. SCOPE OF THE PROJECT

This section of the RFP outlines the tasks to be implemented under the contract for this study. The technical proposal must address all the tasks outlined in Section 3.0 and must describe how the bidder will address these tasks.

3.1 Project Maintenance Activities

To monitor project activities, CDE requires monthly, written progress reports and monthly meetings with the independent consultant.

The Technical Proposal must describe how the bidder will address all tasks and activities specified below.

- a. Progress Reports -- Monthly progress reports noting progress on all relevant tasks and activities must be submitted. The progress report must describe major project deliverables completed, reflect all tasks identified in the invoice, and note any discrepancies, unanticipated outcomes, or problems. The monthly progress report must be e-mailed to CDE by noon (Pacific Time) on the last Friday of each month and a signed original and a copy must be submitted with the monthly invoice.
- b. Bi-Weekly Meeting with CDE -- The proposal must specify that meetings every two weeks between the independent consultant and the CDE project monitor or designee will be held to discuss task implementation and status. Fourteen of the meetings must be held in Sacramento at CDE and ten phone conference calls may be substituted for a bi-weekly meeting. The independent consultant must prepare the agenda for the meeting and prepare minutes from the meeting. All costs for the independent consultant for attending meetings associated with contract must be paid for by the contract.
- c. Advisory Panel Meetings -- The Superintendent of Public Instruction will appoint the advisory panel and will provide resources and a meeting location for three advisory panel meetings. The independent consultant must set the dates for three meetings with the advisory panel, attend the panel meetings, and prepare the agenda, with input from CDE, for each meeting. The independent consultant will advise CDE on what resources will be provided to the panel. Three public meetings will be held in accordance with the Bagley-Keene Open Meeting Act (Government Code Section 11120 et seq.).

3.2 SB 964 Study Tasks

The proposal shall provide a work plan and timeline that describes how the independent consultant will address the tasks described below necessary to develop the study:

- a. Identify those provisions of state and federal law and regulations that are relevant to graduation requirements and assessments for California students who are individuals with exceptional needs as defined in Section 1 of this RFP under Purpose.
- b. To the extent applicable, and in keeping with the Court's ruling in *Chapman, et al. v. SBE, et al.*, (U.S.D.C. CV-01-01780), recommend the steps necessary to bring California into full compliance with the provisions of state and federal law and regulations that are relevant to graduation requirements and assessments for students who are individuals with exceptional needs as defined as defined in Section 1 of this RFP under Purpose.
- c. Identify options for graduation requirements for California students who are individuals with exceptional needs as defined in Section 1 of this RFP under Purpose.
- d. Identify options for assessments that are aligned with the academic content standards on the CAHSEE and are equivalent to the CAHSEE for California students who are individuals with exceptional needs as defined in Section 1 of this RFP under Purpose.
- e. Identify equivalent alternatives to the CAHSEE that would allow students to demonstrate their competency in the English-language arts and mathematics academic content standards assessed on the CAHSEE and receive a high school diploma.
- f. Provide a summary of reports, research, and analysis completed or reviewed to identify the options in c, d, and e above.
- g. Provide a summary of alternative graduation requirements from other states that have passed high-stakes examinations as a condition of graduation.
- h. Provide evidence of how any recommended assessments or other alternatives to the CAHSEE will meet the requirements for a high-stakes, graduation exam as described in Section 2 of this RFP under Test Design, Validity, and Reliability. For each option, the independent consultant must provide evidence regarding a recommended assessment or an alternative to the CAHSEE in response to the following criteria:
 - The psychometric design will ensure curricular and instructional validity and will yield scores that are valid and reliable.
 - The overall test design addresses issues arising from the need for comparable year-to-year test results.
 - The psychometric design will ensure that the test will be of the highest technical quality, including the scores produced, to support its high-stakes

use, and, at a minimum meet the *Standards for Educational and Psychological Testing* (1999) adopted by the American Educational Research Association (AERA), the American Psychological Association (APA), and the National Council on Measurement in Education (NCME).

- The test will be aligned to the State Board adopted academic content standards now assessed by the CAHSEE.
- i. Recommend options for graduation requirements and assessments that meet the requirements necessary for a high-stakes exam as described above.
- j. Recommend alternatives to the CAHSEE that meet the requirements necessary for a high stakes exam as described above for how students with exceptional needs (as defined in Section 1 of this RFP under Purpose) may demonstrate their competency in reading, writing, and mathematics, and receive a high school diploma.
- k. If the recommended options for graduation requirements and/or recommended assessments and/or recommended alternatives to the CAHSEE are not equivalent to the graduation requirements and assessments for non-disabled students, the independent consultant shall make a recommendation regarding an alternative diploma.

3.3 Production of SB 964 Study Report

The proposal must provide a plan and timeline to produce a preliminary and final report.

- a. By March 1, 2005, the independent consultant must provide CDE with 50 copies of the preliminary report. The independent consultant must present the preliminary report to the advisory panel at one of the three meetings convened by the CDE to receive the panel's concerns and recommendations.
- b. By May 1, the independent consultant must provide CDE with 250 copies of the final report, with the advisory panel's concerns and recommendations incorporated, to CDE for distribution to members of the advisory panel, the legislature, the Legislative Analyst's Office, the Department of Finance, the State Superintendent of Public Instruction, the State Board of Education, the Secretary of Education, and the chairs of the education policy committees in both houses of the Legislature, in accordance with Education Code section 60850(d).
- c. The final report must include an Executive Summary, the full text, and appendices containing all relevant tabulated materials. The contractor must also submit a standard word processing original of the text and standard spreadsheet or tab-delimited version of all tables and technical appendices. The final report must be provided in a PC compatible format and in a PDF version suitable for distribution and posting on the CDE Web site. The contractor is responsible for

all clerical and technical staffing and costs to produce drafts and a preliminary and final report. CDE must have the final report by April 19 and will do a standard review prior to making it public. The independent consultant will be responsible for making any suggested corrections or edits made by CDE and must return it to CDE by May 1. The final report shall be provided in electronic and bound paper media. The *Style Manual for the California Department of Education*, published by CDE Press www.cde.ca.gov/cdepress/download.html, is to be used for the report.

4. GENERAL PROPOSAL INFORMATION

4.1 Bidder Eligibility and References

Public or private corporations, agencies, organizations, or associations with significant expertise in the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.) and applicable state law, as well as assessment methodologies concerning pupils with disabilities may submit proposals in response to this RFP.

The bidder must be legally constituted and qualified to do business within the State of California (registered with the Secretary of State). Bidders must submit a current Certificate of Good Standing issued by the California Secretary of State (see Section 5.2.2.e). For information and to obtain the certificate, contact the Secretary of State at 1500 11th Street, Sacramento, CA 95814. It may take the Secretary of State's office two weeks or more to process your request so allow sufficient time to obtain the certificate.

With the exception of bidders whose legal status precludes incorporation (i.e., public agencies, sole proprietorships, partnerships), bidders who are not fully incorporated and in good standing by the deadline for submitting proposals shall be disqualified.

If the bidder's legal status precludes incorporation, include a separate paragraph in the cover letter stating clearly the bidder's legal status.

4.2 Definitions

- a. "Bidder" shall mean every public or private corporation, agency, organization, or association with significant expertise on the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.) and applicable state law, as well as assessment methodologies concerning pupils with disabilities, who submitted a proposal by the acceptance deadline.
- b. "Independent Consultant" shall mean the bidder selected for this contract.
- c. "Content standards" shall mean the specific academic knowledge, skills, and abilities that all public schools in this state are expected to teach and all pupils

expected to learn in each of the core curriculum areas, at each grade level tested. EC Section 60603(d).

- d. "Specifications" shall mean the minimum specifications required by CDE for a work element or task of a work element. Specifications provided in this RFP represent a comprehensive outline of the detail required in the bidder's proposal for successful accomplishment of a work element or task.
- f. "Subcontractor" shall mean each and every company selected by a bidder that is anticipated or proposed to perform work in support of the accomplishment of any portion of work described in this RFP.

In addition, for purposes of Disabled Veteran Business Enterprise (DVBE) ONLY, vendors selected to meet DVBE requirements are considered subcontractors. No other vendors are considered subcontractors for any purpose.

- g. "Subcontract" shall mean each, any, and all contracts and each, any, and all opportunities for a contract that are known or anticipated by the bidder to be issued to support the accomplishment of any portion of work described in this RFP.
- h. "Portion of work" shall be defined by the bidder for purposes of compliance with DVBE requirements. Public Contract Code section 10115.12(a)(2) precludes the use of more than one subcontractor to perform a "portion of work" as defined by the bidder in his or her proposal if a subcontractor identified as a DVBE is to be used for that portion of work. If more than one subcontractor, including any print vendor, is proposed whether identified as a DVBE or not, the bidder must clearly specify in the Cover Letter for which "portion of work" the proposed subcontractors will be used.

4.3 Contract Funding and Time Period

Time Period and Funding

It is anticipated that this contract will begin approximately on or after May 1, 2004 and will be completed approximately on May 31, 2005. The actual starting date of the contract is contingent upon approval of the contract by the Department of General Services (DGS) and continued legislative authorization. A maximum of \$400,000 is available for this contract.

This contract is valid and enforceable and the State is obligated to pay only if sufficient funds are made available by the Legislature for fiscal year(s) 2003-04 and 2004-05. This contract is subject to any additional restrictions, limitations or conditions included in the Budget Act or other statute enacted by the Legislature which may affect the provisions, terms or funding of this contract. If sufficient funds are not made available, the State may cancel the contract with no liability occurring

to the State and the contractor shall not be obligated to perform or the contract may be amended to reflect the reduced amount.

4.4 Cost of Preparing a Proposal

The costs for preparing and delivering the proposal are the sole responsibility of the bidder. CDE will not provide reimbursement for any costs related to the bidder's involvement in the RFP process, including any travel expenses.

4.5 Bidders' Conference

The bidders' conference will be conducted on February 10, 2004, at 1430 N Street, 2nd Floor, Conference Room 2102, Sacramento, California, from 9:00 a.m. to 10:00 a.m. PT. The purpose of the bidders' conference is to provide a forum for bidders to review the RFP's content and format requirements, receive an overview of the scope of the required work, and ask clarifying questions.

Questions may be submitted prior to the bidders' conference as explained in Section 4.6. All questions and answers presented at the bidders' conference will be included in the posting on CDE Web site and e-mailed as described in Section 4.6.

Cost of travel to the bidders' conference is the sole responsibility of the bidder/attendee and will not be reimbursed by CDE.

4.6 Questions and Clarifications

Bidders may submit questions, requests for clarification, concerns, and/or comments (hereinafter referred to collectively as "questions") regarding this RFP. All questions, including those presented at the bidders' conference (Section 4.5), must be submitted in writing. The bidder must include its name, e-mail address, and telephone number in its submission. The bidder must specify the relevant section and page number of the RFP for each question submitted. CDE will post written responses to all questions that are in proper form and received by CDE by 12:00 p.m. PT on

February 11, 2004. CDE will publish its written responses on CDE's Web site and will e-mail its responses to all parties that submitted an Intent to Submit form by the deadline. CDE will publish its responses by 5:00 p.m. PT on February 24, 2004.

All questions must be submitted either by e-mail, facsimile or mail (express or standard). Address e-mails to dherron@cde.ca.gov, send facsimiles to Attention: Dana Herron (916) 319-0962, or mail to:

California Department of Education
Standards and Assessments Division
California High School Exit Examination Office

DRAFT 12/22/2003

Attachment 1
Page 14 of 45

Attention: Dana Herron
1430 N Street, Suite 5408
Sacramento, CA 95814.

4.7 Time Schedule

<u>Activity</u>	<u>Deadlines</u>
Request for Proposals Released	January 26, 2004
Bidders' Conference	February 10, 2004 9:00 a.m. to 10:00 a.m. PT 1430 N Street, 2 nd Floor Conference Room 2102 Sacramento, CA 95814
Deadline for Questions	February 11, 2004 by 12:00 noon PT Standards and Assessment Division CAHSEE Office Attention: Dana Herron Fax: (916) 319-0962 E-mail: dherron@cde.ca.gov
Intent to Submit Due	February 17, 2004, received no later than 2:00 p.m. PT in the Standards and Assessment Division 1430 N Street, Suite 5408 Sacramento, CA 95814
Q&A Posted on CDE Website	February 24, 2004 by 5:00 p.m. PT
Proposals Due	March 16, 2004, received no later than 2:00 p.m. PT in the Standards and Assessment Division 1430 N Street, Suite 5408 Sacramento, CA 95814
Proposal Review	March 17 to 22, 2004
Bid Opening Date	March 23, 2004 10:30 a.m. PT 1430 N Street, 2 nd Floor Conference Room 2102 Sacramento, CA 95814
Posting of Intent to Award	March 24 to 30, 2004
Contract Start Date	May 1, 2004 (anticipated)

5. PROPOSAL SPECIFICATIONS

5.1 General Requirements

The proposal submitted must comply with all format and content requirements detailed in this section. Each bidder must submit to CDE a Technical Proposal that describes its experience, its qualifications to conduct the required activities, and its approach to completing the tasks. **One (1) original and ten (10) copies of the Technical Proposal, along with all required attachments, must be sealed, marked, and boxed separately from the Cost Proposals.** All Technical Proposals must be clearly labeled on the outside of the envelope or package with the following proposal title:

**TECHNICAL PROPOSAL FOR
SB 964 STUDY REPORT**

Separately, each bidder must submit a Cost Proposal that describes the costs for completing the tasks. **One (1) original and five (5) copies of the Cost Proposal must be sealed, marked, and boxed separately from the Technical Proposals. The Cost Proposal will NOT be opened unless the Technical Proposal has met the requirements of Step I, Part 1 through Part 3.** All Cost Proposals must be clearly labeled on the outside of the envelope or package with the following proposal title:

**COST PROPOSAL
FOR THE
SB 964 STUDY REPORT**

Do not open before March 23, 2004, at 10:30 a.m. PT

Proposals sent by regular postal service, express courier, or otherwise hand-delivered must be directed to CDE at the following address:

California Department of Education
Standards and Assessment Division
California High School Exit Examination Office
1430 N Street, Suite 5408
Sacramento, CA 95814
Attention: Dana Herron

The full submission, consisting of both the Technical Proposal and the Cost Proposal, must be received in CDE, Standards and Assessment Division, Suite 5408, to the attention of Dana Herron, no later than 2:00 p.m. PT on or before March 16, 2004. Transmission by electronic mail (modem/internet) or facsimile (fax) shall not be accepted. It is the bidder's responsibility to ensure that the submission reaches the Standards and Assessment Division in Suite 5408 by the deadline. Sufficient time should be allowed for the submission to go through the appropriate steps to reach Suite 5408, [(1) check in with security guard in lobby; (2) security guard to phone the Standards and Assessment Division (Dana Herron at 916-319-0348 or CAHSEE main line at 916-445-9449 or Division main line at 916-445-9441) to obtain authorization for bidder/bidder's representative to enter Suite 5408; and (3) Bidder/bidder's representative to deliver the package(s) to Suite 5408]. CDE staff cannot assist bidders in meeting the requirements of this RFP. Proposals received at the address noted above (that is, in the Standards and Assessment Division in Suite 5408) after the time and date specified shall not be accepted and shall be returned to the sender unopened and marked "LATE RESPONSE."

The terms and conditions within the State's proposed agreement as set forth herein are not negotiable. In the event you submit a proposal that in any way deviates, alters, modifies, or otherwise qualifies any of the terms herein, the proposal will be rejected and eliminated from the review process.

NOTICE: SUBMITTED PROPOSALS ARE PUBLIC RECORDS. All Technical Proposals and all related documents submitted in response to this RFP will become the property of the State of California and are considered public records subject to disclosure upon request pursuant to Government Code section 6250 et seq. All Cost Proposals that advance to bid opening are likewise considered public records.

Bidders should not submit any matter that they contend constitutes trade secret. If a bidder determines that trade secret information must be included to be responsive to this RFP, the bidder must clearly identify this information. The identification of this information must be contained in a separate document attached to the cover letter. The document should specify the section(s), page number(s), and lines of text to be redacted, and identify any trade secret material within the proposal that should not be released to the public. The bidder must be prepared to protect the material from disclosure, should that become necessary. Questions regarding the Public Records Act should be directed to your own legal counsel. California law can be accessed online at <www.leginfo.ca.gov/calaw.html>.

5.2 Technical Proposal Sections

Each submission must consist of two separately packaged proposals: a Technical Proposal and a Cost Proposal. All information necessary to judge the technical soundness and the management capabilities of the bidder must be contained in the Technical Proposal.

Bidders are required to follow the Technical Proposal format and content requirements detailed in this section. Bidders must submit a Technical Proposal that addresses in detail all the SB 964 tasks:

- 3.1 Project Activities and Project Deliverables;
- 3.2 Study;
- 3.3 Final Report.

The Technical Proposal must be presented in a narrative format demonstrating the ability to meet all qualifications and requirements specified in this RFP. The Technical Proposal must be clearly organized and easy to follow. **ALL pages of the Technical Proposal, including pages with charts, must be numbered sequentially.** The Work Plan must use the section and subsection headings specified in the Scope of the Project. The specific staffing titles for key personnel used in this RFP must be used in the Technical Proposal. Other staff titles may be included as appropriate.

Bidder shall NOT include any budget, price, or financial information in any section or required attachment of the Technical Proposal. Cost information included in any section or in any required attachment to the Technical Proposal will result in automatic disqualification and removal of a proposal from further review. Any dollar figures must be redacted before the proposal is submitted to CDE (e.g., DVBE attachments, letters of agreement from subcontractors).

IF ANY COSTS, RATES OR DOLLAR AMOUNTS APPEAR IN THE TECHNICAL PROPOSAL, THE BIDDER WILL BE DISQUALIFIED.

5.2.1 Required Sections of the Technical Proposal

The bidder must prepare and submit a Technical Proposal that includes all of the following components, ordered as listed: Cover Letter, Table of Contents, Work Plan, Management and Staffing, Related Experience of Proposed Subcontractors, Related Organizational Experience and Capacity, References, and all required Attachments. The proposal should be submitted in this order and no additional sections may be included. Do not attach pamphlets, letters of support (except from any proposed subcontractors), or other items that are not specifically requested for the Technical Proposal. **Any additional sections or materials not specifically requested in this RFP will not be reviewed.**

- a. Cover Letter -- The Cover Letter must clearly:
1. Present a short summary of the bidder's qualifications and unique strengths related to the size and scope of the SB 964 Study Report.
 2. Acknowledge that the rights to any hard copy/electronic material, report, or other material developed by the independent consultant or its subcontractors in connection with this agreement shall belong to CDE.
 3. Attest to the bidder's eligibility in terms of being legally constituted and qualified to do business in California (see Section 4.1 of this RFP), including reference to submission of a current Certificate of Good Standing, if applicable. Use the bidder's true corporate name, indicate any fictitious name under which the organization is doing business ("doing business as"), or, in the case of an entity whose legal status precludes incorporation, clearly state the bidder's legal status in a separate paragraph.
 4. Identify acceptance of the contract terms and requirements as specified in Section 7 of this RFP. No additional contract terms or requirements may be added or substituted by the bidder and no corrections to stated contract terms and requirements can be made.
 5. The Cover Letter contained in the ORIGINAL Technical Proposal must only be signed by the representative, who is authorized to make the offer on behalf of the bidder to perform the work described. The authorized representative signing this letter must indicate position title and certify that he or she is authorized to make the offer on behalf of the organization/bidder. A copy of the Cover Letter also must be included in each copy of the Technical Proposal submitted.
 6. Identify the mailing address, telephone number, e-mail address, and fax number of the authorized representative who signed the cover letter.
- b. Table of Contents -- The Table of Contents must identify by page number, all the section and subsection headings required in the Technical Proposal, in particular the following sections and subsections need to be included in the Table of Contents.
1. Work Plan, including all the following required sections:
 - 3.1 Project Activities;
 - 3.2 Study;
 - 3.3 Final Report.
 2. Management and Staffing

3. Related Experience of Proposed Subcontractors
 4. Related Organizational Experience and Capacity
 5. References (5 detailed client references)
 6. Appendices and Required Attachments
- a. Work Plan -- The Work Plan must describe, in detail, the tasks and activities to be undertaken in order to accomplish the purpose of the project and produce the required final products. The Technical Proposal must identify and discuss the key developmental issues to be faced in the implementation of the proposed plan. This section of the proposal must include a clear and detailed plan and timeline to manage and accomplish the scope of work as specified in Section 3 of this RFP.
 - b. Management and Staffing -- The Management and Staffing section must present a plan for the internal management of contract work that ensures accomplishment of the tasks according to the timeline submitted in the Technical Proposal.
 1. Effective Management – This section of the Technical Proposal must demonstrate that an effective management team will be established to successfully accomplish the required work. At a minimum, the management team must be composed of an Independent Consultant Project Manager, and a Fiscal Officer. To be successful, this project requires an effective management system that enables the independent consultant to complete tasks on schedule and within budget. The management system must include clearly identified procedures for:
 - managing project personnel, subcontractors, and tasks;
 - ensuring adherence to schedule and deadlines;
 - ensuring high-quality products and outcomes;
 - identifying potential problems early and seeking solutions immediately;
 - maintaining frequent communication with CDE; and
 - monitoring and controlling project expenditures.
 2. Staff Organizational Plan -- This section of the Technical Proposal must include a staff organizational plan which identifies staff to be assigned to the project by name, by title as identified in this RFP (additional staff with other titles may be included, but assigned duties must be clear in the

proposal), the amount of time devoted to each task, lines of responsibility and approval authority and the name of the Independent Consultant as Project Manager. The plan must make clear the relationship of each position to the work plan and staffing for all tasks must be illustrated with a staff organization chart. The proposal must identify the individuals proposed to fill professional positions with sufficient detail to allow an evaluation of the person's competency, experience, and expertise. The proposal must include the same level of detail for proposed project coordinators for the subcontractors.

3. Curriculum Vitae or Resumes -- This section of the Technical Proposal must include vitae for the proposed Independent Consultant Project Manager, Fiscal Officer, and other professional staff in key positions. All staff must have qualifications appropriate for the tasks they are to perform. Vitae of proposed staff must document all related experience: educational background, roles in related projects, and related publications, if applicable.

The proposal must include the curriculum vitae and other material as necessary to show the years of relevant experience by stating the beginning and ending dates (both month and year if less than six years of experience) for all positions listed, depth of qualifications, training, and experience. Primary areas of expertise must be clearly described.

Changes or substitutions to any of the independent contractor's professional project personnel or management team (e.g., Independent Consultant Project Manager or fiscal officer) will require formal approval by CDE's Contract Monitor. The independent contractor must submit this request in writing at least 30 days in advance of a staffing change and it must be approved before a change in staffing occurs (see Section 7.3).

The Independent Consultant Project Manager must have a minimum of five years of experience in managing projects of a related size and scope (e.g., research in special education and testing). The Fiscal Officer must have a minimum of five years of experience managing projects of similar complexity. This experience must be clearly indicated in this section of the RFP.

- d. Related Organizational Experience and Capacity -- This section must describe the bidder's capacity, experience, and ability to perform and administer all tasks related to this RFP. At a minimum, this must include expertise on the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.) and applicable state law as well as assessment methodologies concerning students with disabilities.
- e. Related Experience of Proposed Subcontractors -- This section of the Technical

Proposal must identify all proposed subcontractors and their assigned duties. Further, this section must describe the subcontractor's capacity, experience, and ability to perform and administer all tasks related to this RFP. Subsidiaries that are separately incorporated must be clearly identified and must be treated as subcontractors.

The "portion of work" for each proposed DVBE subcontractor must be defined here (see Section 4.3 of this RFP). Curriculum vitae or resumes are not needed on DVBE "subcontractors" who are vendors.

The bidder must submit letters of agreement from proposed subcontractors. Do NOT include any subcontractor rate information in the Technical Proposal. If rates are included in any materials that may be submitted as part of the Technical Proposal, redact the rates prior to submitting the Technical Proposal or it will result in elimination of the proposal from further consideration.

- f. References -- This section must include at least three (3) detailed client references for the bidder relevant to the scope and complexity of the services required by this RFP. These references must include a description of the services performed, the date of these services, and the name, address, and telephone number of the client reference.

5.2.2 Attachments

This section of the Technical Proposal must include the following completed attachments:

- a. The Nondiscrimination Compliance Statement (Std. 19; see Attachment 1) must be signed and dated with an original signature (preferably in blue ink) in the Original Technical Proposal.
- b. The Small Business Preference Sheet must be completed, with an original signature (preferably in blue ink) in the Original Technical Proposal (attached to this RFP as Attachment 2). If the preference is being claimed, a copy of the certification letter from the Office of Small Business and Disabled Veterans Business Enterprise Certification (OSDC) must be included.
- c. The Disabled Veterans Business Enterprise (DVBE) attachments in accordance with instructions in Attachment 3 (see Section 5.4 of this RFP for more information).
- d. The State Drug-Free Workplace Certification (Attachment 4) must be signed and dated with an original form signed (preferably in blue ink) in the original Technical Proposal.
- e. A current original Certificate of Good Standing issued by the California Secretary of State, if applicable (see Section 4.1 of this RFP).

5.3 Cost Proposal (Separate sealed envelope, clearly marked as indicated below)

Do NOT package any non-Cost Proposal materials in the Cost Proposal envelope or package – CDE will NOT open a sealed Cost Proposal package for any reason during the Technical Proposal review process.

- a. Cover Sheet -- The first page of the Cost Proposal must be a Cover Sheet. Only the Cover Sheet will be read at the bid opening. The Cover Sheet must indicate the TOTAL amount of the bid for the overall contract without any cost breakdowns. The Cover Sheet should state:

“[Name of bidder] proposes to conduct the work associated with the SB 964 Study Report, as described in this RFP, for \$ _____.”

The contract will be awarded to the lowest responsible bidder meeting the requirements of this RFP. The resulting contract will be a Cost Reimbursement contract based on the Cost Proposal submitted and actual expenses documented for payment.

Note that your total contract bid amount is for all tasks and personnel specified in the Scope of the Project and all related overhead or indirect costs. No direct or indirect cost of carrying out the project shall be omitted and no amendments to the bid amount submitted in the Cost Proposal will be allowed. Do not propose options for additional costs. Contract amendments will only apply in the following cases: (1) CDE requests additional new work outside the scope of this RFP based on legislative action or a change in policy by SBE, or (2) there is a change in any budget line item(s) of more than 10% (refer to Section 7.1). Sole source approval by the DGS, Office of Procurement is required before CDE can prepare the amendment. The amendment must be approved by the DGS, Office of Legal Services.

- b. Cost Proposal -- The Cost Proposal must contain a detailed line-item budget for completion of the work outlined in the Technical Proposal. The Cost Proposal must be broken down by budget line-items and by major tasks. The Cost Proposal must provide a clear computation and explanation of all rates, including indirect cost detail. All staffing titles used in the Cost Proposal, including Independent Consultant Project Manager and Fiscal Officer, must correspond to the staffing titles used in the Technical Proposal.

The Cost Proposal must include the following components:

1. Cost breakdown of all major labor costs by tasks (e.g., cost of producing draft and final reports) and budget line-items, including hourly or billing rates for all personnel and the total number of hours projected for this

project.

2. Cost breakdown of all operating expense detailed by budget line-items.
3. Separately identified overhead/indirect costs supported by indirect cost detail: specify the distribution base (such as direct salaries and wages, or other base which results in an equitable distribution), and identify the costs by type that are charged as indirect (such as costs of operating and maintaining facilities; and general administration and general expenses, such as the salaries and expenses of executive officers, personnel administration, and accounting. If the bidder has a federally-approved indirect cost rate, state that fact and identify the federal cognizant agency (i.e., the federal agency that approved the rate).
4. Summary of total costs by budget line-items and the overall total for the entire project.
5. Any subcontractor expenses must be displayed in the same detailed manner as the preceding breakdown(s). This includes labor costs, operating expenses, fixed cost detail, and indirect cost detail including information regarding federally-approved rates, as well as the required cost summaries.

All travel costs must not exceed those established for CDE's non-represented employees, computed in accordance with, and allowable pursuant to, applicable Department of Personnel Administration regulations (See Attachment 5).

The outside of the sealed envelope containing the Cost Proposal bid information must read:

<p>REQUEST FOR PROPOSAL SB 964 Study Report</p> <p>Cost Proposal for Competitive Bid Do not open before March 23, 2004, at 10:30 a.m. PT</p>

5.4 Disabled Veteran Business Enterprise Participation Goals

Public Contract Code Section 10115 requires that State contracts have a participation goal of three percent (3%) for disabled veteran business enterprises (DVBE) as defined in Military and Veterans Code Section 999 (see Attachment A). In addition, Public Contract Code Section 10115.2 requires that contracts be awarded "to the lowest responsible bidder meeting or making good faith efforts to meet these goals."

In order to be responsive to this RFP, the bidder must comply with either Option A (Commitment to full DVBE participation) or Option B (Good Faith Effort) below and so indicate on Attachment 3-A:

a. **Commitment to full DVBE participation:**

- The bidder is a DVBE and commits to performing at least three percent (3%) of the bid amount itself or in combination with other DVBE(s); or
- Commit to using OSDC certified DVBE(s) for at least three percent (3%) of the bid amount.

Compliance with “meeting the goal” shall be certified by completing Attachment 3-A (DVBE1). A letter of commitment prepared by other participating DVBE subcontractor(s)/supplier(s), including the goods or services being provided and a copy of the OSDC DVBE certification, must be attached to the DVBE1.

b. **Good Faith Effort (GFE)** performance and documentation requirements must be completely satisfied prior to bid submission. Perform and document the following Steps 1 through 5 on both sides of the attached DVBE1. Failure to document GFE Steps 1 through 5 as instructed, which includes properly completing and submitting the DVBE1, will result in rejection of the bid.

- Contact the CDE’s Contracts Office at (916) 322-3035 for assistance in identifying potential DVBEs; and
- Contact other state and federal government agencies and local DVBE organizations to identify potential DVBEs which could provide goods/services applicable to this contract (see Attachment 3); and
- Advertise in trade papers and papers focusing on DVBEs at least fourteen (14) calendar days prior to the due date for the proposal; CDE requires two separate publications (see Attachment 3); and
- Invite (solicit) DVBEs who can provide relevant good and/or services (commercially useful function) relevant to this solicitation. Conducting Steps 1 through 3 produces a list of DVBEs from which potential DVBEs may be chosen. Bidders are advised to contract as many DVBEs (who provide relevant goods and/or services in the applicable locations(s)) as possible; and
- **Consider all responding** DVBEs for contract participation. Consideration must be based on business needs for the contract and the same evaluation criteria must be applied to each potential DVBE subcontractor/supplier offering the same goods and services (commercially useful function).

Compliance with "good faith effort" shall be documented by completion of Attachment 3-A indicating dates/times/contact names for agencies contacted; names of papers used and date(s) of advertising and a copy of the advertisement; names of potential DVBEs solicited and date(s) of solicitation; and names of those considered for participation and, if applicable, the reasons for non-selection. In addition, a letter of commitment prepared by participating DVBE subcontractor(s)/supplier(s), including the goods or services being provided and a copy of the OSDC DVBE certification, must be attached to the DVBE 1.

Final determination of either "goal attainment" or "good faith effort" by the bidder shall be at the sole discretion of the CDE.

6. MONITORING ACTIVITIES

The CDE and all authorized state control agencies must have access to all internal and external reports, documents, data, and working papers used by the Contractor and subcontractors in the performance and administration of this contract. The CDE shall have the right to monitor all aspects of the Contractor's performance.

The Contractor must provide all duly authorized representatives to CDE or the State with full access to any and all contractor and subcontractor procedures relevant to the tasks outlined in the scope of the project.

The CDE Contract Monitor and the Contractor's Independent Consultant Project Manager must communicate on a weekly basis, as needed and scheduled by CDE, to review progress and performance. The review criteria will include, but not be limited to, problems encountered under the contract, future performance under the contract, and any other subject(s) relating to completion of tasks under this contract. A monthly progress report must be prepared by the Independent Consultant Project Manager, submitted to CDE for review, and finalized and distributed by the Contractor as requested by CDE.

With each invoice (1 original and 1 copy) for reimbursement, the Contractor must attach the corresponding written monthly progress report (1 original paper and 1 copy), which includes a summary of activities completed, a list of deliverables produced, and outstanding issues for decision by CDE. Additionally, each invoice must present budget line-item(s) and task(s) detail.

The Contractor must retain and update records and accounts on a monthly basis and must be able to prepare and submit statistical, narrative, financial and/or program reports and summaries related to this contract as requested by CDE.

Unless otherwise requested by CDE, the Contractor must prepare reports and summaries in the format herein described. The Contractor's name must appear only on the cover and title page of reports and summaries. Covers and title pages must read as follows:

California Department of Education

Standards and Assessment Division
(Title of Report or Summary)
by (Contractor's Name)
Contract # _____
Date _____

The State reserves the right to use and reproduce all reports, summaries, and data reports developed pursuant to this agreement.

7. CONTRACT TERMS AND REQUIREMENTS

7.1 Compensation

Payment(s) shall be made in arrears, on a monthly basis, upon satisfactory completion of each identified task and receipt of an itemized invoice (see Section 6 of this RFP) and a hard-copy monthly progress report of activities performed during the invoice period with original signature(s). The State shall retain from each payment an amount equal to ten percent (10%) of the payment. The ten percent (10%) withheld shall be released upon satisfactory completion of each State fiscal year's tasks as specified herein, submission of an invoice, and submission of a Contract/Contractor Evaluation (Std 4) form by the State contract monitor and submission of the Std 4 to the Contracts Office in accordance with Public Contract Code Section 10379. The State shall make final payment upon satisfactory completion and acceptance of all contracted work, submission of a final invoice, submission of equipment disposition as described in Section 7.6 of this RFP, and submission of a final Std 4 by the State contract monitor.

Surplus funds from a given line item of the budget, up to ten percent (10%) of that line item, may be used to defray allowable direct costs under other budget line items with prior written CDE approval. If required by State law or a policy change, any budget line item change of more than ten percent (10%) requires a contract amendment and approval by the DGS. **Changes cannot be made which increase the rates of reimbursement.**

All travel costs shall be reimbursed at rates not to exceed those established for CDE's non-represented employees, computed in accordance with, and allowable pursuant to, applicable Department of Personnel Administration regulations (see Attachment 5).

7.2 Contract Requirements Related to DVBE Participation Goals

Substitution of a DVBE

- a. After award of a contract, the successful contractor must use the DVBE subcontractor(s) and/or supplier(s) proposed in the solicitation response to the State per Title 2 Section 1896.62 unless a substitution is requested. The contractor must request the substitution in writing to the contract monitor and the CDE must have approved the substitution in writing. At a minimum the

substitution request must include:

1. A written explanation of the reason for the substitution; and if applicable, the contractor must also include the reason a non-DVBE subcontractor is proposed for use.
 2. A written description of the business enterprise to be substituted, including its business status as a sole proprietorship, partnership, corporation or other entity, and the DVBE certification status of the firm, if any.
 3. A written notice detailing a clearly defined portion of the work identified both as a task and as a percentage share/dollar amount of the overall contract that the substituted firm will perform.
- b. The request for substitution of the DVBE subcontractor/supplier must be approved in writing by the awarding department prior to commencement of any work by the subcontractor/supplier.
- c. The request for substitution of a DVBE and the awarding department's approval or disapproval cannot be used as an excuse for noncompliance with any other provision of law, including, but not limited to, the Subletting and Subcontracting Fair Practices Act (Sections 4100 et seq., Public Contract Code) or any other contract requirements relating to substitution of subcontractors.
- d. If a contractor requests substitution of its DVBE subcontractor(s)/supplier(s) by providing a written request in accordance with Title 2 Section 1896.64(c), CDE may consent to the substitution of another person as a subcontractor in any of the following situations:
1. When the subcontractor listed in the bid after having had a reasonable opportunity to do so fails or refuses to execute a written contract, when that written contract based upon the general terms, condition, plans and specifications for the project involved or the terms of that subcontractor's written bid, is presented to the subcontractor by the prime contractor.
 2. When the listed subcontractor becomes bankrupt or insolvent, or goes out of business.
 3. When the listed subcontractor fails or refuses to perform his or her subcontract.
 4. When the listed subcontractor fails or refuses to meet the bond requirements of the prime contractor.
 5. When the prime contractor demonstrated to the awarding department, or its duly authorized officer, that the name of the subcontractor was listed as the result of an inadvertent clerical error.

6. When the listed subcontractor is not licensed pursuant to any applicable licensing requirement of any regulatory agency of the State of California.
 7. When the CDE, or its duly authorized officer, determines that the work performed by the listed subcontractor is substantially unsatisfactory and not in substantial accordance with the plans and specifications, or that the subcontractor is substantially delaying or disrupting the process of the work.
-
- e. Prior to approval of the prime contractor's request for the substitution, the CDE, or its duly authorized officer, shall give notice in writing to the listed subcontractor of the prime contractor's request to substitute and of the reasons for the request. The notice shall be served by certified or registered mail to the last known address of the subcontractor. The listed subcontractor who has been so notified shall have five working days within which to submit written objections to the substitution to the awarding authority. Failure to file these written objections shall constitute the listed subcontractor's consent to the substitution.
 - f. If written objections are filed, the awarding authority shall give notice in writing of at least five working days to the listed subcontractor of a hearing by the awarding department on the prime contractor's request for substitution.

The request and the State's approval or disapproval is NOT to be construed as an excuse for noncompliance with any other provision of law, including but not limited to, the Subletting and Subcontracting Fair Practices Act or any other contract requirements relating to substitution of subcontractors.

Failure to adhere to at least the DVBE participation proposed by the successful bidder may be cause for contract termination and recovery of damages under the rights and remedies due the State under the default section of the contract.

Reporting

The successful contractor must agree to provide reports of actual participation by DVBEs (by dollar amount and category) as may be required by CDE to document compliance.

Compliance Audit

The Contractor must agree that the State or its designee will have the right to review, obtain, and copy all records pertaining to performance of the contract. The Contractor must agree to provide the State, or its designee, with any relevant information requested and shall permit the State, or its designee, access to its premises, upon reasonable notice, during normal business hours, for the purpose of interviewing

employees and inspecting and copying such books, records, accounts, and other material that may be relevant to a matter under investigation for the purpose of determining compliance with this requirement. The Contractor must further agree to maintain such records for a period of five (5) years after final payment under the contract.

7.3 Staff Replacements

Changes to any of the Contractor's professional project personnel or management team (e.g., Independent Consultant Project Manager or fiscal officer) requires formal approval by CDE's Contract Monitor. The Contractor must submit this request in writing at least 30 days in advance of a staffing change and it must be approved before a change in staffing occurs.

7.4 Ownership of Materials, Patents, Copyrights, Trademarks, and Trade Secrets

All materials developed under the terms of this agreement will become the property of CDE. CDE reserves the exclusive right to copyright such material, and to publish, disseminate, and otherwise use materials developed under the terms of this agreement. Copyright for CDE must be noted on all materials produced for the purposes of this contract, including, but not limited to, test forms, sample test materials, and presentation materials. The Contractor acknowledges that the rights to any report, computer program, documentation for programs, exams, exam items, or other material developed by the Contractor or its subcontractors in connection with this agreement shall belong to CDE. The CDE acknowledges that any materials and proprietary computer programs previously developed by the Contractor or its subcontractors shall belong to the Contractor or its subcontractors.

The Contractor warrants that it has secured or shall have secured any necessary rights, clearances, and/or licenses with respect to all materials and elements embodied in or used in connection with the performance of this contract, and that all included material shall neither violate nor infringe upon the copyright, service mark, trademark, privacy, creative, or other rights of any person, firm, corporation, or other third party. The Contractor must provide CDE with documentation indicating a third party's permission for CDE to use the third party's materials, such as a reading passage excerpted from a book or short story or artwork, for eight (8) years.

CDE reserves the right to review any materials potentially for sale to determine if they are outside the scope of work. The Contractor must seek review and approval from CDE before proceeding to produce for sale any materials related to this contract.

7.5 Retention of Records

The Contractor must maintain accounting records and other evidence pertaining to costs incurred, with the provision that the Contractor must keep them available during the contract period and thereafter for five (5) full years from the date of the final payment. The Contractor shall keep all compliance forms for inspection during the

term of the contract and for five (5) years thereafter. The CDE and its designees must be permitted to audit, review, and inspect the Contractor's activities, books, documents, records, and papers during progress of work and for five (5) years following final payment.

7.6 Ownership and Disposition of Equipment

Equipment purchased under the provisions of the contract is the property of the State and shall be used for its intended purpose during the term of this agreement. An inventory of all equipment purchased under the contract shall be maintained. After termination of the agreement, equipment shall be disposed of in accordance with instructions from CDE.

7.7 National Labor Relations Board Certification

By signing the contract, the Contractor swears under penalty of perjury that no more than one (1) final unappealable finding of contempt of court by a federal court has been issued against the Contractor within the immediately preceding two-year period because of the Contractor's failure to comply with an order of a Federal Court which orders the Contractor to comply with an order of the National Labor Relations Board. (not applicable to public agencies).

7.8 Anti-trust Claims (Government Code sections 4552-4554)

In submitting a bid to a public purchasing body, the bidder offers and agrees that if the bid is accepted, it will assign to the purchasing body all rights, title, and interest in and to all causes of action it may have under Section 4 of the Clayton Act (15 USC Section 15) or under the Cartwright Act (Chapter 2) commencing with Section 16700 of Part 2 of Division 7 of the Business and Professions Code, arising from purchases of goods, materials, or services by the bidder for sale to the purchasing body pursuant to the bid. Such assignment shall be made and become effective at the time the purchasing body tenders final payment to the bidder.

If an awarding body or public purchasing body receives, either through judgment or settlement, a monetary recovery for a cause of action assigned under this chapter, the assignor shall be entitled to receive reimbursement for actual legal costs incurred and may, upon demand, recover from the public body any portion of the recovery, including treble damages, attributable to overcharges that were paid by the assignor but were not paid by the public body as part of the bid price, less the expenses incurred in obtaining that portion of the recovery.

Upon demand in writing by the assignor, the assignee shall, within one (1) year from such demand, reassign the cause of action assigned under this part if the assignor has been or may have been injured by the violation of law for which the cause of action arose and (a) the assignee has not been injured thereby, or (b) the assignee declines to file a court action for the cause of action.

7.9 Recycled Paper Certification (Public Contract Code Sections 10308.5/10354)

By signing the contract, the Contractor agrees to certify in writing to CDE, under penalty of perjury, the minimum, if not exact, percentage of recycled content, both postconsumer material and secondary material as defined in Public Contract Code Sections 12161 and 12200, in materials, goods or supplies offered or products used in the performance of the contract, regardless of whether the product meets the required recycled product percentage as defined in Sections 12161 and 12200. The Contractor must certify that the product contains zero recycled content.

7.10 Air or Water Pollution Violations (Government Code Section 4477)

By signing the contract, the Contractor swears under penalty of perjury that the Contractor is not: (1) in violation of any order or resolution not subject to review promulgated by the State Air Resources Board or an air pollution control District; (2) subject to a cease and desist order not subject to review issued pursuant to Section 13301 of the Water Code for violation of waste discharge requirements or discharge prohibition; or (3) finally determined to be in violation of provisions of federal law relating to air or water pollution. This provision does not apply to public agencies.

7.11 Child Support Compliance Certification (Public Contract Code Section 7110)

By signing this agreement, the Contractor acknowledges that (a) it recognizes the importance of child and family support obligations and shall fully comply with all applicable state and federal laws relating to child and family support enforcement including, but not limited to, disclosure of information and compliance with earnings assignment orders as provided in Chapter 8 (commencing with Section 5200) of part 5 of Division 9 of the Family Code; and (b) to the best of its knowledge it is fully complying with the earnings assignment orders of all employees and is providing the names of all new employees to the New Hire Registry maintained by the California Employment Development Department.

7.12 Computer Software Copyright Compliance

By signing this agreement, the Contractor certifies that it has appropriate systems and controls in place to ensure that state funds will not be used in the performance of this contract for the acquisition, operation or maintenance of computer software in violation of copyright laws.

7.13 Prohibition Against Outside Agreements

The Contractor and subcontractor(s) must not enter into agreements related to products and/or services of this contract without the prior approval by the State of a work proposal and budget for the work proposed.

7.14 Confidentiality

The Contractor shall not disclose data or documents or disseminate the contents of documents or reports without express written permission from CDE Contract Monitor.

Contractor shall not comment publicly to the press or any other media regarding its data or documents, or CDE actions on the same, except at a public hearing, or in response to questions from a legislative committee.

The Contractor must immediately notify CDE if a third party requests or subpoenas documents related to this contract.

7.15 Correspondence

Correspondence prepared by the Contractor relating to the logistics of tasks to be performed by the Contractor under the scope of work of this contract or correspondence of an informational nature related to the program supported by this contract which is prepared by the Contractor must be reviewed by CDE prior to mailing or distribution.

As a standard business practice, the Contractor must "copy" CDE Contract Monitor on each final letter and memorandum prepared by the Contractor under the scope of work of this contract.

The Contractor must provide CDE with three (3) business days to review correspondence prepared by the Contractor under the scope of work of this contract.

7.16 News Releases

The Contractor must not issue any news releases or make any statement to the news media in any way pertaining to this contract without the prior written approval by CDE, and then only in cooperation with CDE.

7.17 CDE Approval of Deliverables

All approvals, orders for correction, or disapprovals from CDE must be in writing. If CDE rejects a deliverable or product as unacceptable, the Contractor shall make required corrections within the time frame required by CDE.

Failure of the Contractor to obtain prior CDE approval of deliverables or products shall not relieve the Contractor of performing the related contract responsibilities and providing related required deliverables or products to CDE. The Contractor must accept financial responsibility for failure to meet agreed-upon timelines and quality standards. The CDE shall have no liability for payment of any work, of any kind whatsoever, which commences without prior CDE approval. Refer to Appendix 2 -

Checklist of Major Project Deliverables (This is not meant to be a comprehensive list and does not supersede the Scope of the Project).

7.18 Union Organizing and Activities

- a. By signing this agreement the Contractor hereby acknowledges the applicability to this agreement of Government Code Section 16645 through Section 16649.
 - 1. Contractor will not assist, promote, or deter union organizing by employees performing work on a state service contract, including a public works contract.
 - 2. No state funds received under this agreement will be used to assist, promote, or deter union organizing.
 - 3. Contractor will not, for any business conducted under this agreement, use any state property to hold meetings with employees or supervisors if the purpose of such meetings is to assist, promote, or deter union organizing, unless the state property is equally available to the general public for holding meetings.
 - 4. If the Contractor incurs costs or makes expenditures to assist, promote, or deter union organizing, the Contractor will maintain records sufficient to show that no reimbursement from state funds has been sought for these costs. The Contractor shall provide these records to the Attorney General upon request.
- b. The Contractor hereby certifies that no request for reimbursement or payment under this agreement will seek reimbursement for costs incurred to assist, promote, or deter union organizing.

7.19 Standard Agreement Provisions

If awarded the contract, the successful bidder must accept the provisions on the reverse side of the Standard Agreement (Std. 2 form) without exception. The provisions are as follows:

- a. The Contractor agrees to indemnify, defend, and hold harmless the State, its officers, agents, and employees from any and all claims and losses accruing or resulting to any and all contractors, subcontractors, material-men, laborers, and any other person, firm, or corporation furnishing or supplying work services, materials, or supplies in connection with the performance of this contract, and from any and all claims and losses accruing or resulting to any person, firm, or corporation who may be injured or damaged by the Contractor in the performance of this contract.

- b. The Contractor, and the agents and employees of the Contractor, in the performance of the agreement, shall act in an independent capacity and not as officers or employees or agents of State of California.
- c. The State may terminate this agreement and be relieved of the payment of any consideration to the Contractor should the Contractor fail to perform the covenants herein contained at the time and in the manner herein provided. In the event of such termination the State may precede with the work in any manner deemed proper by the State. The cost to the State shall be deducted from any sum due the Contractor under this agreement, and the balance, if any, shall be paid the Contractor upon demand.
- d. Without the written consent of the State, this agreement is not assignable by the Contractor either in whole or in part.
- e. Time is of the essence in this agreement.
- f. No alteration or variation of the terms of this contract shall be valid unless made in writing and signed by the parties hereto, and no oral understanding or agreement not incorporated herein, shall be binding on any of the parties hereto.
- g. The consideration to be paid the Contractor, as provided herein, shall be in compensation for all of the Contractor's expenses incurred in the performance hereof, including travel and per diem, unless otherwise expressly so provided.

7.20 Prohibited Bids Concerning End Product of Contract

In compliance with Public Contract Code section, 10365.5, no person, firm, or subsidiary thereof that is awarded this contract, (nor any sub-contractor of more than 10% of the total monetary value of this contract), may submit a bid for, nor be awarded a contract for, the provision of services, procurement of goods or supplies, or any other related action which is required, suggested, or otherwise deemed appropriate in this contract.

8. EVALUATION PROCESS

The proposal shall be evaluated by a section panel as specified in Education Code Section 60852.5 (a) consisting of one (1) representative appointed by each of the following persons and entities:

- The President pro Tempore of the Senate
- The Speaker of the Assembly
- The Legislative Analyst's Office
- The State Department of Education

- The Department of Finance

In the event of a two-way (or more) tie **for the lowest responsible bid**, the method that shall be used as a “tie-breaker” will be to place the names of the bidders in a container to be randomly drawn. The first name drawn will be the proposed awardee.

Each proposal shall be evaluated to determine responsiveness to the general requirements as well as format and content requirements as described in this RFP. The proposal must be submitted in two parts: Technical Proposal and Cost Proposal. The CDE reserves the right to reject any or all proposals. Nothing herein requires the awarding of a contract in response to this RFP. The selection process complies with the requirements for competitive bidding in the State Public Contract Code section 10344(b) requiring prospective bidders to submit their Technical Proposals and Cost Proposals in separate sealed envelopes or packages.

Following the time and date for receipt of proposals, each Technical Proposal shall be opened and evaluated by the Selection Panel using a two-step process.

Step I consists of three parts:

- a. Part 1 addresses the proposal’s adherence to format and content requirements.
- b. Part 2 addresses the minimum qualifications of the bidder, including ability to conduct business in California and five (5) years of experience in the development and implementation of similar studies.
- c. Part 3, Technical Evaluation, shall yield numeric score ratings. A review panel using a consensus process will rate each proposal on the criteria described in Step I, Part 3. Any proposal receiving a rating of less than **90 out of 100 (90%)** possible points shall be rejected.

Proposals shall be evaluated on a yes/no basis for all criteria in the first two parts of Step I. Receipt of a “no” on any item shall result in elimination of the proposal from further consideration.

Step II of the process is the public opening of the envelope containing the cost proposal. Only those proposals passing the first step of the process shall have their envelopes opened and read. The selection panel will review the Cost Proposals for compliance with the standards and requirements as listed in Section 5.3 of this RFP. The Cost Proposals are not scored. Cost proposals that fail to provide the required information and detail will result in elimination of the proposal from further consideration.

The public opening of the Cost Proposals for those proposals passing all three parts of the Step I shall be held:

March 23, 2004, 10:30 a.m. PT at the
California Department of Education

1430 N Street, 2nd Floor, Conference Room 2102
Sacramento, California

The Small Business Preference shall be computed if required documentation is included in the proposal and adjustments to bid prices shall be made accordingly. The contract shall be awarded to the lowest responsible bidder meeting the specifications as described herein.

The notice of the proposed contractor to receive the award shall be posted for five (5) business days beginning March 24, 2004, in the lobby of CDE building near the elevators, 1430 N Street, Sacramento, California, and on CDE Web site. During the same period, proposals and rating sheets shall be available for public inspection at CDE, Standards and Assessment Division, 1430 N Street, Suite 5408, Sacramento, CA 95814 during normal business hours. After the five-day notice has been completed, the proposed awardee shall be formally notified by mail.

9. CONTRACT AWARD PROTEST PROCEDURES

If, prior to the formal award, any bidder files a protest with DGS against the awarding of the contract, the contract shall not be awarded until either the protest has been withdrawn or the DGS has decided the matter. Within five (5) days after filing the protest, the protesting bidder shall file with the DGS a full and complete written statement specifying the grounds for the protest. Protests shall be limited to those specified in Public Contract Code Section 10345 (Attachment 6 describes the protest procedures to be followed by a bidder filing a protest). The protest period ends at the conclusion of the five-day notice period.

10. FORMAT REQUIREMENTS AND EVALUATION CRITERIA

Bidder's Name: _____

Step I, Part 1—Adherence to Format and Content Requirements This step is rated on a yes/no basis and receipt of a “no” on any of the following shall result in disqualification of the proposal from further consideration and review.

- yes no 1. Bidder submitted **one (1) clearly marked ORIGINAL Technical Proposal and ten (10) copies** by the specified deadline: March 16, 2004, no later than 2:00 p.m. PT to the Standards and Assessment Division of the California Department of Education.
- yes no 2. The clearly marked **ORIGINAL** Technical Proposal included the Cover Letter signed by the authorized representative as specified in Section 5.2.1 (a)(5).
- yes no 3. Bidder submitted the Cost Proposal in a separate, sealed envelope or package by the specified deadline: March 16, 2004, no later than 2:00 p.m. PT to the Standards and Assessment Division of the California Department of Education. When opened on the date specified for the Bid Opening, **one (1) clearly marked ORIGINAL Cost Proposal and five (5) copies** must be included.
- 4. Required forms submitted with each copy of the Technical Proposal (check each one submitted):
 - yes no a. Nondiscrimination Compliance Statement (Attachment 1) completed with an original signature on the form included in the ORIGINAL Technical Proposal.
 - yes no b. Small Business Preference Sheet (Attachment 2) completed and a copy of the OSDC certification letter included in the technical proposal if the preference is being claimed or date of application indicated if not yet certified.
 - c. Disabled Veteran Business Enterprise (DVBE) Participation Goals must have all of the following:
 - yes no Attachment 3A, Documentation of DVBE Program Requirements
 - yes no Certification Letters (all dollar amounts must be redacted)
 - yes no d. Certification Regarding Provision of a Drug-Free Workplace (Attachment 4) completed with an original signature on the form included in the

original proposal.

Step I, Part 2—Minimum Qualifications

This step is rated on a yes/no basis and receipt of a “no” on either of the following shall result in disqualification of the proposal from further consideration and review.

- yes no 1. The bidder is a public or private corporation, agency, organization or association and is legally constituted and qualified to do business within the State of California (registered with the Secretary of State). With the exception of bidders whose legal status precludes incorporation, bidders that are not fully incorporated by the deadline for submission shall be disqualified. A Corporation or LLC must submit a current original Certificate of Good Standing or a statement of other legal status that precludes incorporation is clearly stated in the Cover Letter.

- yes no 2. The bidder has at least three years experience in conducting studies of a similar nature and scope to the SB 964 Study Report and has expertise in the federal Individuals with Disabilities Education Act and applicable state law.

Step I, Part 3— Technical Evaluation of the Proposal

A review panel will be convened to evaluate the proposals using a consensus process. If consensus cannot be reached on a specific score point, the average (mean) of the scores will be obtained and then reported as the score. All the proposal sections, except the Table of Contents and attachments, will be evaluated using a four-point rubric (4, 3, 2, and 1). Some sections are weighted more heavily than others. The total points possible for each section are noted along with any weighting. The Final Score Sheet at the end of this section will be used to total each bidder’s scores.

A minimum of **90 out of 100 (90%)** weighted points is required for a proposal to advance to the bid opening.

Below is the scoring rubric with descriptors for each score level.

Score Levels	Score Level Descriptions
4	<ul style="list-style-type: none"> • Response is thorough and complete (i.e., all subsections and activities are addressed with relevant details and specified information). • Provides significant detail and specifics to fully address the RFP requirement. • Well-organized - organization facilitates review of the proposal.
3	<ul style="list-style-type: none"> • Response is complete. • Provides detail and some specifics to address the RFP requirement. • Organized – organization does not hinder review of the proposal.
2	<ul style="list-style-type: none"> • Response is not complete and has some omissions. • Provides limited detail and does not fully address the RFP requirement. • Organization may hinder review of the proposal.
1	<ul style="list-style-type: none"> • Response is incomplete or limited. • Provides insufficient detail and does not address the RFP requirement. • Lack of organization hinders review of the proposal.
0	<ul style="list-style-type: none"> • A subsection is missing, therefore it cannot be scored.

Assessing Quality of the Work Plan (Scope of the Project)

3.1 – Project Maintenance Activities	SCORE
1 criteria X 4 points maximum X 1.5 (weight) = 6 maximum score possible	(circle)
Assess the quality of the proposal in terms of addressing the required activities, including progress reports, bi-weekly meetings with CDE, and advisory panel meetings.	4 3 2 1 0

3.2 SB 964 Study Tasks	SCORE
11 criteria X 4 points maximum X 1.5 (weight) = 66 maximum score possible	(circle)
a. Assess the quality of the proposal in terms of the work plan and timeline for identifying those provisions of state and federal law and regulations that are relevant to graduation requirements and assessments for California students who are individuals with exceptional needs as defined in Section 1 of this RFP under Purpose.	4 3 2 1 0
b. Assess the quality of the proposal, to the extent applicable and in keeping with the Court’s ruling in Chapman, et al. v. SBE, et al., (U.S.D.C. CV-01-01780), in terms of the work plan and timeline for making recommendations for the steps that would be taken to bring California into full compliance with the state and federal law and regulations that are relevant to graduation requirements and assessments for California students who are individuals with exceptional needs as defined in Section 1 of this RFP under Purpose.	4 3 2 1 0
c. Assess the quality of the proposal in terms of work plan and timeline to identify options for graduation requirements for California students who are individuals with exceptional needs as defined in Section 1 of this RFP under Purpose.	4 3 2 1 0
d. Assess the quality of the proposal in terms of the work plan and timeline to identify options for assessments that are aligned with the academic content standards on the CAHSEE and equivalent to the CAHSEE for California students who are individuals with exceptional needs as defined in Section 1 of this RFP under Purpose.	4 3 2 1 0

3.2 SB 964 Study Tasks (Continued) 11 criteria X 4 points maximum X 1.5 (weight) = 66 maximum score possible	SCORE (circle)
e. Assess the quality of the proposal in terms of identifying equivalent alternatives to the CAHSEE that would allow students to demonstrate their competency in the English-language arts and mathematics academic content standards assessed on the CAHSEE and receive a high school diploma.	4 3 2 1 0
f. Assess the quality of the proposal in terms of providing a summary of reports, research, and analysis done to identify the options in c, d, and e above.	4 3 2 1 0
g. Assess the quality of the proposal in terms of providing a summary of alternative graduation requirements from other states that have passed a high-stakes examination as a condition of graduation.	4 3 2 1 0
h. Assess the quality of the proposal in terms of addressing how evidence will be provided about how any recommended assessments will meet the requirements for a high stakes, graduation exam as described in Section 2 of this RFP under Test Design, Validity, and Reliability. For each option, the independent consultant must provide evidence regarding an alternative assessment in response to the criteria in Section 3.2.h of this RFP.	4 3 2 1 0
i. Assess the quality of the proposal in terms of the plan to recommend options for graduation requirements and assessments for pupils who are individuals with exceptional needs as defined in this RFP.	4 3 2 1 0
j. Assess the quality of the proposal in terms of the plan to recommend alternatives to the CAHSEE for how students may demonstrate their competency in reading, writing, and mathematics, and receive a high school diploma.	4 3 2 1 0
k. Assess the quality of the proposal in terms of the plan for recommending an alternative diploma if the recommended options regarding graduation requirements and/or recommended assessments and/or recommended alternatives to the CAHSEE are not equivalent to the graduation requirements and assessments for non-disabled students.	4 3 2 1 0

3.3 Production of SB 964 Study Report	SCORE
2 criteria X 4 points maximum X 1.5 (weight) = 12 maximum score possible	(circle)
a. Assess the quality of the proposal in terms of the timeline and plan to produce a preliminary report for review by the Advisory Panel.	4 3 2 1 0
b. Assess the quality of the proposal in terms of the timeline and plan to produce a final report and sufficient copies for delivery of reports to CDE by May 1, 2005.	4 3 2 1 0

4.1 – Bidder Eligibility and References	SCORE
2 criteria X 4 points maximum X 2 (weight) = 16 maximum score possible	(circle)
a. Assess the bidder’s eligibility and experience with projects of a similar nature and scope to the SB 964 Study Report.	4 3 2 1 0
b. Assess the bidder’s experience with and knowledge of federal Individuals with Disabilities Education Act and applicable state law.	4 3 2 1 0

Final Score Sheet (The following sheet will be used to tally the proposal scores.)

Section	Total Possible Points	Proposal Score by Section
3.1 Project Maintenance Activities	6	
3.2 SB 964 Study Tasks	66	
3.3 Production of SB 964 Study Final Report	12	
4.1 Bidder Eligibility and References	16	
TOTAL	100	

Appendix 1
Senate Bill No. 964

CHAPTER 803

An act to add Sections 60852.5 and 60852.6 to the Education Code,
relating to the high school exit examination.

[Approved by Governor October 10, 2003. Filed
with Secretary of State October 11, 2003.]

LEGISLATIVE COUNSEL'S DIGEST

SB 964, Burton. High school exit examination.

Existing law requires, commencing with the 2003–04 school year, each pupil completing grade 12 to successfully pass the high school exit examination as a condition of receiving a diploma of graduation or a condition of graduation from high school.

This bill would require the Superintendent of Public Instruction to develop, and the State Board of Education to approve, by January 31, 2004, a request for a proposal for an independent consultant to assess options and provide recommendations for alternatives to the high school exit examination for pupils with disabilities to be eligible for a high school diploma. The bill would require the independent consultant to be selected by a selection panel established by this bill by April 30, 2004. The bill would require the superintendent to establish, by April 30, 2004, an advisory panel, composed of members with prescribed qualifications for the purpose of advising the independent consultant. The bill would require the independent consultant to provide the advisory panel with a preliminary report and to prepare and disseminate a final report by May 1, 2005. The bill would authorize the superintendent, upon approval of an expenditure plan by the Department of Finance and the Joint Legislative Budget Committee, to provide funds for the purposes of implementing the recommendations of the independent consultant. This bill would provide that the members of the advisory panel shall serve without compensation for a term of one year and would require the State Department of Education to provide staff and resources to the advisory panel.

This bill would provide that the \$1,000,000 appropriated in Schedule 12 of Item 6110-113-0890 of Section 2.00 of the Budget Act of 2003 shall be available for the purposes of the independent consultant and his or her report and to support the approved options pursuant to this bill.

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The people of the State of California do enact as follows:

SECTION 1. Section 60852.5 is added to the Education Code, to read:

60852.5. (a) By January 31, 2004, the Superintendent of Public

Instruction shall develop, and the State Board of Education shall approve, a request for a proposal for an independent consultant to assess options and provide recommendations for alternatives to the high school exit examination for pupils with disabilities to be eligible for a high school diploma. By April 30, 2004, an independent consultant shall be selected by a selection panel consisting of one representative appointed by each of the following persons and entities:

- (1) The President pro Tempore of the Senate.
- (2) The Speaker of the Assembly.
- (3) The Legislative Analyst's Office.
- (4) The State Department of Education.
- (5) The Department of Finance.

(b) The independent consultant should possess expertise on the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.) and applicable state law, as well as assessment methodologies concerning pupils with disabilities.

(c) The independent consultant shall, in consultation with the advisory panel established pursuant to Section 60852.6, prepare a report that does all of the following:

- (1) Recommends options for graduation requirements and assessments for pupils who are individuals with exceptional needs, as defined in Section 56026, or who are disabled, as defined in Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794).
- (2) Identifies those provisions of state and federal law and regulation that are relevant to graduation requirements and assessments for pupils who are individuals with exceptional needs.
- (3) Recommends the steps that would be taken to bring California into full compliance with the state and federal law and regulations that are identified pursuant to paragraph (2).

(d) The independent consultant shall provide the advisory panel established pursuant to Section 60852.6 with a preliminary report of findings and shall include the advisory panel's concerns and recommendations in a final report. The final report shall be disseminated to the members of the advisory panel, the Legislature, the Legislative Analyst's Office, the Department of Finance, the State Department of Education, and interested parties no later than May 1, 2005.

(e) The Superintendent of Public Instruction may, upon approval of an expenditure plan by the Department of Finance and the Joint

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Legislative Budget Committee, provide funds for the purposes of implementing the recommendations provided pursuant to subdivision

(c).

SEC. 2. Section 60852.6 is added to the Education Code, to read:

60852.6. (a) The Superintendent of Public Instruction shall establish, by April 30, 2004, a 15-member High School Exit Examination for Pupils With Disabilities Advisory Panel to advise the independent consultant selected pursuant to Section 60852.5. The members of the advisory panel shall be composed of the following individuals:

- (1) Three parents or guardians of pupils with disabilities.
 - (2) An individual with disabilities.
 - (3) Three credentialed teachers who work with pupils with disabilities.
 - (4) Two representatives of institutions of higher education that prepare special education and related services personnel.
 - (5) A director of a special education local planning area.
 - (6) Two school administrators whose duties relate to the provision of services to pupils with disabilities.
 - (7) A representative from the State Department of Education.
 - (8) A representative of a vocational, community, or business organization concerned with the provision of transition services to pupils with disabilities.
 - (9) A representative of community-based organizations providing special education and related services.
- (b) The members of the advisory panel shall serve without compensation for a term of one year and shall be representative of the state's ethnic and cultural diversity and gender balance. The Superintendent of Public Instruction shall also make every effort to ensure that the panel is representative of the state's diversity relative to urban, suburban, and rural areas. The State Department of Education shall provide staff and resources to the advisory panel.

SEC. 3. Of the funds appropriated in Schedule 12 of Item 6110-113-0890 of Section 2.00 of the Budget Act of 2003, the amount of four hundred thousand dollars (\$400,000) shall be available for the purposes of Section 60852.5 of the Education Code. The balance of six hundred thousand dollars (\$600,000) shall be available until June 30, 2006, to support approved options pursuant to subdivision (e) of Section 60852.5 of the Education Code.



CALIFORNIA STATE BOARD OF EDUCATION

JANUARY 2004 AGENDA

SUBJECT California English Language Development Test (CELDT): Including but not limited to, Update on CELDT Program	<input checked="" type="checkbox"/> Action
	<input checked="" type="checkbox"/> Information
	<input type="checkbox"/> Public Hearing

Recommendation

The State Board of Education will take action as deemed necessary and appropriate.

Summary of Previous State Board of Education Discussion and Action

In November 2003 the State Board of Education (SBE) received a briefing on initial assessment results for fiscal year 2002-2003. This is a placeholder item placed on the agenda in the event that an update or action is warranted. The item will be withdrawn from the SBE agenda if there is no update to provide the SBE, nor SBE action needed.

Summary of Key Issues

Because this is a placeholder item there are no key issues at this time.

Fiscal Analysis (as appropriate)

Because this is a placeholder item no fiscal analysis is appropriate at this time.

Attachment

None



CALIFORNIA STATE BOARD OF EDUCATION

JANUARY 2004 AGENDA

SUBJECT Standardized Testing and Reporting (STAR) Program: Including, but not Limited to, a Program Update	<input checked="" type="checkbox"/> Action
	<input checked="" type="checkbox"/> Information
	<input type="checkbox"/> Public Hearing

Recommendation

Take action as deemed necessary and appropriate.

Summary of Previous State Board of Education Discussion and Action

- At its October 8, 2002 meeting, the SBE approved a three-year contract with ETS for the California Standards (CSTs) and California Achievement Tests (CAT/6 Survey).
- At its November 2003 meeting, the SBE approved the release of 25% of the CST and CAHSEE items after each year's test administration.
- At its November 2003 meeting, the SBE approved a prototype for a 2004 Student Report that will be used to report each student's CST and CAT/6 Survey results to parents and teachers.

Summary of Key Issues

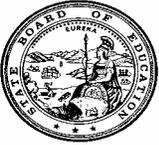
- ETS has implemented a new web-based STAR Management System that district STAR coordinators are using to order materials, to submit pre-identification files, and to receive program updates, including alerts about due dates.
- Orders for 2004 testing materials were due to ETS by December 10, 2003. As of December 16, 2003, orders for approximately 84% of the state's districts and charter schools had been verified or were in the verification process. Verification includes checking the orders to ensure that test materials have been ordered for all schools, that each district's testing dates are within the regulatory window, and that the quantities are consistent with previous years. ETS was following up with 75 districts and charter schools that had not submitted orders.
- Department and ETS staffs, with input from the Board liaisons, are finalizing the 2004 reporting package including the new Student Report approved at the November 2003 SBE meeting.

Fiscal Analysis (as appropriate)

The California Department of Education reviewed the proposed amendments and determined that there are no additional costs associated with them.

Attachment

None



JANUARY 2004 AGENDA

SUBJECT Golden State Seal Merit Diploma: Approve Commencement of the Rulemaking Process for Proposed Additions to Title 5 Code of Regulations	<input checked="" type="checkbox"/>	Action
	<input checked="" type="checkbox"/>	Information
	<input type="checkbox"/>	Public Hearing

Recommendation:

It is recommended that the State Board of Education (SBE) approve the proposed Title 5 Regulations for the Golden State Seal Merit Diploma, the Initial Statement of Reasons, and the Notice of Proposed Rulemaking and direct staff to commence the rulemaking process.

Summary of Previous State Board of Education Discussion and Action

As required by *Education Code* Section 51452, in November 2003, SBE approved in concept the use of a combination of Golden State Examination (GSE) results and California Standards Test (CST) scaled scores of 370 or above on designated CSTs as the means of demonstrating mastery of the high school curriculum and directed staff to draft regulations.

Summary of Key Issue(s)

- AB1266, Chapter 573, Statutes of 2003 repealed the GSE Program.
- GSEs were designated as the means of demonstrating mastery of the high school curriculum to be eligible to receive a Golden State Seal Merit Diploma. *California Education Code* section 51452(a).
- No statutory changes were made to the Golden State Seal Merit Diploma Program.
- *Education Code* Section 51452 requires the SBE to adopt a means and performance standards by which students may demonstrate mastery of the curriculum.
- SBE approved in concept the use of CST scaled scores, in addition to the use of previously earned GSE scores, to enable students to continue to qualify for the Golden State Seal Merit Diploma.
- No Title 5 Regulations were developed previously for the Golden State Seal Merit Diploma.
- Regulations detailing the new eligibility requirements for the Golden State Seal Merit Diploma have been developed.

Fiscal Analysis (as appropriate)

Fiscal analysis will be provided as a Last Minute Memorandum.

Attachment(s)

[Attachment 1](#): Notice of Proposed Rulemaking (Pages 1-4)

[Attachment 2](#): Initial Statement of Reasons (Pages 1-2)

[Attachment 3](#): Proposed Regulations (Pages 1-3)

CALIFORNIA STATE BOARD OF EDUCATION

1430 N Street
Sacramento, CA 95814-5901



TITLE 5. EDUCATION

CALIFORNIA STATE BOARD OF EDUCATION

NOTICE OF PROPOSED RULEMAKING

Golden State Seal Merit Diploma

[Notice published _____, 2004]

The State Board of Education (SBE) proposes to adopt the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

PUBLIC HEARING

The SBE will hold a public hearing beginning at 10 a.m. on _____, 2004, at 1430 N Street, Room _____, Sacramento. The room is wheelchair accessible. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the Informative Digest. The SBE requests that any person desiring to present statements or arguments orally notify the Regulations Adoption Coordinator of such intent. The SBE requests, but does not require, that persons who make oral comments at the hearing also submit a summary of their statements. No oral statements will be accepted subsequent to this public hearing.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Regulations Adoption Coordinator. The written comment period ends at **5:00 p.m. on _____, 2004**. SBE will consider only written comments received by the Regulations Adoption Coordinator or at the Board Office by that time (in addition to those comments received at the public hearing). Written comments for the SBE's consideration should be directed to:

Debra Strain, Regulations Adoption Coordinator
California Department of Education
LEGAL DIVISION
1430 N Street, Room 5319
Sacramento, California 95814
E-mail: dstrain@cde.ca.gov
Telephone: (916) 319-0860
FAX: (916) 319-0155

AUTHORITY AND REFERENCE

Authority: Sections 12001, 33031, 51450, 51451, 51452, 51453, 51454, 51455, 60603, 60607, 60640, 60641, and 60642.5, Education Code.

Reference: Sections 60615, 60640, 60642, and 60642.5, Education Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

California Education Code section 33031 states, “The board shall adopt rules and regulations not inconsistent with the laws of this state (a) for its own government, (b) for the government of its appointees and employees, (c) for the government of the day and evening elementary schools, the day and evening secondary schools, and the technical and vocational schools of the state, and (d) for the government of other schools, excepting the University of California, the California State University, and the California Community Colleges, as may receive in whole or in part financial support from the state.

Education Code section 51452 requires the SBE to adopt a means and performance standards by which students may demonstrate mastery of the curriculum. The purposes of the proposed regulations are to specify the California Standards Tests and scores that students may use to demonstrate mastery of the curriculum in order to qualify for the Golden State Seal Merit Diploma and to provide for a phase out of the use of Golden State Examination results to demonstrate such mastery. These regulations are needed because the Golden State Examinations that were used previously to identify students eligible to receive the diploma were eliminated by the California Legislature. However, the laws related to awarding Golden State Seal Merit Diplomas remain intact.

DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: To be determined.

Cost or savings to any state agency: To be determined.

Costs to any local agency or school district which must be reimbursed in accordance with Government Code section 17561: To be determined.

Other non-discretionary cost or savings imposed on local educational agencies: To be determined

Cost or savings in federal funding to the state: To be determined.

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: To be determined.

Cost impacts on a representative private person or businesses: To be determined.

Adoption of these regulations will not:

- (1) create or eliminate jobs within California;
- (2) create new businesses or eliminate existing businesses within California; or
- (3) affect the expansion of businesses currently doing business within California.

Significant effect on housing costs: To be determined.

Affect on small businesses: To be determined.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5(a)(13), SBE must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the SBE, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

SBE invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

CONTACT PERSONS

Inquiries concerning the substance of the proposed regulations should be directed to:

Vicki Perez, Associate Governmental Program Analyst
Standards and Assessment Division
California Department of Education
1430 N Street, 5th Floor
Sacramento, CA 95814
E-mail: vperez@cde.ca.gov
Telephone: (916) 445-9441

Requests for a copy of the proposed text of the regulations, the Initial Statement of Reasons, the modified text of the regulations, if any, or other technical information upon which the rulemaking is based or questions on the proposed administrative action may be directed to the Regulations Adoption Coordinator, or to the backup contact person, Najia Rosales, at (916) 319-0860.

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Regulations Adoption Coordinator will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at her office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, and the initial statement of reasons. A copy may be obtained by contacting the Regulations Adoption Coordinator at the above address.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the public hearing and considering all timely and relevant comments received, the SBE may adopt the proposed regulations substantially as described in this notice. If the SBE makes modifications that are sufficiently related to the originally proposed text, the modified text (with changes clearly indicated) will be available to the public for at least 15 days before the SBE adopts the regulations as revised. Requests for copies of any modified regulations should be sent to the attention of the Regulations Adoption Coordinator at the address indicated above. The SBE will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, a copy of the Final Statement of Reasons may be obtained by contacting the Regulations Adoption Coordinator at the above address.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Rulemaking, the Initial Statement of Reasons, the text of the regulations in underline and strikeout, and the Final Statement of Reasons, can be accessed through the California Department of Education's website at <http://www.cde.ca.gov/regulations>.

Initial Statement of Reasons

SECTION 876. Golden State Seal Merit Diploma.

SPECIFIC PURPOSE OF THE PROPOSED REGULATIONS

Education Code Section 51452 requires the SBE to adopt a means and performance standards by which students may demonstrate mastery of the curriculum. The purposes of the proposed regulations are to specify the California Standards Tests and scores that students may use to demonstrate mastery of the curriculum in order to qualify for the Golden State Seal Merit Diploma and to provide for a phase out of the use of Golden State Examination results to demonstrate such mastery.

NECESSITY/RATIONALE

The California Legislature eliminated the Golden State Examination Program, thus eliminating the Golden State Examinations (GSE) that had been used previously to demonstrate mastery of the curriculum and identify students eligible to receive the Golden State Seal Merit Diploma. No statutory changes were made to the Golden State Seal Merit Diploma. The State Board of Education (SBE) and the State Superintendent of Public Instruction determined that students could demonstrate mastery of the curriculum using a combination of GSE results and California Standards Test (CST) scores. These regulations are proposed to provide:

- The CSTs that may be used to demonstrate mastery of the curriculum.
- The score required for each CST that is used for the diploma.

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

The SBE received a summary of comparative data from the California Department of Education (CDE) using CST and GSE scores to meet the requirements of the *California Education Code* sections 51450 through 51453. In November 2003, the SBE reviewed the following information and approved the CDE recommendation of Option 2:

The CDE staff analyzed GSE and CST data to identify CST scaled scores comparable to GSE results of recognition, honors, and high honors and identified the following three options:

1. Students must earn the advanced performance level on each CST used to qualify for the Diploma.
2. Students must earn a scaled score of 370 or above on each CST used to qualify for the Diploma.

3. Students must earn specific scaled scores that equate to the GSE performance levels of recognition, honors, and high honors for each CST used to qualify for the Diploma.

The scaled score of 370 or above (Option 2) comes reasonably close to duplicating the 2002 Diploma rates and provides district/school personnel with an easier process for identifying eligible students and verifying scores.

REASONABLE ALTERNATIVE TO THE PROPOSED AMENDMENTS AND THE AGENCY'S REASONS FOR REJECTING THOSE ALTERNATIVES.

No other alternative is available for specifying tests that are "appropriately rigorous" as required by *California Education Code* section 51452. Regulations are needed to identify the subject matter examinations and the scaled scores on those examinations that students may use to qualify for the Golden State Seal Merit Diploma.

REASONABLE ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS.

SBE has determined that the proposed regulations would have no adverse impact on small businesses.

EVIDENCE SUPPORT FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS.

The proposed regulations would not have a significant adverse economic impact on any business because they only apply to Local Educational Agencies and their subgrantees.

LAST MINUTE MEMORANDUM

DATE: January 5, 2004

TO: MEMBERS, STATE BOARD OF EDUCATION

FROM: Geno Flores, Deputy Superintendent
Assessment and Accountability Branch

RE: Item No. 7

SUBJECT: Golden State Merit Diploma: Approve Commencement of the Rulemaking Process for Proposed Additions to Title 5 Code of Regulations

The fiscal analysis of the proposed Golden State Seal Merit Diploma regulations is attached for your review.

Attachments:

Attachment 1: Fiscal Analysis (5 pages)

This attachment is not available for web viewing. A printed copy is available for viewing in the State Board of Education office.



JANUARY 2004 AGENDA

SUBJECT	X	ACTION
No Child Left Behind (NCLB) Act of 2001 – Including, but not limited to, a report on the December NCLB Liaison Team meeting and an update on a visit from the federal Teacher Assistance Corps (TAC).	X	INFORMATION
		PUBLIC HEARING

Recommendation:

Hear an update on current NCLB activities and any NCLB Liaison Team recommendations. Take action as deemed necessary and appropriate.

Summary of Previous State Board of Education Discussion and Action

This standing item will allow CDE and SBE staff to brief the State Board of Education (SBE) on timely topics related to NCLB.

Summary of Key Issue(s)

NCLB Liaison Team Report

NCLB Liaison Team met December 1st. The Chair will report recommendations to the SBE and the Superintendent on the following issues: Amending the Accountability Workbook
Primary Language Testing
Implementation of NCLB in Small and Rural School Districts

Update on TAC Visit

Update on November technical assistance meeting with federal Department of Education regarding Highly Qualified Teacher.

On November 19, 2003, staff of CDE and SBE met with U.S. Department of Education staff as part of their Teacher Assistance Corps (TAC). The purpose of the TAC visit was to give USDE the opportunity to learn more about California and our implementation efforts regarding highly qualified teachers. The agenda allowed for focused discussion not only with CDE and SBE staff, but also with representatives from a variety of county and district offices and statewide organizations.

During the meeting, we discussed issues such as those outlined in our draft *NCLB Teacher Requirements Resource Guide*. As follow up, USDE asked to schedule a conference call, which took place on December 5, 2003. USDE wanted to provide feedback on some of the questions raised during their TAC visit, such as social studies degrees as they relate to teaching various subjects, issues regarding new hires and testing, California’s HOUSSE plan, and rural school challenges.

Fiscal Analysis (as appropriate)

Any state or LEA that does abide by the mandates and provisions of NCLB is at risk of loosing federal funding.

Attachment(s)

None.



JANUARY 2004 AGENDA

SUBJECT <i>No Child Left Behind Act of 2001 (NCLB) Middle School and High School Science Tests: Grade Selection for Test Administration and Approval of Test Blueprints</i>	<input checked="" type="checkbox"/>	Action
	<input checked="" type="checkbox"/>	Information
	<input type="checkbox"/>	Public Hearing

Recommendation:

Approve the proposed grade level selection for test administration at grade 8 and grade 10 and the middle and high school science blueprints for the tests required by the *No Child Left Behind Act of 2001*.

Summary of Previous State Board of Education Discussion and Action

The State Board of Education (SBE), at their July 2003 meeting, approved a proposed amendment to the 2002-2004 STAR Contract with Educational Testing Service (ETS), which includes provisions for the development of the science tests required by NCLB.

Summary of Key Issue(s)

The NCLB Act of 2001 requires that, not later than the 2007-2008 school year, each state administer three standards-based science tests every year, one within each of the following grade spans: 3-5, 6-9, and 10-12. These tests will measure the science concepts and skills that students should know and be able to do.

Educational Testing Service (ETS) field-tested a grade-5 science test in spring 2003 and will implement grade-5 science operational testing in spring 2004. This will meet the NCLB requirement to administer a test in the 3-5-grade span. To fully comply with NCLB requirements, tests must also be developed and administered in the 6-9 and 10-12 grade spans.

Recently, the Content Review Panel (CRP) met to select and recommend the specific grades within grade spans 6-9 (middle school) and 10-12 (high school) at which to administer the tests and the standards to be assessed on each test.

The CRP recommends administering the test for grade span 6-9 at grade 8, assessing all of the grade 8 physical science standards. Superintendent O'Connell supports this recommendation.

For grade span 10-12, the CRP was unable to gain consensus regarding a specific grade, though individual members support testing at grade 10 or 11. Superintendent

Summary of Key Issue(s)

O'Connell recommends testing at grade 10. For NCLB purposes, California reports results in English language arts and mathematics at grade 10.

The CRP selected 23 middle school life science standards and 30 high school biology standards and recommends that the test be comprised of 60 items; 43 percent assessing middle school life science and 57 percent assessing high school biology.

The Superintendent recommends that both of these science assessments be administered in the STAR testing window.

Fiscal Analysis (as appropriate)

Costs for the development and administration of the science tests are \$1,994,878; \$660,800 for 2003-2004 and \$1,334,078 for 2004-2005.

Attachment(s)

[Attachment 1](#): Eighth Grade Blueprint (Pages 1-4)

[Attachment 2](#): High School Life Science Blueprint (Pages 1-6)

EIGHTH GRADE

CALIFORNIA CONTENT STANDARDS: Eighth Grade		
Focus on Physical Science	Standards assessed	%
Motion	8 items	13%
1. The velocity of an object is the rate of change of its position. As a basis for understanding this concept:		
a. Students <i>know</i> position is defined in relation to some choice of a standard reference point and a set of reference directions.	✓	
b. Students <i>know</i> that average speed is the total distance traveled divided by the total time elapsed and that the speed of an object along the path traveled can vary.	✓	
c. Students <i>know</i> how to solve problems involving distance, time, and average speed.	✓	
d. Students <i>know</i> the velocity of an object must be described by specifying both the direction and the speed of the object.	✓	
e. Students <i>know</i> changes in velocity may be due to changes in speed, direction, or both.	✓	
f. Students <i>know</i> how to interpret graphs of position versus time and graphs of speed versus time for motion in a single direction.	✓	
Forces	8 items	13%
2. Unbalanced forces cause changes in velocity. As a basis for understanding this concept:		
a. Students <i>know</i> a force has both direction and magnitude.	✓	
b. Students <i>know</i> when an object is subject to two or more forces at once, the result is the cumulative effect of all the forces.	✓	
c. Students <i>know</i> when the forces on an object are balanced, the motion of the object does not change.	✓	
d. Students <i>know</i> how to identify separately the two or more forces that are acting on a single static object, including gravity, elastic forces due to tension or compression in matter, and friction.	✓	
e. Students <i>know</i> that when the forces on an object are unbalanced, the object will change its velocity (that is, it will speed up, slow down, or change direction).	✓	
f. Students <i>know</i> the greater the mass of an object, the more force is needed to achieve the same rate of change in motion.	✓	
g. Students <i>know</i> the role of gravity in forming and maintaining the shapes of planets, stars, and the solar system.	✓	

CALIFORNIA CONTENT STANDARDS: Eighth Grade	Standards assessed	%
Structure of Matter	9 items	15%
3. Each of the more than 100 elements of matter has distinct properties and a distinct atomic structure. All forms of matter are composed of one or more of the elements. As a basis for understanding this concept:		
a. Students <i>know</i> the structure of the atom and know it is composed of protons, neutrons, and electrons.	✓	
b. Students <i>know</i> that compounds are formed by combining two or more different elements and that compounds have properties that are different from their constituent elements.	✓	
c. Students <i>know</i> atoms and molecules form solids by building up repeating patterns, such as the crystal structure of NaCl or long-chain polymers.	✓	
d. Students <i>know</i> the states of matter (solid, liquid, gas) depend on molecular motion.	✓	
e. Students <i>know</i> that in solids the atoms are closely locked in position and can only vibrate; in liquids the atoms and molecules are more loosely connected and can collide with and move past one another; and in gases the atoms and molecules are free to move independently, colliding frequently.	✓	
f. Students <i>know</i> how to use the periodic table to identify elements in simple compounds.	✓	
Earth in the Solar System (Earth Science)	7 items	12%
4. The structure and composition of the universe can be learned from studying stars and galaxies and their evolution. As a basis for understanding this concept:		
a. Students <i>know</i> galaxies are clusters of billions of stars and may have different shapes.	✓	
b. Students <i>know</i> that the Sun is one of many stars in the Milky Way galaxy and that stars may differ in size, temperature, and color.	✓	
c. Students <i>know</i> how to use astronomical units and light years as measures of distances between the Sun, stars, and Earth.	✓	
d. Students <i>know</i> that stars are the source of light for all bright objects in outer space and that the Moon and planets shine by reflected sunlight, not by their own light.	✓	
e. Students <i>know</i> the appearance, general composition, relative position and size, and motion of objects in the solar system, including planets, planetary satellites, comets, and asteroids.	✓	

CALIFORNIA CONTENT STANDARDS: Eighth Grade	Standards assessed	%
Reactions	7 items	12%
5. Chemical reactions are processes in which atoms are rearranged into different combinations of molecules. As a basis for understanding this concept:		
a. Students <i>know</i> reactant atoms and molecules interact to form products with different chemical properties.	✓	
b. Students <i>know</i> the idea of atoms explains the conservation of matter: In chemical reactions the number of atoms stays the same no matter how they are arranged, so their total mass stays the same.	✓	
c. Students <i>know</i> chemical reactions usually liberate heat or absorb heat.	✓	
d. Students <i>know</i> physical processes include freezing and boiling, in which a material changes form with no chemical reaction.	✓	
e. Students <i>know</i> how to determine whether a solution is acidic, basic, or neutral.	✓	
Chemistry of Living Systems (Life Science)	3 items	5%
6. Principles of chemistry underlie the functioning of biological systems. As a basis for understanding this concept:		
a. Students <i>know</i> that carbon, because of its ability to combine in many ways with itself and other elements, has a central role in the chemistry of living organisms.	✓	
b. Students <i>know</i> that living organisms are made of molecules consisting largely of carbon, hydrogen, nitrogen, oxygen, phosphorus, and sulfur.	✓	
c. Students <i>know</i> that living organisms have many different kinds of molecules, including small ones, such as water and salt, and very large ones, such as carbohydrates, fats, proteins, and DNA.	✓	
Periodic Table	7 items	12%
7. The organization of the periodic table is based on the properties of the elements and reflects the structure of atoms. As a basis for understanding this concept:		
a. Students <i>know</i> how to identify regions corresponding to metals, nonmetals, and inert gases.	✓	
b. Students <i>know</i> each element has a specific number of protons in the nucleus (the atomic number) and each isotope of the element has a different but specific number of neutrons in the nucleus.	✓	
c. Students <i>know</i> substances can be classified by their properties, including their melting temperature, density, hardness, and thermal and electrical conductivity.	✓	

CALIFORNIA CONTENT STANDARDS: Eighth Grade	Standards assessed	%
Density and Buoyancy	5 items	8%
8. All objects experience a buoyant force when immersed in a fluid. As a basis for understanding this concept:		
a. Students <i>know</i> density is mass per unit volume.	✓	
b. Students <i>know</i> how to calculate the density of substances (regular and irregular solids and liquids) from measurements of mass and volume.	✓	
c. Students <i>know</i> the buoyant force on an object in a fluid is an upward force equal to the weight of the fluid the object has displaced.	✓	
d. Students <i>know</i> how to predict whether an object will float or sink.	✓	
Investigation and Experimentation	6 items	10%
9. Scientific progress is made by asking meaningful questions and conducting careful investigations. As a basis for understanding this concept and addressing the content in the other three strands, students should develop their own questions and perform investigations. Students will:		
a. Plan and conduct a scientific investigation to test a hypothesis.		
b. Evaluate the accuracy and reproducibility of data.		
c. Distinguish between variable and controlled parameters in a test.		
d. Recognize the slope of the linear graph as the constant in the relationship $y = kx$ and apply this principle in interpreting graphs constructed from data.		
e. Construct appropriate graphs from data and develop quantitative statements about the relationships between variables.		
f. Apply simple mathematic relationships to determine a missing quantity in a mathematic expression, given the two remaining terms (including speed = distance/time, density = mass/volume, force = pressure x area, volume = area x height).		
g. Distinguish between linear and nonlinear relationships on a graph of data.		
Total	60 items	100%

HIGH SCHOOL LIFE SCIENCE

CELL BIOLOGY	Standards assessed	%
	10 items	17%
CALIFORNIA CONTENT STANDARDS: Grade 7		
1. All living organisms are composed of cells, from just one to many trillions, whose details usually are visible only through a microscope. As a basis for understanding this concept:		
c. Students <i>know</i> the nucleus is the repository for genetic information in plant and animal cells.	✓	
d. Students <i>know</i> that mitochondria liberate energy for the work that cells do and that chloroplasts capture sunlight energy for photosynthesis.	✓	
e. Students <i>know</i> cells divide to increase their numbers through a process of mitosis, which results in two daughter cells with identical sets of chromosomes.	✓	
CALIFORNIA CONTENT STANDARDS: Grade 8		
6. Principles of chemistry underlie the functioning of biological systems. As a basis for understanding this concept:		
b. Students <i>know</i> that living organisms are made of molecules consisting largely of carbon, hydrogen, nitrogen, oxygen, phosphorus, and sulfur.	✓	
c. Students <i>know</i> that living organisms have many different kinds of molecules, including small ones, such as water and salt, and very large ones, such as carbohydrates, fats, proteins, and DNA.	✓	
CALIFORNIA CONTENT STANDARDS: Biology		
1. The fundamental life processes of plants and animals depend on a variety of chemical reactions that occur in specialized areas of the organism's cells. As a basis for understanding this concept:		
a. Students <i>know</i> cells are enclosed within semipermeable membranes that regulate their interaction with their surroundings.	✓	
c. Students <i>know</i> how prokaryotic cells, eukaryotic cells (including those from plants and animals), and viruses differ in complexity and general structure.	✓	
f. Students <i>know</i> usable energy is captured from sunlight by chloroplasts and is stored through the synthesis of sugar from carbon dioxide.	✓	

GENETICS	Standards assessed	%
	12 items	20%
CALIFORNIA CONTENT STANDARDS: Grade 7		
2. A typical cell of any organism contains genetic instructions that specify its traits. Those traits may be modified by environmental influences. As a basis for understanding this concept:		
a. Students <i>know</i> the differences between the life cycles and reproduction methods of sexual and asexual organisms.	✓	
c. Students <i>know</i> an inherited trait can be determined by one or more genes.	✓	
d. Students <i>know</i> plant and animal cells contain many thousands of different genes and typically have two copies of every gene. The two copies (or alleles) of the gene may or may not be identical, and one may be dominant in determining the phenotype while the other is recessive.	✓	
e. Students <i>know</i> DNA (deoxyribonucleic acid) is the genetic material of living organisms and is located in the chromosomes of each cell.	✓	
CALIFORNIA CONTENT STANDARDS: Biology		
2. Mutation and sexual reproduction lead to genetic variation in a population. As a basis for understanding this concept:		
b. Students <i>know</i> only certain cells in a multicellular organism undergo meiosis.	✓	
d. Students <i>know</i> new combinations of alleles may be generated in a zygote through the fusion of male and female gametes (fertilization).	✓	
e. Students <i>know</i> why approximately half of an individual's DNA sequence comes from each parent.	✓	
f. Students <i>know</i> the role of chromosomes in determining an individual's sex.	✓	
3. A multicellular organism develops from a single zygote, and its phenotype depends on its genotype, which is established at fertilization. As a basis for understanding this concept:		
a. Students <i>know</i> how to predict the probable outcome of phenotypes in a genetic cross from the genotypes of the parents and mode of inheritance (autosomal or X-linked, dominant or recessive).	✓	
5. The genetic composition of cells can be altered by incorporation of exogenous DNA into the cells. As a basis for understanding this concept:		
a. Students <i>know</i> the general structures and functions of DNA, RNA, and protein.	✓	

PHYSIOLOGY	Standards assessed	%
	10 items	17%
CALIFORNIA CONTENT STANDARDS: Grade 7		
5. The anatomy and physiology of plants and animals illustrate the complementary nature of structure and function. As a basis for understanding this concept:		
a. Students <i>know</i> plants and animals have levels of organization for structure and function, including cells, tissues, organs, organ systems, and the whole organism.	✓	
c. Students <i>know</i> how bones and muscles work together to provide a structural framework for movement.	✓	
6. Physical principles underlie biological structures and functions. As a basis for understanding this concept:		
j. Students <i>know</i> that contractions of the heart generate blood pressure and that heart valves prevent backflow of blood in the circulatory system.	✓	
CALIFORNIA CONTENT STANDARDS: Biology		
9. As a result of the coordinated structures and functions of organ systems, the internal environment of the human body remains relatively stable (homeostatic) despite changes in the outside environment. As a basis for understanding this concept:		
a. Students <i>know</i> how the complementary activity of major body systems provides cells with oxygen and nutrients and removes toxic waste products such as carbon dioxide.	✓	
b. Students <i>know</i> how the nervous system mediates communication between different parts of the body and the body's interactions with the environment.	✓	
10. Organisms have a variety of mechanisms to combat disease. As a basis for understanding the human immune response:		
b. Students <i>know</i> the role of antibodies in the body's response to infection.	✓	
c. Students <i>know</i> how vaccination protects an individual from infectious diseases.	✓	
d. Students <i>know</i> there are important differences between bacteria and viruses with respect to their requirements for growth and replication, the body's primary defenses against bacterial and viral infections, and effective treatments of these infections.	✓	

ECOLOGY	Standards assessed	%
	11 items	18%
CALIFORNIA CONTENT STANDARDS: Grade 6		
5. Organisms in ecosystems exchange energy and nutrients among themselves and with the environment. As a basis for understanding this concept:		
b. Students <i>know</i> matter is transferred over time from one organism to others in the food web and between organisms and the physical environment.	✓	
c. Students <i>know</i> populations of organisms can be categorized by the functions they serve in an ecosystem.	✓	
e. Students <i>know</i> the number and types of organisms an ecosystem can support depends on the resources available and on abiotic factors, such as quantities of light and water, a range of temperatures, and soil composition.	✓	
CALIFORNIA CONTENT STANDARDS: Biology		
6. Stability in an ecosystem is a balance between competing effects. As a basis for understanding this concept:		
a. Students <i>know</i> biodiversity is the sum total of different kinds of organisms and is affected by alterations of habitats.	✓	
b. Students <i>know</i> how to analyze changes in an ecosystem resulting from changes in climate, human activity, introduction of nonnative species, or changes in population size.	✓	
c. Students <i>know</i> how fluctuations in population size in an ecosystem are determined by the relative rates of birth, immigration, emigration, and death.	✓	
d. Students <i>know</i> how water, carbon, and nitrogen cycle between abiotic resources and organic matter in the ecosystem and how oxygen cycles through photosynthesis and respiration.	✓	
e. Students <i>know</i> a vital part of an ecosystem is the stability of its producers and decomposers.	✓	
f. Students <i>know</i> at each link in a food web some energy is stored in newly made structures but much energy is dissipated into the environment as heat. This dissipation may be represented in an energy pyramid.	✓	

EVOLUTION	Standards assessed	%
	11 items	18%
CALIFORNIA CONTENT STANDARDS: Grade 7		
3. Biological evolution accounts for the diversity of species developed through gradual processes over many generations. As a basis for understanding this concept:		
a. Students <i>know</i> both genetic variation and environmental factors are causes of evolution and diversity of organisms.	✓	
b. Students <i>know</i> the reasoning used by Charles Darwin in reaching his conclusion that natural selection is the mechanism of evolution.	✓	
c. Students <i>know</i> how independent lines of evidence from geology, fossils, and comparative anatomy provide the bases for the theory of evolution.	✓	
CALIFORNIA CONTENT STANDARDS: Biology		
7. The frequency of an allele in a gene pool of a population depends on many factors and may be stable or unstable over time. As a basis for understanding this concept:		
a. Students <i>know</i> why natural selection acts on the phenotype rather than the genotype of an organism.	✓	
b. Students <i>know</i> why alleles that are lethal in a homozygous individual may be carried in a heterozygote and thus maintained in a gene pool.	✓	
c. Students <i>know</i> new mutations are constantly being generated in a gene pool.	✓	
d. Students <i>know</i> variation within a species increases the likelihood that at least some members of a species will survive under changed environmental conditions.	✓	
8. Evolution is the result of genetic changes that occur in constantly changing environments. As a basis for understanding this concept:		
a. Students <i>know</i> how natural selection determines the differential survival of groups of organisms.	✓	
b. Students <i>know</i> a great diversity of species increases the chance that at least some organisms survive major changes in the environment.	✓	
e. Students <i>know</i> how to analyze fossil evidence with regard to biological diversity, episodic speciation, and mass extinction.	✓	

INVESTIGATION AND EXPERIMENTATION	Standards assessed	%
	6 items	10%
CALIFORNIA CONTENT STANDARDS: Grade 6		
7. Scientific progress is made by asking meaningful questions and conducting careful investigations. As a basis for understanding this concept and addressing the content in the other three strands, students should develop their own questions and perform investigations. Students will:		
c. Construct appropriate graphs from data and develop qualitative statements about the relationships between variables.		
e. Recognize whether evidence is consistent with a proposed explanation.		
CALIFORNIA CONTENT STANDARDS: Grade 7		
7. Scientific progress is made by asking meaningful questions and conducting careful investigations. As a basis for understanding this concept and addressing the content in the other three strands, students should develop their own questions and perform investigations. Students will:		
c. Communicate the logical connection among hypotheses, science concepts, tests conducted, data collected, and conclusions drawn from the scientific evidence.		
CALIFORNIA CONTENT STANDARDS: Grade 8		
9. Scientific progress is made by asking meaningful questions and conducting careful investigations. As a basis for understanding this concept and addressing the content in other three strands, students should develop their own questions and perform investigations. Students will:		
b. Evaluate the accuracy and reproducibility of data.		
c. Distinguish between variable and controlled parameters in a test.		
CALIFORNIA CONTENT STANDARDS: Grades 9-12		
1. Scientific progress is made by asking meaningful questions and conducting careful investigations. As a basis for understanding this concept and addressing the content in the other four strands, students should develop their own questions and perform investigations. Students will:		
c. Identify possible reasons for inconsistent results, such as sources of error or uncontrolled conditions.		
f. Distinguish between hypothesis and theory as scientific terms.		
i. Analyze the locations, sequences, or time intervals that are characteristic of natural phenomena (e.g., relative ages of rocks, locations of planets over time, and succession of species in an ecosystem).		
j. Recognize the issues of statistical variability and the need for controlled tests.		
Total	60 items	100%



JANUARY 2004 AGENDA

Subject: <i>No Child Left Behind Act of 2001: Supplemental Educational Service Providers (required by Title I, Section 1116(e))</i>	<input checked="" type="checkbox"/>	Action
	<input checked="" type="checkbox"/>	Information
	<input type="checkbox"/>	Public Hearing

Recommendation:

Staff recommends approval of the list of supplemental services providers to be included on the list of providers for 2003 – 2004.

Summary of Previous State Board of Education Discussion and Action

The State Board of Education (SBE) approved, at the May 2003 meeting, the emergency regulations, annual notice to potential providers, and the revised providers' application. The SBE has approved Supplemental Service Providers for 2003 – 2004 at their regularly scheduled meetings.

Summary of Key Issue(s)

Supplemental educational services to low-achieving, low-income students are required by Section 1116(e) of the No Child Left Behind (NCLB) Act of 2001. The California Department of Education (CDE) is responsible for establishing a list of approved providers, as described in Section 1116(e)(4) of NCLB.

Supplemental educational services include "tutoring and other academic enrichment services" that are:

- Chosen by parents
- Provided outside the school day
- High quality and research-based
- Designed specifically to increase the academic achievement of eligible children

The application process occurs on an on-going basis. CDE evaluates each application against a four-point rubric based on the SBE-adopted criteria. Each application must address the following four elements of the criteria:

- Element I. Program
- Element II. Staff
- Element III. High quality and research-based
- Element IV. Evaluation/Monitoring

CDE also considers the June 2003 results of the contracted WestEd survey about supplemental educational services for re-applicants. CDE then recommends applicants

Summary of Key Issue(s)

for approval by the SBE.

The process for reviewing the applications is as follows:

- Title I Policy & Partnerships Office (TIPP) date stamps all applications when received.
- TIPP office logs in all applications.
- TIPP program consultants review each application twice using Supplemental Educational Services rubric based on SBE criteria and the WestEd evaluation of 2002-03 providers.
- Third reviews occur on an as needed basis such as when there is confusion about content or a wide disparity between reviewer's recommendations.
- Manager reviews applications that have deficiencies and a low rating.
- Education Program Consultants provide technical assistance to applications with deficiencies. Technical assistance is ongoing until deficiencies are corrected.
- Application program descriptions are prepared and compiled for the SBE.

Currently 171 providers have been approved. The distribution is:

Private Companies (For-Profit & Not For-Profit)	99
Local Educational Agencies (County Offices of Education and public school districts)	63
Colleges and universities	4
Faith-based Organizations	4
Others (Public library)	1
Total:	171

Fiscal Analysis

Federal revenues are apportioned to LEAs to support the use of supplemental educational services. LEAs must use a minimum of 5 percent and a maximum of 15 percent of the Title I, Part A allocation for supplemental educational services, unless a lesser amount is needed. Title V, Part A Innovative Program funds can be also used to support supplemental educational services.

Attachment(s)

- A list of recommended supplemental service providers will be submitted as a Last Minute Memorandum.

LAST MINUTE MEMORANDUM

DATE: January 7, 2004

TO: MEMBERS, STATE BOARD OF EDUCATION

FROM: Geno Flores, Ph.D., Deputy Superintendent
Assessment and Accountability Branch

RE: Item No. 10

SUBJECT: *No Child Left Behind Act of 2001*: Supplemental Educational Services Providers (required by Title I, Section 1116(e))

The attached item includes a list of 9 applicants recommended for approval as supplemental educational services providers. Eighteen applications were received during this review period. Each application was evaluated against the four-point rubric based on the State Board of Education adopted criteria. Approval of this list of applicants will increase the number of approved providers from 171 to 180.

[Attachment 1](#): Cohort 7 Supplemental Educational Services Providers (4 pages)

COHORT 7 SUPPLEMENTAL EDUCATIONAL SERVICES PROVIDERS

Applicant	Contact
Advanced Academics, Inc.	Russell Randolph, Director of Education Advanced Academics, Inc. 100 East California Ave. Suite 200 Oklahoma City, OK 73104 (w) 1-800-2eLEARN (f) 405-239-1911 rrandolph@advancedacademics.com
Status – New Web-based	Program Description Provides on-line instruction for grades 7-12 in mathematics, language arts, sciences and other secondary subjects.
School Districts Served: Statewide via the Internet	

Applicant	Contact
Bloom Education	Richard Flor, Program Director Bloom Education 7332B Bright Ave. Whittier, CA 90602 (w) 888-410-1472 (f) 562-696-5351 rflor@bloomeducation.com
Status – New	Program Description Provides one-on-one tutoring or small group instruction in reading, writing and mathematics as well as homework assistance.
School Districts Served: All districts located in Los Angeles County	

Applicant	Contact
Da Vinci Learning Center	Josh Wallman, Founder Da Vinci Learning Center 3510 Auburn Blvd. Ste. 12 Sacramento, CA 95821-2067 (w) 916-482-3852 (f) 916-482-3852? info@davincilearningcenter.org
Status – New	Program Description Provides one-on-one and small group instruction in mathematics, reading and language arts for grades K-12 at the center or school sites.
School Districts Served: All districts located in Sacramento County	

COHORT 7 SUPPLEMENTAL EDUCATIONAL SERVICES PROVIDERS

Applicant	Contact
Literacy Center	Sharon Avitia, Director Literacy Center 1311 Whitley Ave. Corcoran, CA 93212 (w) 559-992-8008 (f) 559-992-8009 shonavitia@yahoo.com
Status – New	Program Description Provides after school one-on-one and small group services in mathematics, reading and language arts.
School Districts Served: Corcoran Unified School District	

Applicant	Contact
Oxnard Elementary School District Expanding Horizons After School Program	Katherine A. Larson, Director Expanding Horizons After School Programs Oxnard Elementary School District 1051 South A Street Oxnard, CA 93030 (w) 805-487-3918 (f) 805-486-7358 larson@education.ucsb.edu
Status – New	Program Description Provides small group instruction in reading and mathematics after school.
School Districts Served: Oxnard Elementary School District	

Applicant	Contact
People Making Progress	John Adam Causey, President/CEO People Making Progress 6709 La Tijera Blvd., Ste. 333 Los Angeles, CA 90045 (w) 310-849-5362 (f) 310-410-0536 jac3@aol.com
Status – New	Program Description Provides interactive software to improve achievement in mathematics, English language arts, science and computer literacy and uses a chess tutoring program in small groups, grades K-12.
School Districts Served: Statewide	

COHORT 7 SUPPLEMENTAL EDUCATIONAL SERVICES PROVIDERS

Applicant	Contact
Quantum Research and Evaluation	Donald P. Gregory, President Quantum Research and Evaluation 619 North Vermont Ave. Dinuba, CA 93618 (w) 559-591-0237 (f) 559-591-2594 quantumre@comcast.net
Status – New, Web-based	Program Description Uses electronic modularized courses in mathematics and English language arts (also available in Spanish). High school students can independently complete the courses to improve academic performance.
School Districts Served: Statewide	

Applicant	Contact
Rio Linda Union School District	Brad Lofthus, Director, Educational Services Rio Linda Union School District 6450 20 th Street Rio Linda, CA 95673 (w) 916-991-1704 ext. 60 (f) 916-991-9695 blofthus@rlusd.org
Status – New	Program Description Using its Academic Enrichment Program, the district will be providing tutoring and small group instruction in reading, language arts, and mathematics.
School Districts Served: Rio Linda, Robla, Elverta, and North Sacramento School Districts	

COHORT 7 SUPPLEMENTAL EDUCATIONAL SERVICES PROVIDERS

Applicant	Contact
Springback Learning Center	Jeff Miller, Owner Springback Learning Center 3225 Lake Shore Ave. Oakland, CA 94610 (w) 510-763-3701 (f) 510-893-8904 jpm49@aol.com
Status – New	Program Description Provides one-on-one and small group tutoring in English language, arts, mathematics, test preparation and study strategies, after school, at local centers and at local schools.
School Districts Served: Oakland USD, Hayward USD, San Leandro USD, Berkely USD, West Contra Costa USD, Alameda USD, and Castro Valley USD	



JANUARY 2004 AGENDA

SUBJECT	X	ACTION
<i>No Child Left Behind Act of 2001</i> : Local Educational Agency Plans required by Section 1112	X	INFORMATION
		PUBLIC HEARING

Recommendation:

Staff recommends approval of Local Educational Agency (LEA) Plans that have met the requirements to full approval status.

Summary of Previous State Board of Education Discussion and Action

As of the November 2003 meeting, the State Board of Education has approved a total of 1,099 LEA Plans – 647 in July, 358 in September, and 94 in November 2003. The remaining LEAs are either making appropriate modifications for completeness or are in the process of submitting their Plans. LEAs with incomplete Plans will not be eligible to receive federal education categorical aid until they receive SBE full approval at a later date.

Summary of Key Issue(s)

LEA Plans are required under NCLB. The Plans must indicate the LEA's description of how NCLB program funds will be spent.

Fiscal Analysis (as appropriate)

LEAs with incomplete Plans will not be eligible to receive federal education categorical aid until they receive SBE full approval of their Plans at a later date.

Attachment(s)

A list of LEAs recommended for full approval will be submitted in the Last Minute Memorandum.

LAST MINUTE MEMORANDUM

DATE: January 6, 2004

TO: MEMBERS, STATE BOARD OF EDUCATION

FROM: Geno Flores, Deputy Superintendent
Assessment and Accountability Branch

RE: Item No. 11

SUBJECT: *No Child Left Behind Act of 2001*: Local Educational Agency Plans required by Section 1112

Attached for Board approval is a list of **10** LEA Plans for district and direct-funded charter schools. These Plans are required under *No Child Left Behind* (NCLB) so that LEAs may receive federal categorical aid for educational programs.

With the Board's approval of these **10** Plans, **1,109** LEAs will have fully approved Plans. The Board has fully approved **647** in July, **358** in September, and **94** in November 2003.

CDE staff continues to work with the **75** LEAs (39 districts/counties and 36 charter schools) whose Plans are not yet ready for recommendation to the SBE for approval. There are **15** remaining LEAs (3 districts and 12 charter schools) that have not yet submitted LEA Plans. Staff will be working with these LEAs to obtain their Plans for review and future recommendation for Board approval.

Please see the following attachment.

[Attachment 1](#): LEA Plans for Districts and Direct Funded Charters Recommended for Full SBE Approval, January 2004 (Pages 1)

LEA Plans for Districts and Direct Funded Charters Recommended
for Full SBE Approval January 2004

County/District Code	School Code	Districts
1964477		Eastside Union Elementary
3567561		Tres Pinos Union Elementary
4369625		Oak Grove Elementary
5271522		Evergreen Union Elementary
5471803		Alpaugh Unified
5572355		Curtis Creek Elementary
5872728		Camptonville Elementary
County/District Code	School Code	Direct Funded Charters
5872728	6115935	The Camptonville Academy
1964733	6117949	Valley Community Charter
0761705	6118160	Homesmartkids Of Knightsen



CALIFORNIA STATE BOARD OF EDUCATION

ITEM # 12

JANUARY 2004 AGENDA

SUBJECT United States Senate Youth Program Presentation	<input type="checkbox"/>	Action
	<input checked="" type="checkbox"/>	Information
	<input type="checkbox"/>	Public Hearing

Recommendation:

The State Superintendent of Public Instruction and President of the State Board of Education will present the 2003-2004 United States Senate Youth Program awards to the delegates and alternates.

Summary of Previous State Board of Education Discussion and Action

This is an annual event at the January State Board of Education meeting.

Summary of Key Issue(s)

The State Superintendent of Public Instruction recently announced the selection of the two delegates and first and second alternates to represent California at the 42nd annual United States Senate Youth Program held in Washington, D.C. from February 28 – March 6, 2004. Sponsored by the William Randolph Hearst Foundation, the United States Senate Youth Program was established in 1962 by Senate Resolution 324, and has continued each year by action of the United States Senate. Additional background information regarding the selection of the delegates and first and second alternates are provided in Attachments 1 and 2.

Fiscal Analysis (as appropriate)

The William Randolph Hearst Foundation provided a grant to the California Department of Education to assist with the costs associated with administering the United States Senate Youth Program.

Attachment(s)

- [Attachment 1:](#) News Release #03-82 (Pages 1 - 2)
- [Attachment 2:](#) California Student Designees (Pages 1 - 3)

N CALIFORNIA DEPARTMENT OF EDUCATION
NEWS RELEASE



CONTACT: Pam Slater
REL#03-82 Rick Miller

pslater@cde.ca.gov
rdmiller@cde.ca.gov

916/319-0818
12/4/03

**TWO CALIFORNIA HIGH SCHOOL STUDENTS ARE CHOSEN
AS DELEGATES TO THE U.S. SENATE YOUTH PROGRAM**

SACRAMENTO – Following a highly competitive selection process, two remarkable California high school students have been chosen to represent the state as the 2003-04 delegates to the United States Senate Youth Program.

Selected for this prestigious honor are **Anna Pauline Phillips**, a senior at Rancho Bernardo High School in San Diego, and **Deena Saad Shakir**, a senior at Leland High School in San Jose.

Chosen as first alternate is **Paul Andrew Cilker**, a senior at Archbishop Mitty High School in San Jose. Second alternate is **Steven Patrick Gerard Ostrowski**, a senior at Anderson Union High School in Anderson, Shasta County.

Biographies of the four students are attached.

“These exceptional students represent some of the best and the brightest in California schools,” said State Superintendent of Public Instruction Jack O’Connell. “The range of their accomplishments at such a young age is not only impressive, but inspiring. They certainly are well on their way to becoming the nation’s leaders of tomorrow.”

Selected from more than 160 applicants statewide, Anna and Deena will be among 104 students from across the nation to visit Washington D.C., February 28 to March 6, 2004, where they will observe the Senate, the House of Representatives, the Supreme Court, and the Pentagon, as well as tour the Smithsonian. The program is sponsored by the William Randolph Hearst Foundation and operates at no cost to the federal government. In addition to the Washington trip, the foundation awards each delegate a \$5,000 scholarship.

Two delegates and two alternates from each state, the District of Columbia, and

Department of Defense Dependents Schools are selected each year for their extraordinary high school accomplishments and leadership potential.

High school principals nominate one junior or senior student who exemplifies outstanding academic achievement and honors, participates in extracurricular school and community activities, has the ability to articulate on local, state, national, and world issues; and demonstrates leadership by serving as an elected student body or class officer, regional or state organization officer, or board of education student member.

The California delegates and alternates will be recognized by the State Board of Education during its January 7, 2004 meeting at California Department of Education headquarters in Sacramento.

For additional information on the program, please visit the organization's Web site at: www.usenateyouth.org.

###

[Attachment](#)

REL#03-82

Attachment

**CALIFORNIA'S 2003-04 STUDENT DESIGNEES
UNITED STATES SENATE YOUTH PROGRAM**

Delegate

Anna Pauline Phillips

Anna is a senior at Rancho Bernardo High School in San Diego, where she is Senior Class President and has been a member of student government each of her four years. Her grade point average consistently exceeds 4.0, for which she has been given the Silver Star Award.

She is an intern for San Diego City Councilmember Brian Maienschein and has been an intern for the Anti-Defamation League and is a graduate of the League's Manhigim (Leadership) Institute.

Anna is a past treasurer, vice-president, and president of B'nai Brith Youth Organization of San Diego. She currently is the host of San Diego Student News, Channel 16, and is employed by Cold Stone Creamery. She has been involved in wrestling and runs track and field.

Last year, Anna lived and studied in Israel for more than four months. It was during this time the United States occupied Iraq and she was able to experience firsthand American politics from an international perspective.

Anna hopes to attend either Georgetown University or George Washington University, and major in International Relations.

Delegate

Deena Saad Shakir

Deena, a senior at Leland High School in San Jose, is Vice-President of the Student Council, and has held elected office for the past four years. She is also the student member for the San Jose Unified School District.

Deena is oratory president of the largest and highest ranked speech and debate team in the nation, captain of the Mock Trial Team, president of Amnesty International Student Group, and president of Interfaith Club. She founded the monthly editorial publication, *Leland Leviathan*, and as editor-in-chief, manages more than 40 contributing writers and a staff of 15.

An accomplished public speaker, Deena has won many national speech contests and is a member of the National Forensic League's prestigious "Circle of Champions."

Deena is a National Merit semi-finalist, and received the Principal's Award for Highest Honor Roll. She has received a Governor's Scholarship, the President's Service Award, and is an AP Scholar With Honor. She has been actively involved in several community service projects.

She would like to attend Harvard University, and is yet undecided on a major, but is considering working in diplomacy, public service, academia, or psychiatry.

First Alternate

Paul Andrew Cilker

Paul is a senior at Archbishop Mitty High School in San Jose, where he is Associated Student Body President, and previously was junior class representative. He is a member of the National Honor Society and the California Scholarship Federation and is a member of the Principal's Honor Roll.

Paul competes on the varsity water polo team and has served as team chaplain, and he appeared in his school's spring musical.

Last year, he was nominated as his school's representative to Boys State, where he was a candidate for Governor. The event opened his eyes to the political arena and peaked his interest in becoming a public official.

In college, Paul plans to major in economics and political science before attending graduate school. He would like to run the family business, Pine Cone Lumber, for a few years before moving to Washington D.C. to open a lobbying firm and run for office.

Second Alternate

Steven Patrick Gerard Ostrowski

Steven is a senior at Anderson Union High School in Anderson, Shasta County. He is Senior Class Senator and has held several other student government posts. For the past two years, he has been the student representative to the Anderson City Council.

He has been on the Honor Roll for the past three years and was chosen as the Rotary's Outstanding Freshman of the Year in 2001. Steven is a James Irvine Foundation Educational Incentive Grant Recipient and also earned a California Legislature Assembly Certificate of Recognition, among other awards.

He has been a member of the football and wrestling teams and has participated in the school's marching, concert, orchestra, pep, and jazz bands, playing the alto saxophone. In 2001, he was

named the Most Dedicated Band Member. He's has been president of the school's speech and debate team and is an accomplished public speaker. He took second place in 2003 in the Anderson High School Speech competition and for the last two years, he has been the first-place winner in the Lions Club speech contest.

Steven is active in his church, where he is a Sunday school aide and substitute teacher, and a Eucharist Minister.

He hopes to attend the University of California, Davis, or Santa Clara University, and major in political science and international relations before embarking on a career in politics.

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JANUARY 2004 AGENDA

SUBJECT California Teachers of the Year 2004 Presentation	<input type="checkbox"/>	Action
	<input checked="" type="checkbox"/>	Information
	<input type="checkbox"/>	Public Hearing

Recommendation:

That the State Superintendent of Public Instruction and the State Board of Education President present certificates to the five 2004 California Teachers of the Year.

Summary of Previous State Board of Education Discussion and Action

This Board item is for the annual presentation of certificates to California's five Teachers of the Year.

Summary of Key Issue(s)

None

Fiscal Analysis (as appropriate)

Minimal; CDE pays travel and per diem expenses for the five California Teachers of the Year.

Attachment(s)

[Attachment 1](#): News Release: State Schools Chief O'Connell Announces Five California Teachers of the Year 2004 (Pages 1-5)

N CALIFORNIA DEPARTMENT OF EDUCATION
NEWS RELEASECONTACT:
REL#03-80Tina Jung
Rick Millertjung@cde.ca.gov
rdmiller@cde.ca.gov916/319-0818
11/26/03**STATE SCHOOLS CHIEF O'CONNELL ANNOUNCES
FIVE CALIFORNIA TEACHERS OF THE YEAR 2004**

SACRAMENTO – State Superintendent of Public Instruction Jack O'Connell today named five extraordinary educators as California's Teachers of the Year for 2004. One of the five will go on to represent California in consideration for the National Teacher of the Year honor.

Arthur Coleman, Jr. of Lodi teaches at Hamilton Middle School in the Stockton Unified School District, San Joaquin County. **Dawn Imamoto** of Davis teaches at Bryte Elementary School in the Washington Unified School District, Yolo County. **Paul Lewanski** of Santa Ana teaches at Tustin High School in the Tustin Unified School District, Orange County. **Paul McLaughlin** of Chino Hills teaches at Suzanne Middle School in the Walnut Valley Unified School District, Los Angeles County. **Zenaida Rosario** of San Ysidro teaches at La Mirada Elementary in the San Ysidro School District, San Diego County. Biographies of the awardees are attached.

"I chose these five teachers because they are so devoted to the pursuit of helping children get a superb education that they often sacrifice their personal time to help them," said O'Connell. "Their passion for teaching motivates students to learn, and the proof is improved achievement. Their commitment to quality education, rapport with students, and innovative teaching methods make them wonderful role models not only for children, but also for other educators."

O'Connell also is nominating one of the five, **Paul Lewanski**, to represent California in the National Teacher of the Year program. The President of the United States will announce the selection in the spring of 2004.

The 31-year old California Teachers of the Year program is open to public and private school educators who teach pre-kindergarten through grade twelve. County offices of education traditionally nominate winners of their regional Teacher of the Year competition. A selection committee reviews

More... more...

the candidates' applications and conducts site visits to evaluate the teachers' rapport with students, classroom environment, presentation skills, use of appropriate teaching methods, their ability to adjust to last minute changes, among other criteria. O'Connell then selects the awardees.

"The selection of these five teachers among a field of 60 very qualified applicants was difficult," said O'Connell. "While I'm proud of the hard work of all of the more than 307,000 teachers in California, I am particularly drawn to these finalists because of their exceptional teaching methods and their ability to affect children's lives so positively through education."

O'Connell will recognize the five Teachers of the Year at a dinner in their honor in Sacramento next January. The State Board of Education also will recognize them and seven runners-up at its January meeting.

For more information about the California Teachers of the Year program, please visit <http://www.cde.ca.gov/ope/awards/toy/>.

###

[Attachment](#)

N CALIFORNIA DEPARTMENT OF EDUCATION
NEWS RELEASE

CONTACT: Tina Jung tjung@cde.ca.gov 916/319-0818
REL#03-80 Rick Miller rdmiller@cde.ca.gov 11/26/03

CALIFORNIA TEACHERS OF THE YEAR 2004 ATTACHMENT**Paul Lewanski***Chemistry Teacher**Tustin High School, Tustin Unified School District**California Nominee for National Teacher of the Year*

Paul Lewanski of Santa Ana earned a bachelor's degree in the biological sciences and both a master's and doctoral degree in computer education from the United States International University (USIU), San Diego, in addition to his teaching credential from California State University, Fullerton. Besides teaching chemistry for the past four years at Tustin High School, Lewanski also worked as an adjunct professor at USIU and was the science department chair in the ABC Unified School District. In his 19-year career as an educator, he has accumulated numerous honors, including three local teacher-of-the-year awards and teacher of the month. He is a member of an honor society and is listed in the *Who's Who Among America's Teachers*.

Lewanski's unique method of integrating teaching with life's lessons is evident from a statement in his application for one of the awards in which he wrote: "Educators, for example, can find the common ground that allows students to see how engineering is reflected in art and how art is reflected in the engineering design of cars and buildings thus enhancing student achievement in science, math, and art.... Teachers must help students to see the interconnectedness of what they are learning in order to be able to anticipate the needs of the future."

Paul Lewanski may be reached at Tustin High School, 1171 El Camino Real, Tustin, CA 92780 at 714/730-7422.

Arthur Coleman, Jr.

Music Teacher
Hamilton Middle School, Stockton Unified School District

Arthur Coleman, Jr. of Lodi earned teaching credentials in both special education and music. Besides being the band director at Hamilton Middle School for the past 12 years, he has participated and initiated several music and dance programs. During his 22 years as an educator, Coleman has accumulated numerous honors including three local teacher-of-the-year awards, numerous education-related trophies, and is an inductee at the Black Athletic Hall of Fame.

Coleman's passion for teaching is evident from a statement in his application for one of the awards in which he wrote: "Learning is limitless.... The trick is getting the student to believe this. This is not something you can tell them. It is something they must experience. First, you tease them with it. Then you offer this huge platter of opportunity. And watch them feast."

Arthur Coleman, Jr. may be reached at Hamilton Middle School, 2245 E. 11th St., Stockton, CA 95206, at 209/933-7395, x-1626

Dawn Imamoto
Second Grade Teacher
Bryte Elementary School, Washington Unified School District

Dawn Imamoto of Davis earned a bachelor's degree in child development from California State University, Fullerton. She received her multiple subject teaching credential from the University of California, Davis. Besides teaching reading, writing, and math at Bryte Elementary, Imamoto continues to participate in several writing projects for students. In her nine years as an educator, she has received several honors including a literacy award and teacher-of-the-month recognition.

Imamoto's inspiration for teaching came one day as she volunteered to work with a special education class: "I remembered how hard my students had to work just to roll a ball down the bowling alley. As I motivated these kids, I could see a change in their attitude. I felt that my presence made a difference. The smiles on their faces always filled me with joy as they accomplished their goals. It was then that I knew that I wanted to be a teacher and work with children."

Dawn Imamoto may be reached at Bryte Elementary School, 637 Todhunter Ave., West Sacramento, CA 95605, at 916/375-7660.

Paul McLaughlin*Math Teacher**Suzanne Middle School, Walnut Valley Unified School District*

Paul McLaughlin of Chino Hills earned a master's degree in school administration from California State University, Los Angeles. He earned his teaching credential from Mount Saint Mary's College in Los Angeles. Besides teaching at Suzanne Middle School for the past 10 years, he also has taught at four other schools in the Los Angeles area as a teacher, dean, counselor, and principal. In his 25 years as an educator, McLaughlin has won numerous honors including local teacher of the year, National Board for Professional Teaching Standards certification, and several Yearbook Journalism First Place Awards from the Columbia University Scholastic Press Association.

McLaughlin's dedication to education is evident from a statement in his application for one of the awards in which he wrote: "I still hold to the belief that teachers are born, not made.... I am fortunate to see many of my former students in all walks of life. To be remembered as having made an impact in their lives is my greatest achievement."

Paul McLaughlin may be reached at Suzanne Middle School, 525 Suzanne Rd., Walnut, CA 91789, at 909/594-1657.

Zenaida Rosario*Third Grade Teacher**La Mirada Elementary, San Ysidro School District*

Zenaida Rosario of San Ysidro earned a master's degree in educational administration and supervision from San Diego State University. Besides teaching third grade for the past five years at La Mirada Elementary, Rosario also was a bilingual teacher at other schools in southern California. In her 21-year career as an educator, Rosario has won numerous honors including local teacher-of-the-year awards, perfect classroom attendance for the past five years, and an award for leadership.

Rosario's commitment to education is evident in her application for one of the awards in which she wrote: "My students believe in themselves because I instill in them their capability of achieving anything they set their minds to. [T]his they know because I have told them that they can (and) that they are never to give up on achieving their dreams. I give all of my strength to provide them the best learning experience and hope that they take these skills along the years to reach their goals."

Zenaida Rosario may be reached at La Mirada Elementary, 222 Avenida de la Madrid, San Ysidro, CA 92173, 619/428-4424.



JANUARY 2004 AGENDA

SUBJECT: The Academic Performance Index (API) Growth Report: Moving the Release Date to August	<input checked="" type="checkbox"/>	Action
	<input type="checkbox"/>	Information
	<input type="checkbox"/>	Public Hearing

Recommendation:

That the State Board of Education consider moving the release date of the Academic Performance Index (API) Growth Report to August.

Summary of Previous State Board of Education Discussion and Action

Currently, the API growth report is released in October of each year. On November 13, 2003, the State Board of Education requested that the Policy and Evaluation Division (PED) of the California Department of Education (CDE) consider the feasibility of moving the API release date so that it would occur on or before the release of the Adequate Yearly Progress (AYP) Report. The attached issue paper is in response to that request.

Summary of Key Issue(s)

The API is the cornerstone of California's accountability system. Historically, the API Growth Report has been released in October of each year. With the enactment of the federal No Child Left Behind Act (NCLB), the CDE was required to produce AYP Reports in August so that schools could be identified for program improvement prior to the beginning of the traditional school year. The attached issue paper discusses the feasibility of moving the API release date on or before the release of the AYP Report.

Fiscal Analysis (as appropriate)

There is no fiscal impact as all calculations have to be done whether the release date is in August or October.

Attachment(s)

[Attachment 1](#): The Academic Performance Index (API) Growth Report: Moving the Release Date to August (Pages 1-5)

The Academic Performance Index (API) Growth Report: Moving the Release Date to August

Purpose: Currently the Academic Performance Index (API) growth report is released in October of each year. On November 13, 2003, the State Board of Education requested that the Program and Evaluation Division (PED) of the California Department of Education (CDE) consider the feasibility of moving the API release date so that it would occur on or before the release of the Adequate Yearly Progress (AYP) Report. This paper is in response to that request. It is in four parts:

- First, it considers the background to the question, including the current AYP and API release schedule.
- Second, it explores the feasibility of moving the date, including the conditions under which an August release would be possible.
- Third, it reports the position of the Public Schools Accountability Act (PSAA) Advisory Committee on the question.
- Fourth, it summarizes the position of the CDE on the question.

Background: In 2003, districts and schools received Adequate Yearly Progress (AYP) Reports on August 15, prior to the beginning of the traditional school year. As part of its assessment contract, the Educational Testing Service (ETS) generated the data used in the reports. The AYP reports included the percentages of students proficient in English language arts and mathematics as well as the participation rates of students in the assessments used to derive the percentages.

The AYP reports were released in August so that schools could be identified for program improvement prior to the beginning of the traditional school year. The intent was to afford parents the opportunity to exercise choice, i.e., move their children from a PI school to a non-PI school, before the start of the school year. Because of the early release, the Policy and Evaluation Division (PED) did not have the chance to conduct any type of data review process beforehand. Districts and schools had no chance to inform the PED of obviously erroneous data. As a result, there were errors in the reports that could have been prevented with a later release. Also, about 400 schools did not receive a complete report because of missing test results or demographic data.

On the same date, August 15, the PED received the Standardized Testing and Reporting (STAR) data files necessary to produce the 2003 Growth API. In accord with past practice, PED released the 2003 Growth API in October, only after an intensive internal and external data review process. The October release gave districts the opportunity to review the demographic data that went into the calculation of district, school and subgroup APIs and to correct any erroneous data through the test publisher.

This ensured a high degree of data quality for the October release, in contrast to the earlier August AYP Report. About 900 schools did not receive APIs in October 2003 because of data corrections. These schools will receive APIs in December 2003.

The AYP and API reports offered two very different pictures of school performance. In 2003 only about 55 percent of schools met the AYP criteria, while 78 percent of schools met their annual API growth targets, both school wide and subgroup, and more than 90 percent of schools made some gain in their API scores. As noted, the AYP reports included many more omissions and errors relative to the API reports. The AYP reports also included anomalous results, particularly in the area of participation rates. For example, a school could miss AYP because one or two students from a student subgroup did not take a test, even though the school more than met its annual measurable objectives (percent proficient or above) and the absence of two students had no impact on the determination whether or not the subgroup had met the same objectives.

As a result, many districts and schools questioned the validity of the AYP results. They instead preferred to rely on the more familiar API, considering it to be a far superior indicator of their performance. However, because the AYP release occurred in August 2003 and the API in October, the AYP release was given more coverage by the media. Schools that missed AYP, for whatever reason, had to bear the stigma of failure, despite having met their API growth targets. In the future, this discrepancy between API and AYP results will only increase, as the status bars for AYP increase.

Feasibility of an August release: To generate the API, the PED requires three data files: STAR, California High School Exit Exam (CAHSEE), and California Alternate Performance Assessment (CAPA). In considering whether an August API release date is feasible, this paper assumes that the basic structure of the assessment system will remain the same. Schools will continue to administer STAR as late as June, in accord with current STAR regulations as well as other procedures that were implemented to accommodate the needs of districts. In view of this, the Standards and Assessment Division has informed the PED that it is unrealistic to expect the contractor, ETS, to make the STAR data files for 2004 available to CDE any earlier than it has in the past.

Therefore, it is reasonable to expect that in 2004 the PED will receive STAR data files at approximately the same time as in 2003, about August 15, and in approximately the same condition. Based on our experience with 2003, the PED anticipates little problems with receiving CAHSEE and CAPA data files by August 15.

Moving the date of the growth release to August is not an easy task from an operational standpoint. It would involve stretching the resources of the units involved in the production of the API and AYP reports to the limit, because of the almost simultaneous

release of the API and AYP reports. **Despite these concerns, an August release of the API is feasible, but only under certain conditions:**

- **The CDE should continue to perform the API calculations in house.**
Besides eliminating the need to amend the ETS contract with the attendant increase in costs, keeping the API in-house would reduce the possibility of production delays and reporting errors, since PED has considerable experience in calculating APIs for the last five years.
- In considering this question, data quality must be a paramount consideration. If the public begins to view the API as error-prone, an early release will produce exactly the opposite of the desired effect by undermining public confidence in the accuracy of API reporting.
- **The August growth API release should only include district level and school wide APIs.** These are the only APIs required for determining whether or not a district or school made AYP. Subgroup APIs would be released in December after the usual data review process and data corrections. This would dramatically reduce the possibility of faulty reporting in an August release because of data errors. The only demographic factor that would impact results would be errors in mobility coding, i.e., whether or not the student has been continuously enrolled in the district or school since the CBEDS date. Errors in coding ethnicity, free and reduced lunch status, or parent education would not impact the August release.
- **The release of the 2004 API and AYP Report should be moved to August 26.** It simply is impossible to ensure a reasonable degree of quality by immediately releasing the API without any type of internal checks. Both releases would still appear prior to the beginning of the traditional school year (the day after Labor Day).
- An August 26 release would avoid releasing STAR results, API results, and AYP results simultaneously. From an operational standpoint, it would enable CDE to avoid serious questions about whether or not it has the Internet resources to accommodate the massive public demands for access to the data. It also follows a more logical sequence: the release of STAR results followed about two weeks later by API and then the AYP results.
- Moving the AYP release would necessitate an amendment of the California accountability workbook with the U.S. Department of Education (USED). The workbook presently sets August 15 as the AYP release. In its communications with USED, the CDE should emphasize that such a schedule would enable it to

release all components at the same time, rather than in a phased release as occurred in 2003. This would mean that the August 2004 Program Improvement (PI) list of districts and schools would be comprehensive in scope.

- **A STAR pre-edit process must be implemented for 2004.** The Standards and Assessment Division is pursuing the feasibility of a STAR pre-edit process. STAR demographic data would be edited prior to the submission of test results to ETS. Implementation of this process for next year's STAR administration is vital to the success of an earlier API release. It would at once reduce the burden of data review on the PED and enhance the quality of an August 2004 API release.

The PSAA Advisory Committee: The Subcommittee for API/AYP and Interventions considered the question of an early API release date in its meeting of November 17, 2003. The Subcommittee supported an August release of the 2004 Growth API Report, prior to the release of the AYP Report.

Summary: The CDE shares the position of the Subcommittee that an August release of the API Growth Report is desirable, particularly from a policy standpoint. An August release would:

- Prompt the media to give the API growth results proper consideration.
- Give the public a context within which to interpret district and school AYP results, particularly in instances where a district or school made substantial growth on the API, but still missed the AYP status bar.
- Enable the CDE to prepare an August AYP report which would include not only the annual measurable objectives and participation rates but also school wide APIs and graduation rates, the "other indicators" under the California accountability plan.

On the other hand, an August release has serious implications from an operational standpoint. It would:

- Increase the possibility of mistakes in calculations by reducing the time that the PED has to run data checks.
- Preclude a review of demographic data and API results by districts prior to a public release of the 2004 Growth API.
- Impact the capacity of the PED to respond to inquiries from the media, districts and schools.

These negative effects could be considerably mitigated if the conditions listed earlier are met.

Finally, the CDE urges that moving the AYP release to the last week of August be only a temporary solution. With a view to 2005 and beyond, the CDE proposes a review of the current schedule of test administration by local educational agencies, the transmittal and scoring of test documents, and the transmittal of data files by the contractor to the CDE. Such a review would identify the changes that would have to take place to accommodate a mid-August release of API growth reports and AYP reports.



JANUARY 2004 AGENDA

Subject: <i>No Child Left Behind Act of 2001: Identifying Title I-funded Local Educational Agencies (LEAs) for Program Improvement (PI); Section 1116(c)(3)</i>	<input checked="" type="checkbox"/>	Action
	<input checked="" type="checkbox"/>	Information
	<input type="checkbox"/>	Public Hearing

Recommendation:

Staff recommends Option 3 described in the attached issue paper, as the method for identifying for Program Improvement, local educational agencies that receive Title I funds.

Summary of Previous State Board of Education Discussion and Action

A preliminary version of the issue paper was sent to Board members in December. It explained the requirement under NCLB to identify Program Improvement (PI) LEAs and proposed three options for Board consideration. The attachment to this Agenda item replaces the earlier version.

Summary of Key Issue(s)

NCLB Section 1116 (c) requires states to annually review the progress of LEAs that receive Title I funds to determine whether schools that receive Title I funds are making Adequate Yearly Progress. The state "shall identify for improvement any local educational agency that, for two consecutive years failed to make adequate yearly progress as defined in the State's plan under Section 1111(b)(2)." Being identified as a Program Improvement LEA is a formal designation for Title I-funded LEAs. PI LEAs must meet the following requirements:

- Revise the local educational agency plan to include specific components.
- Set-aside not less than 10 percent of the district Title I allocation for professional development.

After two subsequent years in PI and continued failure to make AYP, the LEA is subject to corrective action and the state must take at least one of the specified corrective actions in year 3.

Three options for Board consideration are presented in the attached issue paper:

1. LEAs that do not meet all the components of AYP for two consecutive years, 2002-2003 and 2003-2004, would be identified for PI.
2. LEAs in which 75 percent or more of their Title I schools are PI schools for two consecutive years would be identified as PI.
3. LEAs that failed AYP and had a LEAwide API of less than 560 for the socioeconomically disadvantaged subgroup for two consecutive years would be identified as PI.

Staff recommends Option 3.

Fiscal Analysis (as appropriate)

The requirements for technical assistance to be provided by the CDE to PI schools and LEAs are extensive and will have considerable impact on the CDE's capacity to deliver such assistance.

Attachment(s)

[Attachment 1](#): Identifying LEAs for Program Improvement Issue Paper (Pages 1-8)

Identifying LEAs¹ for Program Improvement An Issue Paper

Purpose

The purpose of this issue paper is to describe various options for identifying LEAs that receive Title I funds for Program Improvement (PI) as required under the federal *No Child Left Behind (NCLB) Act of 2001*. The paper will discuss the impact of the various options and recommend a preferred method. The paper contains the following sections:

- Background about Adequate Yearly Progress
- State Responsibilities Regarding LEAs
- Consequences for LEAs Identified for PI
- Principles and Options for Identifying LEAs for PI
- Summary and Policy Recommendations

I. Background About Adequate Yearly Progress

A. Definition of Adequate Yearly Progress

NCLB requires each state to define Adequate Yearly Progress (AYP) for all schools, local educational agencies (LEAs), and the state. The California State Board of Education, in its Accountability Workbook, defined AYP for California. The definition requires all schools and LEAs to meet the following criteria:

- Must meet Annual Measurable Objectives (AMOs), a measure of percent proficient, for English Language Arts and mathematics for all students and for all numerically significant subgroups;
- Must meet a 95 percent participation rate on all applicable assessments for all students and for all numerically significant subgroups;
- Must show progress on the Academic Performance Index (API) of at least one point from each year or have a minimum API Growth score which is 560 in 2002-2003; and
- Must show progress on one of the three options for meeting the high school graduation rate requirement:
 - Achievement of a graduation rate of 82.8 percent or above for the 2002-2003 school year, **OR**
 - Improvement of at least 0.1 percent in the graduation rate each year, **OR**
 - Improvement of at least 0.2 percent in the average two-year graduation rate

¹ LEA refers to districts, county offices of education and direct-funded charter schools that receive Title I funds.

B. Criteria for Identifying Schools for Program Improvement

Program Improvement status is a formal designation for Title I funded schools and LEAs. Schools are identified for PI if they do not make AYP for two consecutive years on the same indicator (English language arts, mathematics, participation rate, Academic Performance Index [API], graduation rate). NCLB allows LEAs to choose to review the performance of students served or eligible to be served in Title I targeted assistance school.¹ For targeted assistance schools, California for the past two years has reviewed the progress of the socioeconomically disadvantaged subgroup only to determine AYP. Schoolwide program schools must meet the AYP requirements for all students and for all numerically significant subgroups. A school is eligible to exit PI if it makes AYP for two consecutive years.

There are certain types of required services and/or interventions that schools must implement during each year they are identified for PI. *These apply only to schools and LEAs receiving Title I funds.*

II. State Responsibilities Regarding LEAs

States have specific responsibilities in this area. In the context of AYP and PI, there are two major responsibilities that are discussed here.

A. State Review of LEAs

NCLB requires states to annually review the progress of each LEA receiving Title I funds to determine if the LEA is meeting the following requirements:

- Schools in the LEA receiving Title I funds are making adequate yearly progress.
- The LEA is carrying out its responsibilities in providing support to schools.
- Parental involvement requirements are being implemented.
- Teachers and teacher assistants are highly qualified.

In addition, the state must publicize and disseminate to LEAs, teachers, parents and students, and communities the results of the annual review.

B. Responsibility of States in the Identification of PI LEAs

In addition, NCLB Section 1116(c)(3) also requires states to identify for PI any LEA that, for two consecutive years, failed to make AYP as defined in the State's plan under

² A school that receives Title I funds can either be a schoolwide program (SWP) school or a targeted assistance school (TAS). In a SWP school, Title I funds are used to upgrade the entire educational program of a school that serves an eligible school attendance area in which not less than 40% of the children are from low-income families, or not less than 40% of the children enrolled in the school are from such families. In TAS, Title I funds are used to provide services to specific individual children that have been identified as being most at-risk of not meeting grade level academic standards.

Section 1111(b)(2). The state may choose to review only the progress of students served or eligible to be served in Title I targeted assistance schools. Although the previous reauthorization of the Elementary and Secondary Education Act (ESEA) of 1965 required states to identify LEAs in need of improvement, no LEA in California has ever been identified for PI. *The first year in which an LEA will officially enter PI status will be the 2004-05 school year after identification in summer 2004. This PI status will be based on 2002-03 and 2003-04 AYP determinations. An LEA may appeal the PI designation.*

III. Consequences for LEAs Identified for PI

An LEA identified for PI must meet the following requirements in the first two years of PI.

Year 1

- Revise its local educational agency plan within three months of identification to include specific components and implement the plan no later than the beginning of the next school year in the year following identification; and
- Set-aside not less than 10 percent of its Title I allocation for professional development. (This is in addition to the minimum 5 percent reservation for professional development to help teachers become highly qualified.)

Year 2

Continue to implement the plan developed in Year 1.

Year 3

A state may take corrective action at any time after an LEA is identified as PI. After two subsequent years in PI and continuing failure to make AYP, the state must impose at least one of the following corrective actions:

- 1) Defer programmatic funds or reduce administrative funds.
- 2) Institute and implement a new curriculum that is based on state academic standards.
- 3) Replace the LEA personnel who are relevant to the failure of the school to make academic progress.
- 4) Remove particular schools from the jurisdiction of the LEA and establish alternative arrangements for governance and supervision of the schools.
- 5) Appoint a receiver or trustee to administer the affairs of the local educational agency in place of the superintendent and school board.
- 6) Abolish or restructure the local educational agency.
- 7) Authorize students to transfer to another LEA with paid transportation. (If the state selects this option, an additional corrective action from the options listed in

items 1-6 must also be implemented.)

Additionally, an LEA in any year of PI may not be a supplemental educational services provider.

IV. Principles and Options for Identifying LEAs for PI

This section of the paper outlines the principles underlying the various methods to identify PI LEAs. It also presents three options embodying the principles carrying out the state's responsibilities to identify PI LEAs.

A. Principles Underlying a Method to Identify LEAs for PI

- Any option for identifying PI districts must meet the following principles:
- Be consistent with the API measures of the Public Schools Accountability Act (PSAA) and the new definition of AYP as required by NCLB;
- Be straightforward and easily understood by LEAs, schools, and the general public;
- Be fairly applied to all LEAs, with no LEAs unfairly affected; and
- Target available resources to effectively support LEAs most in need of assistance.

B. Options for Identifying LEAs as PI

Following are three options for identifying LEAs for PI. Included with each option is a description of how the option is applied and its impact. Pros and cons of each option are also included.

Option 1: *LEAs that do not meet all the components of AYP for two consecutive years, 2002-03 and 2003-04, would be identified for PI.*

Beginning in 2002-03, all LEAs received an AYP determination (in August 2003) based on all components of the AYP, which included:

- Meeting Annual Measurable Objectives (AMOs) – a measure of the percent of students proficient in English Language Arts and mathematics, for all students and for all numerically significant subgroups;
- Meeting a 95 percent participation rate on all applicable assessments, for all students and for all numerically significant subgroups;
- Showing progress on the Academic Performance Index (API) of at least one point or having a minimum API Growth score of 560; and
- Showing progress on one of the three options for meeting the high school graduation rate requirement:
 - achievement of a graduation rate of 82.8 percent or above, **OR**

- improvement of at least 0.1 percent in the graduation rate, **OR**
- improvement of at least 0.2 percent in the average two-year graduation rate

Option 1 aggregates student data for all students and for all numerically significant subgroups to the LEA level. Any LEA not meeting the aforementioned components of AYP in 2002-03 and 2003-04 would be identified for PI status.

Using this option, based on 2002-03 data, 58 percent of LEAs did not make AYP and are at risk of being identified for PI status if they fail to make AYP for a second consecutive year in 2003-04. Based simulations, it has been projected that 32 percent of LEAs would fail to make AYP for 2003-04 and subsequently be identified for PI at the beginning of the 2004-05 school year.

Pros

- This option uses the definition of AYP that currently applies to all LEAs.

Cons

- Using Option 1, it is possible, especially in smaller LEAs, for an LEA whose schools all made AYP, to be identified for PI because of the aggregation of all student and subgroup results to the LEA level.
- The aggregation of student data to the LEA level will identify LEAs for PI that may need to pay attention to some students, but may not identify the LEAs that are truly in need of improvement.
- CDE and the technical assistance support systems at the State and LEA levels currently do not have the capacity to provide quality assistance to such a large number of potential PI LEAs.

Option 2: If 75 percent or more of an LEA's Title I-funded schools are identified as PI for two consecutive years, the LEA would be identified for PI.

Option 2 is consistent with the general requirement that the state educational agency annually review an LEA to determine if Title I-funded schools are making adequate yearly progress. The impact of this option would result in a projected 41 LEAs being identified for PI at the beginning of the 2004-05 school year, but a disproportionate number of those LEAs are small LEAs. Dropping the threshold to 50 percent or more of Title I schools in an LEA identified as PI for two consecutive years would result in 106 LEAs identified for PI with a more representative sample of small to mid-size LEAs.

Pros

- The smaller number of LEAs identified for PI allows CDE necessary time to build

its capacity to work with PI LEAs and to put in place the technical assistance networks and systems needed to assist these LEAs.

- Gradually reducing the threshold to, or beginning with 50 percent, would produce a more representative sample of LEAs identified for PI.
- The use of school level data that is aggregated to the district level is consistent with the requirement to review the Adequate Yearly Progress of Title I schools in annually reviewing the progress of LEAs.

Cons

- This option would result in a disproportionate number of small LEAs being identified for PI if the 75 percent threshold is used.
- If the 75 percent threshold is used, urban school districts would have a very high threshold to meet before being identified for PI, and, as such, might never be identified, despite the fact that they receive the most Title I funds and serve the highest number of Title I students in the State.
- LEAs would be held accountable only for the achievement of their students enrolled in Title I schools only, so that a minority of schools in a district could throw the LEA into PI.

Option 3: Title I funded LEAs that failed AYP and had an LEA-wide API of less than 560 for the socio-economically disadvantaged subgroup for two consecutive years would be identified for PI status.

In determining the Adequate Yearly Progress of local educational agencies, NCLB offers the following flexibility to states:

- aggregate student data to the LEA level to determine PI status of LEAs;
- aggregate school level AYP data to the LEA level to determine PI status of LEAs;
- only review the progress of students that are receiving or are eligible to receive Title I services in targeted assistance schools to determine if those schools are making AYP and, in turn, if the LEA is making AYP.

This option proposes a combination of student data aggregation, and the use of the API for socioeconomically disadvantaged students (the proxy for Title I students) to determine the PI status of an LEA. There is consistency in using the 560 threshold, since it represents the 20th percentile of API scores and is parallel to the required starting point for AMOs.

A data simulation using this option resulted in the identification of 33 LEAs for PI in the 2003-2004 school year. Increasing the API threshold incrementally similar to the structure used for the school API thresholds would potentially identify the following numbers of PI LEAs:

Projected Number of LEAs Identified for PI Based on API Threshold

API less than 560 in 03-04	33
API less than 590 in 04-05	80
API less than 620 in 06-07	

(These figures do not account for any growth.)

Pros

- This option would result in a mix of LEAs, both small and mid-size, with the largest identified LEA having an enrollment of approximately 30,000 students in 2003-04.
- The option would target available resources to effectively support LEAs most in need of assistance.
- This option would hold LEAs accountable for the achievement of all of its students in English language arts and mathematics, including the socio-economically disadvantaged students who are eligible for or being served by Title I services.
- Using the API allows CDE to use an accountability measure that is accepted statewide and which focuses on growth in student achievement from year to year. The API includes the California High School Exit Exam (CAHSEE), the California Standards Tests in English language arts, math, social studies, and science, the norm referenced tests, and CAPA.
- The increase in the API threshold of less than 560 would result in a fair application across small, middle-size, and large school districts.
- There is consistency in using the 560 threshold, since it represents the 20th percentile of API scores and is parallel to required starting point for the AMOs.

Cons

- Initially large LEAs would not be identified using this option.
- The API portion of the criteria is based only on the achievement of the socioeconomically disadvantaged subgroup and does not include other numerically significant subgroups.
- The results for the socioeconomically disadvantaged subgroup may not be available until December, thereby delaying the identification of PI districts to December instead of August 2004.

V. Summary and Policy Recommendation

This paper has discussed the context and the state responsibilities for identifying PI LEAs. Three options to do so were presented. In weighing the procedures, impact, pros and cons of each option, Option 3 emerges as the best approach for meeting state responsibilities.

Therefore, Option 3 is recommended for adoption because it

- *focuses resources on LEAs most in need of assistance;*
- *is based on criteria already familiar to LEAs, schools, and the general public;*
- *does not unfairly impact some LEAs; and*
- *meets all of the principles of an identification method consistent with the requirements of the Public Schools Accountability Act (PSAA) and NCLB.*



JANUARY 2004 AGENDA

SUBJECT Special Education: Approve Commencement of the Rulemaking Process for Proposed Additions to Title 5 Code of Regulations	<input checked="" type="checkbox"/>	Action
	<input checked="" type="checkbox"/>	Information
	<input type="checkbox"/>	Public Hearing

Recommendation:

Approve the proposed Title 5 regulations regarding special education, the Initial Statement of Reasons, and the Notice of Proposed Rulemaking, and direct staff to commence the rulemaking process.

Summary of Previous State Board of Education Discussion and Action

The State Board of Education has not previously discussed or acted on this proposed regulation.

Summary of Key Issue(s)

20 USC Section 1413 requires, among other things, that state education agencies monitor local education agencies to assure compliance with special education laws. 34 CFR 300.197 and Education Code section 56845 (a) and (b) authorize the Superintendent to withhold state and federal funds from a local education agency after reasonable notice and opportunity for a hearing if the superintendent finds the agency out of compliance with special education laws.

This proposed regulation is developed in response to the U.S. Department of Education Office of Special Education Policy (OSEP) expectation that state education agencies have a full continuum of enforcement options to compel compliance with special education laws.

The Advisory Commission on Special Education received a report from Dr. Alice Parker at their meeting on Thursday, October 30, 2003, regarding proposed regulation 3088.1 and 3088.2. There were no concerns or opposition expressed by any Commissioner about this item.

Section 3088.1 specifies the required contents of a hearing notice and the timelines for conducting the hearing prior to making a decision whether to withhold funds. Section 3088.2 specifies when funds shall be withheld if the hearing officer concludes that the local education agency has not presented sufficient proof of compliance or mitigating circumstances precluding compliance. This section also stipulates that the superintendent may apportion state and federal funds previously withheld from the local education agency when it is determined that substantial progress toward compliance with special education laws has been made.

Fiscal Analysis (as appropriate)

There is no adverse financial impact caused by this regulation on the state budget.

Attachment(s)

[Attachment 1](#): Notice of Proposed Rulemaking (Pages 1-4)

[Attachment 2](#): Fiscal Impact Statement (Pages 1-5)

[Attachment 3](#): Initial Statement of Reasons (Pages 1-2)

[Attachment 4](#): Proposed Regulation 3088.1, 3088.2 (Pages 1-3)

CALIFORNIA STATE BOARD OF EDUCATION

1430 N Street
Sacramento, CA 95814-5901



TITLE 5. EDUCATION

CALIFORNIA STATE BOARD OF EDUCATION

NOTICE OF PROPOSED RULEMAKING

Withholding Funds – Special Education Mandates

[Notice published January 23, 2004]

The State Board of Education (State Board) proposes to adopt the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

PUBLIC HEARING

Program staff will hold a public hearing beginning at **8:00 a.m. on March 8, 2004**, at 1430 N Street, Room 1101, Sacramento. The room is wheelchair accessible. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the Informative Digest. The State Board requests that any person desiring to present statements or arguments orally notify the Regulations Adoption Coordinator of such intent. The Board requests, but does not require, that persons who make oral comments at the hearing also submit a summary of their statements. No oral statements will be accepted subsequent to this public hearing.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Regulations Adoption Coordinator. The written comment period ends at **5:00 p.m. on March 8, 2004**. The Board will consider only written comments received by the Regulations Adoption Coordinator or at the Board Office by that time (in addition to those comments received at the public hearing). Written comments for the State Board's consideration should be directed to:

Debra Strain, Regulations Adoption Coordinator
California Department of Education
LEGAL DIVISION
1430 N Street, Room 5319
Sacramento, California 95814
Telephone: (916) 319-0860
FAX: (916) 319-0155

AUTHORITY AND REFERENCE

Authority: Section 33031, Education Code.

Reference: Section 56845, Education Code; 20 USC Section 1413; 34 CFR 300.197.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Special Education Division on behalf of the Superintendent of Public Instruction proposes that the Board adopt regulation Sections 3088.1 and 3088.2 regarding sanctions for withholding funds to enforce special education compliance authorized by Education Code section 33031. (Reference: 20 USC Section 1413, 34 CFR 300.197 and Education Code section 56845 (a) and (b)).

The purpose for adding Sections 3088.1 and 3088.2 to Title 5, California Code of Regulations, is to establish specific timelines and notice requirements for conducting a hearing which are prerequisites in both Federal and State law prior to withholding funds from local education agencies for noncompliance with special education law.

20 USC Section 1413 requires, among other things, that state education agencies monitor local education agencies to assure compliance with special education laws. 34 CFR 300.197 and Education Code section 56845 (a) and (b) authorize the Superintendent to withhold state and federal funds from a local education agency after reasonable notice and opportunity for a hearing if the superintendent finds the agency out of compliance with special education laws.

Section 3088.1 specifies the required contents of a hearing notice and the timelines for conducting the hearing prior to making a decision whether to withhold funds. Section 3088.2 specifies when funds shall be withheld if the hearing officer concludes that the local education agency has not presented sufficient proof of compliance or mitigating circumstances precluding compliance. This section also stipulates that the superintendent may apportion state and federal funds previously withheld from the local education agency when it is determined that substantial progress toward compliance with special education laws has been made.

DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: None

Cost or savings to any state agency: None

Costs to any local agency or school district which must be reimbursed in accordance with Government Code section 17561: None

Other non-discretionary cost or savings imposed on local educational agencies: None

Cost or savings in federal funding to the state: None

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None.

Cost impacts on a representative private person or businesses: The State Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Adoption of these regulations will not:

- (1) create or eliminate jobs within California;
- (2) create new businesses or eliminate existing businesses within California; or
- (3) affect the expansion of businesses currently doing business within California.

Significant effect on housing costs: None.

Affect on small businesses: There is no affect on small businesses because any funds withheld for non-compliance with special education laws are primarily spent on services and not specific equipment, materials and supplies.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5(a)(13), the State Board must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the State Board, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The State Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

CONTACT PERSONS

Inquiries concerning the substance of the proposed regulations should be directed to:

Dennis Kelleher, Ed.D., Staff Liaison Consultant
California State Advisory Commission on Special Education
California Department of Education
1430 N Street, Room 2401
Sacramento, CA 95814
E-mail: dkellehe@cde.ca.gov
Telephone: (916) 327-0842

Requests for a copy of the proposed text of the regulations, the Initial Statement of Reasons, the modified text of the regulations, if any, or other technical information upon which the rulemaking is based or questions on the proposed administrative action may be directed to the Regulations Adoption Coordinator, or to the backup contact person, Najia Rosales, at (916) 319-0860.

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Regulations Adoption Coordinator will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at her office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, and the initial statement of reasons. A copy may be obtained by contacting the Regulations Adoption Coordinator at the above address.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the public hearing and considering all timely and relevant comments received, the State Board may adopt the proposed regulations substantially as described in this notice. If the State Board makes modifications that are sufficiently related to the originally proposed text, the modified text (with changes clearly indicated) will be available to the public for at least 15 days before the State Board adopts the regulations as revised. Requests for copies of any modified regulations should be sent to the attention of the Regulations Adoption Coordinator at the address indicated above. The State Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, a copy of the Final Statement of Reasons may be obtained by contacting the Regulations Adoption Coordinator at the above address.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Rulemaking, the Initial Statement of Reasons, the text of the regulations in underline and strikeout, and the Final Statement of Reasons, can be accessed through the California Department of Education's website at <http://www.cde.ca.gov/regulations>.

**Economic and Fiscal Impact Analysis
Proposed Amendment of Title 5, CCR, Regulations
Relating to the Supplemental Services**

The Fiscal Policy Office has reviewed for economic and fiscal impact the proposed (version 08/20/03) regulation adding Sections 3088.1 and 3088.2, of Article 7, Subchapter 1, Chapter 3, Division 1, Title 5, of the California Code of Regulations, relating to Withholding Funds—Special Education Mandates.

What would the proposed regulations do?

The proposed regulations will establish procedures consistent with Federal and State law that enable the Superintendent of Public Instruction (SPI) to withhold funds from a local education agency (LEA) when noncompliance with special education mandates has been determined. The regulation also establishes that the SPI shall continue funding when it is determined that a non-complaint LEA has made substantial progress toward compliance with special education mandates.

Do the proposed regulations impose a local cost mandate?

No. The proposed regulations *would* create a new program or higher level of service in an existing program, however, the activities specified in the regulations are necessary in order to implement the federal and state statute; therefore, any costs associated with the activities are attributable to the federal and state statute and are therefore *not reimbursable*.

Do the proposed regulations impose costs upon the state?

Yes. The proposed regulations *would* impose costs upon the state, however, the activities specified in the regulations are necessary in order to implement the federal and state statute; therefore, any costs associated with the activities are attributable to the federal statute. It is further believed that the department will be able to absorb these additional costs within their existing budgets and resources.

Do the proposed regulations impact local business?

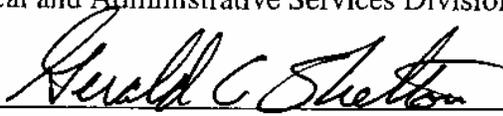
No. The proposed regulations should have no impact on local business.

This analysis reflects the attached Economic and Fiscal Impact Statement.



Donald E. Killmer, Consultant
Fiscal and Administrative Services Division

08/26/03
Date



Gerald C. Shelton, Director
Fiscal and Administrative Services Division

8/26/03
Date

STATE OF CALIFORNIA
ECONOMIC AND FISCAL IMPACT STATEMENT
(REGULATIONS AND ORDERS)

STD. 399 (Rev. 2-99)

See SAM Sections 6600 - 6680 for Instructions and Code Citations

DEPARTMENT NAME Education	CONTACT PERSON Don Killmer	TELEPHONE NUMBER 323-2591
DESCRIPTIVE TITLE FROM NOTICE REGISTER OR FORM 400 Withholding Funds - Special Education Mandates (version 08/20/03)		NOTICE FILE NUMBER 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 standards
- g. Impacts individuals
- h. None of the above (Explain below. Complete the Fiscal Impact Statement as appropriate.)

h. (cont.) _____

(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. 2-98)

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. 2-98)*

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 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 boxes 1 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 (Item _____, Budget Act of _____) or (Chapter _____, Statutes of _____)
 - b. will be requested in the _____ Governor's Budget for appropriation in Budget Act of _____
(FISCAL YEAR)
2. Additional expenditures of approximately \$ TBA 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 Public Law 107-110 "No Child Left Behind Act of 2001"
 - 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 _____
election; (DATE)
 - 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.
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 and regulations.

ECONOMIC AND FISCAL IMPACT STATEMENT *cont. (STD. 399, Rev. 2-98)*

- 5. No fiscal impact exists because this regulation does not affect any local entity or program.
- 6. Other.

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

- 1. Additional expenditures of approximately \$ Unknown in the current State Fiscal Year. It is anticipated that State agencies will:
 - a. be able to absorb these additional costs within their existing budgets and resources.
 - b. request an increase in the currently authorized budget level for the _____ fiscal year.
- 2. Savings of approximately \$ _____ in the current State Fiscal Year.
- 3. No fiscal impact exists because this regulation does not affect any State agency or program.
- 4. Other.

C. FISCAL EFFECT ON FEDERAL FUNDING OF STATE PROGRAMS *(Indicate appropriate 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.
- 2. Savings 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.

SIGNATURE AGENCY SECRETARY ¹ APPROVAL/CONCURRENCE	TITLE Ed. Fiscal Services Consultant Chief Deputy Superintendent	DATE 08/26/03 8/26/03
DEPARTMENT OF FINANCE ² APPROVAL/CONCURRENCE	PROGRAM BUDGET MANAGER 	DATE 10/9/03

1. The signature attests that the agency has completed the STD. 399 according to the instructions in SAM sections 6600-6680, and understands the impacts of the proposed rulemaking. State boards, offices, or departments not under an Agency Secretary must have the form signed by the highest ranking official in the organization.
2. Finance approval and signature is required when SAM sections 6600-6670 require completion of the Fiscal Impact Statement in the STD. 399.

Initial Statement of Reasons
Withholding Funds – Noncompliance with Special Education Mandates

Sections 3088.1 and 3088.2

SPECIFIC PURPOSE OF THE REGULATION.

The proposed regulation will establish procedures consistent with Federal and State law that enable the Superintendent of Public Instruction to withhold funds from a local education agency when noncompliance with special education mandates has been determined. The regulation also establishes that the superintendent shall continue funding when it is determined that a noncompliant local education agency has made substantial progress toward compliance with special education mandates.

NECESSITY/RATIONALE

Proposed regulation Sections 3088.1 and 3088.2 establish specific timelines and notice requirements for conducting a hearing which are prerequisites in both Federal and State law prior to withholding funds for noncompliance.

The U.S. Department of Education, Office of Special Education Programs (OSEP) expects state education agencies to monitor and hold local education agencies (LEAs) accountable for compliance with the provision of the Individuals with Disabilities Education Act by developing and implementing policies, procedures and regulations to enforce Federal special education laws and regulations under 20 USC 1413 and 34 CFR 300.197. Similar state mandates exist pursuant to California Education Code section 56845. Imposing special conditions and withholding funds are implemented when other documented interventions have been attempted, but failed to achieve the desired outcome to bring the local education agency into compliance and the agency has been given an opportunity for a hearing.

Failure of the California Department of Education (CDE) to adequately enforce compliance in the past has resulted in the imposition by OSEP of special conditions against California's Federal special education grant. Through the development and implementation of the Quality Assurance Process, which incorporates monitoring reviews, procedural safeguard referrals and complaint management, the special conditions imposed against CDE have been removed by OSEP with the understanding that the Special Education Division will monitor and enforce Federal and State laws to assure local education agency compliance .

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

The lack of a continuum of enforcement procedures to include withholding of funds from noncompliant local education agencies will result in increased legal costs from litigation against the state brought by advocates and parents representing students with disabilities.

REASONABLE ALTERNATIVES TO THE REGULATION AND THE AGENCY'S REASONS FOR REJECTING THOSE ALTERNATIVES.

No other alternatives to establishing regulations for conducting a hearing prior to withholding funds from noncompliant local education agencies are available since both Federal and State law require a hearing prior to withholding funds.

REASONABLE ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT

No alternatives that would lessen any adverse impact have been identified.

EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT

The CDE imposed special conditions against four districts in 2002, San Diego Unified, Los Angeles Unified, San Francisco Unified and Live Oak School District with the notification that the process to withhold funds for non-compliance with Federal and State Law would be initiated if immediate corrective actions were not taken within a specific time frame. Imposing special conditions upon these local education agencies along with the threat of withholding funds in these four cases brought about the desired outcome of compliance with special education laws when other previously tried means of intervention had failed. The Special Education Division was gratified that agreement was reached with these districts without having to resort to withholding funds.

As a result of imposing special conditions against these four districts, the number of long term noncompliance special education items among all local education agencies has diminished substantially.

Title 5. EDUCATION

Division 1. State Department of Education

Chapter 3. Handicapped Children

Subchapter 1. Special Education

Article 7. Procedural Safeguards

Add §§ 3088.1 and 3088.2 to read:

§ 3088.1. Sanctions: Withholding Funds to Enforce Special Education Compliance.

(a) Prior to withholding funds pursuant to subdivision (a) of Education Code Section 56845, the Superintendent shall provide a local education agency with a reasonable notice and an opportunity for a hearing as follows:

(1) The department shall send the agency a written notice by certified mail:

(A) Stating the intent to withhold funds for noncompliance;

(B) Describing the nature of the noncompliance, and the specific corrective action (or actions) that the agency must take by an exact date (or dates) to come into compliance;

(C) Summarizing efforts to verify that required corrective actions have not already been taken by the agency;

(D) Specifying the approximate amount of funds to be withheld and the anticipated timing of the withholding; and

(E) Advising the agency of the opportunity for a hearing prior to the withholding, and the date by which the agency must deliver to the department in writing a request for a hearing, which date may be no less than 20 calendar days after the notice is received by the agency.

(2) If an agency requests a hearing pursuant to subparagraph (E) of paragraph (1):

(A) The department shall schedule the hearing within 20 calendar days of the receipt of the request and shall notify the agency of the time and place of the hearing;

(B) A hearing officer shall be assigned by the department to conduct the hearing;

(C) An audiotape of the hearing shall be made;

(D) The time allotted for the hearing shall be one hour;

(E) Technical rules of evidence shall not apply at the hearing, but relevant written evidence or oral testimony may be submitted;

(F) Facts and arguments presented by the agency shall focus exclusively on what the agency has done to correct the noncompliance and/or whether mitigating factors have prevented the

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agency from initiating or completing corrective action(s).

(3) A hearing conducted pursuant to paragraph (2) shall not reopen any finding of noncompliance or any corrective action that has been ordered. The hearing officer's purpose shall be to determine whether the agency presents sufficient proof of corrective action (s) having been taken or of the presence of mitigating factors to justify either no withholding of funds or a modification of intended withholding of funds.

(b) If a hearing is held pursuant to subdivision (a), the hearing officer shall submit a recommendation to the Superintendent within 20 calendar days of the hearing's conclusion. Upon considering the hearing officer's recommendation, the Superintendent shall proceed with the withholding of funds (pursuant to the notice of intent), modify the amount and/or timing of the withholding of funds, or not withhold funds, and the affected local education agency shall be notified accordingly by the department.

(c) If a hearing is not held pursuant to subdivision (a), the withholding of funds shall take place pursuant to the written notice of intent delivered to the local education agency.

NOTE: Authority cited: Section 56100, Education Code. Reference: Section 56845, Education Code.

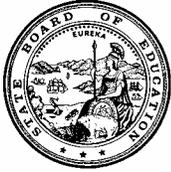
§ 3088.2. Enforcement and Withholding of Funds.

(a) If funds are withheld from a local education agency pursuant to subdivision (a) of Education Code Section 56845, the funds may subsequently be apportioned to the agency pursuant to subdivision (b) of Education Code Section 56845 upon the submission to the department of:

(a) A written request by the agency; and

(b) Evidence that the agency has met the condition for apportionment specified in subdivision (b) of Education Code Section 56845.

NOTE: Authority cited: Section 56100, Education Code. Reference: Section 56845, Education Code.



JANUARY 2004 AGENDA

SUBJECT	X	Action
Vision Testing: Approve Commencement of the Rulemaking Process for Proposed Amendments to Title 5 Code of Regulations	<input type="checkbox"/>	Information
	<input type="checkbox"/>	Public Hearing

Recommendation:

Approve the proposed Title 5 regulations regarding vision testing, the Initial Statement of Reasons, and the Notice of Proposed Rulemaking, and direct staff to commence the rulemaking process.

Summary of Previous State Board of Education Discussion and Action

The State Board of Education has previously seen these proposed amendments as an information memoranda. The State Board of Education last considered previous regulations related to vision screening in the 1970s.

Summary of Key Issue(s)

The purpose of the proposed amended regulations is to provide clarification for implementing Education Code sections 49452, 49455, and 49456. The current regulations were adopted between 1973 and 1977. Since that time, technology has changed the way vision screening is done, and more recent legislation has changed who may provide screening in the schools. Specifically, the proposed amended regulations:

- Clarify who may administer vision tests to pupils;
- Replace a brand name vision screening product with a generic term (thus offering the LEAs greater opportunities to be reimbursed for vision screening services through the LEA Medi-Cal Billing Option); and
- Suggest when and how parents or guardians should be notified about the need for a professional vision examination.

Fiscal Analysis (as appropriate)

According to the Economic and Fiscal Impact Analysis, there is no fiscal impact as a result of these regulations. See Attachment 4 for details.

Attachment(s)

[Attachment 1](#): Notice of Proposed Rulemaking (Pages 1-4)

[Attachment 2](#): Initial Statement of Reasons (Pages 1-2)

[Attachment 3](#): Proposed Amendments to the California Code of Regulations Title 5 (Pages 1-4)

Attachment 4: Economic and Fiscal Impact Analysis (Pages 1-5) (This attachment is not available for web viewing. A printed copy is available for viewing in the State Board office.)

CALIFORNIA STATE BOARD OF EDUCATION

1430 N Street; P.O. Box 944272
Sacramento, CA 95814-5901



TITLE 5. EDUCATION

CALIFORNIA SUPERINTENDENT OF PUBLIC INSTRUCTION

NOTICE OF PROPOSED RULEMAKING

Vision Screening

Notice published January 20, 2004

The State Board of Education (State Board) proposes to adopt the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

PUBLIC HEARING

Program staff will hold a public hearing from **12:30 p.m. to 2:30 p.m. on March 9, 2004**, at 1430 N Street, Room 1101, Sacramento. The room is wheelchair accessible. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the Informative Digest. The State Board requests that any person desiring to present statements or arguments orally notify the Regulations Adoption Coordinator of such intent. The Superintendent requests, but does not require, that persons who make oral comments at the hearing also submit a summary of their statements. No oral statements will be accepted subsequent to this public hearing.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Regulations Adoption Coordinator. The written comment period ends at **5:00 p.m. on March 8, 2004**. The State Board will consider only written comments received by the Regulations Adoption Coordinator by that time (in addition to those comments received at the public hearing). Written comments for the State Board's consideration should be directed to:

Debra Strain, Regulations Adoption Coordinator
California Department of Education
LEGAL DIVISION
1430 N Street, Room 5319
Sacramento, California 95814
E-mail: dstrain@cde.ca.gov
Telephone: (916) 319-0641
FAX: (916) 319-0155

AUTHORITY AND REFERENCE

Authority: Section 49452, *Education Code*.

Reference: Sections 49452 and 44877, *Education Code*.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The State Board proposes to amend Sections 591, 592, 593, and 594 in Title 5 of the *California Code of Regulations* (CCR). These sections concern the screening of pupil vision in the public schools.

The purpose of the proposed amended regulations is to provide clarification for implementing *Education Code* sections 49452, 49455, and 49456. Specifically, the proposed amended regulations clarify who may administer vision tests to pupils, what types of tests may be performed, and when and how parents or guardians should be notified about the need for a professional vision examination.

Education Code sections 49452, 49455, and 49456 provide for vision screening in selected grades, basic components of the school vision testing program, and parent notification of suspected vision defects.

Section 590 as amended will replace the old name “Department of Public Health” with the current name “Department of Health Services.”

Section 591 as amended will reflect the recent change in the title of the credential authorizing service as a school nurse and clarify that the only type of nurse authorized by the *Education Code* to perform vision screening tests in the public schools is a school nurse. The amendment also adds osteopath to the list of licensed professionals who may perform school vision screening.

Section 592 as amended will reflect changes in technology and replace a brand name test with a generic term.

Section 593 as amended will replace the term “eye screening test” with the term “vision screening test” to more accurately express the type of testing performed in the schools.

Section 594 as amended will reflect changes in technology and replace a brand name test with a generic term. This amended section will also provide for the notification of the parents or guardians of pupils who do not pass the initial vision screening and follow-up reevaluations. This amended section also recommends that parents and guardians of pupils with known visual defects be contacted to discuss the pupil’s condition and appropriate ongoing care.

DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: None

Cost or savings to any state agency: None

Costs to any local agency or school district which must be reimbursed in accordance with *Government Code* section 17561: None

Other non-discretionary cost or savings imposed on local educational agencies: None

Cost or savings in federal funding to the state: None

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None.

Cost impacts on a representative private person or businesses: The State Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Adoption of these regulations will not:

- (1) create or eliminate jobs within California;
- (2) create new businesses or eliminate existing businesses within California; or
- (3) affect the expansion of businesses currently doing business within California.

Significant effect on housing costs: None.

Affect on small businesses: The proposed regulations will have no affect on small businesses because they only apply to local educational agencies.

CONSIDERATION OF ALTERNATIVES

In accordance with *Government Code* section 11346.5(a)(13), the State Board must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the State Board, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The State Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

CONTACT PERSONS

Inquiries concerning the substance of the proposed regulations should be directed to:

Linda Davis-Alldritt, Consultant
California Department of Education
School Health Connections
1430 N Street, Suite 6408
Sacramento, CA 95814
E-mail: visionregs@cde.ca.gov
Telephone: (916) 319-0284

Requests for a copy of the proposed text of the regulations, the Initial Statement of Reasons, the modified text of the regulations, if any, or other technical information upon which the rulemaking is based or questions on the proposed administrative action may be directed to the Regulations

Adoption Coordinator, or to the backup contact person, Najia Rosales, at (916) 319-0584.

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Regulations Adoption Coordinator will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at her office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, and the initial statement of reasons. A copy may be obtained by contacting the Regulations Adoption Coordinator at the above address.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the public hearing and considering all timely and relevant comments received, the State Board may adopt the proposed regulations substantially as described in this notice. If the State Board of Education makes modifications that are sufficiently related to the originally proposed text, the modified text (with changes clearly indicated) will be available to the public for at least 15 days before the State Board adopts the regulations as revised. Requests for copies of any modified regulations should be sent to the attention of the Regulations Adoption Coordinator at the address indicated above. The State Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, a copy of the Final Statement of Reasons may be obtained by contacting the Regulations Adoption Coordinator at the above address.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Rulemaking, the Initial Statement of Reasons, the text of the regulations in underline and strikeout, and the Final Statement of Reasons, can be accessed through the California Department of Education's website at <http://www.cde.ca.gov/regulations>

INITIAL STATEMENT OF REASONS
SECTIONS 591 – 594.

SPECIFIC PURPOSE OF THE AMENDED REGULATIONS

The proposed amended regulations will provide clarification for implementing *Education Code* section 49452. Specifically, the regulations clarify who may administer vision tests to pupils, what types of tests may be performed, and how and when parents or guardians should be notified about the need for a professional vision examination.

NECESSITY/RATIONALE

The existing regulations were last amended in 1977. Since that time, there have been changes in vision screening techniques that are not reflected in the existing regulations. *Education Code* section 49452 requires LEAs to test the vision of each pupil enrolled in the district's schools and specifies the individuals qualified to perform vision testing. *Education Code* section 49455 specifies the frequency and basic components of the school vision testing program. The *California Code of Regulations* sections 590-596 provide guidance on vision screening; however, the language in the existing regulations limits the type of testing tool to the Snellen chart. While the Snellen chart is one type of screening tool, as technology has evolved, there are other vision screening tools now available to LEAs. The amended version of the regulations would replace the word "Snellen" with the generic term "optotype" and thereby not limit LEAs to one particular brand of screening tool or test.

The amendment to the *California Code of Regulations* section 594 provides guidance on sending written notice to the parents or guardians of pupils who do not pass the initial vision screening and follow-up reevaluation. This amendment also recommends that parents and guardians of pupils with known visual defects be contacted to discuss the pupil's condition and appropriate ongoing care.

Other amendments to the existing regulations reflect statutory changes since 1977.

Section 590. Duly Authorized Agency Defined.

The amendment reflects the change in the name of the State Department of Public Health to the State Department of Health Services.

Section 591. Employees Authorized to Give Tests.

The amendments reflect the recent change in the title of the credential authorizing service as a school nurse and clarify that the only type of nurse authorized by the *Education Code* to perform vision screening tests is a school nurse.

The amendments provide a technical change to correct the name of the agency authorized to issue teaching credentials.

Note: Authority cited: Section 49452, *Education Code*. Reference cited: Section 44877, *Education Code*

Section 592. Acceptable Course in Vision Screening.

The amendments reflect changes in technology and replace a brand name test with a generic term.

Note: Authority and Reference cited: Section 49452 *Education Code*.

Section 593. Responsibility as to Eligibility.

The suggested term “vision screening test” replaces the term “eye screening test” to more accurately express the type of testing performed in the schools.

Note: Authority and Reference cited: Section 49452, *Education Code*.

Section 594. Examination of Visual Acuity.

The amendments reflect changes in technology and replace a brand name test with a generic term.

The amendments also provide clarity and direction on follow-up referrals for known vision defects or recently identified problems.

Note: Authority and Reference cited: Section 49452, *Education Code*

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

The State Board did not rely upon any other technical, theoretical, or empirical studies, reports or documents in proposing the adoption of this regulation.

REASONABLE ALTERNATIVES TO THE REGULATION AND THE AGENCY’S REASONS FOR REJECTING THOSE ALTERNATIVES.

This proposal is to amend out-dated regulations, not create new regulations. Therefore, the consideration of alternatives is not applicable.

REASONABLE ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS.

As no adverse impact on small business has been identified, there is no need to examine reasonable alternatives to lessen the impact.

EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS.

The proposed regulations would not have a significant adverse economic impact on any business.

1 Title 5. EDUCATION

2 Division 1. State Department of Education

3 Chapter 2. Pupils

4 Subchapter 3. Health and Safety of Pupils

5 **ARTICLE 4. VISION SCREENING-TESTING**

6
7 *Amend Sections 590 – 594 to read:*

8 **§590. Duly Authorized Agency-Defined.**

9 ~~“A duly authorized agency,” as used in Pursuant to~~ Education Code Section 49452,
10 ~~means a county superintendent of schools may contract with an agency duly authorized to~~
11 ~~provide vision tests, which includes a city or county health department, a local health district,~~
12 ~~or the State Department of Public-Health Services.~~

13 NOTE: Authority cited for Article 4: Section 33031 and 49452, Education Code. Issuing agency:
14 ~~Superintendent of Public Instruction. Reference: Section 49452, Education Code.~~

15 **§591. Employees Authorized to Give Tests.**

16 (a) An employee of ~~the governing board a school district or of the a county~~
17 ~~superintendent of schools who may be required or permitted~~ authorized to give vision tests
18 pursuant to Education Code Section 49452 ~~to pupils enrolled in the district and may be~~
19 ~~designated a “duly qualified supervisor of health” within the meaning of that section if the~~
20 ~~employee is one of the following:~~

21 (a) A physician, ophthalmologist, optometrist, or nurse who holds both:

22 (1) ~~A certificate of registration from the appropriate California board or agency.~~

23 (2) ~~A health and development credential, or a standard designated service credential with a~~
24 ~~specialization in health.~~

25 (1) A physician and surgeon or osteopath employed pursuant to Education Code Section
26 44873.

27 (2) A school nurse employed pursuant to Education Code Section 44877.

28 (3) An optometrist employed pursuant to Education Code Section 44878.

29 ~~Such an employee is a “qualified supervisor of health” as used in this article and in~~
30 ~~Education Code Section 49452.~~

31 (b) Any other certificated employee of the school district or of the county superintendent

1 of schools ~~who holds a teaching credential issued by the State Board and who has filed with~~
2 ~~the employing school district or county superintendent of schools, as the case may be, may~~
3 be authorized to give vision tests pursuant to Education Code Section 49452 if the employee
4 has one of the following documents:

5 (1) A statement from a qualified supervisor of health that the employee has satisfactorily
6 completed an acceptable course of in-service training in techniques and procedures in vision
7 ~~screening-testing~~ of at least six clock hours given by the qualified supervisor of health
8 making the statement and that the employee is qualified to administer vision tests to pupils.

9 (2) A transcript from an accredited college or university evidencing that the employee
10 has successfully completed an acceptable course in vision ~~screening-testing~~ of at least one
11 semester unit.

12 NOTE: Authority cited: Section 33031, Education Code. Reference: Sections 44873, 44877, 44878,
13 and 49452, Education Code.

14 **§592. Acceptable Courses in Vision ~~Screening~~Testing.**

15 An acceptable course in vision ~~screening-testing~~ is one that provides the following:

16 (a) Basic knowledge of the structure, normal development, and function of the eye and
17 common anomalies of vision and factors influencing visual performance.

18 (b) Basic knowledge of signs and symptoms suggesting eye difficulty.

19 (c) Techniques and procedures in administering ~~Snellen-optotype~~ and color vision tests.

20 Such techniques and procedures shall include training in the following:

21 (1) Establishing tests rapport with pupils.

22 (2) Seating of pupil and placing of equipment.

23 (3) Providing adequate lighting conditions for the testing situation.

24 (4) Recording test results.

25 (5) Referring pupils in need of follow-up.

26 (d) Practice in administering ~~Snellen-optotype~~ and color vision tests under the supervision
27 of a duly qualified supervisor of health.

28 NOTE: Authority cited: Section 33031, Education Code. Reference: Section 49452, Education
29 Code.

30 **§593. Responsibility as to Eligibility.**

1 Each school district and county superintendent of schools shall determine and be
2 responsible for the eligibility of personnel employed or permitted by the district or county
3 superintendent of schools to administer ~~eye screening~~ vision tests or to conduct inservice
4 training programs in techniques and procedures in administering such tests.

5 NOTE: Authority cited: Section 33031, Education Code. Reference: Section 49452.

6 **§594. Examination-Test of Visual Acuity.**

7 (a) ~~The following definitions shall apply to terms used in~~ test of visual acuity
8 administered pursuant to Education Code Sections 49452 and 49455. ~~The examination of~~
9 ~~visual acuity~~ shall mean a test for visual acuity at the far point. This shall be conducted by
10 means of ~~the Snellen Test~~ an optotype test. Conduct of the test and the testing environment
11 shall conform to procedures and settings as described in guidelines ~~the most recent edition of~~
12 “A Guide for Vision Testing in California Public Schools.” issued by the California
13 Department of Education. Consistent with the requirements of Education Code Section
14 33308.5, the California Department of Education may prepare and periodically update
15 program guidelines relating to vision testing. Test failure for the ~~initial vision~~ visual acuity
16 test shall be defined as follows:

17 (a~~1~~) For children under six years of age: ~~Vision~~ Visual acuity of 20/50 or worse. The
18 designation 20/50 or worse indicates the inability to identify accurately the majority of letters
19 or symbols on the 40-foot line of the test chart at a distance of 20 feet.

20 (b~~2~~) For children six years of age or older: Visual acuity of 20/40 or worse. This means
21 the inability to identify the majority of letters or symbols on 30-foot line of the chart.

22 (c~~3~~) For all children: A difference of visual acuity between the two eyes of two lines on
23 the ~~Snellen Chart~~ optotype chart. This means, for example, visual acuity of 20/20 in one eye
24 and 20/40 in the other or 20/30 in one eye and 20/50 in the other.

25 (b) If a pupil fails a visual acuity test that is conducted by an employee authorized to give
26 vision tests pursuant to subdivision (b) of Section 591, Following failure of the initial vision
27 acuity screening test, a reevaluation shall be accomplished ~~conducted~~ prior to referral for
28 definitive professional evaluation a report being made to the pupil’s parent or guardian. This
29 reevaluation shall be ~~done by persons~~ conducted by an employee authorized to give vision
30 tests pursuant to subdivision as per Section 591(a) of this Article Section 591.

1 (c) If a pupil fails a visual acuity test conducted by an employee authorized to give vision
2 tests pursuant to subdivision (a) of Section 591, a report shall be made to the pupil's parent
3 or guardian as required by Education Code Section 49456.

4 NOTE: Authority cited: Section 33031, Education Code. Reference: Sections 49452, 49455, and
5 49456, Education Code.

6 **§595. ~~Examination-Appraisal~~ of Color Vision.**

7 The ~~examination-appraisal~~ of color vision ~~as used in~~ male pupils pursuant to Education
8 Code Sections 49452 and 49455 shall mean a test employing pseudoisochromatic plates.
9 Procedures and criteria of failure as described by the manufacturer shall be used.

10 NOTE: Authority cited: Section 33031, Education Code. Reference: Sections 49452 and 49455,
11 Education Code.

12 **§596. Gross External Observation of the Children's Eyes, Visual Performance and**
13 **Perception.**

14 Gross external observation of the children's eyes, visual performance and perception, as
15 ~~used in~~ pursuant to Education Code Sections 49452 and 49455, shall mean continuous
16 observation by teachers of the appearance, behavior and complaints of pupils that might
17 indicate vision problems. Also, periodic investigation where pupils' school performance
18 begins to give evidence that existence of the problem might be caused by a visual difficulty.
19 Such an evaluation shall be done in consultation with the school nurse.

20 NOTE: Authority cited: Section 33031, Education Code. Reference: Sections 49452 and 49455,
21 Education Code.

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State of California

Department of Education

LAST MINUTE MEMORANDUM

DATE: January 5, 2004
TO: MEMBERS, STATE BOARD OF EDUCATION
FROM: Sue Stickel, Deputy Superintendent
Curriculum and Instruction Branch
RE: Item 17
SUBJECT: Vision Testing: Approve Commencement of the Rulemaking Process for
Proposed Amendments to Title 5 Code of Regulations

Please insert the following corrected versions of pages 3-4 for Attachment 3. This correction:

- 1) Deletes the following text from Section 594, lines 10-14 on attachment 3, page 3: “Conduct of the test and the testing environment shall conform to procedures and settings as described in guidelines ~~the most recent edition of “A Guide for Vision Testing in California Public Schools.”~~ issued by the California Department of Education.” and
- 2) Adds an *Education Code* Section 33308.5 reference on attachment 3, page 4, line 4.

Attachment 3: Proposed Amendments to the California Code of Regulations Title 5 (Pages 3-4)

1 Each school district and county superintendent of schools shall determine and be
2 responsible for the eligibility of personnel employed or permitted by the district or county
3 superintendent of schools to administer ~~eye screening~~ vision tests or to conduct inservice
4 training programs in techniques and procedures in administering such tests.

5 NOTE: Authority cited: Section 33031, Education Code. Reference: Section 49452.

6 **§594. Examination-Test of Visual Acuity.**

7 (a) ~~The following definitions shall apply to terms used in~~ test of visual acuity
8 administered pursuant to Education Code Sections 49452 and 49455. ~~The examination of~~
9 ~~visual acuity~~ shall mean a test for visual acuity at the far point. This shall be conducted by
10 means of ~~the Snellen Test~~ an optotype test. ~~Conduct of the test and the testing environment~~
11 ~~shall conform to procedures and settings described in the most recent edition of "A Guide for~~
12 ~~Vision Testing in California Public Schools."~~ ~~Consistent with the requirements of Education~~
13 ~~Code Section 33308.5, the California Department of Education may prepare and periodically~~
14 ~~update program guidelines relating to vision testing.~~ Test failure for the initial vision-visual
15 acuity test shall be defined as follows:

16 (a~~1~~) For children under six years of age: ~~Vision-Visual~~ Visual acuity of 20/50 or worse. The
17 designation 20/50 or worse indicates the inability to identify accurately the majority of letters
18 or symbols on the 40-foot line of the test chart at a distance of 20 feet.

19 (b~~2~~) For children six years of age or older: Visual acuity of 20/40 or worse. This means
20 the inability to identify the majority of letters or symbols on 30-foot line of the chart.

21 (c~~3~~) For all children: A difference of visual acuity between the two eyes of two lines on
22 the ~~Snellen Chart~~ optotype chart. This means, for example, visual acuity of 20/20 in one eye
23 and 20/40 in the other or 20/30 in one eye and 20/50 in the other.

24 (b) If a pupil fails a visual acuity test that is conducted by an employee authorized to give
25 vision tests pursuant to subdivision (b) of Section 591, Following failure of the initial vision
26 acuity screening test, a reevaluation shall be accomplished-conducted prior to referral for
27 definitive professional evaluation a report being made to the pupil's parent or guardian. This
28 reevaluation shall be ~~done by persons~~ conducted by an employee authorized to give vision
29 tests pursuant to subdivision as per Section 591(a) of this Article-Section 591.

1 (c) If a pupil fails a visual acuity test conducted by an employee authorized to give vision
2 tests pursuant to subdivision (a) of Section 591, a report shall be made to the pupil's parent
3 or guardian as required by Education Code Section 49456.

4 NOTE: Authority cited: Section 33031, Education Code. Reference: Sections 33308.5, 49452,
5 49455, and 49456, Education Code.

6 **§595. ~~Examination~~ Appraisal of Color Vision.**

7 The ~~examination~~ appraisal of color vision ~~as used in~~ male pupils pursuant to Education
8 Code Sections 49452 and 49455 shall mean a test employing pseudoisochromatic plates.
9 Procedures and criteria of failure as described by the manufacturer shall be used.

10 NOTE: Authority cited: Section 33031, Education Code. Reference: Sections 49452 and 49455,
11 Education Code.

12 **§596. Gross External Observation of the Children's Eyes, Visual Performance and**
13 **Perception.**

14 Gross external observation of the children's eyes, visual performance and perception, as
15 ~~used in~~ pursuant to Education Code Sections 49452 and 49455, shall mean continuous
16 observation by teachers of the appearance, behavior and complaints of pupils that might
17 indicate vision problems. Also, periodic investigation where pupils' school performance
18 begins to give evidence that existence of the problem might be caused by a visual difficulty.
19 Such an evaluation shall be done in consultation with the school nurse.

20 NOTE: Authority cited: Section 33031, Education Code. Reference: Sections 49452 and 49455,
21 Education Code.



CALIFORNIA STATE BOARD OF EDUCATION ITEM # 18

JANUARY 2004 AGENDA

SUBJECT <i>California School Accounting Manual: 2003 Revisions</i>	<input checked="" type="checkbox"/>	Action
	<input checked="" type="checkbox"/>	Information
	<input type="checkbox"/>	Public Hearing

Recommendation:

The proposed revisions to the *California School Accounting Manual* are presented for information and approval.

Summary of Previous State Board of Education Discussion and Action

The State Board of Education last approved revisions to the *California School Accounting Manual* in December of 2002.

Summary of Key Issue(s)

- *Education Code* Section 41010 provides that the accounting system used to record the financial affairs of school districts shall be in accordance with the *California School Accounting Manual* as approved by the State Board of Education.
- The California Department of Education (CDE) is responsible for providing clear and consistent advice and direction to school districts and county offices of education in the areas of budgeting, accounting, and financial reporting. Consequently, the *California School Accounting Manual* must be updated periodically to reflect not only ongoing coding changes for the new standardized account code structure (SACS), but also changes in accounting and reporting requirements due to new Governmental Accounting Standards Board (GASB) pronouncements, legislation, etc. It is the intention of the CDE to update any necessary sections of the *California School Accounting Manual* annually.
- The *California School Accounting Manual* is currently presented in two parts. Part I includes general guidance on local educational agencies' (LEAs) accounting policies and procedures. Part II reflects coding for those LEAs using SACS. With the statewide conversion of all LEAs to SACS nearing completion, CDE anticipates being able to issue one combined manual in 2004.

Summary of Key Issue(s)

- This update of the *California School Accounting Manual* includes the following changes and additions:
 - 1) Changes or additions to SACS account codes
 - 2) Changes to accounting guidance resulting from new accounting pronouncements, changes in program requirements, or legislative action, and clarification of existing guidance in response to questions from LEAs
 - 3) Ongoing changes relating to Governmental Accounting Standards Board (GASB) Statement 34, *Basic Financial Statements – and Management’s Discussion and Analysis – For State and Local Governments*

Fiscal Analysis (as appropriate)

The *California School Accounting Manual* revision will cost CDE approximately \$10,000 in editing costs. The complete *California School Accounting Manual* will be available on CDE’s Web site, and CDE Press will continue to have copies available for purchase.

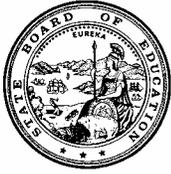
Attachment(s)

While the *California School Accounting Manual* is not attached, the draft version is available on our CDE Web site: <http://www.cde.ca.gov/fiscal/sacs/csam2003>. A copy is available for viewing at the State Board of Education office. The Web site includes only the following procedures that are being revised this year:

Part I	201	The Accounting Cycle
	203	Allowable Funds
	204	The General Ledger and the Chart of Accounts
	209	Recording Encumbrances
	302	Revenue Recognition
	602	Accounting for Emergency Apportionments and Loans
	606	Accounting for Certificates of Participation
	608	Accounting and Financial Reporting for Educational Joint Powers Agreements/Agencies
	609	Liability for Compensated Absences in Governmental Funds
	610	Accounting for Special Education Programs
	802	Accounting for Fixed Assets
	803	Making an Initial Valuation of Property and Equipment
	804	Recording General Fixed Assets
	805	Accounting for Lease-Purchase Agreements (Capital Leases)
	806	Accounting for Capital Assets in Proprietary and Fiduciary Trust Funds
	808	General Long-Term Debt
	809	Accounting for Long-Term Debt in the Proprietary and Fiduciary Trust Funds
	901	Accounting for General Obligation Bonds
Part II	101	Fund
	102	Resource (Project/Reporting)

Attachment(s)

104	Goal
105	Function (Activity)
106	Object
202	Expenditures
204	Cafeteria
207	Forest Reserve
208	Regional Occupational Centers/Programs (ROC/Ps)
209	Special Education
212	Technology Expenditures
213	Transportation
300	Calculation of Approved Indirect Cost Rate in SACS
301	Program Cost Accounting in SACS



JANUARY 2004 AGENDA

SUBJECT California School Information Services (CSIS) Data Dictionary, Version 5.1: Proposed Changes	<input checked="" type="checkbox"/>	Action
	<input type="checkbox"/>	Information
	<input type="checkbox"/>	Public Hearing

Recommendation:

Approve the Proposed Changes for the CSIS Data Dictionary, Version 5.1

Summary of Previous State Board of Education Discussion and Action

Each year the CSIS Program must update its data dictionary, prior to scheduled data collections, to include modifications necessary for state reporting and records transfer. The SBE has previously approved CSIS Data Dictionary Versions 1.0-5.0.

Summary of Key Issue(s)

The California Legislature authorized the CSIS Program in 1997 under AB 107, Chapter 282 of 1997, Item 6110-101-0349 that provided funding for the CSIS Program and placed it under the custodianship of the Fiscal Crisis and Management Assistance Team administered by Kern County's Superintendent of Schools. Subsequent legislation (AB 1115, Chapter 78 of 1999) required the State Board of Education to annually approve the CSIS Data Dictionary and further clarified the mission of CSIS. The mission of CSIS is to:

- Build capacity of Local Education Agencies (LEAs) to implement and maintain comparable, effective, and efficient student information systems that will support LEA daily program needs and promote the use of information for educational decision-making by school-site, district office and county staff.
- Enable the accurate and timely exchange of student transcripts between LEAs and to post secondary institutions.
- Assist LEAs to transmit state reports electronically to the California Department of Education (CDE), thereby reducing reporting burden of LEA staff.

As of the 2002-2003 school year, there are 221 local education agencies participating in CSIS representing a total student enrollment of nearly 1.9 million students. Additionally, Los Angeles Unified School District is preparing for participation in CSIS. Each student attending one of these participating LEAs has been assigned a unique student identifier

Summary of Key Issue(s)

that will remain permanently with the student's record.

LEAs participating in CSIS submit fall California Basic Education Data System (CBEDS) data to the CDE through CSIS. CBEDS is an annual data collection in October which collects the following data elements from California public schools (K-12): enrollment, graduates, dropouts, vocational education, alternative education, adult education, course enrollment, classified staff, certificated staff, teacher shortage and demand.

In the spring of 2003, LEAs participating in CSIS also submitted Language Census data to CDE through CSIS. The Language Census is an annual data collection in March which collects the following data elements: number of English Learner (EL) students (formerly known as limited-English-Proficient (LEP)) and Fluent English-proficient (FEP) students in California public schools (K-12) by grade and primary language other than English; number of EL students enrolled in specific instructional settings or services by type of setting or service; number of students redesignated from EL to FEP from the prior year; and the number of bilingual staff providing instructional services to EL students by primary language of instruction.

A data dictionary is a collection of descriptions of the items of information, or data elements, in a data model. The purpose of a data dictionary is to ensure that information to be exchanged between entities is commonly defined. The CSIS Data Dictionary is a listing of the data elements that will be transferred electronically through CSIS among local education agencies and to the CDE. The CSIS Data Dictionary provides for each data element such descriptive information as a common name, definition, codes describing options from which to select, field size and format, and whether it is used in state reporting or records transfer activities. Each LEA participating in CSIS must ensure that its local system contains each of the data elements contained in the CSIS Data Dictionary. The CSIS Data Dictionary is used by participating LEAs, CSIS, CDE staff and software companies that produce student information systems.

Fiscal Analysis (as appropriate)

Minimal CDE, LEA and vendor costs associated with disseminating data dictionary changes, modifying software and populating these data elements in local school information systems.

Attachment(s)

Attachment 1: Proposed Changes to be Included In Data Dictionary, Version 5.1
(Pages 23)

This attachment, the entire Data Dictionary 5.1 and the Code Tables 5.1 may be located at the following URL:

<http://www.csis.k12.ca.us/library/reporting-requirements>

DRAFT for State Board of Education Approval

California School Information Services

Proposed Changes to be Included in Data Dictionary 5.1

for use in FY 2004-05

Submitted for State Board of Education Approval

Version 5.1

November 14, 2003

Table of Contents

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1.1	Document Purpose	3
1.2	Document Conventions	3
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2.	Data Dictionary Changes from Version 5.0 to 5	5
3.	Code Table Changes from Version 5.0 to 5.1	14

Revision History

Name	Date	Reason For Changes	Version
Steve Mills	2003.11.14	Revised with emergency changes for FY 2004-05	5.1
Steve Mills	2003.10.08	Revised for FY 2004-05	5.1
Steve Mills	2003.07.09	Revised for FY 2004-05	5.0
Steve Mills	2002.11.08	Revised for FY 2003-04	4.1
Steve Mills	2002.05.17	Revised for FY 2003-04	4.0
Steve Mills	2002.05.17	Revised for FY 2002-03	3.1
Steve Mills	2001.10.04	Revised for FY 2002-03	3.0
Steve Mills	200104.13	Revised for FY 2001-02	2.1
Steve Mills	2000.07.01	Revised for FY 2001-02	2.0
Steve Mills	1999.11.01	Initial Dictionary for implementation in FY 1999-2000	1.0

Approval History

Approved By	Title	Version Approved	Date Approved

1. Introduction

1.1 Document Purpose

This Proposed Changes to be Included in Data Dictionary document, together with the Data Dictionary and Data Dictionary Code Tables, version 5.1, is intended to assist LEA staff and their information system vendors in understanding the specific data elements and codes that must be populated for state reporting data submission and records transfer through CSIS.

1.2 Document Conventions

The title page and header of this document contain a version number in the form X.Y.Z where:

- X is the version number in sequence 1 through N
- Y is the revision number in sequence .1 through .N
- Z is the errata correction number in sequence .1 through N

The version number of the document correlates directly to the school year that the document will be implemented in CSIS production systems. School year 2002-2003 is represented by version 3.Y.Z. In this example, the first published version of the document would be numbered 3.0. Each new version represents substantial change to the document (for example, adding or deleting elements, work products or processes) and will be serially numbered to the right of the first decimal (for example 3.1, 3.2,) once CSIS management has approved it. Minor revisions (that is, format or spelling) will retain the version and revision number and only increment the correction number to the right of the second decimal (for example 3.0.1, 3.1.1, 3.1.2). CSIS software systems are sensitive only to the Version revision number (e.g., 3.1). Correction numbers are not entered into CSIS software systems.

1.3 Intended Audience and Reading Suggestions

The primary audiences for this document are district personnel responsible for implementing CSIS in their districts, and information system technicians or vendors responsible for programming CSIS data elements and codes within local database applications. This document is intended to be read in conjunction with the Data Dictionary and Data Dictionary Code Tables, version 5.1 documents.

1.4 Document Organization

The first section of the document describes changes (including justifications for the changes) to the Data Dictionary since the previous version of the document was released. The second section describes changes (and their justifications) to the Data Dictionary Code Tables since the previous version of the document was released.

1.5 References

Other documents referenced by this document can be found on the CSIS web site, at <http://www.csis.k12.ca.us>.

2. Data Dictionary Changes from Version 5.0 to 5.1

The proposed changes to the CSIS Data Dictionary listed below are necessary to meet updated and ongoing requirements for electronic state reporting and records transfer starting in FY 2004-05, and are submitted to the State Board of Education for review and approval. Proposed changes include additions and deletions of data elements, changes to element attributes, additions and clarifications to business rules, and errata (typo corrections, minor edits). **New elements and codes are indicated in Bold.**

Element Number	Element Name	Change	Reason for Change
Record Transfer Regulations		Added new section “ <i>Maintenance of Student Records</i> ” that explains CA Education Code requirements governing how long LEAs should keep student records in their information systems.	Provides additional clarification of student records maintenance and transfer requirements.
01.01.01	Name Type	Deleted data element. Deleted element Business Rule: “Elements 01.01.01 – 01.01.05 are used only for individual records transfer and for Special Education state reporting. These elements may be sent twice – once to provide the student’s legal name and once to provide the student’s current AKA. The number of AKAs that are stored in a local SIS is up to the LEA.”	Element no longer needed since student legal and AKA names are contained in separate elements.
01.01.02 – 01.01.05	Student’s Legal Name (First, Middle, Surname, Suffix)	Changed the field repeat from 2 to 1.	Field repeat not needed since only one legal name is required.
01.01.06	Student’s AKA Name – First	Added new data element.	Provides better separation and distinction between legal and AKA names included in student records and transcripts.

Element Number	Element Name	Change	Reason for Change
01.01.07	Student's AKA Name – Middle	Added new data element.	Provides better separation and distinction between legal and AKA names included in student records and transcripts.
01.01.08	Student's AKA Name – Surname	Added new data element.	Provides better separation and distinction between legal and AKA names included in student records and transcripts.
01.01.09	Student's AKA Name – Suffix	Added new data element.	Provides better separation and distinction between legal and AKA names included in student records and transcripts.
02.07.01	Student's Primary Language	Changed the maximum field length from 3 to 2.	Extra field length not needed to accommodate 2-character language codes.
02.07.02	Primary Language of Student (Other)	Edited the Business Rule as follows: "Use this element to clarify <i>code 99</i> (Other Non-English Language) indicated in DE 02.07.01."	Clarifies the specific "Other" code in DE 02.07.01 (Student's Primary Language) that is to be addressed by information in this element.
02.08	Student or Family's Language of Correspondence	Changed the maximum field length from 3 to 2.	Extra field length not needed to accommodate 2-character language codes.
02.09.01	Student Proficient or Advanced for ELA CST	Added new data element. Added the following new codes: Y Yes N No	New element and codes needed to accommodate new federal definition of Limited English Proficient.
02.20.01	Authorization/Prohibition/Waiver Type	Modified the definition of code 1 from "Program participation authorization or prohibition" to: 1 Program participation authorization Added the following new code: 4 Program participation prohibition	Single code was broken into two codes to provide greater clarity and accuracy for records transfer.
02.24	Student Transcript Notes	Added new data element.	New element needed for UC Eligibility in

Element Number	Element Name	Change	Reason for Change
			the Local Context (ELC) reporting.
05.19	First Enrollment in a California School	Added Business Rule date format example.	Clarifies required format for date element.
05.20	First Enrollment in a U.S. School	Added Business Rule date format example.	Clarifies required format for date element.
05.23	Expected High School Graduation Date	Added new data element.	New element needed for UC Eligibility in the Local Context (ELC) reporting.
05.24	Continuous District Enrollment	Added new data element. Added the following new codes: Y Yes N No	New element and codes needed for STAR Pre-ID reporting.
05.25	Continuous School Enrollment	Added new data element. Added the following new codes: Y Yes N No	New element and codes needed for STAR Pre-ID reporting.
07.17	Transition Meeting Planning Date	Deleted data element.	Element no longer required for CASEMIS reporting.
07.18.02	Last IFSP Date	Deleted data element.	Element no longer required for CASEMIS reporting.
07.23.01	Individual Education Plan Reference	Deleted data element.	Element no longer required for CASEMIS reporting.
07.23.02	Individual Family Service Plan Reference	Deleted data element.	Element no longer required for CASEMIS reporting.
07.31	Magnet School/Program Name	Added new data element.	New element needed for UC Eligibility in the Local Context (ELC) reporting.
08.05.08	Course Session Type	Deleted data element.	Element has been replaced by new Course Term (DE 08.05.08.01) and Course Year (DE 08.05.08.02) elements.

Element Number	Element Name	Change	Reason for Change
08.05.08.01	Course Term	<p>Added new data element.</p> <p>Added the following new codes:</p> <p>QT1 Quarter 1 QT2 Quarter 2 QT3 Quarter 3 QT4 Quarter 4 QS1 Quarter Summer Session 1 QS2 Quarter Summer Session 2 QS3 Quarter Summer Session 3 TR1 Trimester 1 TR2 Trimester 2 TR3 Trimester 3 TS1 Trimester Summer Session 1 TS2 Trimester Summer Session 2 TS3 Trimester Summer Session 3 SM1 Semester 1 (Fall) SM2 Semester 2 (Spring) SS1 Semester Summer Session 1 SS2 Semester Summer Session 2 SS3 Semester Summer Session 3 FLS Full Session (Year) FS1 Full Summer Session 1 FS2 Full Summer Session 2 FS3 Full Summer Session 3 CLS College Semester CLQ College Quarter IS1 Intersession 1 IS2 Intersession 2 IS3 Intersession 3 SPL Supplemental Session (after school, evenings, weekends, etc.)</p>	<p>Provides easier way for LEAs to send course term and year information for UC Eligibility in the Local Context (ELC) reporting and for records transfer.</p>

Element Number	Element Name	Change	Reason for Change
08.05.08.02	Course Year	Added new data element.	Provides easier way for LEAs to send course term and year information for UC Eligibility in the Local Context (ELC) records transfer.
08.05.17	Course Type	Deleted the following Business Rule: "CBEDS-PAIF codes 01 and 02 are to be used only if course in which student is enrolled contains curriculum delivered through distance learning with no teacher or by someone other than a K-12 public school teacher."	The business rule no longer applies since it references codes that have been deleted.
08.05.19.02	Progress Report Mark Type	Changed the maximum field length from 2 to 3.	Extra field length needed to accommodate 3-character course mark codes.
08.05.20.01	Course Mark Type	Changed the maximum field length from 2 to 3.	Extra field length needed to accommodate 3-character course mark codes.
08.19	Eligibility in the Local Context (ELC) Candidate	Added new data element. Added the following new code: 1 Student is a candidate for the Eligibility in the Local Context Program	New element and code needed for UC Eligibility in the Local Context (ELC) reporting.
09.02.01	Assessment/Test Type Code	Revised the Business Rule referencing "Scholastic Aptitude Test" to "...Scholastic <i>Assessment</i> Test ..."	Corrects typo in business rule.
09.15	Alternative Assessment	Modified element name to: "Alternate Assessment." Modified element definition from "The student participated in an alternative assessment to the SAT9 STAR testing requirement" to: "An alternate assessment to the SAT9	Corrections are consistent with current STAR testing nomenclature.

Element Number	Element Name	Change	Reason for Change
		<i>STAR testing requirement.”</i>	
09.17	Pre-ID Group Name	Changed element name to <i>Pre-ID Delivery Name.</i>	Element name change is consistent with latest STAR nomenclature.
09.18	Pre-ID Group Code	Changed element name to <i>Pre-ID Delivery Code.</i>	Element name change is consistent with latest STAR nomenclature.
09.20	Pre-ID Type	Deleted data element and codes.	Element no longer needed for STAR Pre-ID reporting.
09.22	Pre-ID Multiple-Choice Wave	Changed element name to <i>Pre-ID Multiple-Choice Test Administration Period.</i> Also modified code definitions to read “... <i>Test Administration.</i> ”	Element name change and code modifications are consistent with latest STAR nomenclature.
09.23	Pre-ID Writing Wave	Changed element name to <i>Pre-ID Writing Test Date.</i> Also modified code definitions to read “... <i>Test Administration Date.</i> ”	Element name change and code modifications are consistent with latest STAR nomenclature.
09.24	Pre-ID Option	Deleted data element and codes.	Element and codes no longer needed for STAR Pre-ID reporting.
09.25	Pre-ID LEA Defined Field 2	Deleted data element.	Element no longer needed for STAR Pre-ID reporting.
09.32	SABE Pre-ID Sort Type	Added new data element. Added the following new codes: 01 Unsorted, output is same sequence as input 02 Name within Grade within School 03 Name within Teacher within School 04 Name within Teacher within Grade within School 05 Name within Level within Grade within School 06 Name within Level within Teacher within School	New element and codes needed for SABE Pre-ID reporting.

Element Number	Element Name	Change	Reason for Change
		07 Name within Level within School	
13.00.01	Staff Name – Former First	Added new data element.	New element needed for No Child Left Behind (NCLB) state reporting.
13.00.02	Staff Name – Former Middle	Added new data element.	New element needed for No Child Left Behind (NCLB) state reporting.
13.00.03	Staff Name – Former Surname	Added new data element.	New element needed for No Child Left Behind (NCLB) state reporting.
13.01	Staff Birth Year	Modified element name to “Staff Birth Date.” Changed maximum field length from 4 to 8.	Element modification needed for No Child Left Behind (NCLB) state reporting.
13.11	Credential Type	Changed the maximum field length from 1 to 2. Added zero in front of existing 1-digit codes 1-6 so the codes would be 01 through 06. Revised Business Rule: Changed numeric reference for codes 5 and 6 to “05” and “06”. Added the following new codes: 07 Bilingual Cross-cultural Language and Academic Development (BCLAD) 08 Bilingual Cross-cultural Certificate of Competence (BCC) 09 Other CTC authorization for bilingual education including	Authorized Teaching Area codes were restructured and new codes added to eliminate redundancy between CBEDS and LCEN codes.

Element Number	Element Name	Change	Reason for Change
		<p>Emergency BCLAD or Sojourner credentials</p> <p>10 Teacher in Training for a CTC Bilingual Authorization</p> <p>11 Cross-cultural Language Academic Development (CLAD)</p> <p>12 Emergency permit for Cross-cultural Language Academic Development (CLAD)</p> <p>13 Language Development Specialist (LDS)</p> <p>14 ESL supplementary authorization</p> <p>15 SB 1969/395 (ELD Only)</p> <p>16 SB 1969/395 (SDAIE Only)</p> <p>17 SB 1969/395 (SDAIE and ELD)</p> <p>18 CDE approved district designated ELD teacher (former Option 3)</p> <p>19 Teacher in training for SDAIE or ELD Teaching authorization (CLAD or SB 1969/395)</p> <p>20 Ryan Credential with EL</p> <p>21 Emergency permit for Ryan Credential with EL</p> <p>22 Teacher in training for Ryan Credential with EL</p>	
13.12.01	Credential/Document Number	Added new data element.	New element needed for No Child Left Behind (NCLB) state reporting.

Element Number	Element Name	Change	Reason for Change
13.22	Highly Qualified Teacher	<p>Added new data element.</p> <p>Added the following new codes: H Yes – Demonstrated compliance through the district-administered High Objective Uniform State System of Evaluation (HOUSSE) Y Yes – Established compliance through means other than the HOUSSE N No</p>	New element and codes needed for No Child Left Behind (NCLB) state reporting.
15.13	NCLB Core Course	<p>Added new data element.</p> <p>Added the following new codes: Y Yes N No</p>	New element and codes needed for No Child Left Behind (NCLB) state reporting.
17.07	Transmission Reason	Removed code values; added note to refer to the File Transmission Formats for code values.	Move control element to the File Transmission Formats.

3. Code Table Changes from Version 5.0 to 5.1

The proposed changes to the CSIS Data Dictionary Code Tables listed below are necessary to meet updated and ongoing requirements for electronic state reporting and records transfer starting in FY 2004-05, and are submitted to the State Board of Education for review and approval. Proposed changes include additions and deletions of data element codes, revisions and clarifications to code definitions, and code errata (typo corrections, minor edits). New codes are indicated in Bold.

Code Table	Original Code(s)	Change	Reason for Change
Appendix A: States and Provinces		Deleted the following codes listed under subheading <i>U.S. States/Territories</i> : CZ Canal Zone GU Guam PR Puerto Rico VI Virgin Islands Changed name of subheading to: <i>U.S. States and District of Columbia.</i>	Eliminates confusion about whether to code U.S. Trust Territories as states or countries for the Student National Origin Report (SNOR).
Appendix B: Countries		Added 3 new codes: MI Micronesian Island Trusts PS Palestine TL Timor-L'este Changed code for East Timor from TP to TL . Provided additional code information under new column "Use Instruction/Clarification." Column contains cross-references to no-longer-existing countries, countries with new names, and countries with changed	Updates Appendix B code table for consistency with latest country codes used for the Student National Origin Report (SNOR).

Code Table	Original Code(s)	Change	Reason for Change
		country codes. Changed name of overall code table from Appendix B – Countries to <i>Appendix B – Countries/Areas/Territories</i> .	
Appendix C: Languages	52 – Serbo-Croatian (Serbian)	Modified code 52 definition to: 52 Serbo-Croatian (<i>Bosnian, Croatian, Serbian</i>) Added the following new codes: 60 Somali 61 Bengali Deleted the following codes: 58 Bosnian 14 Croatian	Code changes and new codes are consistent with current Language Census (R-30/LCEN) state reporting.
Appendix D: Enrollment Exit/Withdrawal Reasons	100 Student graduated and received a high school diploma 140 Student withdrew from/left school and there is no evidence the student is in an academic program toward a diploma or its equivalent 200 Student withdrew from/left school to enroll in another public school	Modified the following code definitions to: 100 Student graduated and received a <i>standard</i> high school diploma 140 Student withdrew from/left school and there is no evidence the student is in an academic program toward a diploma or its equivalent. <i>Include students who leave school for a job, marriage, etc. Do not use this code for “no shows”.</i> 200 Student withdrew from/left school to enroll in another	Code changes provide more useful and accurate information in determining graduate and dropout rates.

Code Table	Original Code(s)	Change	Reason for Change
	<p>outside California and the district has acceptable documentation of having done so</p> <p>240 Student withdrew from/left school to move to another country and the district has acceptable documentation of enrollment in school in other country</p> <p>260 Student withdrew from/left school to enroll in an alternative program with documentation that he or she is working toward the completion of a high school diploma or GED certificate or its equivalent</p> <p>270 Student withdrew from/left school to enroll in an alternative program and there is no evidence of the student working toward the completion of a high school diploma or GED certificate or its equivalent</p>	<p>public <i>or private U.S.</i> school outside California and the district has acceptable documentation of having done so.</p> <p>240 Student withdrew from/left school to move to another country.</p> <p>260 Student withdrew from/left school to enroll in <i>an adult education program and there is evidence that the student is in attendance and is working toward the completion of a GED certificate.</i></p> <p>Student withdrew from/left school to enroll in <i>an adult education program in order to obtain a GED certificate, but subsequently dropped out of the Adult Education program. This student is to be counted as a dropout in the last secondary (non-adult education) school attended.</i></p> <p>Added the following new codes:</p>	

Code Table	Original Code(s)	Change	Reason for Change
		<p>120 Student with exceptional needs received a certificate or document of education achievement or completion that meets the requirements of Education Code section 56390.</p> <p>410 Student withdrew or left school due to medical reasons.</p> <p>420 Student successfully completed a grade level at a school and did not return to the same school for the next grade the following year when the student was expected to return.</p> <p>430 Student successfully completed a grade level in a school and did not attend the school of matriculation where the student was expected to attend. For example, a student who completed 8th grade at a junior high and did not show up at the expected comprehensive high school. Note: This student will be counted as a dropout at the comprehensive high school.</p> <p>440 Student remains in same school, but transfers/exits program or grade</p> <p>450 Student in grade K-5 who exited/withdrew from school</p>	

Code Table	Original Code(s)	Change	Reason for Change
		<p><i>Deleted the following codes:</i></p> <p>101 Student completed school year</p> <p>102 Student completed summer session</p> <p>103 Student completed extra session</p> <p>110 Student withdrew from/left school to pursue a job</p> <p>150 Student withdrew from/left school and has enrolled in another public school in this school district</p> <p>170 Student withdrew from/left school with declared intent to enroll in another California public school district and there is no acceptable documentation of having done so</p> <p>190 Student withdrew from/left school with declared intent to enroll in a private school within California and there is no acceptable documentation of having done so</p> <p>210 Student withdrew from/left school to enroll in another public school outside California and there is no acceptable documentation of having done</p>	

Code Table	Original Code(s)	Change	Reason for Change
		so	
		220 Student withdrew from/left school to enroll in a private school outside California and the district has acceptable documentation of having done so	
		230 Student withdrew from/left school to enroll in a private school outside California and there is no acceptable documentation of having done so	
		250 Student withdrew from/left school to move to another country and the district has no acceptable documentation of enrollment in an academic program in the other county	
		290 Student withdrew from/left school to enter college with no evidence that the student is working toward an Associate or Bachelor's degree	
		340 Student withdrew at the request of student, parent, guardian, or other person with legal control of the student for home schooling	
		350 Student has been placed in the California Youth Authority	

Code Table	Original Code(s)	Change	Reason for Change
		(CYA) 390 Student completed highest grade level at this school and plans to matriculate to another school	
Appendix J: CBEDS Subject Area Assignment Codes		Changed the sub-heading for the IB Middle Years Program codes from "Teacher Assignments – IB Middle Years Program" to: " <i>Middle Years Program (MYP).</i> "	Corrects misleading subhead since codes apply only to courses taken by students.
Appendix J: CBEDS Subject Area Assignment Codes		Added new sub-heading " <i>Support Teaching Assignments</i> " with the following new codes: 2880 Art (support teaching assignment) 2489 Computer Education (support teaching assignment) 2280 Foreign Language (support teaching assignment) 2488 Mathematics (support teaching assignment) 2380 Music (support teaching assignment) 2580 Physical Education (support teaching assignment) 2180 Reading Improvement (support teaching assignment) 6080 Resource Teacher (support teaching assignment not Special Ed.) 2680 Science (support teaching assignment)	New codes needed for FY 2004-05 CBEDS-PAIF reporting.

Code Table	Original Code(s)	Change	Reason for Change
Appendix M: Assessment/ Test Types	139 – STAR Standards-Based Tests	Modified code 139 definition to: 139 California Standards Tests (CST) Added the following code: 142 PLAN (Pre-ACT Test for Educational Planning)	Code modification is consistent with current STAR testing nomenclature. New code needed to identify PLAN test.
Appendix N: Subtests	488 – World History and Geography	Modified code 488 definition to: 488 World History, Culture and Geography Added the following codes: 495 Algebra (1st Year) 496 Calculus AB Subscore (from the BC sitting) 497 Coordinated Science (2nd Year) 498 Cultural Anthropology 499 Dance 500 Economics 501 English A1 502 English A2 503 English Literature 504 Film 505 French A1 506 French A2 507 French B 508 Geography 509 German A1 510 German A2 511 German B 512 Government/Civics 513 Greek (Classic) 514 Human Geography 515 Math I 516 Mathematics: High School	Code 488 modification is consistent with current subtest area. New codes needed to identify subtest areas of current tests used in California.

Code Table	Original Code(s)	Change	Reason for Change
		517 Music 518 Philosophy 519 Portuguese A1 520 Portuguese A2 521 Portuguese B 522 Reading/Literature 523 Social Anthropology 524 Spanish A1 525 Spanish A2 526 Spanish B 527 Studio Art – Drawing 528 Studio Art 2-D 529 Studio Art 3-D 530 Theater 531 Verbal 532 Visual Arts 533 Written Composition 534 Integrated Science 1 535 Integrated Science 2 536 Integrated Science 3 537 Integrated Science 4	
Appendix P: Reasons for Discipline		Added the following code: 38 Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma	New code required by 2003 CA Education Code, Suspension section 48900, for state reporting.

Code Table	Original Code(s)	Change	Reason for Change
Appendix R: Authorized Teaching Areas		Deleted the following codes: 04 Bilingual (BCC or BCLAD) 05 English Language Development (CLAD, LDS, ESL) 06 Specially Designed Academic Instruction in English (SDAIE) 40 CTC Bilingual Authorization 41 In training for a CTC Bilingual Authorization 44 Teacher with a CTC CLAD or Equivalent Teaching Authorization 45 Teacher with SB1969/395 Certificate of Completion 46 Teacher in training for SDAIE or ELD Teaching Authorization	Authorized Teaching Area codes were restructured and codes deleted to eliminate redundancy between CBEDS and LCEN codes.



JANUARY 2004 AGENDA

SUBJECT	X	ACTION
The Principal Training Program (AB 75): Approval of Local Educational Agencies (LEAs) and Consortia applications for funding.		INFORMATION
		PUBLIC HEARING

Recommendation:

The California Department of Education requests State Board of Education approval of LEAs and Consortia members who have submitted applications for funding under The Principal Training Program (AB 75).

The California Department of Education staff recommends that the State Board of Education approve the attached list of LEAs and Consortia applications by name only.

Summary of Previous State Board of Education Discussion and Action

The State Board of Education approved criteria and requirements for The Principal Training Program applications at the February 6-7, 2002 meeting.

Summary of Key Issue(s)

The Principal Training Program requires the State Board of Education to approve all program applicants.

Fiscal Analysis (as appropriate)

Administration of funding is dependent upon further information to be provided by LEAs, such as names of administrator participants, and number of hours in actual training. It is feasible that initial award requests will be amended throughout the three-year funding period.

Estimated State expenditures resulting from this action: \$258,000

Attachment(s)

[Attachment 1](#) – Local Educational Agencies Recommended for State Board of Education Approval (Page 1 of 1)

[Attachment 2](#) – Consortia Members Recommended for State Board of Education Approval (Page 1 of 1)

[Attachment 3](#) – Program Summary (Page 1 of 1)

PRINCIPAL TRAINING PROGRAM
Local Educational Agencies Recommended
For State Board of Education Approval
January 2004

Applications received during the month of October and November 2003

LOCAL EDUCATIONAL AGENCIES	Total Number of Site Administrators	Total Amount of State Funding Requested
HUMBOLT Humboldt COE	1	\$3,000
LOS ANGELES Duarte Unified	5	\$15,000
MADERA Golden Valley School District	4	\$12,000
MERCED Hilmar Unified	3	\$9,000
NAPA Calistoga Joint Unified	1	\$3,000
RIVERSIDE Beaumont Unified	3	\$9,000
Palo Verde Unified	14	\$42,000
SAN JOAQUIN New Hope Elementary	1	\$3,000
SAN MATEO Redwood City Elementary	5	\$15,000
STANISLAUS Riverbank Unified	3	\$9,000
TUOLUMNE Bellevue Elementary	1	\$3,000
VENTURA Moorpark Unified	7	\$21,000
Pleasant Valley	4	\$12,000
Rio Elementary	5	\$15,000
YOLO Davis Joint Unified School District	17	\$51,000
TOTAL	74 (74x3000)	\$222,000

**PRINCIPAL TRAINING PROGRAM
Consortium Members Recommended
For State Board of Education Approval
January 2004**

CONSORTIA With Recommended Membership	Total Number of Site Administrators In Consortium	Total Amount Of State Funding Requested	Total Amount of Previously Approved State Funding
SHASTA COUNTY OFFICE OF EDUCATION	94		\$282,000
Oroville Union High	0		
Red Bluff Joint Union	4		
Butte Valley Unified	0		
Redding Elementary	+8		
	12 (12x3000)	\$36,000	
Total State Funds Requested by Consortium Membership including January Approval			\$318,000

PRINCIPAL TRAINING PROGRAM
Program Summary
January 2004

CURRENT REQUEST SUMMARY

Total Number of LEAs Recommended for January Approval:	15
Total Number of New Consortia Recommended for January Approval:	0
Total Number of Consortia Members Recommended for January Approval:	4
Total Number of Administrators Recommended for Program Participation for January Approval (LEAs plus Consortium Participants)	86
Total State Funds Requested by Single LEAs for January Approval:	\$222,000
Total State Funds Requested by Consortium Membership for January Approval:	<u>\$ 36,000</u>
Total LEA plus Consortium Funding Recommended:	\$258,000

PROGRAM SUMMARY

Total Number of SBE-Approved Single LEAs as of November 2003:	374
Total Number of LEAs included in 20 SBE-Approved Consortia as of November 2003:	241
Estimate of Site Administrators in participating LEAs:	10,415



JANUARY 2004 AGENDA

SUBJECT Mathematics and Reading Professional Development Program (AB 466): Approval of Requests for Local Educational Agency (LEA) Reimbursement for the 2003-04 Fiscal Year	<input checked="" type="checkbox"/>	Action
	<input type="checkbox"/>	Information
	<input type="checkbox"/>	Public Hearing

Recommendation:

The California Department of Education (CDE) recommends that the State Board of Education (SBE) approve fiscal year (FY) 2003-04 reimbursements for local educational agencies (LEAs) included on the attached list. All agencies listed have complied with required assurances for the AB 466 Program and have submitted summary information regarding the credentials held by each teacher successfully completing professional development.

Summary of Previous State Board of Education Discussion and Action

Last fiscal year the SBE approved LEA AB 466 applications prior to a participating LEA commencing training. This process caused a time delay before an LEA could begin AB 466 professional development. To avoid this delay for FY 2003-04 the SBE Executive Director and the CDE Deputy for the Curriculum and Instruction Branch agreed that for FY 2003-04 LEA compliance with required assurances would be approved by the SBE when LEAs submit a Request for Reimbursement form.

Summary of Key Issue(s)

Section 99234 (g) of AB 466, Chapter 737, Statutes of 2001, stipulates that funding may not be provided to an LEA until the SBE approves the agency's certified assurances. LEAs in compliance with program assurances can be approved for reimbursement. Reimbursement compensates LEAs for teachers who have successfully completed 40 hours of intense professional development, 80 hours of follow-up professional development, or both. In addition, AB 466, Section 99240 (b), requires the CDE to collect certain data from participating LEAs for a final report to the Legislature

Fiscal Analysis (as appropriate)

The Legislature appropriated \$31,728,000 for the AB 466 program for FY 2003-04. The total reimbursement for the LEAs included on the attached list is \$687,500. This reimbursement request total plus previous approved payments leaves an appropriation balance of \$30,224,250.

Attachment(s)

[Attachment 1](#): Requests for Reimbursement 2003-04 Fiscal Year (Pages 1-2)

**Mathematics and Reading Professional Development Program (AB 466)
Requests for Reimbursement 2003-04 Fiscal Year**

Mathematics and Reading Professional Development Program (AB 466) Requests for Reimbursement 2003-04 Fiscal Year													
Credential Type Held by Teachers Trained													
County	LEA Name	No. Teachers 40 hrs reading	No. Teachers 40 hrs math	Provider	Materials	No. Teachers Multiple Subject Elementary	No. Teachers Multiple Subject Emergency	No. Teachers Single Subj. Emer. English or Social Science	No. Teachers Single Subj. Emer. Mathematics or Science	No. Teachers Single Subj. Emer. Special Education	No. Teachers Single Subject English or Social Science	No. Teachers Single Subject Mathematics or Science	No. Teachers Special Education
Butte	Chico Unified	37		Calabash	Legacy of Literacy	34	0	0	0	0	2	0	1
Butte	Manzanita Elementary	6	0	RIC Butte COE	Legacy of Literacy	6	0	0	0	0	0	0	0
Butte	Oroville City Elementary	3	0	RIC Butte COE	Legacy of Literacy	3	0	0	0	0	0	0	0
Butte	Paradise Unified	6	0	RIC Butte COE	Legacy of Literacy	4	0	0	0	0	0	0	2
Contra Costa	Pittsburg Unified	72	0	SRA/McGraw Hill	Open Court; Legacy of Literacy	64	4	0	0	0	0	0	4
Contra Costa	West Contra Costa Unified	36	0	Sacramento COE	Open Court; High Point	30	0	6	0	0	0	0	0
Contra Costa	San Ramon Valley Unified	40	0	Sopris West	Language!	1	0	1	0	0	0	0	38
El Dorado	El Dorado County Office of Education	2	0	Sacramento COE	High Point; REACH	2	0	0	0	0	0	0	0
Imperial	Imperial County Office of Education	18	0	RIC Imperial COE	Open Court	18	0	0	0	0	0	0	0
Los Angeles	Mountain View Elementary	244	0	Calabash	Legacy of Literacy	234	0	0	0	0	0	0	10
Los Angeles	Whittier City Elementary	16	0	RIC Los Angeles COE	Legacy of Literacy	16	0	0	0	0	0	0	0
Los Angeles	Whittier City Elementary	7	0	Calabash	Legacy of Literacy	7	0	0	0	0	0	0	0
Madera	Madera Unified	249	0	Calabash	Legacy of Literacy; High Point; Timeless Voices, Timeless Themes	226	1	0	0	0	1	0	21
Mendocino	Manchester Union Elementary	2	0	RIC Butte COE	Open Court	2	0	0	0	0	0	0	0
Merced	Planada Elementary	28	0	RIC San Joaquin COE	Legacy of Literacy	27	1	0	0	0	0	0	0
Monterey	Monterey County Office of Education	0	99	MPDI Monterey Bay Area Math Project	Harcourt Math; Scott Foresman CA Mathematics	88	7	0	0	0	0	0	4
San Bernardino	Alta Loma Elementary	7	0	Calabash	Legacy of Literacy	7	0	0	0	0	0	0	0
San Bernardino	Rialto Unified	14	0	Calabash	Legacy of Literacy	14	0	0	0	0	0	0	0
San Diego	Lemon Grove Elementary	10	0	RIC San Diego COE	Legacy of Literacy	10	0	0	0	0	0	0	0
San Diego	San Ysidro Elementary	14	0	Calabash	Legacy of Literacy	14	0	0	0	0	0	0	0

County	LEA Name	No. Teachers 40 hrs reading	No. Teachers 40 hrs math	Provider	Materials	Credential Type Held by Teachers Trained								*Actual Amount to be Reimbursed	
						No. Teachers Multiple Subject Elementary	No. Teachers Multiple Subject Emergency	No. Teachers Single Subj. Emer. English or Social Science	No. Teachers Single Subj. Emer. Mathematics or Science	No. Teachers Single Subj. Emer. Special Education	No. Teachers Single Subject English or Social Science	No. Teachers Single Subject Mathematics or Science	No. Teachers Special Education		
San Diego	Vista Unified	127	0	Calabash	Legacy of Literacy	127	0	0	0	0	0	0	0	0	\$66,250
San Joaquin	Tracy Joint Unified	21	0	Sacramento COE	Open Court	20	0	0	0	0	0	0	0	1	\$26,250
Santa Barbara	Santa Maria-Bonita Elementary	29	0	RIC Los Angeles COE	Legacy of Literacy	26	0	0	0	0	0	0	0	3	\$36,250
Santa Cruz	Santa Cruz County Office of Education	0	45	MPDI Monterey Bay Area Math Project	Harcourt Math; Scott Foresman CA Mathematics	44	0	0	0	0	0	0	0	1	\$56,250
Trinity	Weaverville Elementary	6	0	RIC Butte COE	Open Court	6	0	0	0	0	0	0	0	0	\$1,250
Tuolumne	Soulsbyville Elementary	11	0	RIC San Joaquin COE	Legacy of Literacy	11	0	0	0	0	0	0	0	0	\$2,500
Yuba	Marysville Joint Unified	7	0	Sacramento COE	Open Court	6	1	0	0	0	0	0	0	0	\$8,750
Yuba	Marysville Joint Unified	22	0	Sacramento COE	High Point	13	2	0	0	0	6	0	1	\$16,250	
		1,034	144			1,060	16	7	0	0	9	0	86	\$687,500	

*AB 2781, Chapter 1167, revised the percentage of teachers eligible to receive state incentive funding for AB 466 professional development to 3 percent for FY 2003-04. After all participating LEAs are reimbursed for 3 percent of their eligible teachers, the California Department of Education may reimburse LEAs in excess of this percentage depending on available funding.



JANUARY 2004 AGENDA

SUBJECT: Mathematics and Reading Professional Development Program (AB 466) (Chapter 737, Statutes of 2001): Including, but not Limited to, Approval of Training Providers and Training Curricula.	<input checked="" type="checkbox"/> ACTION
	<input type="checkbox"/> INFORMATION
	<input type="checkbox"/> PUBLIC HEARING

RECOMMENDATION:

Approve the recommended providers for the purposes of providing professional development under the provisions of the Mathematics and Reading Professional Development Program (AB 466).

Summary of Previous State Board of Education Discussion and Action.

At the February 2002 meeting, the Board approved criteria for the approval of training providers and training curricula. The State Board has approved AB 466 training providers and training curricula at previous meetings.

Summary of Key Issue(s).

AB 466 established the Mathematics and Reading Professional Development Program, which provides incentive funding to districts to train teachers, instructional aides, and paraprofessionals in mathematics and reading. Once the providers and their training curricula are determined to have satisfied the State Board-approved criteria and been approved by the State Board, local education agencies may contract with the approved providers for AB 466 professional development.

The AB 466 review panels recommend approval of the following as providers and their training curricula:

- Technology in Learning for professional development on Houghton Mifflin *Mathematics*, Grades K-1
- Sacramento County Office of Education for professional development on McDougal Littell, *The Language of Literature*, Grades 9 and 10

Fiscal Analysis (as appropriate).

Approval of additional AB 466 providers allows more LEAs to access training for which \$31.7 million was allocated for Fiscal Year 2003-04. Approval does not affect the total dollars available.

Background Information Attached to this Agenda Item.

None



JANUARY 2004 AGENDA

SUBJECT: Appointments to the Curriculum Development and Supplemental Materials Commission.	<input checked="" type="checkbox"/> ACTION
	<input checked="" type="checkbox"/> INFORMATION
	<input type="checkbox"/> PUBLIC HEARING

RECOMMENDATION:

The Screening Committee of the State Board of Education will interview a number of the applicants for appointment to the Curriculum Development and Supplemental Materials Commission on December 19, 2003. It is anticipated that the Screening Committee will then develop its recommendations to the State Board and present them at the January 2004 meeting. It is recommended that the State Board appoint to the Curriculum Commission the applicants recommended by the Screening Committee.

Summary of Previous State Board of Education Discussion and Action.

The State Board is to appoint at least five members to the Curriculum Development and Supplemental Materials Commission, four for regular four-year terms, and one to complete the balance of a current term (two years remaining). The State Board may also choose to appoint a member prospectively (effective January 1, 2005) and, thus, avoid the process of advertising and screening applications to make a single appointment next year.

Summary of Key Issue(s).

N/A.

Fiscal Analysis (as appropriate).

N/A.

Background Information attached to this Agenda Item.

Information on applicants recommended by the Screening Committee will be provided at the January 2004 meeting.

CALIFORNIA STATE BOARD OF EDUCATION

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December 22, 2003

To: State Board of Education Members

From: Screening Committee
Joe Nuñez, Chair
Suzanne Tacheny
Nancy Ichinaga (Curriculum Commission Liaison)

Subject: Item 23, January 2004 Agenda
Appointments to the Curriculum Development and Supplemental
Materials Commission

The Screening Committee met on December 19, 2003, at Animo Leadership High School in Inglewood, California, to interview a number of applicants for appointment to the Curriculum Development and Supplemental Materials Commission (Curriculum Commission). We were highly impressed with these applicants, both as a group and as individuals. Each would have brought unique strengths and talents to the Curriculum Commission. It is our view that the following would be the best combination of individuals to meet the Curriculum Commission's needs (and the requirements of statute for teacher representation) at this particular time. We recommend the individuals for appointment as indicated below.

- Richard Wagoner, to complete the balance of a currently vacant position, the term of which ends December 31, 2005.

Mr. Wagoner is a mathematics teacher at San Pedro High School in the Los Angeles Unified School District. He is a graduate of the University of California, Los Angeles, having majored in economics. He completed his teaching credential and postgraduate study at California State University, Dominguez Hills. Joseph Scollo, Director of Instruction for District K (within Los Angeles Unified) wrote, "Mr. Wagoner's knowledge and mathematics background was always welcomed at the various committees he participated in. His voice of experience lent credibility to the work the different committees were engaged in."

- Wendy Levine, for a four-year term ending December 31, 2007.

Ms. Levine teaches third grade at Hudnall Elementary School in the Inglewood Unified School District. She is a graduate of the University of Colorado, Boulder (*magna cum laude*, Phi Beta Kappa). She earned a master's in business administration at Golden Gate University, and a teaching credential (including CLAD) at National University.

Curriculum Commission member Norma Baker (who is former principal of Hudnall Elementary School) wrote, “[Ms. Levine] is an outstanding teacher with a clear focus of ensuring academic success for ALL students. [Her] contribution to the Commission would be extensive knowledge of Content Frameworks and California Content Standards, a varied background in the utilization of reading programs, and the experience of teaching a diverse group of students. [She] would bring the needed perspective of an ‘in the field practitioner’ to the Commission...She is task oriented, and given any assignment or responsibility, one can be assured that it will be done efficiently and expeditiously!”

- Mary-Alicia McRae, for a four-year term ending December 31, 2007.

Ms. McRae is a mentor teacher on special assignment in the Salinas City Elementary School District. She is a graduate of the College of New Rochelle, having majored in English literature. She earned her master’s in elementary education at Northeastern University. Robert Slaby, Superintendent of the Salinas City Elementary School District, wrote, “[Ms. McRae]...is an outstanding educator and one of the best reading teachers with whom I have ever been associated...Being a former bilingual resource teacher she is able to assist our majority migrant population in making the smooth transition to becoming fluent English learners. She started an inservice program for instructional aides that has significantly improved the reading instruction that occurs in the classroom daily. [She] also redesigned our remedial summer school program to [enable] specially trained aides to [provide] one-on-one instruction to students who have academic difficulties...[She] is one of the finest educators in California...”

- Charles Munger, for a four-year term ending December 31, 2007.

Charles Munger is a retired experimental physicist, having served on the faculty of the University of California, Irvine, and the Stanford Linear Accelerator Center. He is currently associated with Lawrence Berkeley Laboratory. He is a graduate of Stanford University, having majored in physics. He earned his Ph.D. in physics from the University of California, Berkeley. He served on the Curriculum Framework and Criteria Committee that drafted the current Science Framework, and has contributed greatly to the development and refinement of assessment items for California Standards Tests. He has authored and contributed to numerous professional papers. Stanley Broadsky, Professor of Theoretical Physics, Stanford University, wrote, “Dr. Munger is a highly talented and unusually innovative physicist, who has been a very fine asset to the experimental and theoretical high energy physics programs at the Stanford Linear Accelerator Center and the Fermi National Laboratory. He has remarkable insight into the science underlying the physical world, and I believe he would be an outstanding member of the Curriculum Commission.”

- Jose Velasquez, for a four-year term ending December 31, 2007.

Mr. Velasquez is a mentor teacher assigned as a Reading First Literacy Expert within the Los Angeles Unified School District. He is a graduate of Occidental College, and earned his master's in adult education at Regis College (Denver, Colorado). James Morris, Assistant Superintendent of the Los Angeles Unified School District, wrote, "[Mr. Velasquez] is sensitive to the needs of all children and is an advocate for providing all children with equal opportunities for educational excellence and all teachers with the resources they need to help students succeed. Students' needs are always his first priority...His knowledge of current instructional practices and strategies to make theoretical practices meaningful to classroom practitioners, classified staff, and parents, has served LAUSD students by promoting clear community among and between stakeholder groups...[He] also possesses many personal qualities that enhance his success in working collaboratively with others to provide quality instruction for students and outstanding instructional leadership for school leaders."

- Rebecca Brown, for a four-year term commencing January 1, 2005, and ending December 31, 2008, but with the understanding that should an unanticipated vacancy occur on the Curriculum Commission during 2004, she be appointed to complete the balance of the term of the vacated position.

Ms. Brown is a school improvement coordinator in the Sacramento City Unified School District, focusing on elementary language arts and Reading First implementation. She is a graduate of the University of California, Los Angeles, majoring in Spanish. She earned her master's in education and education administration at California State University, Sacramento, along with her teaching credential. She earned her reading certificate at the University of California, Davis. Kathleen Cooper, Associate Superintendent for Instruction and Learning Support Services, Sacramento City Unified, wrote, "[Ms. Brown] is a perfect candidate for this role. She has been an exemplary classroom teacher, a reading coach, a certificated reading specialist, and is now a district curriculum coordinator. [She] understands curriculum in California today [and] is very conversant with California Content Standards and the State Accountability System. She understands teachers and their needs for materials and support. She has both the knowledge and the people skills to support teachers and principals in their efforts to better their student achievement."

With this recommended group of appointees, the State Board will have more than satisfied the minimum requirement for the appointment of classroom teachers or mentor teachers as set forth in Education Code Section 33530.

Attachments

Cc: CDE Executive Staff



JANUARY 2004 AGENDA

SUBJECT	X	Action
2004 Health Primary Adoption of Instructional Materials: Appointment of Instructional Materials Advisory Panel (IMAP) members and Content Review Panel (CRP) experts	<input type="checkbox"/>	Information
	<input type="checkbox"/>	Public Hearing

Recommendation:

1. Approve Instructional Materials Advisory Panel (IMAP) members
2. Approve Content Review Panel (CRP) experts

Summary of Previous State Board of Education Discussion and Action

December 11, 2002: The State Board adopted the 2004 Health Primary Adoption Timeline.

April 9, 2003: The State Board extended authority to the Curriculum Commission and CDE staff to proceed with the 2004 Health Primary Adoption, including recruitment of individuals to serve on the Instructional Materials Advisory Panels and the Content Review Panels.

November 12, 2003: The State Board approved minor revisions to the 2004 Health Primary Adoption timeline.

Summary of Key Issue(s)

Background

In June of 2003, a recruitment letter from Superintendent Jack O’Connell was sent to District and County Superintendents, Curriculum Coordinators in Health, and Interested Individuals and Organizations to recruit health educators and health professionals to serve as Instructional Materials Advisory Panel (IMAP) members and Content Review Panel (CRP) experts.

Few applications were received by the August 6, 2003 deadline. To increase the applicant pool, on September 18, 2003, the Curriculum Commission approved extension of the deadline to October 24, 2003, and decided to wait until after the new deadline to review all applications prior to forwarding IMAP and CRP recommendations to the State Board for appointment. Health educators and health professionals were informed of the deadline extension. The CFIR Division received a total of twenty-eight (28) IMAP applications and six (6) CRP applications.

On November 6, 2003, the Curriculum Commission approved to move forward for State Board appointment twenty-two (22) applicants to serve as IMAP members, and five (5) applicants to serve as CRP experts. For IMAP applicant #14 and CRP applicant #302,

Summary of Key Issue(s)

the Commission approved the two applicants, pending a decision from CDE's legal counsel and the State Board's legal counsel on potential conflicts of interest. The Curriculum Commission also approved extension of the application deadline from October 24, 2003 to December 19, 2003, for continued recruitment of qualified individuals to serve as IMAP members and CRP experts.

Profile of Applicants

The California Code of Regulations, Title 5 – Article 2.1, Section 9516, specifies, “The Board may, upon recommendation by the Curriculum Commission, appoint task forces or committees of subject matter experts to assist and advise the Curriculum Commission. Each task force or committee shall include, at the time of appointment, a majority of current classroom teachers providing instruction in kindergarten and grades one to eight, inclusive, or mentor teachers, or certificated teachers employed by school districts or county offices of education who are not in a position that requires a services credential with a specialization in administrative services, or any combination of those teachers. The primary criteria for membership shall be subject matter expertise and professional knowledge or, and successful experience with, effective educational programs and practices for the full range of the state's diverse population. The Board shall, to the extent possible, appoint persons who are representative of the various ethnic groups and types of school districts in the state. Nothing in this section shall preclude public members, i.e., non-educators, from serving on a task force or committee as the Board may deem appropriate.”

The role of the IMAP is to review submitted programs to determine their alignment with the content, evaluation criteria, and Grade-Level Emphases Chart identified in the *Health Framework for California Public Schools, Kindergarten Through Grade Twelve*. The CRP members, in addition to serving as a full member of the IMAP, serve as advisors on health issues for scientific and medical accuracy which must be based on current and confirmed research.

Of the twenty-two (22) IMAP applicants, nine (9) are from Northern California, eleven (11) are from Southern California, and one (1) from Central California. Fifteen (15) are teachers, four (4) are nurses, and three (3) are dietitians. Sixteen (16) are Caucasian, two (2) are Asian, one (1) Hispanic and three (3) declined to state. The five (5) CRP experts represent Northern and Southern California. Two are medical doctors, one is a retired pediatrician and one is a gastroenterologist. Three have university-level teaching experience in health, while two of the three have doctorate degrees.

Estimated Number or Panels

Six publishers are interested in submitting K-8 instructional materials for the 2004 Health Primary Adoption. Two (2) publishers intend to submit instructional materials for grades 6, 7, and 8, two (2) publishers for grades K-6, and two (2) publishers for grades K-8. Each panel should have at least seven (7) IMAP members and two (2) CRP experts. Therefore, we will need at least twenty-one (21) IMAP members and six (6) CRP experts for three panels. This is a total of twenty-seven (27) reviewers.

Fiscal Analysis (as appropriate)

The anticipated cost for travel, hotel accommodations, and per diem expenses for members of the Instructional Materials Advisory Panel (IMAP) and the Content Review Panel (CRP) for the Health Adoption is \$88,740. This figure is based on the Board appointing up to 40 IMAP members and 10 CRP members. This item calls for 22 IMAP members and 5 CRP members to be appointed. The final costs may vary depending upon the number of appointments made.

Attachment(s):

[Attachment 1](#): Instructional Materials Advisory Panel (IMAP) mini biographies
(pgs. 1 of 8)

[Attachment 2](#): Content Review Panel (CRP) mini biographies (pgs. 1 of 2)

(Attachments 1 and 2 are available for web viewing in an anonymous format.)

2004 Health Primary Adoption IMAP Applicants

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Attachment 1

Page 1 of 8

Sequence Number	First Name	Last Name	Position	Employer
1			Health Education Specialist	Redondo Beach USD

Highest Degree	Expertise	Region	Gender	Ethnicity
Master of Arts in Educational Administration	K-3; 4-8; Health Education; Safe & Healthy School Environment	S. CA	F	White

Summary

Candidate #1 has been the Title IV Tobacco Use Prevention Education (TUPE) Coordinator for 3 years in the Redondo Beach USD. She developed the health curriculum entitled, Hook on Health, and has implemented this curriculum for the past 9 in grade levels K-6. She has experience in the health instructional materials adoption process at her school district. She has a B.S. in Curriculum and Instruction (Texas A&M University), M.A. in Educational Administration (U.C.L.A.), a California Teaching Credential, and Texas Teaching Certificate.

Sequence Number	First Name	Last Name	Position	Employer
3			School Nurse retired	Retired

Highest Degree	Expertise	Region	Gender	Ethnicity
MS Ed Special Education	K-3; 4-8; Health Education; Health Svcs; Health Promotion...; Safe...Environment; Parent...	S. CA	F	White

Summary

Candidate #3 is a retired school nurse and substitutes on an "as needed" basis in Barstow USD. She has taught 1st and 2nd grade bilingual/cross-cultural classes, two years in elementary special education, and one year as a 9th grade resource specialist. She was a school nurse for 13 years. She served on the health curriculum selection committee for the Barstow USD. She has a B.A. in Psychology from the University of La Verne, a M.S. in Special Education (California Lutheran College), and R.N.(Good Samaritan Hospital School of Nursing).

Sequence Number	First Name	Last Name	Position	Employer
5			School Health Coordinator	Nevada County Superintendent's Office

Highest Degree	Expertise	Region	Gender	Ethnicity
M.A. Curriculum and Instruction	K-3; 4-8; All areas checked except Psychological Services	N. CA	F	White

Summary

Candidate #5 is a middle school health educator and coordinator of school health in Nevada County Superintendent of Schools Office. She is the co-director of the Northern California Physical Education-Health Project. She trains educators/nurses in physical education and health challenge standards. She participated in the state adoption process of health instructional materials in 1995-96 and 1997-98. She has a M.S. in Curriculum and Instruction (C.S.U.S.), B.S. in Health Services (Chapman College), A.A. in Liberal Studies (Pennsylvania State University), Public Health Credential (C.S.U.S.) and Registered Nurse's License (Medical College of Pennsylvania).

2004 Health Primary Adoption IMAP Applicants

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Sequence Number	First Name	Last Name	Position	Employer
6			First Grade Teacher	Montebello USD

Highest Degree	Expertise	Region	Gender	Ethnicity
B.A. French	K-3; Health Ed; Physical Ed; Safe... Environment; Parent...	S. CA	F	Mexican-American

Summary

Candidate #6 is a first grade teacher in Montebello USD. She participates in health committees at her school. She has participated in completing the district's guide for adopting core curriculum in K-12 health education and in the district's adoption process for science instructional materials. She presented at the California Association for Health, Physical Education and Recreation and Dance Conference in 2001. She was a B.T.S.A. mentor for more than three years. She has a B.A. in French (U.C.L.A.), Clear Multiple Subject Credential (U.C.L.A.), a Bilingual Competency, Spanish Certificate (L.A. Co. Office of Ed.)

Sequence Number	First Name	Last Name	Position	Employer
7			Health Education Curriculum Leader	Long Beach USD

Highest Degree	Expertise	Region	Gender	Ethnicity
M.Ed. Educational Management	K-3; 4-8; 9-12; Health Education;	S. CA	F	White

Summary

Candidate #7 is a registered public health nurse. Currently, she is the Health Education Curriculum Leader in Long Beach USD and chairs the district's Health Advisory Council. For the past 8 years, she has been responsible for the district's adoption of health instructional materials in K-12. She is a program facilitator for various health-related programs and she coordinates training for teaching and support staff. She has a M.Ed. in Educational Management and Preliminary Administrative Services Credential (University of La Verne), B.S. in Nursing (University of Colorado), and a Credential in School Nursing (CSU Northridge and Long Beach).

Sequence Number	First Name	Last Name	Position	Employer
8			Health Education Specialist	Self Employed

Highest Degree	Expertise	Region	Gender	Ethnicity
M.S. Nutrition Education	K-3; 4-8; 9-12; Health; Nutrition, Safety, Parent, Other	S. CA	F	DTS

Summary

Candidate #8 is a self employed Health Education Specialist and Registered Dietitian. As one of the original California School Health Coordinator Leadership Institute Executive Committee members, she helped plan, recruit and coordinate teams to implement and evaluate coordinated school health systems in districts. She evaluated and recommended instructional materials for circulation in the California Healthy Kinds Resource Center (CHKRC). She has provided technical assistance to educators, task forces and others on coordinated school health efforts. She has a B.S. in Nutritional Science and Clinical Dietetics (UC Berkeley), and M.S. in Nutrition Education, and has coursework towards an Ed.D. in Health Education (Teachers' College, Columbia University).

2004 Health Primary Adoption IMAP Applicants

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Sequence Number	First Name	Last Name	Position	Employer
9			Teacher	Mt. Shasta Union SD

Highest Degree	Expertise	Region	Gender	Ethnicity
Standard Elementary Life Credential K-8	K-3; Health Education; Parent/Community	N. CA	F	White

Summary

Candidate #9 is a 1st grade teacher in the Mt. Shasta Union S.D. She is the chair for the Health/PE Curriculum Committee and participates on the Health/Safety Community Advisory Council, and presents information on implementing a coordinated school health system. She has assisted committees and staff with integrating the eight components of coordinated school health in the district. She participated with the Health Education Challenge Standards working group in 1997-98 and the Health Framework Focus group in 2001. She has a Standard Elementary Life Credential for grades K-8.

Sequence Number	First Name	Last Name	Position	Employer
10			Resource Specialist	Hesperia Unified SD

Highest Degree	Expertise	Region	Gender	Ethnicity
M.A. Human Behavior	K-3; 4-8; 9-12; College/University; Health Ed.; Nutrition Svs; Psychological Svs; Health...Staff; Safe...Environment; Parent/Community	S. CA	F	White

Summary

Candidate #10 is the Drug, Alcohol and Tobacco Education Coordinator and a special education teacher in Hesperia USD. She has been a K-12 special education teacher for 27 years. For the past 10 years, she has provided staff development, assisted with the district's coordinated compliance review, and selected health-related instructional materials. She is the Trainer of Trainers for the 2nd Step Program, Project Alert and 40 Development Assets. She has taught health-related courses at various universities. She has a M.A. in Human Behavior (U.S. International University), B.A. in Social Studies, Psychology, and Sociology (Chapman University), Pupil Personnel Services Credential, a Standard Teaching Credential, Administrative Credential, Learning Handicapped Credential, and Resource Special Program Certificate (UC Riverside).

Sequence Number	First Name	Last Name	Position	Employer
12			Health Educator	Long Beach USD

Highest Degree	Expertise	Region	Gender	Ethnicity
M. Ed. Educational Management	4-8; 9-12; Health Education	S. CA	F	White

Summary

Candidate #12 is a health educator and teacher on special assignment in the Health Curriculum Office for the Long Beach USD, and is a Certified Health Education Specialist. She taught 7th grade health for 10 years. For 3 years, she has been implementing a K-12 health curriculum and training teachers to use the Health Education Assessment Project. She integrates nutrition education as she implements the Tobacco-Use Prevention Education program for 8th graders. She participated on the committee to update the Health Framework. She has a B.S. in Health Science (C.S.U.L.B.), M.Ed. (University of La Verne), and Single Subject Secondary Teaching Credential in Health Sciences.

2004 Health Primary Adoption IMAP Applicants

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Sequence Number	First Name	Last Name	Position	Employer
13			Senior Project Director	LA County Office of Ed

Highest Degree	Expertise	Region	Gender	Ethnicity
M.A. Education	K-3; 4-8; 9-12; Health Education	S. CA	F	Asian

Summary

Candidate #13 is a Senior Project Director in the Los Angeles COE. She promotes health literacy to 82 school districts, initiated and chairs the Coordinated School Health Committee, and supported development of a nutrition coalition. She coordinates the Safe and Drug-Free Schools and Communities and the Tobacco-Use Prevention Education programs, works closely with districts implementing HIV/AIDS prevention, and reviews health instructional materials, and grants. She coordinated the California Healthy Kids Program Dissemination Center. She has a B.A. in Social Sciences for Elementary Teachers (U.C.L.A.), M.A. in Educational Administration (C.S.U.L.A.), Standard Teaching Credential (C.S.U.L.A.), Clear Administrative Services Credential (C.S.U.L.A.), and Life Standard Teaching Credential (C.S.U.L.A.).

Sequence Number	First Name	Last Name	Position	Employer
14			Health Education Consultant	LA County Office of Ed

Highest Degree	Expertise	Region	Gender	Ethnicity
M.A. American Studies	9-12; College/Univrsity	S. CA	F	DTS

Summary

Candidate #14 is a health education consultant in the Los Angeles COE and is a Certified Health Education Specialist. She taught health science in grade-levels 8-12 for twelve years and instituted the coordinated school health model. She chaired the health textbook selection committee for Santa Monica-Malibu USD and served as a consultant to school districts for selection of textbooks in Los Angeles county, served on the California Department of Education's California Healthy Kids Resource Center Materials Review Board Selection Committee, and reviewed and selected textbooks for university level school health courses. She has a B.S. in Health Education, M.A. in American Studies, a California Teaching Credential in Health Science, California Teaching Credential in Social Science, and Administrative Credential.

Sequence Number	First Name	Last Name	Position	Employer
15			School Nurse	Central Unified SD

Highest Degree	Expertise	Region	Gender	Ethnicity
M.S. Health Ed.	K-3; 4-8; 9-12	C. CA	F	White

Summary

Candidate #15 is a school nurse in Central USD. She is assigned to three school sites: K-8 school, 9-12 high school, and 7-12 continuation school. She coordinated a district health fair. For the past three years, she has participated annually in co-organizing a community-wide dental clinic for students in grades 2-6 and has training in HIV/AIDS, CPR/First Aid, and the American Lung Association Open Airways. She has an A.S. in Nursing (Fresno City College), B.S. in Nursing (C.S.U.F.), M.S. in Health Education (C.S.U.F.), and Health Services Credential (C.S.U.F.).

2004 Health Primary Adoption IMAP Applicants

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Attachment 1

Page 5 of 8

Sequence Number	First Name	Last Name	Position	Employer
16			Classroom Health Educator	Lowell Joint SD

Highest Degree	Expertise	Region	Gender	Ethnicity
M.A. Health and Safety	4-8; Health Education; Safe-Healthy Environment	S. CA	F	White

Summary

Candidate #16 is a classroom health educator in the Lowell Joint SD. She has 35 years experience being a junior high school health education. During this time, she evaluated health films that were transferred to video, created curriculum on the importance of good nutrition for expectant teen mothers, participated in the district's adoption of health materials, worked as a consultant for the California Department of Education, participated in the American Cancer Society's Great American Smoke-out, and certified staff volunteers in the American Red Cross Disaster Preparedness program. She has in Political Science (Whittier College), a M.A. in Health and Science and a Lifetime Elementary and Secondary Teaching Credential.

Sequence Number	First Name	Last Name	Position	Employer
17			District Nurse/Grants Manager	Cupertino Union SD

Highest Degree	Expertise	Region	Gender	Ethnicity
M.S. Community Health Nursing	K-3; 4-8; Health Ed; Health Svcs; Safe...Environment	N. CA	F	White

Summary

Candidate #17 is a district nurse and grants manager in the Cupertino USD. In collaboration with the district's science resource teacher and the curriculum review committee, she is updating the district's human growth and development curriculum for grades 5-8. She reviews instructional materials for various health programs implemented in the district. She coordinated a student public awareness campaign and fundraiser on diabetes, and coordinated an in-service for physical education coaches on asthma. She represented Santa Clara county at the California Department of Education's County School Health Coordinator meetings in 2001-2003. She has a Diploma in Nursing (St. Luke's Hospital, School of Nursing, Denver, CO.), B.S. in Nursing with minor in Education (Columbia University) Teachers College, M.S. in Community Health Nursing and School Health (San Jose State University), license as a registered nurse, public health nurse certificate, clinical nurse specialist license and a professional health services credential.

Sequence Number	First Name	Last Name	Position	Employer
18			Teacher	Ukiah USD

Highest Degree	Expertise	Region	Gender	Ethnicity
Administrative PASC I Credential	K-3; 4-8; Health Ed; Physical Ed; Hlth Svcs; Nut. Svcs....multiple	N. CA	F	White

Summary

Candidate #18 is a teacher in the Ukiah USD, the nutrition and fitness program coordinator for pre K-12 students and leads the nutrition advisory team. She serves on the Health Advisory Committee and the county's Children's Health Committee, and trains teachers in nutrition and fitness. She wrote the district's nutrition and fitness policy. She was involved in the Health, Hunger and Learning Forum and Whole Child conference. She participated on the districts curriculum advisory committee for the adoption of instructional materials in math and reading/language arts. She has a Multiple Subject Credential and Administrative Credential (Pre-Administrative Service Credential, Phase I).

2004 Health Primary Adoption IMAP Applicants

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Sequence Number	First Name	Last Name	Position	Employer
19			Teacher	Corona Norco USD

Highest Degree	Expertise	Region	Gender	Ethnicity
M.A. Curriculum and Instruction	4-8; college/university; Health Education	S. CA	F	White

Summary

Candidate #19 is a 7th grade health teacher in the Corona-Norco USD and adjunct faculty with National University. She serves on the Community Health Curriculum Board in the district and the Materials Review Board for the California Healthy Kids Resource Center. She integrates Child Nutrition Services and Counseling, Psychological, and Social Services into the Coordinated School Health program. She is a mentor and on-campus sponsor for the middle school level of "Friday Night Live." She has a B.S. in Health Science (C.S.U.L.B.), M.A in Curriculum and Instruction (C.S.U.L.B.) and California Clear Teaching Credential.

Sequence Number	First Name	Last Name	Position	Employer
21			Curriculum Specialist	Sweetwater Union HSD

Highest Degree	Expertise	Region	Gender	Ethnicity
BS Home Economics	4-8; 9-12; Health Education	S. CA	F	White

Summary

Candidate #21 is a Curriculum Specialist for Sweetwater Union HSD. She has been a high school health teacher for twenty-five (25) years. She teaches HIV/STD lessons, on occasion, in middle school and high school, and facilitates staff development for district health educators. She works with program managers in Student Health Services, and Psychological and Counseling Services, and San Diego county's Health and Physical Education Coordinator. She is the community liaison for guest speakers on health issues and participates in health fairs. She is coordinating a district health education standards and assessment team. She has a B.S. in Home Economics Education with a minor in Physical Science and a Health Education Elementary Credential.

Sequence Number	First Name	Last Name	Position	Employer
22			Nurse Consultant III	CA Dept Health Services

Highest Degree	Expertise	Region	Gender	Ethnicity
M.S. Nursing	K-3; 4-8; Health Ed; Parent/Community Involvement	N. CA	F	Other

Summary

Candidate #22 is a Nurse Consultant III for the California Department of Health Services, Medi-Cal Managed Care Division in Sacramento. She currently co-facilitates the Statewide Adolescent Health Quality Improvement Collaborative Project and is the team advisor/coach for a high school competition dance team. As a parent volunteer, she presents health topics at her daughter's school. She taught fourth grade in public school and was a public county health nurse. She has a B.S. in Nursing and California Teaching Credential: Multiple Subjects (San Jose State University), Master of Science in Nursing, Administration and Public Health (U.C.S.F.) and California Registered Nursing License and Certified Professional in Healthcare Quality.

2004 Health Primary Adoption IMAP Applicants

PUBLIC COPY

Attachment 1

Page 7 of 8

Sequence Number	First Name	Last Name	Position	Employer
24			Health Services Director	Siskiyou County Off of Ed

Highest Degree	Expertise	Region	Gender	Ethnicity
BSN Community Health Nursing	K-3; 4-8; 9-12; Health Ed..Health Svs; Hlth Promotion...multiple	N. CA	F	White

Summary

Candidate #24 is a Health Services Director in Siskiyou County Office of Education. She coordinates the health services for county schools and supervises health instruction for K-12, special day classes and adults. She coordinated the effort for the adoption of a family life curriculum. She is an active member of the Region 2 Health/Physical Education Curriculum Committee. She participates on the Etna High Coordinated School Health Committee, which promotes strategies for coordinated school health systems. She has a B.S. in Nursing and a M.S in Community Health Nursing (U.C.S.F.), Health Services Credential (C.S.U.S.) and Administrative Credential, Tier 1 (C.S.U.H.).

Sequence Number	First Name	Last Name	Position	Employer
25			Director, Child Nutrition Services	Lynwood Unified SD

Highest Degree	Expertise	Region	Gender	Ethnicity
MBA Business Administration	K-3; 4-8; 9-12; Nutrition Services	S. CA	F	Asian

Summary

Candidate #25 is a Director, Child Nutrition Services for Lynwood USD. She plans nutrient balanced and appealingly meals for the school cafeteria and provides nutrition education to teachers, children and their families. She has worked with food manufacturers to create new food items to appeal to students and to offer incentives to increase meal participation. She has trained and worked teachers and school nurses to develop a health curriculum using nutritional concepts. She has reviewed materials for the California Healthy Kids Resource Center. She is a member of the Southern California School Food Services Association and American Dietetic Association. She has a M.S. in Food and Nutrition (University of Tennessee), M.B.A. (C.S.U.L.A.) and Doctoral candidate in Nutrition (U.C.L.A.).

Sequence Number	First Name	Last Name	Position	Employer
27			Program Manager-Health	California Healthy Kids Resource Center

Highest Degree	Expertise	Region	Gender	Ethnicity
M.P.H.	K-12; Health Education; Nutrition Services; Parent/Community Involvement	N. CA	F	White

Summary

Candidate #27 is a Health Program Manager for a Healthy Kids Resource Center in Alameda and a Registered Dietician. She coordinates the review of health education materials to support coordinated school health programs in grade-levels Pre, K through 12, develops researched-based evaluation instruments, and provides technical assistance and training to teachers, nutrition services staff and school administrators. She developed health instructional materials for elementary level immigrant and refugee children and their families. She has s B.A. in Biology (U.C.S.B.), a B.S. in Nutrition and Dietetics (University of Texas, Houston), and a M.P.H. (U.C.B.).

2004 Health Primary Adoption IMAP Applicants

PUBLIC COPY

Attachment 1

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Sequence Number	First Name	Last Name	Position	Employer	Highest Degree	Expertise	Region	Gender	Ethnicity
28			Teacher/District Health Coordinator	Brentwood Union SD	M.ed. Education	4-8; Health Ed; Safe/Healthy Environment	N. CA	F	White

Summary

Candidate #28 is a Teacher/District Health Coordinator for Brentwood USD. She teaches 8th grade health, coordinates health programs for the district, including the annual family life education week, middle school immunization program, safe school plans, and maintains state compliance for tobacco and drug education. She has evaluated health instructional materials for the Healthy Kids Resource Center in Alameda county. She has also taught 6th and 7th grade health. She has a B.A in Education (United State International University), a M.Ed. in Education (United States University), a K-12 Multiple Subject teaching credential, and a Single Subject teaching credential.

2004 Health Primary Adoption CRP Applicants PUBLIC COPY

Attachment 2

Page 1 of 2

Sequence Number	First Name	Last Name	Title	Employer
301			Retired Pediatrician	Retired

Highest Degree	Expertise	Region	Gender	Ethnicity
M.D. - Pediatrics	General Pediatrics	S. CA	M	Declined to State

Summary
 Candidate #301 has practiced general pediatrics for 30 years prior to retiring in 1998. He was a clinical instructor in pediatrics at U.C.S.F. He has been involved in school health activities in Napa county, state chapter 1 of the American Academy of Pediatrics and participated in the Healthy Schools, Healthy People conference sponsored by the California Department of Education and the California Department of Health. He is an M.D. (U.C.S.F. School of Medicine)

Sequence Number	First Name	Last Name	Title	Employer
302			Supervisor Health Services	Placentia-Yorba Linda SD

Highest Degree	Expertise	Region	Gender	Ethnicity
Ph.D. Adult Education	K-3; 4-8; College/University	S. CA	F	White

Summary
 Candidate #302 is the Supervisor for Health Services in the Placentia-Yorba Linda School District and is an adjunct professor for San Diego State University, Nursing Department. She has taught courses in health for National University, Teacher Credential Program. She has been in the health field for the past 28 years: school nurse in special education, health educator providing disaster preparedness, developer of skin cancer/sun prevention curriculum for K-8 students, member of the health curriculum committee, coordinator of safe and drug-free school, and tobacco use prevention programs. She has a Ph.D. in Adult Education (U.S.C.), an administrative credential (Azusa Pacific University), a M.S.N, Pediatric Nurse Practitioner (CSU Long Beach), and a B.S. in Nursing (CSU Long Beach).

Sequence Number	First Name	Last Name	Title	Employer
304			Gastroenterologist	Self Employed

Highest Degree	Expertise	Region	Gender	Ethnicity
Ph.D. Chemistry, M.D. Gastroenterology, Internal Medicine	Physician	N. CA	M	Asian

Summary
 Candidate #304 is a gastroenterologist and in private practice in Sacramento. He is a clinical associate professor at U.C. Davis, School of Medicine and teaches medical students. He teaches family practice resident students at Sutter and Mercy Community Hospitals. He has numerous honors and publications. He is a member of several medical associations. He has a M.D. (U.C. Davis), a P.h.D in Chemistry (U.C.L.A.) and a B.S. in Chemistry (National Tsing Hua University, Taiwan).

2004 Health Primary Adoption CRP Applicants PUBLIC COPY

Sequence Number	First Name	Last Name	Title	Employer
305			Executive Director, California Healthy Kids Resource Center	Alameda County Office of Education

Highest Degree	Expertise	Region	Gender	Ethnicity
Ph.D. Child and Adolescent Development	K-12; College/University	N. CA	F	White

Summary

Candidate #305 is the Executive Director for a Healthy Kids Resource Center in Alameda COE. She is an assistant professor of health education in the Teacher Credential Program at San Jose State University. She has taught the Health Education For Teachers course for 13 years. She reviewed health instructional materials for the 1995 Health Primary Adoption and the 1998 Health Follow-Up Adoption. . She has a B.A. in Psychology (Mills College) and a Ph.D. in Child and Adolescent Development (Stanford University).

Sequence Number	First Name	Last Name	Title	Employer
306			Professor of Nursing	CSU, Fullerton

Highest Degree	Expertise	Region	Gender	Ethnicity
DrPH Health Education	College/University; Health Educator	S. CA	F	White

Summary

Candidate #306 is a professor of nursing for C.S.U. Fullerton in Orange county. She supervises public health nursing students and teaches several courses, including workshops at national conferences. She is registered nurse, certificated nurse and certified health education specialist. She has received numerous honors, written publications and presented health papers. She has a B.S. in Nursing (Loma Linda University), a M.S. in Community Health Nursing (Loma Linda University), and a Dr.P.H. in Health Education/Health Promotion (Loma Linda University).

**JANUARY 2004 AGENDA**

SUBJECT	X	Action
Curriculum Commission: Approval of Visual and Performing Arts Framework for California Public Schools		Information
	X	Public Hearing

Recommendation:

Hold a public hearing and adopt the *Visual and Performing Arts Framework for California Public Schools, Grades Kindergarten Through Grade Twelve*.

Summary of Previous State Board of Education Discussion and Action

- Adoption of the *Visual and Performing Arts Framework for California Public Schools, Kindergarten Through Grade Twelve* in October 1995
- Adoption of the Visual and Performing Arts Content Standards, January 2001
- Appointment of the Curriculum Framework and Criteria Committee (CFCC) for visual and performing arts in January 2002

Summary of Key Issue(s)Background

The Curriculum Commission, as the advisory body to the State Board of Education on the adoption of curriculum and instructional materials, is submitting this draft framework to the State Board of Education in order to fulfill certain statutory obligations. This revised framework is the first in the visual and performing arts to be based on State Board adopted student content standards. A key component of the framework is the criteria for the adoption of instructional materials in visual and performing arts. A public hearing is required prior to State Board action.

Statutory requirements

Per Education Code 60200(b)(1)(f), the State Board of Education shall produce a framework and adopt instructional materials for visual and performing arts on an eight-year cycle.

Standards in the visual and performing arts were developed per Education Code 60605.1. The State Board of Education approved the standards in January 2001.

Education Code 60200(c)(5)(B)(6) requires that the State Board approve criteria for the adoption of instructional materials at least 30 months prior to the date that instructional materials are scheduled to be adopted. The next major adoption of instructional materials for visual and performing arts is scheduled for 2006.

Time frame for framework development and approval

In January 2001, the State Board adopted student content standards in the visual and

Summary of Key Issue(s)

performing arts. In January 2002, the State Board appointed members to the Curriculum Framework and Criteria Committee (CFCC), charging them to review the 1995 Visual And Performing Arts Framework in relation to the adopted standards. The information gathered by the CFCC was shared with the Curriculum Commission between March and June of 2002. From June of 2002 until June of 2003, the draft document was revised based on input from the field and the Commission. Between June and September 2003, a revised draft was posted on the CDE Web site for field review. Following a public hearing on November 7, 2003, the Commission approved this draft that incorporates the input that was provided by the public, practitioners, and arts experts.

If the State Board (SBE) adopts this draft *Visual and Performing Arts Framework* in January 2004, production and distribution will follow in the summer of 2004.

Key components of the Visual and Performing Arts Framework for California Public Schools, Kindergarten Through Grade Twelve

The framework serves as the basis for instruction in the visual and performing arts in California's public schools. The framework is based on the Content Standards for Visual and Performing Arts and includes key standards that were selected from the content standards by the CFCC. The key standards provide a means for districts to establish a beginning point for standards-based instruction in the elementary and middle school grades. They focus on fundamental content that students need, and build upon content in each successive grade.

The framework also contains the evaluation criteria of instructional materials for classes in kindergarten through eighth grade. These criteria will serve as the evaluation instrument for reviewers of instructional materials and will be the basis for the Curriculum Commission's recommendations to the State Board. The adoption of this framework with these criteria will give publishers and producers of instructional materials more than the 30 months of preparation required under Education Code Section 60200 (c)(5)(B)(6). The State Board will be adopting visual and performing arts materials in November 2006.

Fiscal Analysis (as appropriate)

Based upon the final cost of preparing and printing the Science Framework, the anticipated cost of preparing and printing the Visual and Performing Arts Framework is \$205,076. The actual figure for the Visual and Performing Arts Framework may be higher or lower depending upon editing charges, copyright fees, and quality of pictures and plates. These costs will be recovered with the sale of the framework at approximately \$17.50.

Attachment(s):

Attachment 1: Copy of the draft Visual and Performing Arts Framework that was approved by the Curriculum Commission on November 7, 2003. (Pages 316). This attachment is available via the world wide web at <http://www.cde.ca.gov/cfir/vpa/>. A copy of the draft Visual and Performing Arts Framework is also available for viewing at the State Board office.



JANUARY 2004 AGENDA

SUBJECT: Appointments to Advisory Commission on Charter Schools.	<input checked="" type="checkbox"/> ACTION
	<input checked="" type="checkbox"/> INFORMATION
	<input type="checkbox"/> PUBLIC HEARING

RECOMMENDATION:

Appoint two members of the Advisory Commission on Charter Schools, representing (respectively) county superintendent of schools and school district superintendents, pursuant to Education Code Section 47634.2(b) and State Board Policy 01-04. The county superintendent representative is to complete the balance of an existing term (which expires December 31, 2004), and the district superintendent representative is to serve a two-year term commencing January 1, 2004.

Summary of Previous State Board of Education Discussion and Action.

The State Board appoints members to the Advisory Commission on Charter Schools (ACCS) pursuant to Education Code Section 47634.2(b) and State Board Policy 01-04. The ACCS is composed of nine members, eight of whom serve two-year, staggered terms. The ninth member is a designee of the State Superintendent. Members represent specific interest areas within the education community, including school district superintendents, charter schools, teachers, parents (guardians), members of the governing boards of school districts, and county superintendents of schools.

Summary of Key Issue(s).

It is anticipated that the State Board's charter school liaisons (Reed Hastings and Don Fisher) will recommend individuals for appointment to the two positions.

Fiscal Analysis (as appropriate).

N/A.

Background Information attached to this Agenda Item.

Information on applicants recommended by Mr. Hastings and Mr. Fisher will be provided at the January 2004 meeting.

CALIFORNIA STATE BOARD OF EDUCATION

1430 N Street, Suite 5111
Sacramento, CA 95814
(916) 319-0827
(916) 319-0175 (fax)



January 5, 2004

To: State Board of Education Members

From: Reed Hastings, President and Charter Schools Liaison

A handwritten signature in black ink, appearing to read "Reed Hastings".

Subject: Item 26, January 2004 Agenda
Appointments to the Advisory Commission on Charter Schools

The Advisory Commission on Charter Schools includes representatives of various segments of the education community. Currently, there are two vacant positions, one representing county superintendents of schools and the other representing school district superintendents. I would like to recommend the appointment of Vicki L. Barber, to the vacant position representing county superintendents. As the El Dorado County Superintendent of Schools, Vicki has been a leader in the development of excellent charter schools in her area of the state. She will be a very positive, constructive participant on the Advisory Commission, just as she has been as a member of the Public School Act (PSAA) Advisory Committee. I am very appreciative of her willingness to serve in this capacity.

For your information, I provide below Vicki's statement of personal philosophy from the Web site of the El Dorado County Office of Education.

"Your children are precious to you. They deserve a quality education in safe, caring schools by highly qualified and motivated staff committed to excellence and service. My adult life as a teacher, psychologist, and educational leader, has been devoted to the idea that our children come first. During my terms as El Dorado County Superintendent of Schools, the education of your children has been my goal: how well they are cared for today and how well they are prepared for tomorrow.

"We are committed to work hard for our children by seeking to find the best teachers, assisting in building more and better schools, and developing stronger partnerships with government, private industry, and small businesses. We are accountable to our clients, not only in providing a quality education for our youth, but also in maintaining sound management practices and care in how we spend your money. I am pleased that all fifteen El Dorado County District Superintendents are dedicated to these same goals.

"The future of our country rests in our children. Their education is our greatest responsibility. It is my privilege to continue to serve you as El Dorado County Superintendent of Schools."

I do not have a recommendation to make at this time for appointment of a representative of school district superintendents.

cc: CDE Executive Staff



JANUARY 2004 AGENDA

SUBJECT Assignment of Numbers for Charter School Petitions	X	ACTION
		INFORMATION
		PUBLIC HEARING

Recommendation:

California Department of Education (CDE) staff recommends that the State Board of Education (SBE) assign charter numbers to the charter schools identified on the attached list.

Summary of Previous State Board of Education Discussion and Action

The SBE is responsible for assigning a number to each approved charter petition. On the advice of legal counsel, CDE staff is presenting this routine request for a charter number as a standard action item.

Since the charter school law was enacted in 1992, the SBE has assigned numbers to 609 charter schools, including nine approved by the SBE after denial by the local agencies. Of these 609 schools, approximately 475 are estimated to be operating in the 2003-2004 school year. In addition, the SBE has approved eight all-charter school districts containing a total of 15 charter schools.

Summary of Key Issue(s)

The law allows for the establishment of charter schools. A charter school typically is approved by a local school district or county office of education. The entity that approves a charter is also responsible for ongoing oversight. A charter school must comply with all the contents of its charter, but is otherwise exempt from most other laws governing school districts.

Education Code Section 47602 requires the SBE to assign a number to each charter school that has been approved by a local entity in the chronological order in which it was received. This numbering ensures that the state is within the cap on the total number of charter schools authorized to operate. As of July 1, 2003, the number of charter schools that may be authorized to operate in the state is 750. This cap may not be waived. This item will assign numbers to two more charter schools. Copies of the charter petitions are on file in the Charter School Division.

Fiscal Analysis (as appropriate)

There is no fiscal impact resulting from the assignment of numbers to recently authorized charter schools.

Attachment(s)

[Attachment 1](#): Assignment of Numbers for Charter School Petitions (Page 1-1)

January 2004 State Board of Education Meeting

Assignment of Numbers for Charter School Petitions

NUMBER	CHARTER SCHOOL NAME	CHARTER SCHOOL COUNTY	AUTHORIZING ENTITY	CHARTER SCHOOL CONTACT
610	Humane Education Learning Community (HELC) Charter School	Sacramento	San Juan USD	Yale S. Wishnick 5959 Greenback Lane, #500 Citrus Heights, CA 95621 (916) 212-9297
611	Leadership Public Schools	Santa Clara	Santa Clara COE	Mark Kushner P. O. Box 29527 San Francisco, CA 94129 (415) 561-3397



JANUARY 2004 AGENDA

SUBJECT: Determination of funding requests from charter schools pursuant to Senate Bill 740 (Chapter 892, Statutes of 2001), specifically Education Code Sections 47612.5 and 47634.2, and California Code of Regulations, Title 5, Sections 11963 to 11963.6, inclusive: Retroactive approval for 2002-03, and approval for 2003-04 (and beyond).	<input checked="" type="checkbox"/> ACTION
	<input type="checkbox"/> INFORMATION
	<input type="checkbox"/> PUBLIC HEARING

RECOMMENDATION:

Retroactively approve one 2002-03 determination of funding request from a charter school pursuant to Education Code Sections 47612.5 and 47634.2, and California Code of Regulations, Title 5, Sections 11963 to 11963.6, inclusive, based upon the recommendation of the Advisory Commission on Charter Schools and the California Department of Education.

Approve various 2003-04 (and beyond) determination of funding requests from charter schools pursuant to Education Code Sections 47612.5 and 47634.2, and California Code of Regulations, Title 5, Sections 11963 to 11963.6, inclusive, based upon the recommendations of the Advisory Commission on Charter Schools and the California Department of Education.

Summary of Previous State Board of Education Discussion and Action

Senate Bill 740 (Chapter 892, Statutes of 2001) enacted provisions of law calling upon charter schools to prepare and the State Board to act upon determination of funding requests relating to pupils who receive nonclassroom-based instruction (in excess of an amount of nonclassroom-based instruction that the statute allows as part of classroom-based instruction). The State Board adopted regulations (in keeping with SB 740) to define certain terms and establish criteria for the evaluation of determination of funding requests. The regulations became operative in November 2003.

Summary of Key Issue(s)

Under SB 740, an approved determination of funding is required (beginning in 2001-02) in order for a charter school to receive funding for pupils receiving nonclassroom-based instruction (in excess of the amount of nonclassroom-based instruction that the statute allows as part of classroom-based instruction). All determinations made in 2001-02 were for that year only.

Based upon recommendations of the Advisory Commission on Charter Schools and the California Department of Education, the State Board retroactively approved 2002-03 (and beyond) determination of funding requests at the November 2003 meeting. Many were for one year, though some were for multiple years.

This agenda item presents one more retroactive determination of funding request for 2002-03, as well as a number of determination of funding requests for 2003-04 (and beyond).

Fiscal Analysis (as appropriate)

A determination of funding request approved at less than the 100 percent level may result in slightly reduced apportionment claims to the state. The reductions in claims would result in a proportionate reduction in expenditure demands for Proposition 98 funds. All Proposition 98 funds, by law, must be expended each fiscal year. Thus, a reduction in apportionment claims may be more accurately characterized as an expenditure shift than as absolute savings under typical circumstances. However, if total claims for Proposition 98 funding are greater than available funds in a given year, then the reduction in apportionments attributable to nonclassroom-based instruction may be regarded as a reduction in the deficit for that year.

Background Information attached to this Agenda Item

The listing of specific recommendations is attached. More information regarding individual schools' determinations of funding requests is available for public inspection in the Charter Schools Division of the California Department of Education.

Attachment To Agenda Item Regarding
Determination Of Funding Requests

January 2004

Page 1 of 4

2002-03 ONLY

The following determination of funding request is recommended for retroactive approval by the State Board of Education for one year only (2002-03) at the 100 percent level. The reasons justifying a level higher than 80 percent in 2002-03 are that (1) the school met the minimum criteria specified in regulation for the 100 percent level and (2) the school presented sufficient evidence (taking the totality of the request into account along with any other credible information that may have been available) that the 100 percent funding determination level was necessary for the school to maintain nonclassroom-based instruction that is conducted for the instructional benefit of the student and is substantially dedicated to that function

Charter Number	Charter Name	2002-03	2003-04	2004-05
#24	Vantage Point Charter School	100%	N/A	N/A

Attachment To Agenda Item Regarding
Determination Of Funding Requests
 January 2004
 Page 2 of 4

2003-04 (AND BEYOND)

The following determination of funding request is recommended for approval by the State Board of Education for three years (2003-04, 2004-05, and 2005-06) at the 100 percent level. The reasons justifying a level higher than 70 percent in 2003-04 and beyond are that (1) the school met the minimum criteria specified in regulation for the 100 percent level and (2) the school presented sufficient evidence (taking the totality of the request into account along with any other credible information that may have been available) that the 100 percent funding determination level is necessary for the school to maintain nonclassroom-based instruction that is conducted for the instructional benefit of the student and is substantially dedicated to that function.

Charter Number	Charter Name	2003-04	2004-05	2005-06
#136	Sierra Charter School	100%	100%	100%

The following determination of funding request is recommended for approval by the State Board of Education for two years (2003-04 and 2004-05) at the 100 percent level. The reasons justifying a level higher than 70 percent in 2003-04 and beyond are that (1) the school met the minimum criteria specified in regulation for the 100 percent level and (2) the school presented sufficient evidence (taking the totality of the request into account along with any other credible information that may have been available) that the 100 percent funding determination level is necessary for the school to maintain nonclassroom-based instruction that is conducted for the instructional benefit of the student and is substantially dedicated to that function.

Charter Number	Charter Name	2003-04	2004-05	2005-06
#354	Forest Charter School	100%	100%	N/A

Attachment To Agenda Item Regarding
Determination Of Funding Requests
 January 2004
 Page 3 of 4

The following determination of funding requests are recommended for approval by the State Board of Education for one year only (2003-04) at the 100 percent level. The reasons justifying a level higher than 70 percent in 2003-04 are that (1) the schools met the minimum criteria specified in regulation for the 100 percent level and (2) the schools presented sufficient evidence (taking the totality of the request into account along with any other credible information that may have been available) that the 100 percent funding determination level is necessary for the schools to maintain nonclassroom-based instruction that is conducted for the instructional benefit of the student and is substantially dedicated to that function.

Charter Number	Charter Name	2003-04	2004-05	2005-06
#26	Twin Ridges Home Study	100%	N/A	N/A
#165	Camptonville Academy	100%	N/A	N/A
#183	Academy for Career Education	100%	N/A	N/A
#255	Muir Charter School	100%	N/A	N/A
#267	Julian Charter School	100%	N/A	N/A
#282	Eagles Peak Charter School	100%	N/A	N/A
#285	Gorman Learning Center	100%	N/A	N/A
#356	Golden Valley Charter School	100%	N/A	N/A
#477	Connecting Waters Charter School	100%	N/A	N/A

The following determination of funding request is recommended for approval by the State Board of Education for one year only (2003-04) at the 85 percent level. The reasons justifying a level higher than 70 percent in 2003-04 are that (1) the school met the minimum criteria specified in regulation for the 85 percent level and (2) the school presented sufficient evidence (taking the totality of the request into account along with any other credible information that may have been available) that the 85 percent funding determination level (but not the 100 percent level) is necessary for the school to maintain nonclassroom-based instruction that is conducted for the instructional benefit of the student and is substantially dedicated to that function.

Charter Number	Charter Name	2003-04	2004-05	2005-06
#63	Mountain Home Charter School	85%	N/A	N/A

Attachment To Agenda Item Regarding
Determination Of Funding Requests
 January 2004
 Page 4 of 4

The following determination of funding requests are recommended for approval by the State Board of Education for one year only (2003-04) at the 70 percent level.

Since the 70 percent level is consistent with the level specified in statute for 2003-04, no reasons justifying a higher or lower level are necessary.

Charter Number	Charter Name	2003-04	2004-05	2005-06
#13	Options for Youth – Victor Valley	70%	N/A	N/A
#105	Options for Youth – Upland	70%	N/A	N/A
#117	Options for Youth – San Gabriel	70%	N/A	N/A
#130	Options for Youth – Burbank	70%	N/A	N/A
#139*	Options for Youth – Mt. Shasta*	70%*	N/A	N/A
#217*	Options for Youth – San Juan*	70%*	N/A	N/A
#188	Opportunities for Learning Charter School – Hacienda La Puente	70%	N/A	N/A
#214	Opportunities for Learning Charter School – Santa Clarita	70%	N/A	N/A
#402*	Opportunities for Learning Charter School – Baldwin Park*	70%*	N/A	N/A
#463*	Opportunities for Learning – Capistrano*	70%*	N/A	N/A

* CDE staff initially recommended the 100 percent level for one year only for these four schools, but ultimately, the State Superintendent’s designee on the Advisory Commission on Charter Schools supported the 70 percent level, and the CDE staff recommendation was modified accordingly.



JANUARY 2004 AGENDA

SUBJECT	X	ACTION
Countywide Charter Schools (Assembly Bill 1994): Approve commencement of the permanent rulemaking process for an addition to Title 5 of the California Code of Regulations.		INFORMATION
	<input checked="" type="checkbox"/>	PUBLIC HEARING

Recommendation:

California Department of Education staff recommend that the State Board of Education: (1) approve the proposed regulations pertaining to funding for countywide charter schools established by provisions of Assembly Bill (AB) 1994, the Initial Statement of Reasons, and the Notice of Proposed Rulemaking, with technical modifications as may be identified and incorporated by staff, subject to the approval of the Executive Director of the State Board; (2) direct staff to proceed with the 45-day public comment period in accordance with the Administrative Procedure Act; and (3) direct staff to conduct a public hearing on the proposed regulations pursuant to California Code of Regulations, Title 5, Section 18460.

Summary of Previous State Board of Education Discussion and Action:

The State Board of Education adopted permanent regulations implementing the financial reporting requirements established by AB 1994. Those regulations were approved by the Office of Administrative Law (OAL) and are now operative.

The State Board received an information memorandum in August 2003 with an earlier draft of this regulation. A second draft was provided as an October 2003 information memorandum. Consideration was postponed at the November 2003 meeting to allow for the incorporation of some additional technical changes.

Summary of Key Issue(s):

Assembly Bill 1994 (Chapter 1058, Statutes of 2002) contained a number of significant programmatic provisions affecting charter schools, and the bill requires the State Board to adopt regulations to implement certain aspects of the statutory changes. The Advisory Commission on Charter Schools (ACCS) discussed various versions of AB 1994 programmatic implementation regulations on several occasions, both in concept and with regard to certain specific elements. During August 2003, State Board members received an information memorandum with a version of the permanent regulations that the ACCS had tentatively endorsed in July. However, at its September 2003 meeting, the ACCS considered the regulations further, and proposed several significant changes. The attached text reflects those changes along with additional technical changes prepared since that time.

Summary of Key Issue(s):

This proposed regulation has been separated from the other AB 1994 regulations in an effort to have them become operative during the 2003-04 fiscal year. There is concern that some of the provisions of the other programmatic regulations may generate controversy and take longer to get through the adoption process. The funding mechanism proposed in this regulation is modeled after the existing funding method for other county-approved charter schools; therefore, it is anticipated that the adoption process for this regulation could be more straightforward. The other AB 1994 programmatic regulations will be brought to the State Board in March.

The proposed regulation is currently undergoing fiscal review by CDE staff. There may be technical changes recommended as a result of this review, which would need to be incorporated into the regulations prior to the initial rulemaking package being submitted to OAL.

Fiscal Analysis (as appropriate)

The statutory changes enacted by AB 1994 will result in increased costs associated with the increased workload to the CDE and State Board to review, approve, and oversee a greater number of charter schools. There are no anticipated additional costs associated with this proposed regulation, although CDE staff has not completed the financial impact statement. That statement will be provided in a last minute memorandum.

Attachment(s)

[Attachment 1](#): Notice of Proposed Rulemaking (Pages 1-5)

[Attachment 2](#): Initial Statement of Reasons (Pages 1-2)

[Attachment 3](#): Proposed Regulations (Pages 1-2)

STATE OF CALIFORNIA
Governor

ARNOLD SCHWARZENEGGER,

CALIFORNIA STATE BOARD OF EDUCATION

1430 N Street, Room 5111
Sacramento, California 95814



TITLE 5. EDUCATION

CALIFORNIA STATE BOARD OF EDUCATION

NOTICE OF PROPOSED RULEMAKING

Countywide Charter Schools

[Notice published _____, 2004]

The State Board of Education (State Board) proposes to adopt the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

PUBLIC HEARING

The State Board will hold a public hearing beginning at _____ on _____, _____, at 1430 N Street, Room 1101, Sacramento. The room is wheelchair accessible. At the hearing, any person may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest. The State Board requests that any person desiring to present statements or arguments orally notify the Regulations Adoption Coordinator of such intent. No oral statements will be accepted subsequent to this public hearing.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Regulations Adoption Coordinator. All written comments must be received by the Regulations Adoption Coordinator no later than the close of the public hearing scheduled to start at _____ on _____, _____. Requests to present oral statements at the public hearing or written comments for the State Board's consideration should be directed to:

Debra Strain, Regulations Adoption Coordinator
California Department of Education
LEGAL DIVISION
1430 N Street, Room 5319
Sacramento, California 94244-2720

Telephone : (916) 319-0641
FAX: (916) 319-0155
E-mail: dstrain@cde.ca.gov

AUTHORITY AND REFERENCE

Authority for these regulations is found in *Education Code* Section 33031. *Education Code* Section 33031 is the State Board's general authority to adopt rules and regulations for the government of the day and evening schools of the state that are not inconsistent with the requirement of statute.

Additional authority is provided in Education Code Section 47605.6(b)(5)(I), which requires the State Board to adopt regulations to determine the manner in which financial audits for countywide charter schools shall be conducted.

References are made to Education Code Sections 47605.6 and 47611.3, as well as to Chapter 6 of Part 26.8 (commencing with Section 47630) of the Education Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The proposed regulations are necessary to clarify certain aspects of the funding and operation of countywide charter schools and to determine the manner in which financial audits shall be conducted for countywide charter schools, which were established by Assembly Bill (AB) 1994 (Chapter 1058, Statutes of 2002).

Specifically, this proposal adds Section 11967.8 to Title 5 of the California Code of Regulations to provide technical clarity regarding the funding calculation and process for providing operational funding to countywide charter schools. In significant part, the regulation defines “sponsoring local education agency” for purposes of calculating local funds to be transferred to countywide charter schools in keeping with the funding scheme set forth in Education Code Section 47630 et seq. The regulations reflect the calculation methodology applied to charter schools that have been directly authorized by county boards of education (i.e., not authorized as appeals of district denials of charter petitions).

DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: Fiscal analysis pending.

Cost or savings to any state agency: Fiscal analysis pending.

Costs to any local agency or school district which must be reimbursed in accordance with Government Code Section 17561: Fiscal analysis pending.

Other non-discretionary cost or savings imposed on local educational agencies: Fiscal analysis pending.

Cost or savings in federal funding to the state: Fiscal analysis pending.

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: Fiscal analysis pending.

Cost impacts on a representative private person or businesses: The State Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Adoption of this regulation will not:

- (1) create or eliminate jobs within California;
- (2) create new businesses or eliminate existing businesses within California; or
- (3) affect the expansion of businesses currently doing business within California.

Significant effect on housing costs: None.

Affect on small businesses: The proposed regulations do not affect small businesses. They relate exclusively to necessary elaboration on statutory provisions establishing a new type of charter school. The proposed regulations do not impose additional workload on small businesses or contractors funded by the Department.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the State Board must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the State Board, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The State Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

CONTACT PERSONS

Inquiries concerning the substance of the proposed regulations should be directed to:

Eileen Cubanski, Administrator
California Department of Education
Charter School Division
1430 N Street, Room 5401
Sacramento, CA 95814
E-mail: ecubansk@cde.ca.gov
Telephone: (916) 322-6029
FAX: (916) 322-1465

Requests for a copy of the proposed text of the regulation, the Initial Statement of Reasons, the modified text of the regulation, if any, or other technical information upon which the rulemaking is based or questions on the proposed administrative action may be directed to the Regulations Adoption Coordinator.

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Regulations Adoption Coordinator will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at her office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation, and the Initial Statement of Reasons. A copy may be obtained by contacting the Regulations Adoption Coordinator at the above address.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the public hearing and considering all timely and relevant comments received, the State Board may adopt the proposed regulations substantially as described in this notice. If the State Board makes modifications which are sufficiently related to the originally proposed text, the modified text (with changes clearly indicated) will be available to the public for at least 15 days before the State Board adopts the regulation as revised. Requests for copies of any modified regulations should be sent to the attention of the Regulations Adoption Coordinator at the address indicated above. The State Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, a copy of the Final Statement of Reasons may be obtained by contacting the Regulations Adoption Coordinator at the above address.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, the text of the regulations in underline and strikeout, and the Final Statement of Reasons, can be accessed through the California Department of Education's Web site at <http://www.cde.ca.gov/regulations>.

INITIAL STATEMENT OF REASONS

Section 11967.8. Countywide Charter Schools

SPECIFIC PURPOSE OF THE REGULATIONS

The proposed regulations will clarify existing law with regard to the funding process to be used for countywide charter schools, and will determine the manner in which financial audits for countywide charter schools shall be conducted.

NECESSITY/RATIONALE

Assembly Bill (AB) 1994 (Chapter 1058, Statutes of 2002) amended the Charter School Act of 1992, and added *Education Code* Section 47605.6 that creates new responsibilities for county boards of education to review and approve charter schools of countywide interest that propose to operate on multiple sites within the county.

SECTION 11967.8

This section provides technical clarity regarding the funding and operations of countywide charter schools, as well as the conduct of audits and resolution of audit exceptions. The regulations are proposed to be effective for the whole of 2003-04 and each fiscal year thereafter.

Subdivision (a). Clarifies that a countywide charter school is funded in keeping with the funding provisions otherwise applicable to charter schools and is directly funded. These are sensible elaborations on a statute that is incomplete and result in no additional costs to the state for students who attend countywide charter schools in lieu of other charter schools.

Subdivision (b). Clarifies the meaning of “sponsoring local education agency” for purposes of countywide charter schools. This clarification ensures that local tax funds are transferred appropriately to countywide charter schools based upon the revenues accruing to the districts in which the schools’ pupils resides, and ensures that related financial calculations are made properly. This is sensible elaboration on a statute that is incomplete and results in no additional costs to the state for students who attend countywide charter schools in lieu of other charter schools.

Subdivision (c). Clarifies how funds are technically to be allocated on behalf of countywide charter schools. This is a sensible elaboration on a statute that is incomplete and results in no additional costs to the state for students who attend countywide charter schools in lieu of other charter schools.

Subdivision (d). Provides technical authorization for inclusion of countywide charter schools in STRS and PERS (which is clearly envisioned in statute). These are sensible elaborations on a

statute that is incomplete and result in no additional costs to the state for students who attend countywide charter schools in lieu of other charter schools.

Subdivision (e). Extends to countywide charter schools the regulations pertaining to audits and resolution of audit exceptions that apply to schools chartered by the State Board of Education on appeal. These are sensible elaborations and are consistent with the specific direction set forth in Education Code Section 47605.6(b)(5)(I).

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDIES, REPORTS, OR DOCUMENTS.

The State Board did not rely upon any other technical, theoretical, or empirical studies, reports, or documents in proposing the adoption of these regulations.

REASONABLE ALTERNATIVES TO THE REGULATIONS AND THE AGENCY'S REASONS FOR REJECTING THOSE ALTERNATIVES.

The State Board was not presented with other viable alternatives to the adoption of these regulations.

REASONABLE ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS.

The State Board has not identified any alternatives that would lessen any adverse impact on small business.

EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS.

The proposed regulations would not have a significant adverse economic impact on any business because they provide a process for a new type of charter school to obtain funding and therefore, have no effect on existing charter schools or small businesses.

Title 5. EDUCATION

Division 1. State Department of Education

Chapter 11. Special Programs

Subchapter 19. Charter Schools

Add Section 11967.8 to read:

Section 11967.8. Countywide Charter Schools.

For the purpose of a countywide charter school approved pursuant to Education Code Section 47605.6, the following shall apply:

(a) The charter school shall be funded pursuant to Chapter 6 of Part 26.8 of the Education Code (commencing with Section 47630) and receive its funding directly.

(b) The charter school's "sponsoring local education agency" for purposes of Chapter 6 of Part 26.8 of the Education Code shall be the school district of residence of each of the pupils attending the school.

(c) The warrant shall be drawn in favor of the superintendent of schools of the county that approved the school, and that county superintendent is authorized to establish appropriate funds or accounts in the county treasury for the school.

(d) The county superintendent is authorized to make necessary arrangements for the school's participation in State Teachers' Retirement System and/or Public Employees Retirement System in accordance with Education Code Section 47611.3.

(e) For the purposes of Education Code Section 47605.6(b)(5)(I), the provisions of paragraph (9) of subdivision (f) of Section 11967.5.1 shall apply. If the school has multiple sites, the charter shall indicate how each of the school's sites will be appropriately included in the processes of auditing and resolving audit exceptions.

This section shall apply for the entire 2003-04 fiscal year and each fiscal year thereafter.

Note: Authority cited: Sections 33031 and 47605.6(b)(5)(I), Education Code. Reference Section 47611.3 and Chapter 6 of Part 26.8 (commencing with Section 47630), Education Code.

LAST MINUTE MEMORANDUM

DATE: January 5, 2004

TO: MEMBERS, STATE BOARD OF EDUCATION

FROM: William J. Ellerbee, Deputy Superintendent
School and District Operations Branch

RE: Item No. 29

SUBJECT: Countywide Charter Schools (Assembly Bill 1994): Approve commencement of the permanent rulemaking process for an addition to Title 5 of the California Code of Regulations.

Please add the following attachment, which provides the required analysis of the fiscal impact of the proposed regulations:

Attachment 4: Economic and Fiscal Impact Statement and Analysis (6 Pages) (This attachment is not available for web viewing. A printed copy is available for viewing in the State Board office.)



JANUARY 2004 AGENDA

SUBJECT Consolidated Applications 2003-2004: Approval	<input checked="" type="checkbox"/>	Action
	<input type="checkbox"/>	Information
	<input type="checkbox"/>	Public Hearing

Recommendation:

The California Department of Education (CDE) recommends that the State Board of Education (SBE) approve 2003-2004 Consolidated Application (Con Apps) submitted by Local Educational Agencies (LEAs).

Summary of Previous State Board of Education Discussion and Action

To date, the SBE has approved the 2003-2004 Con Apps for 1,221 LEAs

Summary of Key Issue(s)

This is the third year LEAs have submitted the Con App via a software package downloaded from the Internet. This mechanism substantially decreased calculation errors and the time needed for review and approval. Each year the CDE, in compliance with *California Code of Regulations* Title 5, Section 3920, recommends that SBE approve applications for funding Consolidated Categorical Aid Programs submitted by LEAs. Con Apps are presented to SBE for approval after they have been reviewed. CDE recommendation is based upon application completeness and the status of outstanding compliance issues. There are 17 state and federal programs that LEAs may apply for in the Con App involving approximately \$2.4 billion. The state funding sources include: School Improvement Program, Economic Impact Aid (which is used for State Compensatory Education (SCE) and/or English Learners), Miller-Unruh, Tobacco Use Prevention Education, 10th Grade Counseling, Peer Assistance Review, Instructional Time and Staff Development Reform, and School Safety (AB 1113). The federal funding sources include: Title I, Part A Basic Grant (Low Income); Title I, Part A (Neglected); Title I, Part D, (Delinquent); Title II, Part A (Teacher Quality); Title II, Part D (Technology); Title III, Part A (LEP Students); Title IV, Part A (SDFSC); and Title V, Part A (Innovative); and Title VI, Part B (Rural, Low-Income).

Fiscal Analysis (as appropriate)

Minimal CDE cost to track the SBE approval status of the Consolidated Applications for approximately 1,300 LEAs. In total, the State Board of Education has approved the 2003-04 Con Apps for 1,221 LEAs representing a total of \$2.7 billion in categorical funds for School Year 2003-04.

Attachment(s)

The list of LEAs recommended for approval will be submitted as a Last Minute Memorandum.

LAST MINUTE MEMORANDUM

DATE: 12-29-03
TO: MEMBERS, STATE BOARD OF EDUCATION
FROM: Geno Flores, Deputy Superintendent
Assessment and Accountability Branch
RE: Item No. 30
SUBJECT: Consolidated Applications 2003-04: Approval

Please see the attached list of Local Educational Agencies (LEAs) with 2003-04 Consolidated Applications to be presented to the SBE at the January meeting for action. The following totals will be presented to the SBE in January:

Total LEAs presented to the SBE in September: 1,157 LEAs

Total LEAs recommended for Regular Approval: 42 LEAs receiving \$9,719,456

Total LEAs recommended for Conditional Approval: 1 LEA receiving \$ 47,422,941

Districts receiving Conditional Approval will be notified that they must resolve their issues of noncompliance or risk recommendation for the withholding of funds related to those noncompliant issues at a subsequent SBE Meeting. At the March SBE Meeting, CDE staff will provide a progress report regarding the compliance status of the districts receiving Conditional Approval.

**Recommended for
Regular Approval:**

The following LEAs have submitted a correct and complete Consolidated Application, Part I, and have no compliance issues crucial to student achievement outstanding for more than 365 days. The Department recommends regular approval of these applications.

CD Code	School Code	Local Educational Agency Name	2002 STAR Data Percent of Students Scoring At or Above						
			2002-2003 ConApp Entitlement	2002-2003 Entitlement Per Student	2002-2003 Entitlement Per Low Income Student	Mathematics		Reading	
						Advanced or Basic	Proficient	Advanced or Basic	Proficient
3066670	3030780	Albor Charter School	0	0.00	0.00	0.0	0.0	0.0	0.0
0461408	0000000	Biggs Unified	0	0.00	0.00	35.1	17.9	33.9	26.6
1964733	6118194	California Academy For Liberal Studies	94,574	376.79	418.47	30.7	16.8	36.6	17.3
5872728	6115935	Camptonville Academy	0	0.00	0.00	27.1	15.0	29.7	28.2
1964733	0100800	Central City Value School	0	0.00	0.00	0.0	0.0	0.0	0.0
1964733	6116750	Community Charter Middle	134,032	357.42	436.59	32.4	9.4	43.2	14.1
5010504	5030325	Community Middle College	0	0.00	0.00	0.0	0.0	0.0	0.0
1964733	0101659	Crenshaw Arts-Technology High School	0	0.00	0.00	0.0	0.0	0.0	0.0
1964733	0100768	Culture And Language Academy Of Success (Clas	0	0.00	0.00	0.0	0.0	0.0	0.0
1964733	6119903	Downtown Value School	18,329	763.71	763.71	0.0	0.0	0.0	0.0
2365607	2330272	Eel River (Charter K-08)	0	0.00	0.00	32.4	35.1	27.0	40.5
3868478	0101774	Five Keys Charter School	0	0.00	0.00	0.0	0.0	0.0	0.0
3868478	3830437	Gateway High	0	0.00	0.00	27.4	12.4	35.8	44.0
5071134	5030275	Gold Rush Home Study Charter	0	0.00	0.00	16.5	4.4	15.5	7.8
1964733	1933746	Granada Hills Charter High	0	0.00	0.00	0.0	0.0	0.0	0.0
3768338	0101204	High Tech Middle	0	0.00	0.00	0.0	0.0	0.0	0.0
3768338	6117279	Holly Drive Leadership Academy	0	0.00	0.00	25.6	2.5	26.4	12.4
1964634	0101667	Inglewood Preparatory Academy Charter School	0	0.00	0.00	0.0	0.0	0.0	0.0
3768163	3731239	Julian Charter	17,550	14.63	358.16	16.5	14.3	18.4	24.3
1964733	0101444	Kipp Academy Of Opportunity	0	0.00	0.00	0.0	0.0	0.0	0.0
3768338	0101345	Kipp Adelante Preparatory Academy	0	0.00	0.00	0.0	0.0	0.0	0.0
3868478	0101337	Kipp Bayview Academy	0	0.00	0.00	0.0	0.0	0.0	0.0
3868478	0101352	Kipp San Francisco Bay Academy	0	0.00	0.00	0.0	0.0	0.0	0.0
0175705	0101212	Kipp Summit Academy	0	0.00	0.00	0.0	0.0	0.0	0.0
0761796	0101477	Leadership Public Schools: Richmond	0	0.00	0.00	0.0	0.0	0.0	0.0

**Recommended for
Regular Approval:**

The following LEAs have submitted a correct and complete Consolidated Application, Part I, and have no compliance issues crucial to student achievement outstanding for more than 365 days. The Department recommends regular approval of these applications.

CD Code	School Code	Local Educational Agency Name	2002 STAR Data Percent of Students Scoring At or Above						
			2002-2003 ConApp Entitlement	2002-2003 Entitlement Per Student	2002-2003 Entitlement Per Low Income Student	Mathematics		Reading	
						Basic	Advanced or Proficient	Basic	Advanced or Proficient
3768023	6037980	Mueller Elementary Charter School	305,353	339.66	440.62	27.1	23.5	28.3	16.7
2910298	2930147	Muir Charter	13,020	19.64	0.00	0.0	0.0	0.0	0.0
2966340	0000000	Nevada City Elementary	429,945	290.70	11024.23	31.0	53.0	29.0	53.6
4410447	4430252	Pacific Collegiate	0	0.00	0.00	30.5	57.2	6.6	87.7
1964733	1995836	Palisades Charter High	0	0.00	0.00	24.5	19.5	27.1	46.5
1964857	0000000	Palmdale Elementary	7,786,102	356.08	502.88	28.9	17.9	33.1	19.2
2966381	0000000	Pleasant Valley Elementary	162,590	245.23	1426.23	29.3	49.8	33.6	46.1
3768312	0000000	Rancho Santa Fe Elementary	85,892	111.84	0.00	12.4	78.3	12.4	72.5
4475432	0000000	Scotts Valley Unified	444,230	171.45	11390.51	26.2	48.4	24.0	58.6
2065243	0100016	Sherman Thomas Charter	0	0.00	0.00	0.0	0.0	0.0	0.0
5572413	0100222	Summit Preparatory High School	0	0.00	0.00	0.0	0.0	0.0	0.0
1975697	1996693	The School Of Arts And Enterprise	0	0.00	0.00	0.0	0.0	0.0	0.0
2966407	0000000	Union Hill Elementary	172,433	229.91	1357.74	26.9	55.4	31.1	52.0
5010504	5030234	Valley Business High	4,576	0.00	0.00	10.0	0.0	40.0	10.0
1964733	6117949	Valley Community Charter	50,830	242.05	0.00	32.3	21.1	24.8	17.3
3910397	3930476	Venture Academy	0	0.00	0.00	12.9	2.2	25.0	16.5
1864204	1830132	Westwood Charter School	0	0.00	0.00	7.5	5.7	13.2	9.4

42 Total Number of LEAs in the report

\$9,719,456 Total ConApp entitlement for districts receiving regular approval

\$47,422,941 Total ConApp entitlement for districts receiving conditional approval

\$57,142,397 Total ConApp entitlement

**Recommended for
Conditional
Approval:**

The following LEAs have submitted a correct and complete Consolidated Application, Part I, but have one or more compliance issues crucial to student achievement outstanding for more than 365 days. The Department recommends approval of these applications

CD Code	School Code	Local Educational Agency Name	2002-2003 ConApp Entitlement	2002-2003 Entitlement Per Student	2002-2003 Entitlement Per Low Income Student	2002 STAR Data Percent of Students Scoring At or Above			
						Mathematics		Reading	
						Advanced or Basic	Advanced or Proficient	Advanced or Basic	Advanced or Proficient
0161259	0000000	Oakland Unified	47,422,941	880.16	1708.38	19.0	14.2	23.5	14.3

1 Total Number of LEAs in the report

\$9,719,456 Total ConApp entitlement for districts receiving regular approval

\$47,422,941 Total ConApp entitlement for districts receiving conditional approval

\$57,142,397 Total ConApp entitlement



CALIFORNIA STATE BOARD OF EDUCATION

JANUARY 2004 AGENDA

SUBJECT Immediate Intervention/Underperforming Schools Program (II/USP): Proposed Intervention for (Cohorts I and II) schools that failed to show significant growth.	<input checked="" type="checkbox"/> Action
	<input checked="" type="checkbox"/> Information
	<input type="checkbox"/> Public Hearing

Recommendation

1. That the State Board of Education (SBE) determine those remaining Cohort I and II schools that will be deemed state-monitored, and
2. That the SBE assign a School Assistance and Intervention Team (SAIT) to all state-monitored schools and allow local governing boards to retain legal rights, duties, and responsibilities with respect to any state-monitored school(s).

Summary Of Previous State Board Of Education Discussion And Action

At the September 2003 State Board meeting, the State Board of Education (SBE) adopted a revised definition of significant growth to align it with current legislation. Education Code Section 52055.5 (h) requires that any year between the third year of II/USP funding and the time a school exits the program, if the school does not make significant growth, the school is to be deemed state-monitored. Therefore, a yearly assessment on the status of schools "under watch" is required. The State Board made a technical revision to the significant growth definition to align with this requirement:

"Making positive growth on the Schoolwide Academic Performance Index (API) in either of the two funded implementation years *and each year thereafter until the school exits the program.*"

At the November 2003 State Board Meeting, the Superintendent of Public Instruction recommended that thirty-nine II/USP schools (22 schools that demonstrated negative growth and 17 schools with invalid Growth APIs) be deemed state-monitored. The Board deemed twenty (20) Cohort 1 II/USP schools and two (2) Cohort 2 II/USP schools state-monitored and required that their districts contract with an approved SAIT Provider.

A decision on schools without valid API growth data was deferred until the January 2004 Board meeting in order to establish alternative criteria and provide these schools with an opportunity to demonstrate growth in student achievement. (See Attachment 4 for alternative criteria.)

Summary Of Key Issues

The Phase II release of the 2003 Schoolwide API results yields a number of additional II/USP Cohort I schools that failed to make significant growth this past year and a number of additional schools in II/USP Cohort II that failed to make significant growth in each of two implementation years in the II/USP program. Education Code Section 52055.5(b) directs the SBE to deem II/USP schools not showing significant growth as state-monitored. The Superintendent of Public Instruction (SPI), with the approval of the SBE, shall invoke sanctions from one of two education code sections:

1. According to the provisions of Education Code Section 52055.5(a), the SPI shall:
 - Assume all the legal rights, duties, and powers of the governing board, unless the SPI and the SBE allow the local governing board to retain these rights.
 - Reassign the principal of that school, subject to a hearing, and
 - Do one or more of the following with respect to a state-monitored school:
 - Revise attendance options
 - Allow parents to apply directly to the SBE to establish a charter school
 - Assign the management of the school to a school management organization
 - Reassign other certificated employees of the school
 - Renegotiate a new collective bargaining agreement at the expiration of the existing one
 - Reorganize the school
 - Close the school, and/or
 - Place a trustee at the school for no more than 3 years
2. As an alternative to the above, the SPI, with the approval of the SBE, may require districts to contract with a School Assistance and Intervention Team (SAIT) in lieu of other interventions and sanctions. If the State Board approves, the governing board of the school district may retain its legal rights, duties and responsibilities with respect to that school. [Education Code Section 52055.51(a)]
 - SAIT teams are teams of educators with experience in curriculum and instruction aligned to state standards, state board-adopted texts in reading/language arts and math, State board-adopted intervention programs, academic assessment, and fiscal allocations.
 - Teams are fielded by organizations approved by the SPI under criteria adopted by the SBE. Organizations are approved based on demonstrated evidence of turning around underperforming schools and trained on a state-designed intervention process.

SAIT teams verify information provided by the district on an Academic Program Survey, which results in a Report of Findings and Corrective Actions adopted by the local governing board, followed by the provision of technical assistance and support and quarterly monitoring of the school's academic progress toward meeting specified benchmarks for improvement. A Last Minute Memorandum will provide API Base and Growth information as part of attachments I, II, and, III for the appropriate years for each school.

Fiscal Analysis (As Appropriate)

See related January Board item on Expenditure Plan for appropriation of funds to non-Title I SAIT schools (as provided in item 6110-123-0001 of the 2003 Budget Act). Funds for Title I SAIT schools are provided in item 6110-136-0890 Schedule 1 of the 2003 Budget Act.

Attachment

[Attachment 4](#): Criteria for Cohort I and Cohort II II/USP Schools Without Valid APIs to Demonstrate Academic Growth (Pages 1-2)

The following attachments will be submitted in a Last Minute Memorandum:

Attachment 1: [Table I](#) - Contains the school performance data on the additional II/USP Cohort I schools that are subject to interventions/sanctions.

Attachment 2: [Table II](#) - Contains school performance data on the additional II/USP Cohort II schools that are subject to interventions/sanctions.

Attachment 3: [Table III](#) – Contains the schools without valid API data that were deferred until January indicating which schools submitted a waiver and which waiver is being recommended for approval by the Department.

Criteria for Cohort I II/USP Schools Without Valid APIs to Demonstrate Academic Growth

Elementary schools must demonstrate that:

- The percentage of students (schoolwide) at or above the proficient level on the California Standards test in English/language arts increased by at least one percentage point from 2002 to 2003 (note: 0.99 does not equal 1.00), **and**
- The percentage of students (schoolwide) at or above the proficient level on the California Standards test in Mathematics Standards increased by at least one percentage point from 2002 to 2003.

Middle Schools must demonstrate that:

- The percentage of students at or above the proficient level (schoolwide) on the California Standards test in English/language arts increased by at least one percentage point from 2002 to 2003 (note: 0.99 does not equal 1.00), **and**
- The percentage of students (schoolwide) at or above the proficient level on the California Standards tests in the Mathematics Standards, General Math and Algebra I increased by at least one percentage point from 2002 to 2003.

High schools must demonstrate that:

- The percentage of students (schoolwide) at or above the proficient level on the California Standards test in English/language arts increased by at least one percentage point from 2002 to 2003 (note: 0.99 does not equal 1.00), **and**
- The percentage of students (schoolwide) at or above the proficient level on the California Standards test in General Mathematics, Algebra I and Geometry increased by at least one percentage point from 2002 to 2003.

Criteria for Cohort II II/USP Schools Without Valid APIs to Demonstrate Academic Growth

Elementary schools must demonstrate that:

- The percentage of students (schoolwide) at or above the proficient level on the California Standards test in English/language arts increased by at least one percentage point from 2001 to 2002 **and** from 2002 to 2003 (note: 0.99 does not equal 1.00), **and**
- The percentage of students (schoolwide) at or above the proficient level on the California Standards test in Mathematics Standards increased by at least one percentage point from 2002 to 2003.

Middle Schools must demonstrate that:

- The percentage of students at or above the proficient level (schoolwide) on the California Standards test in English/language arts increased by at least one percentage point from 2001 to 2002 **and** from 2002 to 2003 (note: 0.99 does not equal 1.00), **and**
- The percentage of students (schoolwide) at or above the proficient level on the California Standards tests in the Mathematics Standards, General Mathematics and Algebra I increased by at least one percentage point from 2002 to 2003.

High schools must demonstrate that:

- The percentage of students (schoolwide) at or above the proficient level on the California Standards test in English/language arts increased by at least one percentage point from 2001 to 2002 **and** from 2002 to 2003 (note: 0.99 does not equal 1.00), **and**
- The percentage of students (schoolwide) at or above the proficient level on the California Standards test in General Mathematics, Algebra I, and Geometry increased by at least one percentage point from 2002 to 2003.

LAST MINUTE MEMORANDUM

DATE: January 2, 2004

TO: MEMBERS, STATE BOARD OF EDUCATION

FROM: Sue Stickel, Deputy Superintendent
Curriculum and Instruction Branch

RE: Item 31

SUBJECT: Immediate Intervention/Underperforming Schools Program (II/USP):
Proposed Intervention for (Cohorts I and II) schools that failed to show significant growth.

Summary:

Attached are three tables (Tables 1, 2 and 3) that provide current API information on the II/USP Cohort I and II schools identified in the December release of the API Phase II data and which are potentially recommended for state monitoring. Information includes the appropriate years of Base API, Growth API, and whether or not the school made schoolwide and comparable growth targets. Schools with an asterisk do not have valid API Growth data. This typically occurred when a school did not test a sufficient number of students or had testing irregularities.

- [Table 1](#) (Attachment 1) provides current API information on four additional II/USP Cohort I schools, three of which are recommended for state monitoring on the basis of the December release of the Phase II API data. The local governing boards retain legal rights, duties, and responsibilities with respect to any state-monitored school(s).
- [Table 2](#) (Attachment 2) indicates that there are currently no new II/USP Cohort II schools that failed to make significant growth based on the release of the Phase II API data. However, since some districts are still correcting data, a few schools could still be brought forward in March.
- [Table 3](#) (Attachment 3) indicates which of the 17 schools deferred from the November 2003 State Board of Education meeting have submitted waivers. Included are staff recommendations for approval or denial.

Schools Correcting Data:

Schools continue to be able to correct their API data. See Tables 4, 5, and 6. There are 11 II/USP schools that are correcting data and hence a determination regarding their status cannot be made until the corrected data have been submitted. Therefore CDE may be recommending additional schools for state monitoring in March 2004.

The following schools are correcting API data:

Table 4

District Name	School Name	Cohort
Perris Union High	Perris High	I
Redwood City Elementary	Kennedy (John F.) Middle	I
Redwood City Elementary	Hoover Elementary	I
Redwood City Elementary	Gill (John) Elementary	I
Redwood City Elementary	Roosevelt Elementary	I
Chino Valley Unified	Chino Senior High	I

Table 5

District Name	School Name	Cohort
Biggs Unified	Biggs Middle	II
Inglewood Unified	Inglewood High	II
Inglewood Unified	Morningside High	II
Lodi Unified	Bear Creek High	II
Yuba City Unified	Yuba City High	II

Between the November 2003 and January 2004 State Board of Education meetings, four schools (listed below, in Table 6) on which the State Board of Education had already taken action indicated that they would be correcting API data. The first three schools have already been deemed state-monitored. These schools will continue with the required SAIT process until they can demonstrate that their status as state-monitored schools should change. The fourth school, Biggs High School, was deferred for action until the January State Board of Education meeting. However, because they will not complete the process of correcting data until the end of January, CDE recommends that action on Biggs High School be deferred until the March State Board of Education meeting.

Table 6

District	School	Cohort
Central Union High	Central High	I
Central Union High	Southwest High	I
Biggs Unified	Biggs Elementary	I
Biggs Unified	Biggs High	I

Summary of the Status of Schools:

1. Based on evidence in Table 1(Attachment 1), CDE recommends that three additional schools be deemed “state-monitored.” These are Coffman (Nellie N.) Middle School in Palm Springs Unified, Johnson (Hiram W.) High School in Sacramento City Unified, and Pomona Senior High School in Pomona Unified which did not have a valid API in 2003 and which would not meet the alternative criteria.
2. CDE recommends that action regarding Fruit Ridge Elementary in Sacramento City Unified (Table 1, Attachment 1) be deferred until the March 2004 State Board of Education meeting. Fruit Ridge Elementary meets the alternative

criteria for demonstrating significant growth developed by CDE and State Board staff in November 2003. Fruit Ridge Elementary may wish to submit a waiver.

3. CDE recommends that of those schools that are correcting data (Tables 4, 5, and 6), action on Biggs High School be deferred until the March 2004 State Board of Education meeting. Other schools will potentially receive recommendations as stated above once corrected data are submitted.
4. Seventeen schools (Table 3, Attachment 3) without valid API's were held over from the November 2003 to the January 2004 State Board of Education meeting. Of these schools, nine have submitted requests for a waiver. Each of these schools was required to meet the agreed-upon criteria which were based upon making at least a one percentage point increase from 2002 to 2003 for all students schoolwide at or above the proficient level on the California Standards tests in English/language arts and mathematics, including general math and algebra I at the middle school level and geometry at the high school level.
 - CDE recommends that three of the seventeen schools without valid API's be denied their request for a waiver because they did not meet the alternative criteria. The schools recommended for a denial of their waiver requests are recommended to be deemed "state-monitored." These include: McCabe Junior High School in Mendota Unified, Rubidoux High School in Jurupa Unified, and O'Farrell Community Charter School in San Diego Unified.
 - Six of the seventeen schools met the criteria for growth and CDE recommends these schools for waiver approval. These schools would then be placed "on watch" status in 2003-04. These include: Stonehurst Elementary School in Oakland Unified, Bancroft (Hubert Howe) Middle School in Los Angeles Unified, Fairfax Senior High School in Los Angeles Unified, Reyes (Alicia) Elementary School in Merced City Elementary, Lehigh Elementary School in Ontario-Montclair Elementary, and Tulare Western High School in Tulare Joint Union High School District.
 - CDE recommends that the remaining schools without valid API's be deemed state-monitored, with the exception of Biggs High School which is correcting data. These remaining seven schools did not submit a waiver request: Anna Yates Elementary School in Emery Unified, Emery High School in Emery Unified, Tennyson High School in Hayward Unified, Centennial High School in Compton Unified, Ord Terrace Elementary School in Monterey Peninsula Unified, Balboa Elementary YR School in San Diego Unified, and Rio Plaza Elementary School in Rio Elementary District.

[Attachment 1](#): Table 1 (Page 1-1)

[Attachment 2](#): Table 2 (Page 1-1)

[Attachment 3](#): Table 3 (Page 1-1)

II/USP Cohort I Schools Potentially Subject to State Monitoring													
District	School	2000 Base	2001 Growth	2001 Sch Wide	2001 Comp Imp	2001 Base	2002 Growth	2002 Sch Wide	2002 Comp Imp	2002 Base	2003 Growth	2003 Sch Wide	2003 Comp Imp
Pomona Unified	Pomona Senior High	509	-3	No	No	509	33	Yes	Yes	*	*	*	*
Palm Springs Unified	Coffman (Nellie N.) Middle	565	18	Yes	Yes	593	-12	No	No	592	-4	No	No
Sacramento City Unified	Johnson (Hiram W.) High	568	12	Yes	No	579	-5	No	No	566	-40	No	No
Sacramento City Unified	**Fruit Ridge Elementary	525	11	No	No	*	*	*	*	*	*	*	*

* No Valid API Data Available

** Meets Alternative Criteria for Demonstrating Significant Growth

II/USP Cohort II Schools Potentially Subject to State Monitoring										
District	School	2001 Base	2002 Growth	2002 Sch Wide	2002 Comp Imp	2002 Base	2003 Growth	2003 Sch Wide	2003 Comp Imp	

Based upon future data corrections, any schools in Cohort II recommended for state monitoring will be brought to the March, 2004 State Board of Education meeting.

Schools Without Valid APIs Recommended to be Deemed State-Monitored				
County	District	School	Waiver	Recommendation
Alameda	Emery Unified	Anna Yates Elementary		
Alameda	Emery Unified	Emery High		
Alameda	Hayward Unified	Tennyson High		
Butte	Biggs Unified	Biggs High		
Fresno	Mendota Unified	McCabe Junior High	Yes	Denial
Los Angeles	Compton Unified	Centennial High		
Monterey	Monterey Peninsula Unified	Ord Terrace Elementary		
Riverside	Jurupa Unified	Rubidoux High	Yes	Denial
San Diego	San Diego Unified	O'Farrell Community Charter	Yes	Denial
San Diego	San Diego Unified	Balboa Elementary YR		
Ventura	Rio Elementary	Rio Plaza Elementary		

Schools Without Valid APIs Recommended to be Placed on Watch in 2003-04				
County	District	School	Waiver	Recommendation
Alameda	Oakland Unified	Stonehurst Elementary	Yes	Approval
Los Angeles	Los Angeles Unified	Bancroft (Hubert Howe) Middle	Yes	Approval
Los Angeles	Los Angeles Unified	Fairfax Senior High	Yes	Approval
Merced	Merced City Elementary	Reyes (Alicia) Elementary	Yes	Approval
San Bernardino	Ontario-Montclair Elementary	Lehigh Elementary	Yes	Approval
Tulare	Tulare Joint Union High	Tulare Western High	Yes	Approval

Note: Biggs Unified is correcting data for Biggs High which will potentially be brought to the March, 2004 State Board of Education meeting.



JANUARY 2004 AGENDA

SUBJECT Immediate Intervention/Underperforming Schools Program (II/USP): School Assistance and Intervention Team (SAIT): Approval of expenditure plan to support activities and corrective actions in non-Title I “state-monitored” schools	<input checked="" type="checkbox"/>	Action
	<input checked="" type="checkbox"/>	Information
	<input type="checkbox"/>	Public Hearing

Recommendation:

The Department recommends approval of additional expenditures for intervention work in non-Title I “state-monitored” schools.

Summary of Previous State Board of Education Discussion and Action

In May 2003, the State Board approved by unanimous vote the FY 2002-03 expenditure plan to support II/USP corrective actions and SAIT activities for four non-Title I state-monitored schools. In November 2003, the State Board approved an expenditure plan for additional non-Title I state-monitored schools. However, because not all of the schools recommended for state-monitoring were approved or potentially identified, it is necessary to submit a request for approval of additional expenditures.

Summary of Key Issue(s)

The funds appropriated in Budget Act 2003-04, Item 6110-123-0001, Schedule (3) are available upon approval by the State Board of Education to support non-Title I schools in FY 2003-04 to work with School Assistance and Intervention Teams or schools subject to other state sanctions/intervention, as recommended by the Superintendent of Public Instruction (SPI) and approved by the State Board of Education.

A Last Minute Board item will include funding amounts for non-Title I “state-monitored” schools because there are likely to be additional non-Title I schools identified following the Phase II release of the API/AYP.

Fiscal Analysis (as appropriate)

Pending Phase II release of the API/AYP.

Attachment(s)

None

LAST MINUTE MEMORANDUM

DATE: January 2, 2004

TO: MEMBERS, STATE BOARD OF EDUCATION

FROM: Sue Stickel, Deputy Superintendent
Curriculum and Instruction Branch

RE: Item 32

SUBJECT: IMMEDIATE INTERVENTION/UNDERPERFORMING SCHOOLS PROGRAM (II/USP): SCHOOL ASSISTANCE AND INTERVENTION TEAM (SAIT): APPROVAL OF EXPENDITURE PLAN TO SUPPORT ACTIVITIES AND CORRECTIVE ACTIONS IN NON-TITLE I "STATE-MONITORED" SCHOOLS

Pursuant to Item 6110-123-0001 of the Budget Act of 2003 (Provision 3), General Funds were appropriated to support SAIT activities in non-Title I schools.

The attached table shows the Expenditure Plan for non-Title I schools scheduled for SAIT Corrective Actions in four continuing 2002-2003 SAIT schools and SAIT activities and Corrective Actions in two schools identified in the December 2003 Phase II release of the API.

[Attachment 1](#): Expenditure Plan for non-Title I schools (Page 1-1)

EXPENDITURE PLAN FOR NON-TITLE I SCHOOLS

Budget Act 2003-04, Item 6110-123-0001, Provision 3, requires that each elementary and middle school under II/USP state sanction will receive a minimum of \$75,000 and each high school will receive a minimum of \$100,000 to support the costs of a School Assistance and Intervention Team (SAIT). (Schools may apply to receive funding up to \$125,000 upon approval by the California Department of Education and the Department of Finance). Districts receiving funds shall provide an in-kind match of services, or a match of school district funds in an amount equal to one dollar for every two dollars provided.

Budget Act 2003-04, Item 6110-123-0001, Provision 3, requires that each district that contracts with a SAIT team shall receive \$150 per student to improve student learning. Districts receiving funds are required to provide a match of funds or in-kind services in an amount equal to the amount received. Item one below is a minor correction to support continuing corrective action costs for schools identified as “state-monitored” in March 2003.

<p>1. Continuing SAIT Corrective Action costs for four non-title I “state-monitored” schools identified in March 2003.</p>	<p>2002-03: One elementary, two middle, and one high school at \$150 per student for 3,887 students. COST: \$583,050</p>
<p>2. SAIT costs for two non-Title I schools recommended for identification as “state-monitored” in January 2004.</p>	<p>2003-04: Two high schools Rubidoux High : \$ 100,000 Tennyson High : \$ 100,000 COST: \$200,000</p>
<p>3. SAIT Corrective Action costs for two non-Title I school recommended for identification as “state-monitored” in January 2004.</p>	<p>2003-04: Two high schools at \$150 per student Rubidoux High 1,812 students : \$271,800 Tennyson High 1,972 students : \$295,800 COST: \$567,600</p>
<p style="text-align: right;">GRAND TOTAL: \$1,350,650</p>	

GENERAL WAIVER COVER SHEET
CALIFORNIA STATE BOARD OF EDUCATION
JANUARY 2004 AGENDA
Item No. WC-1

TITLE: Request by Whittier Union High School District to waive <i>Education Code (EC)</i> Section 52522(b) to increase their adult education state block entitlement of 5 percent to 7 percent for implementation of approved programs (Adult Education Innovation and Alternative Instructional Delivery Program)	<input type="checkbox"/> ACTION <input type="checkbox"/> INFORMATION <input type="checkbox"/> PUBLIC HEARING <input checked="" type="checkbox"/> CONSENT
CDSIS: 3-8-2003	

RECOMMENDATION:

The Department recommends: Approval for one year only. Denial

Summary of Previous State Board of Education Discussion and Action:

The first request for waiver of *Education Code (EC)* Section 52522(b) to increase a district's adult education state block entitlement of 5 percent to 7 percent for implementation of an approved Adult Innovation and Alternative Instruction Delivery Program was received and approved in June 2001.

In March 2002 the State Board of Education took formal action and approved a waiver guideline policy for this program that includes four requirements and a special consideration for waiver renewal requests.

To date, non-consecutive (1 day less than full year) waivers have been granted to Los Angeles Unified School District for 2000-2002, 2002-2003, and 2003-2004; Torrance Unified School District has been approved for non-consecutive year waivers for 2001-2002 and 2002-2003; Simi Valley Unified School District has been approved for a first time waiver for 2002-2004; and Inyo County Office of Education has been approved for a first time waiver for 2002-2003.

Summary of Key Issue(s):

In 1993 the California Legislature passed *EC 52522* permitting the Superintendent of Public Instruction to approve adult school plans to spend up to 5 percent of their block entitlement on innovation and alternative instructional delivery. Application requirements include reimbursement and accountability worksheets for all courses. Courses must be approved by the California Department of Education per *Education Code (EC)* Section 52515, and certification of an approved attendance accountability system is required. All ten mandated adult education program areas are eligible, however the majority of approved applications

offer coursework in Elementary Basic Skills, English as a Second Language, Citizenship, and Parent Education.

Lower level adult learners are the primary beneficiaries of the Adult Education Innovation and Alternative Instructional Delivery Program. Checking out video and print materials, a decidedly low-cost, low-tech approach, has been the most prevalent intervention, however approved alternative instructional delivery modes also include live cable broadcast; audio check-out, text, workbook and study packet assignments; and computer-based delivery.

The State Board of Education adopted waiver guidelines in March 2002 for local educational agencies (LEAs) that apply for a waiver to increase the percentage of their state block entitlement expendable for innovation and alternative instructional delivery from 5 percent to an amount not greater than 7 percent.

Whittier Union High School District (Whittier Union HSD) has submitted all items requested in the State Board of Education waiver guidelines and the review of documentation supports waiver approval.

The Department recommends approval for the 2003-2004 fiscal year on the basis of this information.

WAIVER GUIDELINES SUMMARY OF KEY ISSUES:

The waiver request includes the following:

1. Verification that all other requirements of the Adult Education Program in the LEA are in current statutory compliance.

Approval Denial

Whittier Union HSD verification has been submitted and is on file.

-
2. Verification that the ratio of average daily attendance for adult education innovation and alternative instructional delivery pupils to certificated employees responsible for adult education innovation and alternative instructional delivery shall not exceed the equivalent ratio of pupils to certificated employees for all other adult education programs operated by the district.

Approval Denial

Whittier Union HSD verification has been submitted and is on file.

The average daily ratio of pupils to certificated employees is 21.49 students per teacher. The Innovation Program ratio is 19.66 students per teacher.

3. Verification that the district's prior three-year history for annual apportionment indicates growth, stability, or not more than a 4.5 percent decline per year. Changes in the number of students with limited access that may support overall ADA loss in the regular adult education state apportionment program must be documented.

Approval Denial

Whittier Union HSD verification has been submitted and is on file.

Verification indicates stability within the prior three-year history for annual apportionment as well as yearly growth.

-
4. A request for an increase of the adult block entitlement from **5 percent to an amount not greater than 7 percent**. Information and documentation in all of the following three areas will be required for consideration of the waiver:

- Increased Number of Students with Limited Access to Traditional Education Options

Whittier Union HSD verification of increase of ESL population has been submitted and is on file. Prior program year shows potential enrollment in excess of 5 percent that would leave the growing population under-served.

Approval Denial

- Increased Program Capacity

Whittier Union HSD verification has been submitted and is on file.

Documentation includes the addition of internet access increasing curriculum delivery and access to curriculum.

Approval Denial

- Improved Student Assessment Documentation

Whittier Union HSD verification has been submitted and is on file.

The program has implemented the Comprehensive Adult Student Assessment System (CASAS).

Approval Denial

CONDITION OF RENEWAL

In order to be granted a renewal of this waiver, a district must also provide documentation demonstrating achievement of students in the Adult Education Innovation and Alternative

Instructional Delivery Program that is equal to or better than that of students in the regular adult education state apportionment program.

Bargaining unit(s) consulted on: June 13, 2003

Position of bargaining unit (choose only one):

Neutral Support Oppose

Name of bargaining unit representative: Nancy O'Connor, Suzzane Sloggett

Public hearing identified by (choose one or more):

posting in a newspaper posting at each school other

(specify) _____

Public hearing held on: June 24, 2003

Local board approval date: July 8, 2003

Advisory committee(s) consulted:

Objections raised (choose one): None Objections are attached on separate sheet

Date consulted: June 10, 2003

Effective dates of request: FY 2003-2004

Fiscal Analysis (as appropriate):

Approval adjusts the percentage within the district's fixed 2003-2004 adult education block entitlement. No additional funding has been requested.

Background Information:

Waiver request forms and supporting documents are available for inspection in the Waiver Office

SPECIFIC WAIVER COVER SHEET
CALIFORNIA STATE BOARD OF EDUCATION
JANUARY 2004 AGENDA
Item No. WC-2

TITLE: Request by Southern Humboldt Unified School District for a waiver of Section 131(d)(1) of the Carl D. Perkins Vocational and Technical Education Act of 1998. (Public Law 105-332)	<input type="checkbox"/> ACTION <input type="checkbox"/> INFORMATION <input type="checkbox"/> PUBLIC HEARING <input checked="" type="checkbox"/> CONSENT
CDSIS: 29-7-2003	

RECOMMENDATION:

The Department recommends: APPROVAL DENIAL

Summary of Previous State Board of Education Discussion and Action: The State Board of Education adopted guidelines on February 8, 2001, Waiver Policy #2001-01 to assist CDE staff in reviewing waivers. The Board has approved these waivers in the past.

Summary of Key Issue(s): Section 131(d)(1) of the Carl D. Perkins Vocational and Technical Education Act of 1998 (P.L. 105-332) 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. Section 131(d)(2) of the Act permits states to waive the consortium requirement in any case in which the local educational agency is (a) in a rural, sparsely populated area, or is a public charter school operating secondary vocational and technical education programs; and (b) demonstrates it is unable to enter into a consortium to participate in the Perkins funding. Southern Humboldt USD meets the waiver criteria and requests a waiver in order to receive its allocated funds for the 2003-04 program year.

Authority for the waiver: Public Law 105-332, Section 131(d)(2)

Bargaining unit(s) consulted on: September 18, 2003

Position of bargaining unit (choose only one):

Neutral Support Oppose

Name of bargaining unit representative(s): Jackie Carlson, SHTA and Mary Moore, CSEA

Local board approval date: September 18, 2003

Effective dates of request: July 1, 2003 through June 30, 2004

Fiscal Analysis (as appropriate): Approval will enable Southern Humboldt USD to receive its allocated Perkins funds for the 2003-04 program year.

Background Information: District's waiver request forms and supporting documents are available for inspection in the CDE Waiver Office.

FEDERAL WAIVER COVER SHEET
CALIFORNIA STATE BOARD OF EDUCATION
JANUARY 2004 AGENDA
Item No. WC-3

<p>TITLE: Request by Chino Valley Unified School District to waive No Child Left Behind Act (NCLB); Title IV, Part A, Section 4115 (a)(1)(c) to use Safe and Drug Free Schools and Communities funds to support the cost of The Great Body Shop, a Comprehensive Health, Substance Abuse, Violence prevention Program preK-8th grade.</p> <p>CDSIS: Fed-09-2003</p>	<p>_____ ACTION _____ INFORMATION _____ PUBLIC HEARING <u> X </u> CONSENT</p>
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RECOMMENDATION:

The Department recommends:

Approval, on condition that the district continue with its plans to participate in the evaluation of *The Great Body Shop* by Children’s Health Market and Southern Illinois University, and to submit the outcome of that evaluation to the Center for Substance Abuse Prevention and to the department. The final evaluation must be submitted no later than January of 2006. A report of progress in meeting this condition must also be submitted to the department no later than January 2005.

Denial

Summary of Previous State Board of Education Discussion and Action:

State Board Policy 03-01 contains guidelines for approval of applications for waiver of the NCLB requirements that Title IV funds be used for “science-based” prevention programs.

Summary of Key Issue(s):

This application requests a waiver so that the LEA may use the “promising” prevention program *The Great Body Shop* rather than a “science-based” prevention program as required by Title IV of NCLB. Per State Board Policy 03-01, there are three conditions which must be satisfied before approval of the use of a “promising” prevention program rather than an already-established science-based program. Each of those conditions is listed in bold below.

Is the program innovative? And,

Does the program demonstrate substantial likelihood of success?

These two conditions, for innovation and substantial likelihood of success, are satisfied because the program has already been designated as “promising” by the Center for Substance Abuse Prevention. Policy 03-01 lists the Center as one of the nationwide research groups which may recognize a new program as “science-based.”

Is there a plan and timeline for submitting the program for review and recognition?

This condition requires that the plan be reviewed by one of the nationwide research groups identified in policy 03-01. This waiver request meets this criteria, because the producer of the program is already participating in a study by Southern Illinois University which will determine the effectiveness of the program within the next two years, and because the LEA has committed to participating in the data collection process for that study with the intent to submit the outcome of that evaluation to the Center for Substance Abuse Prevention in order to upgrade the Great Body Shop from promising to a model program. Following through on this commitment to evaluation is therefore a condition for approval of the waiver.

Summary

The department recommends that this waiver request be approved as it meets each of the three criteria identified in the State Board waiver policy re the federal statute.

Federal Waiver Authority: NCLB, Title IV, Part A, Section 4115(a)(3)

Local board approval date: 6/5/03

Effective dates of request: 9/1/03

Fiscal Analysis (as appropriate): Programmatic change – no fiscal impact.

Background Information: Waiver request forms and supporting documents are available for inspection in the Waiver Office.

FEDERAL WAIVER COVER SHEET
CALIFORNIA STATE BOARD OF EDUCATION
JANUARY 2004 AGENDA
Item No. WC-4

TITLE: Request by Sacramento City Unified School District to waive No Child Left Behind Act (NCLB); Title IV, Part A, Section 4115 (a)(1)(C) to use Safe and Drug Free Schools and Communities funds to support the cost of Connecting With Kids , multi-media approach to teaching life skills for grades 3-12.	<hr/> ACTION <hr/> INFORMATION <hr/> PUBLIC HEARING <hr/> X CONSENT
CDSIS: Fed-12-2003	

RECOMMENDATION:

The Department recommends:

Approval on the condition that the district submit **Connecting with Kids** to the National Registry for Effective Programs (SAMHSA) for review and possible recognition as a Center for Substance Abuse Prevention model program. The district's timeline for submission is May 2004. Evaluation data is to be collected and analyzed in collaboration with staff under the direction of Ron Anderson, Ph.D., Vice President of Research and Development at **Connecting With Kids** and in collaboration with Compass Consulting, a national evaluation firm based in Chapel Hill, North Carolina, affiliated with the University of North Carolina. All evaluation instruments must be tested for reliability and validity with both random assignment of students and control groups included in the study. A report of progress in meeting this condition must also be submitted to the department no later than January 2005.

Denial

Summary of Previous State Board of Education Discussion and Action:

State Board Policy 03-01 contains guidelines for approval of applications for waiver of the NCLB requirements that Title IV funds be used for "science-based" prevention programs.

Summary of Key Issue(s):

The waiver application from the **Sacramento City USD** regarding the **Connecting With Kids** program has been reviewed to ensure compliance with the three major criteria described in SBE policy 03-01 that must be met in order for the waiver to be approved by the board. The waiver application's success in meeting each of the three criteria is described as follows:

Is the program innovative?

The **Connecting With Kids (CWK)** news was first broadcast via television in September 1998. The related curriculum first became available for use by schools in Spring 2001. The CWK program does meet the test for being a new program. The program design is based on prevention

theory drawn from published research related to peer influences, factors relating to bullies, victims and aggression. The program promotes a school violence prevention model with five major components the most innovative of which is the use of televised media as an intervention. The program's coordinated use of televised and video-taped programming with curriculum is based on research cited in half a dozen published studies described in detail as part of the supplement to the application submitted by the district (Research Supporting the CONNECT Program, Anderson and McHenry, June 2003).

The hallmark of this program's innovative nature is its use of a televised reality-based education series consisting of half-hour programs and corresponding character education and life skills curriculum. The primary objective of the CWK program is to build a televised network that is the most trusted resource for reality-based programming on children's issues available to local communities, educators, school districts and families. This multimedia integrated intervention and prevention program for grades 3-12 includes videos and lesson plans with Web-based resources for teachers, parents and students. Each video documentary features real stories about real students, while focusing on key social issues or behavioral topics. The curriculum is designed to support peer-led discussion and a high level of teacher and student participation.

Does the program demonstrate substantial likelihood of success?

Preliminary program evaluation from an unpublished report (July, 2003 Institute for Social Development) has shown the program demonstrates the likelihood of success for improving general classroom behavior related to politeness, obeying teachers, anger, threats, and bullying. Overall, the majority of areas assessed remained stable across the school year according to both students and teachers. A mix of positive and negative trends was found for a sub-set of items. Students tended to see the school climate as safer and more conducive for learning at post data collection. However, students saw their own behavior and those of other students more negatively. Clearly, more research on the efficacy of the CWK program is warranted and needed. Initial research is quite limited because without a control group, natural changes in the measured dimensions over time could not be assessed or controlled for in this evaluation. Therefore, it is not possible to determine whether the observed changes are due to the presence of CWK in the schools. In order to directly assess the impact of CWK on school climate and student behavior, use of a control group in future research is needed. The next proposed evaluation and research investigating CWK includes randomized selection of treatment and control groups as stipulated by the department's recommendation for approval with conditions.

The opportunity to subject CWK to evaluation employing scientifically-based research methodology in order to determine if peer-led, televised supported, character education curriculum will change student behavior related to alcohol, other drug, and tobacco use and violence represents a valuable addition to the field of prevention research consistent with the Board's criteria.

Is there a plan and timeline for submitting the program for review and recognition?

The applicant has stated that when the 2003-2004 evaluation of CWK is completed, the program will be submitted to the National Registry for Effective Programs (SAMHSA) for

review and recognition as a science-based program. The timeline for submission is May 2004. This fully meets the Boards criteria in this regard.

Waiver Authority: NCLB, Title IV, Part A, Section 4115(a)(3)

Local board approval date: 11/17/03

Effective dates of request: 10/1/03-6/30/04

Fiscal Analysis (as appropriate): Waiver approval will allow the district to use funds for this program.

Background Information: Waiver request forms and supporting documents are available for inspection in the Wavier Office.

GENERAL WAIVER COVER SHEET
CALIFORNIA STATE BOARD OF EDUCATION
JANUARY 2004 AGENDA
Item No. WC-5

TITLE: Request by Liberty Union High School District to waive <i>Education Code</i> (EC) Section 51451, regarding the method of qualifying the 2003 high school seniors for a Golden State Seal Merit Diploma.	<hr/> ACTION <hr/> INFORMATION <hr/> PUBLIC HEARING <hr/> X CONSENT
CDSIS: 10-10-2003	

RECOMMENDATION:

The Department recommends: Approval, on the condition that the district has certified that all students submitted to Education Data Systems, Inc. (EDS, Inc.) have met either the existing requirements to be eligible for the Golden State Merit Seal Diploma, or the requirements of the 2003 Senior Waiver

Summary of Previous State Board of Education Discussion and Action:

At the April 9, 2003, State Board of Education (SBE) meeting members approved the method described by the California Department of Education (CDE) for a Golden State Exam "Senior Waiver Process."

The State Board of Education has approved a total of 81 GSE waiver requests since the May 2003 SBE meeting.

Summary of Key Issue(s):

In January 2003, the CDE posted a waiver process for a waiver of English language arts Golden State Exam (GSE) requirement, because at the time this exam was not available to this year's seniors due to changes in the 2002-2003 year budget act which eliminated all the GSE administration, making it impossible for seniors to complete the requirements to qualify for a Golden State Seal Merit Diploma.

The *Education Code* (EC) Section involved in this waiver is:

EC 51451. *A student who meets the following requirements shall qualify for a Golden State Seal Merit Diploma:*

- (a) The completion of all requirements for a high school diploma.*
- (b) A demonstration of the mastery of the curriculum in at least six subject matter areas, four of which shall be mathematics, English language arts, science, and United States history, with the remaining two subject matter areas selected by the student.*

The Liberty Union High School District is requesting to waive *Education Code* (EC) Section 51451 for eleven (11) students who graduated in June 2003 and have already received their Golden State Merit Seal diploma. The reason for late submission is because the district has a modified school year, and this was the first available time they had to make this request. Considering all the backup information the district is required to submit to EDS. Therefore, the Department recommends approval.

Bargaining unit(s) consulted on: 9/9/03 and 9/10/03

Position of bargaining unit (choose only one):

Neutral Support Oppose

Name of bargaining unit representative: S. Ramirez, A. Simon

CSEA did not see an interest for them so they were neutral; LEA thought it is a good idea.

Public hearing identified by (choose one or more):

posting in a newspaper posting at each school other

(specify) _____

Public hearing held on: 10/22/03

Local board approval date: 10/22/03

Advisory committee(s) consulted: LUHSD

Objections raised (choose one): None Objections are attached on separate sheet

Date consulted: 9/22/03

Effective dates of request: 2002 – 2003 school year

Fiscal Analysis (as appropriate): No known fiscal impact.

Background Information: Waiver request forms and background information is available in the Waiver Office upon request.

SPECIFIC WAIVER COVER SHEET
CALIFORNIA STATE BOARD OF EDUCATION
JANUARY 2004 AGENDA
Item No. WC-6

<p>TITLE: Request by Santa Monica-Malibu Unified School District to waive <i>Education Code</i> (EC) Section 56366.1(g), Timeline for Annual Review of Nonpublic School Certification, on behalf of the nonpublic agency, Step By Step for the 2003 certification year (October 31, 2002).</p> <p>CDSIS: 20-11-2003</p>	<p>_____ ACTION _____ INFORMATION _____ PUBLIC HEARING <u> X </u> CONSENT</p>
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RECOMMENDATION:

The Department recommends: Approval

Summary of Previous State Board of Education Discussion and Action:

Request to waive the annual application timeline (August 1 through October 31) by a nonpublic school or agency have been presented to the State Board in the past. The SBE Waiver Policy #00-03 evaluation guidelines and the receipt and review of the annual application forms from the NPS/A are used in reviewing this type of waiver.

Summary of Key Issue(s): The nonpublic agency (NPA) was unclear with the code requiring the completion and submission of an annual renewal application.

The 2003 Application Update form and certification fee was received in the Office of Nonpublic School on November 26, 2003. This is a first-time occurrence.

The NPA is now aware of the annual renewal period, in addition the NPA has now submitted a new application for the 2004 year.

Authority for the waiver: *Education Code* (EC) Section 56101

Bargaining unit(s) consulted on: N/A

Position of bargaining unit (choose only one):

Neutral Support Oppose

Name of bargaining unit representative:

Local board approval date: N/A

Effective dates of request: 10/31/02 to 11/24/03

Fiscal Analysis (as appropriate): No known fiscal impacts.

Background Information: Waiver request forms and supporting documents are attached to this summary.

SPECIFIC WAIVER COVER SHEET
CALIFORNIA STATE BOARD OF EDUCATION
JANUARY 2004 AGENDA
Item No. WC-7

<p>TITLE: Request by Glendale Unified School District to waive <i>Education Code</i> (EC) Section 56366.1(g), which would allow Gayle L. Slott NPA (speech/language therapist) to submit the renewal application outside the August 1 - October 31 timeline.</p> <p>CDSIS: 11-10-2003</p>	<p>_____ ACTION _____ INFORMATION _____ PUBLIC HEARING <u> X </u> CONSENT</p>
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RECOMMENDATION:

The Department recommends: Approval Denial

Summary of Previous State Board of Education Discussion and Action:

Previous request to waive this *Education Code* have been supported by the State Board.

Summary of Key Issue(s):

Ms. Slott was a certified in 2002 for a period of two years (as required by regulations). She was unaware that she needed to submit the annual application update annually. Ms. Slott did not submit the 2003 application, but continued to provide services to children in the Glendale Unified School District. A waiver is being submitted which will allow the Department to accept and process her NPA renewal application.

Authority for the waiver: *Education Code* (EC) Section 56101

Bargaining unit(s) consulted on: 9/30/03

Position of bargaining unit (choose only one):

Neutral

Support

Oppose

Name of bargaining unit representative:

Local board approval date: 8/10/03

Effective dates of request: 6/30/02 to 6/30/03

Fiscal Analysis (as appropriate): No fiscal impact.

Background Information: Waiver request forms and supporting documents are available for inspection in the Waiver Office.

General Waiver Cover Sheet
CALIFORNIA STATE BOARD OF EDUCATION
JANUARY 2004 AGENDA
Item No. WC-8

<p>TITLE: Request by La Puente Valley Regional Occupational Program for a renewal waiver of <i>Education Code</i> (EC) Section 52314.6(a) regarding the 3% limit enrollment of students under the age of 16, in the Regional Occupational Program (ROP)</p> <p>CDSIS: 2-11-2003</p>	<p><input type="checkbox"/> ACTION</p> <p><input type="checkbox"/> INFORMATION</p> <p><input type="checkbox"/> PUBLIC HEARING</p> <p><input checked="" type="checkbox"/> CONSENT</p>
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RECOMMENDATION:

The Department recommends: Approval, with the following conditions: (1) All SBE waiver guidelines must be adhered to, and (2) age 16 enrollment be limited to 10 percent of ADA funded in the prior year Annual Apportionment. *Education Code* (EC) Section 33051(c) will apply.

Summary of Previous State Board of Education Discussion and Action:

Waiver requests of this type have been discussed and approved by the State Board under a SBE Policy.

Summary of Key Issue(s):

La Puente Valley ROP submitted a renewal waiver for *Education Code* (EC) Section 52314.6(a). The waiver is needed to allow students recommended by their counselors/administrators, to have access to, and benefit from, Regional Occupational Centers and Programs (ROCP) instruction in all of their participating districts and not exclusive to the four districts as designated in their previously approved waiver. In many cases, students are enrolled in district career academics or career pathways that begin in the 9th or 10th grade but, because of the under age 16 limitation, cannot participate in the learning opportunities ROCPs provide. This waiver ensures the availability of ROCP training and services necessary to meet the greatest needs of individual students and schools.

La Puente Valley ROP has stated in writing that they will abide by all conditions as required by the California State Board of Education Waiver Policy Number 00-06, dated June 2000. Their waiver request and letter will meet all the requirements of the State Board of Education's waiver policy for a waiver of *Education Code* (EC) Section 52315.6.

Bargaining unit(s) consulted on: The district does not have any employee bargaining units
 Position of bargaining unit (choose only one): Neutral Support Oppose
 Name of bargaining unit representative: No bargaining representatives

Public hearing identified by (choose one or more):
 posting in a newspaper posting at each school other (specify)
 Public hearing held on: 10/14/2003
 Local board approval date: 10/12/2003

La Puente Valley waiver– pg. 2

Advisory committee(s) consulted: La Puente Valley ROP Coordinating Council

Objections raised (choose one): None Objections are attached on separate sheet

Date consulted: August 22, 2002

Effective dates of request: 7/1/2002 through 6/30/2003

Fiscal Analysis (as appropriate):

There is no fiscal impact to the Department or the ROP.

Background Information Attached to this Agenda Item:

Waiver request forms and supporting documents are available for inspection in the Waiver Office.

General Waiver Cover Sheet
CALIFORNIA STATE BOARD OF EDUCATION
JANUARY 2004 AGENDA
Item No. WC-9

<p>TITLE: Request by San Bernardino County Superintendent of Schools Regional Occupational Program to waive <i>Education Code</i> (EC) Section 52314.6(a) regarding the 3% limit enrollment of students under the age of 16, in the Regional Occupational Program (ROP), which will cover all sixteen districts and the juvenile court school program within the district ROP Consortium.</p> <p>CDSIS: 5-11-2003</p>	<p><u> </u> ACTION <u> </u> INFORMATION <u> X </u> CONSENT</p>
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RECOMMENDATION:

The Department recommends: Approval, with the following conditions: (1) All SBE waiver guidelines must be adhered to, (2) age 16 enrollment be limited to 10 percent of ADA funded in the prior year Annual Apportionment, and (3) approval for **one year** only (although request is for two years). For the juvenile court program, this approval only includes the courses taught by the ROP, which are landscaping and a computer course.

Summary of Previous State Board of Education Discussion and Action:

Waiver requests of this type have been discussed and approved by the State Board under a SBE Waiver Policy.

Summary of Key Issue(s):

San Bernardino County Superintendent of Schools Regional Occupational Program (ROP) is requesting this waiver to cover all sixteen districts and the juvenile court school program. The waiver is needed to allow students recommended by their counselors/administrators to have access to, and benefit from, Regional Occupational Centers and Programs (ROCP) instruction in all of their participating districts.

The previously approved waiver was exclusive to the four districts as designated. In many cases, students are enrolled in district career academics or career pathways that begin in the 9th or 10th grade but, because of the under age 16 limitation, cannot participate in the learning opportunities ROCPs provide. This waiver ensures the availability of ROCP training and services necessary to meet the greatest needs of individual students and schools.

San Bernardino County Superintendent of Schools ROP has also provided assurances that they agree to all of the conditions specified by the California State Board of Education Policy 00-06 dated June 2000. These assurances meet all the requirements of the State Board of Education's waiver policy for a waiver of *Education Code* (EC) Section 52315.6.

Bargaining unit(s) consulted: ROP teachers in the County are not represented by the union because they only have non-permanent "hourly" teacher status.

San Bernardino County Waiver - pg 2

Position of bargaining unit (choose only one): Neutral Support Oppose

Name of bargaining unit representative:

Public hearing identified by (choose one or more):

X posting in a newspaper X posting at each school other (specify)

Public hearing held on: 11/3/2003

Local board approval date: 11/3/2003

Advisory committee(s) consulted: ROP Coordinating Council (composition representatives from the 16 member districts of the ROP)

Objections raised (choose one): X None Objections are attached on separate sheet

Date consulted: September 18, 2003

Effective dates of request: 7/1/2003 through 6/30/2004

Fiscal Analysis (as appropriate):

There is no fiscal impact to the Department or the ROP.

Background Information Attached to this Agenda Item:

Waiver request forms and supporting documents are available for inspection in the Waiver Office.

GENERAL WAIVER COVER SHEET
CALIFORNIA STATE BOARD OF EDUCATION
JANUARY 2004 AGENDA
Item No. W-1

TITLE: Request by Santa Cruz City Schools to waive Education Code (EC) Section 51224.5, regarding completion of a course in Algebra I as part of the graduation requirement, so that the 6% of the graduating seniors of 2004 may get a diploma. CDSIS: 17-11-2003	<u> X </u> ACTION <u> </u> INFORMATION <u> </u> PUBLIC HEARING <u> </u> CONSENT
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RECOMMENDATION:

The Department recommends:

- Approval
 Denial

**CDE Recommendation will be submitted in the
Last Minute Memorandum**

Summary of Previous State Board of Education Discussion and Action:

In September 2001, the State Board of Education and the California Department of Education co-authored a letter to the field regarding algebra readiness. The letter alerted the field to the change in California Education Code Section 51224.5 that requires students, beginning with the graduating class of 2003-04, to complete Algebra I as a condition of graduation.

There have been no previous waivers on the topic to the State Board of Education.

Summary of Key Issue(s):

The waiver application from the Santa Cruz City Schools states that students were not notified about the algebra requirement for graduation until November 2003 and that approximately 94% have already met the requirement.

The Department sent a letter to all Superintendents of Local Education Agencies (LEAs) with graduating seniors and Superintendents of County Offices of Education on November 5, 2003 as a reminder that the law enacted in 2000 to add algebra as a graduation requirement was effective with the graduating class of 2003-04.

In 2000 the Legislature acted (Senate Bill 1354) to add Algebra I as a requirement for graduation, effective with the graduating class of 2003-04. This action was based on the following declarations:

- Too many of California's high school graduates are graduating without the necessary mathematical foundation to succeed in the workforce and in postsecondary education.

- Research and findings demonstrate the importance of algebra as a building block for advanced mathematics, a predictor of success in college, and as a key ingredient for everyday problem solving.
- By requiring that a course in Algebra I that meets or exceeds the state content standards be included in the adopted course of study and taken by every high school pupil as a requirement of graduation, the state can ensure that high school pupils are given the opportunity to learn as required by law.

CDE Recommendation will be submitted in the Last Minute Memorandum

Bargaining unit(s) consulted on: October 28, 2003

Position of bargaining unit (choose only one):

Neutral Support Oppose

Name of bargaining unit representative: Greater Santa Cruz Federation of Teachers

Public hearing identified by (choose one or more):

posting in a newspaper posting at each school other (specify)

Letters sent to parents and notice posted at multiple sites.

Public hearing held on: November 5, 2003

Local board approval date: November 19, 2003

Advisory committee(s) consulted: District Administrative Cabinet

Objections raised (choose one): None Objections are attached on
separate sheet

Date consulted: November 12, 2003

Effective dates of request: July 1, 2003 – June 30, 2004

Fiscal Analysis (as appropriate):

Background Information:

Documentation is attached to this Summary.

Attachments:

Senate Bill 1354

E.C. 51224.5

E.C. 51225.3

September 4, 2001 letter

November 5, 2003 letter

LAST MINUTE MEMORANDUM

DATE: January 7, 2004

TO: MEMBERS, STATE BOARD OF EDUCATION

FROM: Judy Pinegar, Administrator
California Department of Education Waiver Office

RE: Item No. W-1

SUBJECT: Request by Santa Cruz City Schools to waive Education Code (EC) Section 51224.5, regarding completion of a course in Algebra I as a part of the graduation requirement so that 6% of graduating seniors of 2004 may get a diploma.

Requests made under the general waiver authority (of Education Code section 33050) are reviewed and acted upon by the State Board of Education (State Board) on a case-by-case basis and no decision on a particular waiver establishes a precedent for other waivers.

California Department of Education recommends: Approval with conditions as follows:

1. All seniors (Class of 2004) who have not completed Algebra I will be enrolled (or remain enrolled) and will be encouraged to complete the course during the spring semester of 2004.
2. All students (and their parents/guardians) in the Class of 2005 who have not completed Algebra I will be:
 - Advised immediately of the Algebra I completion requirement; and
 - Receive counseling in selecting summer school classes in 2004 and regular classes in 2004-05 to ensure that they enroll in and complete Algebra I.
3. SCCS specifically acknowledges that the State Board does not intend to waive the Algebra I requirement for any SCCS student in the Class of 2005.
4. On Friday, April 2, 2004, SCCS agrees to provide a status report on all of its students in the Class of 2004 and the Class of 2005 who have not completed Algebra I, and the efforts being made to facilitate their completion of the course.
5. On or before Friday, April 30, 2004, the Executive Director of the State Board will determine whether the conditions have been met (or that processes are in place to ensure that the conditions will be met) as appropriate. If the Executive Director determines that the conditions have been (or will be) met, this waiver is operative. If the Executive Director determines that the conditions have not been (or will not be) met, this waiver is denied pursuant to the reasons justifying denial as set forth in Education Code sections 33051(a)(1) – the educational needs of pupils are not met – and (4) – pupil protections are jeopardized.

JANUARY 2004
 PROPOSED CONSENT and NON-CONSENT WAIVERS
 Staff Recommendations

ITEM #	WAIVER SUBJECT	PROPOSED CONSENT* (SBE/CDE Recommendation)	NON-CONSENT** (CDE Only Recommendation)
ITEM W-1	Algebra I Graduation Requirement		Recommendation will be provided at the meeting.
ITEM W-2	Academic Performance Index		Deny
ITEM W-3	Academic Performance Index		Deny
ITEM W-4	Class Size Reduction (Option 1 Funding)		Approve
ITEM W-5	Equity Length of Time	Approve with conditions	
ITEM W-6	Equity Length of Time	Approve with conditions	
ITEM W-7	Equity Length of Time	Approve with conditions	
ITEM W-8	Federal Waivers-Safe and Drug Free		Deny
ITEM W-9	Instructional Materials Funding Realignment Program Petition		Approve with conditions
ITEM W-10	Instructional Materials Sufficiency (Audit Finding)	Approve	
ITEM W-11	Instructional Time Penalty	Approve with conditions	
ITEM W-12	Instructional Time Penalty	Approve with conditions	
ITEM W-13	Non-Public School/Agency	Approve	
ITEM W-14	Non-Public School/Agency	Approve	
ITEM W-15	Non-Public School/Agency	Approve	
ITEM W-16	Non-Public School/Agency	Approve	
ITEM W-17	Intermediate Intervention/Underperforming Schools		Recommendations will be provided at the meeting.
ITEM W-18	Intermediate Intervention/Underperforming Schools		Recommendations will be provided at the meeting.
ITEM W-19	Intermediate Intervention/Underperforming Schools		Recommendations will be provided at the meeting.
ITEM W-20	Intermediate Intervention/Underperforming Schools		Recommendations will be provided at the meeting.
ITEM W-21	Intermediate Intervention/Underperforming Schools		Recommendations will be provided at the meeting.
ITEM W-22	School Site Counsel	Approve with conditions, ECS 33051(c) will apply	

* Proposed Consent: Waivers in this column are recommended for approval by both SBE and CDE staffs.

** Non-Consent: Waivers in this column are either recommended for denial or warrant discussion. These waivers are printed in **boldface** type.

GENERAL WAIVER COVER SHEET
CALIFORNIA STATE BOARD OF EDUCATION
JANUARY 2004 AGENDA
Item No. W-2

<p>TITLE: Wasco Union High School District requests a waiver of Title 5, Code of California Regulations (CCR), Section 1032(d)(5) which would in effect allow Wasco Union High School to receive a valid API for the 2002-2203 base and growth targets with “less than 85%” of students taking the World History and U.S. History portion of the California Standards Test.</p> <p>CDSIS: 10-11-2003</p>	<p><u> X </u> ACTION <u> </u> INFORMATION <u> </u> CONSENT</p>
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RECOMMENDATION:

The Department recommends:

- Approval
 Denial Per *Education Code* (EC) Section 33051(a)(1), the educational needs of the pupils are not adequately addressed.

Summary of Previous State Board of Education Discussion and Action:

Senate Bill 1X, the Public Schools Accountability Act (PSAA), established a system of accountability for public schools in California. The cornerstone of the system of accountability is the Academic Performance Index (API), which summarizes test results across grades and content areas. In 2001 the State Board of Education approved CCR, Section 1032(d), which states:

“A school’s API shall be considered invalid under the following circumstances:

5) In any content area tested pursuant to EC sections 60642 and 60642.5 and included in the API, the school’s proportion of the number of test-takers in that (content area compared with the total number of test-takers is less than 85 percent. There shall be no rounding in determining the proportion of test-takers in each content area (i.e., 84.99 percent is not 85 percent).”

Summary of Key Issue(s):

The Public Schools Accountability Act (PSAA) was based on educational needs of students, particularly that of improving student achievement. Increases or decreases in student achievement at a school are measured through the API. The Title 5 Regulation that the Wasco UHSD is asking to waive was specifically adopted by the State Board of Education (SBE) to protect the educational needs of the pupils by ensuring the validity of the API. This regulation requires that the Department of Education invalidate a school’s API if the participation rate in any required content area test falls below 85%. The regulation was adopted to ensure that the

API would be a valid measure of student achievement by requiring a minimum level of participation in each test included in a school's API.

The Wasco UHSD is requesting that Wasco High School receive a 2003 Growth API, even though the school failed to meet the 85% criterion in the 10th and 11th Grade California Standards Tests in History-Social Science. The district notes that many students at the school, as a common practice, take history classes in the summer rather than during the regular school year. The district further contends that staff mistakenly believed that History-Social Science standards tests were end-of-course tests rather than tests required of all students enrolled in 10th and 11th grades. This, according to the district, accounted for the failure of the school to test 85% of its students in either of these tests.

The Department of Education recommends denial of this appeal. The district should have been aware of the requirement to test all students, not just those enrolled in a particular class. In the material furnished to all districts, including the 2003 California Standardized Testing and Reporting (STAR), District Coordinator Manual and the Site Coordinator Manual. Attached are copies of the documents, highlighted to indicate that the instructions were as follows:

Grade 10 and 11—all students

California Standards Tests

- **History-Social Science**

This was in contrast to standards tests in science and math, which were to be administered to students completing particular standards-based courses. Example:

Grade 9-11-- students completing standards based science courses between 202 summer school and the end of 2002-03 school year

California Science Standards Test for the last courses completed

- **Biology/Life Science**
- **Chemistry**
- **Earth Science...etc...**

The school's failure to receive a 2003 growth API has serious consequences. Wasco High School has advanced to year 3 of Program Improvement because it did not meet the API component of Adequate Yearly Progress (AYP).

Bargaining unit(s) consulted on: 10/28/03

Position of bargaining unit (choose only one):

Neutral Support Oppose

Name of bargaining unit representative:

Public hearing identified by (choose one or more):

posting in a newspaper posting at each school other

(specify) _____

Public hearing held on: 11/13/03

Local board approval date: 11/13/03

Advisory committee(s) consulted:

Objections raised (choose one): None Objections are attached on separate sheet

Date consulted: 10/28/03

Effective dates of request: 2002-2003

Background Information: Waiver request forms and attachments:

- 2003 CSTR, **District Coordinator Manual (See Page 1 of 3)**
- 2003 CSTR, **Site Coordinator Manual (See Page 2 of 4)**

GENERAL WAIVER COVER SHEET

CALIFORNIA STATE BOARD OF EDUCATION

JANUARY 2004 AGENDA

Item No. W-3

<p>TITLE: Oak Park Unified School District (OPUSD) requests a waiver of Title 5, California Code of Regulations (CCR), Section 1032 (d)(1) and (6) to allow Oak Hills Elementary School to be given a valid API score for the 2003 year “despite adult testing irregularities (writing assessment for 18 students in Grade four).”</p> <p>CDSIS: 9-11-2003</p>	<p><u> X </u> ACTION <u> </u> INFORMATION <u> </u> PUBLIC HEARING <u> </u> CONSENT</p>
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RECOMMENDATION:

The Department recommends:

Approval

Denial Per *Education Code* Section 33051(a)(1), the educational needs of the pupils are not adequately addressed.

Summary of Previous State Board of Education Discussion and Action:

The Title 5 Regulation that the OPUSD is asking to waive was specifically adopted by the State Board of Education (SBE) to protect the educational needs of the pupils. This regulation allows a school with adult testing irregularities that have affected less than 5 percent of the pupils tested to receive a valid Academic Performance Index (API) for the current year, but not be eligible for participation in any of the API award programs for that year. In 2001, the SBE approved 5CCR 1032(d) (1) and (6):

“In 2001 and subsequent years, a school’s API shall be considered invalid under any of the following circumstances:

- (1) The local educational agency notifies the department that there were adult testing irregularities affecting 5% or more of the pupils tested.
- (6) If, at any time, information is made available or obtained by the department that would lead to a reasonable doubt that one or more of the preceding circumstances has occurred.”

Summary of Key Issue(s):

In this instance, 55 minutes after the beginning of the CST Writing Standards Test, 25 fourth-grade students were given a 20-minute recess. Eighteen students who had not completed the test were allowed to finish it after the recess, which took about 15 additional minutes. OPUSD reported that the irregularity was inadvertent and insignificant, resulting in invalid tests of 5.12 percent of the pupils. In addition, the district believes that neither the inclusion nor exclusion of the scores of the 18 students would have a significant statistical effect on the API of Oak Hill Elementary School. Further, based on interviews of several of the students, Oak Hill believes that none of the students discussed the writing assignment during the recess.

The Public Schools Accountability Act (PSAA) was based on the educational needs of students, particularly those of improving student achievement. The API and resultant award programs were designed to reward schools that exceeded their performance targets, i.e., growth in student achievement. Key to the success of the API is the notion that it is a valid means of measurement. In order to ensure that API scores are valid, proper administration of the tests, which currently provide the data that are used to generate the API score, is crucial. Improper administration of the tests causes the scores to be invalid, which can impugn the integrity of the entire system.

The school Principal agrees that this was an untimed test, and that the administrative manual said that students should remain under supervision. In this instance, the students did not remain under the supervision of the testing administrator during the entire testing period, and 18 students were given time, after a recess to complete the test. There is no way for anyone to know for certain whether the students discussed the questions among themselves during the breach of security before returning to the classroom to complete the test.

Nonetheless, in accordance with the required test administration procedures and SBE criteria, the department recommends denial of the waiver.

Bargaining unit(s) consulted on: 11/14/03 and 11/20/03

Position of bargaining unit (choose only one):

Neutral Support Oppose

Name of bargaining unit representative:

Public hearing identified by (choose one or more):

posting in a newspaper posting at each school other

(specify) _____

Public hearing held on: 12/1/03

Local board approval date: 11/16/03

Advisory committee(s) consulted:

Objections raised (choose one): None (Objections are attached on separate sheet)

Date consulted: 11/13/03, 11/3/03

Effective dates of request: 2002-2003 testing year

Fiscal Analysis (as appropriate):

No state fiscal impact is expected as a result of approving this waiver.

Background Information:

Waiver request forms and supporting documents are attached to this summary.

SPECIFIC WAIVER COVER SHEET
CALIFORNIA STATE BOARD OF EDUCATION
JANUARY 2004 AGENDA
Item No. W-4

<p>TITLE: Request by Los Angeles Unified School District for a waiver renewal of <i>Education Code</i> (EC) Sections 52122 (b)(2)(A) and 52123 (c) for allowing 22 multi-track year round education school sites with 200 or more students per acre to receive Option 1 Class Size Reduction funding. This is the fifth and final renewal for 22 schools.</p> <p>CDSIS: 3-11-2003</p>	<p><u> X </u> ACTION <u> </u> INFORMATION <u> </u> PUBLIC HEARING <u> </u> CONSENT</p>
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RECOMMENDATION:

The Department recommends: Approval

Summary of Previous State Board of Education Discussion and Action:

The SBE previously granted the District's waiver requests for the following school years:

- 1997-98 = 84 schools
- 1998-99 = 101 schools (23 schools first renewal, 78 school second renewal)
- 1999-00 = 101 schools (23 schools second renewal, 78 schools third renewal)
- 2000-01 = 101 schools (23 schools third renewal, 78 schools fourth renewal)
- 2001-02 = 100 schools (23 schools third renewal, 77 schools fifth renewal)
- 2002-03 = 95 schools (22 schools fourth renewal, 73 schools fifth renewal)

For the 2003-04 school year, the district is requesting the fifth and final renewal for 22 schools. Since 2001, the SBE has requested and received quarterly updates on the District's progress in implementing the facilities mitigation plan.

Summary of Key Issue(s): *Education Code* (EC) Section 52122.6 allows school districts participating in the kindergarten to grade three Class Size Reduction Program (CSR), and meeting specified criteria (as outlined below), to request from the State Board of Education a waiver of *Education Code* Sections 52122(b)(2)(A) and 52123(c) to allow school sites with 200 or more students per acre to have an average student teacher ratio of 20-to-1 and still receive Option 1 (full day) funding. For example, a site may operate a CSR class of 18 students and a class of 22 students (an average of 20 students) and still receive Option 1 funding for both classes. The waiver may be renewed annually five times.

The waiver criteria specified in *Education Code* (EC) Section 52122.7 require a district to develop a school facilities mitigation plan that documents how the district will provide the necessary facilities to achieve a 20:1 student to teacher ratio in each classroom rather than average a 20:1 student to teacher ratio. The *Education Code* also requires the district to fund 50% of the cost of implementing the facility mitigation plan. The State Allocation Board from

Proposition 1A funds provides the other 50%. *Education Code* (EC) Section 52122.8 requires school districts operating under this waiver to report annually on how "pupils at the impacted site will be served in enriched teacher-to-pupil ratios during the time of the waiver." The Los Angeles Unified School District has hired additional teachers for these impacted schools in order to have an average pupil teacher ratio of 20-to-1 for participating grade levels.

As requested by the SBE, the district has provided quarterly updates to the SBE documenting the benchmarks achieved in 2003 to relieve the student overcrowding at the 22 schools. Below is a summary of the status of the 18 projects providing relief to the 22 overcrowded schools:

- Six New Primary Centers – All 66 planned benchmarks have been achieved, including five in 2003. Four of the six projects are in construction, and all are scheduled for student occupancy in 2005.
- Five New Elementary Schools - All 63 planned benchmarks have been achieved, including fourteen in 2003. Four of the five school projects are in construction with student occupancy scheduled in 2004 for three schools and 2005 for the remaining two schools.
- Five New Classroom Addition Projects - Of the total 48 planned benchmarks, 42 have been achieved including four in 2003. Only one project has not commenced construction. All projects that involve additions to an existing school are scheduled for student occupancy in 2004.
- Two Playground Expansions - All of the planned 12 benchmarks have been achieved. One project was occupied in 2003, and the remaining playground is expected to be completed in the first quarter of 2004.

A copy of the district's updated facilities mitigation plan is available in the State Board of Education office.

Authority for the waiver: 52122.6-52122.8

Bargaining unit(s) consulted on: Not required, conditions of previous waiver have not changed.

Position of bargaining unit (choose only one):

Neutral Support Oppose

Name of bargaining unit representative: Not required

Local board approval date: 10/28/03

Effective dates of request: 7/1/03 to 6/30/04

Fiscal Analysis (as appropriate): Provides Option 1 CSR funding.

Background Information: Waiver forms and background information are attached to this summary.

GENERAL WAIVER COVER SHEET
CALIFORNIA STATE BOARD OF EDUCATION
JANUARY 2004 AGENDA
Item No. W-5

TITLE: Request by Bonita Unified School District to waive <i>Education Code</i> (EC) Section 37202, equity length of time requirement, to allow a full day kindergarten pilot program at Allen Avenue, Fred Ekstrand, Gladstone, Grace Miller, La Verne Heights, J. Marion Roynon, Arma Shull and Oak Mesa Elementary Schools.	<input checked="" type="checkbox"/> ACTION <input type="checkbox"/> INFORMATION <input type="checkbox"/> PUBLIC HEARING <input type="checkbox"/> CONSENT
CDSIS: 1-9-2003	

RECOMMENDATION:

The Department recommends approval of this waiver for one year with the condition that the district provide an evaluation of the full day kindergarten pilot program before a renewal is considered.

Summary of Previous State Board of Education Discussion and Action:

The State Board of Education has approved similar waivers in the past.

Summary of Key Issue(s):

Bonita Unified is requesting a waiver of the equity length of time requirement, EC Section 37202, that states a district shall maintain an equal length of time in the school year for all its elementary schools. The district wants to start a pilot program of extended day kindergartens at all eight elementary schools. Recent changes in content standards and school accountability have increased the pressure on kindergarten pupils to master skills previously acquired at the first grade level. In order to support this new emphasis, the district finds it necessary to lengthen the kindergarten day.

The district surveyed parents and found that 90% of them were in favor of a longer day for their kindergarten pupils. The school board has adopted a policy for the Early Primary Program and will follow the requirements of EC Sections 8970-8974. The teacher's union fully supports this pilot program. The district has an open enrollment policy so that parents may choose to enroll their pupils in the pilot program. Each school site has individual staff/facility issues, so not all of the schools are able to increase the minutes to the same levels, thereby requiring a waiver of EC Section 37202. Attached is a chart showing the different kindergarten instructional minutes for each school.

Therefore, the Department recommends approval of this waiver for one year with the condition that the district provide an evaluation of the full day kindergarten pilot program before a renewal is considered.

Bargaining unit(s) consulted on: July 30, 31 and August 6, 20, 21 2003

Position of bargaining unit (choose only one):

Neutral Support Oppose

Name of bargaining unit representative: Jim Himelboch (BUTA President); Debbie Tully (BUTA Rep.) and Don Roberts (CSEA President)

Public hearing identified by (choose one or more):

Posting in a newspaper posting at each school other

(specify) District Office

Public hearing held on: August 20, 2003

Local board approval date: August 20, 2003

Advisory committee(s) consulted: School Site Councils

Objections raised (choose one): None Objections are attached on separate sheet

Date consulted: September 2003

Effective dates of request: 07/01/03 to 06/30/04

Fiscal Analysis (as appropriate): N/A

Background Information:

Waiver request forms and supporting documents are attached to this summary.

GENERAL WAIVER COVER SHEET
CALIFORNIA STATE BOARD OF EDUCATION
JANUARY 2004 AGENDA
Item No. W-6

<p>TITLE: Request by Tracy Unified School District for a waiver of <i>Education Code (EC)</i> Section 37202, equity length of time requirement, to increase instructional minutes at four of their elementary schools, Clover, Delta, South and Poet-Christian.</p> <p>CDSIS: 04-12-2003</p>	<p style="text-align: center;"> <input checked="" type="checkbox"/> ACTION <input type="checkbox"/> INFORMATION <input type="checkbox"/> PUBLIC HEARING <input type="checkbox"/> CONSENT </p>
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RECOMMENDATION:

The Department recommends approval of this waiver for one year with the condition that the district provide an evaluation of the effectiveness of the increase instructional time before a renewal is considered.

Summary of Previous State Board of Education Discussion and Action:

The State Board of Education has approved similar waivers in the past.

Summary of Key Issue(s):

The **Tracy Unified School District** is requesting a waiver of *E.C.* Section 37202, the equity length of time requirement, in order to increase instructional minutes at four out of their fourteen elementary schools. Specifically, the district wants to increase time at South, Clover, Delta and Poet-Christian schools. The district has provided a spreadsheet that details the increases in each grade at each school. The school site councils and the labor unions fully support the increased instructional time at these schools. And the district also has an open enrollment policy to allow parents to move their pupils into a school that is providing longer instructional minutes. The local school board has also adopted a policy so that the district is following the requirements of EC Section 8970-8974.

Therefore, the department recommends approval of this waiver for one year only with the condition that the district provide an evaluation of the effectiveness of the increased instructional time before a renewal is considered.

Bargaining unit(s) consulted on: October 31, 2003 and November 19, 2003

Position of bargaining unit (choose only one):

Neutral Support Oppose

Name of bargaining unit representative: Ann Mooney, President, Tracy Educators Assoc.

Public hearing identified by (choose one or more):

posting in a newspaper posting at each school other (specify)

Public hearing held on: December 9, 2003

Local board approval date: December 9, 2003

Advisory committee(s) consulted: November 2003

Objections raised (choose one): None Objections are attached on separate sheet
Effective dates of request: 07/01/03 – 06/31/04

Fiscal Analysis (as appropriate): No impact.

Background Information: Waiver request forms and supporting documents are attached to this summary.

GENERAL WAIVER COVER SHEET
CALIFORNIA STATE BOARD OF EDUCATION
January 2004 AGENDA
Item No. W-7

TITLE: Request by Hesperia Unified School District to waive <i>Education Code</i> (EC) Section 37202, equity length of time requirement, to allow a full day kindergarten pilot program at Mesa Academy School .	<input checked="" type="checkbox"/> ACTION <input type="checkbox"/> INFORMATION <input type="checkbox"/> PUBLIC HEARING <input type="checkbox"/> CONSENT
CDSIS: 18-11-2003	

RECOMMENDATION:

The Department recommends approval of this waiver for one year with the condition that the district provide an evaluation of the full day kindergarten pilot program before a renewal is considered.

Summary of Previous State Board of Education Discussion and Action:

The State Board of Education has approved similar waivers in the past.

Summary of Key Issue(s):

Hesperia Unified is requesting a waiver of the equity length of time requirement, EC Section 37202, that states a district shall maintain an equal length of time in the school year for all its elementary schools. The district wants to start a pilot program for an extended day kindergarten at Mesa Academy School, one of thirteen elementary schools within the district. Currently, the school operates the kindergarten at 36,675 annual minutes and with this waiver will increase the minutes annually to 49,912. Within this district, 56% of all students qualify for the free and reduced-price lunch program. The district wants to increase instructional time in order to increase student performance.

The district, in conjunction with the school leadership, teachers, and parents, all believe that increased instructional time for kindergarten students will increase student learning. The school site councils have discussed this issue at their meetings and approve. The district also has an open enrollment policy so that interested parents may opt to send their kindergarten pupils to this school site. The school board has adopted a policy for the Early Primary Program and will follow the requirements of EC Sections 8970-8974. The teacher's union fully supports this pilot program.

Therefore, the Department recommends approval of this waiver for one year with the condition that the district provide an evaluation of the full day kindergarten pilot program before a renewal is considered.

Bargaining unit(s) consulted on: October 31, 2003

Position of bargaining unit (choose only one):

Neutral Support Oppose

Name of bargaining unit representative: Gordon Williamson, Hesperia Education Assoc.
– Vice President

Public hearing identified by (choose one or more):

Posting in a newspaper posting at each school other (specify

Public hearing held on: November 10, 2003

Local board approval date: November 10, 2003

Advisory committee(s) consulted: School Site Councils

Objections raised (choose one): None Objections are attached on
separate sheet

Date consulted: October 7, 2003

Effective dates of request: 10/01/03 to 06/30/04

Fiscal Analysis (as appropriate): N/A

Background Information:

Waiver request forms and supporting documents are attached to this summary.

FEDERAL WAIVER COVER SHEET
CALIFORNIA STATE BOARD OF EDUCATION
JANUARY 2004 AGENDA
Item No. W-8

<p>TITLE: Request by Novato Unified School District to waive No Child Left Behind Act (NCLB); Title IV, Part A, Section 4115 (a)(1)(C) to use Safe and Drug Free Schools and Communities funds to support the cost of Here's Looking At You, as a kindergarten through twelfth grade prevention program</p> <p>CDSIS: Fed-08-2003</p>	<p><u> X </u> ACTION <u> </u> INFORMATION <u> </u> PUBLIC HEARING <u> </u> CONSENT</p>
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RECOMMENDATION:

The Department recommends:

- Approval
 Denial

Summary of Previous State Board of Education Discussion and Action:

The SBE previously adopted policy 03-01 that requires a program or activity supported with Safe and Drug Free School and Communities (SDFSC) funds to meet the principles of effectiveness. Attachment A of the policy lists those programs that provide scientific evidence that the program reduces violence and illegal drug use as required by Title IV, Part A Section 4115. The Here's Looking At You program is not on the Attachment A list, and does not meet the other criteria for waiver, so it is presented for Action.

At its November 2003 meeting, the SBE considered a waiver request for Here's Looking at You from the Placentia-Yorba Linda USD. The SBE denied this requests. In addition, a waiver request for Here's Looking at You was withdrawn by the Magnolia SD based on a recommendation of denial by CDE.

Summary of Key Issue(s):

The waiver application from the Novato USD regarding the Here's Looking At You program has been reviewed to ensure compliance with the three major criteria described in SBE policy 03-01 that must be met in order for the waiver to be approved by the board. The waiver application's success in meeting each of the three criteria is described as follows:

Is the program innovative?

The Here's Looking At You program has been in existence since 1992 and cannot be considered a new program. The California Department of Education's publication *Getting Results Update 2: Assessing the Effectiveness of Classroom Based Prevention Programs, 2001*, summarized the results from two published and seven unpublished studies that evaluated the Here's Looking At You (HLAY) program. The program's 10 year evaluation history further underscores that this program is a traditional approach rather than innovative. The program includes concepts related

to providing students with current information, opportunities to bond, and social skills common to many prevention curriculums based on the social influences model. The program draws from both the social influences model and the social development model for its program theory. Given the wide availability of social influences and development based programs, Here's Looking At You does not meet the State Board's criteria for being innovative compared to other programs.

Does the program demonstrate substantial likelihood of success?

Previously, Dr. Denise Hallfors, Ph.D., University of North Carolina, Chapel Hill, reviewed the two published and seven unpublished studies of Here's Looking At You available at that time for a report in *Getting Results, Update 2* (2001). Dr. Hallfors concluded that, "because of the lack of peer-reviewed studies and the weakness of unpublished study designs, Here's Looking At You should not be considered a research-based program that works."

Given the program developer's reported intention to submit the program for review by the California Health Kids Resource Center in October 2003, we asked the Resource Center director, Deborah Wood, Ph.D., to acquire a copy of the latest evaluation conducted by Farley and Associates (April 2003) and based on the scientific evidence presented by the evaluation determine if the program demonstrates substantial likelihood of success. Dr. Wood's conclusion is that, "the present evaluation of HLAY does not provide valid and reliable evidence of effectiveness, especially on students' substance-use behaviors. Without peer-reviewed studies on the impact of HLAY and given the design weaknesses and lack of instrumentation reliability data of the Farley and Associates (April, 2003) unpublished study, there is not available evidence at this time to change the conclusions reported in *Getting Results, Update 2* (2001)." The Here's Looking At You program does not meet the State Board's criteria for demonstrating the likelihood of success. The full text of Dr. Wood's report is attached.

Is there a plan and timeline for submitting the program for review and recognition?

The applicant has confirmed that the program developer is submitting the Farley and Associates (April 2003) evaluation for publication in a peer-review journal in the fall of 2003. However, the application does not describe the program developer's or publisher's plan and timeline for submitting the program for review and recognition by one of the reputable groups identified in Attachment A of the Board's waiver policy (California Healthy Kids Resource Center: Research-Validated Programs; University of Colorado: Blueprints; Center for Substance Abuse Prevention: Model Programs; or United States Department of Education: Expert Panel). Therefore, this application does not meet the State Board's criteria for review and recognition by a reputable group.

Summary

The Department recommends that this waiver be denied, as it meets none of the three criteria in the State Board of Education policy, or the Federal statute.

Waiver Authority: NCLB, Title IV, Part A, Section 4115(a)(3)

Local board approval date: 10-21-03

Effective dates of request: 10-23-03

Fiscal Analysis (as appropriate): Waiver denial will increase the amount of NCLB, Title IV, Part A funds available to support science-based and proven-effective alcohol, tobacco, other drug and violence prevention programs consistent with the LEA's approved LEAP.

Background Information:

Documentation is attached to this Summary

Date: June 30, 2003

To: Meredith Rolfe
Administrator
Safe and Healthy Kids Program Office

From: Deborah Wood, Ph.D.
Executive Director
CA Healthy Kids Resource Center

Re: Farley and Associates (2003) evaluation
of Here's Looking at You (HLAY)



Summary. In *Getting Results, Update 2* (2001), reviewers concluded that the nine studies to date evaluating Here's Looking at You (HLAY) did not provide scientific evidence of effectiveness. Since that time HLAY has been revised and evaluated in an unpublished report by Farley and Associates (April, 2003). The Farley and Associates study evaluated the impact of HLAY on 4th/5th and 5th/6th grade students' substance-use behaviors, knowledge, attitudes, skills and intentions. The study reported some short-term impact on HLAY students' substance use, and some gains in knowledge, attitudes and skills. However, on balance a pattern of effectiveness, particularly on students' substance-use behaviors, does not emerge. Moreover, there are sampling weaknesses in the design of the study and the internal reliability of the instrumentation was not reported. Without peer-reviewed, published studies on the impact of the revised version of HLAY and given the design weaknesses and lack of instrumentation information of the Farley and Associates unpublished study, there is not available evidence at this time to change the conclusions reported in *Getting Results, Update 2* (2001).

Background. Nine studies evaluating Here's Looking at You (HLAY, two published, seven unpublished) were reviewed in *Getting Results, Update 2* (California Department of Education, 2001). The review concluded that "because of the lack of peer-reviewed studies and the weakness of unpublished study designs, HLAY should not be considered a research-based program that works." (p. 17) Since 2001, HLAY has been updated and an evaluation has been conducted by Farley and Associates (April, 2003). The unpublished report by Farley and Associates was provided by the distributor of HLAY, United Learning.

Evaluation of the revised HLAY. The two-year Farley and Associates study evaluated the impact of HLAY on 4th/5th and 5th/6th grade students' substance-use behaviors, knowledge, attitudes, skills, and intentions. HLAY is described in the report as a research-based, K-12 drug education program, designed to provide students with information about alcohol, tobacco, and other drugs; teach social, refusal and resistance skills; and provide students with opportunities to bond with their school mates, families, and communities. The fourth grade curriculum is 19 lessons; the fifth and sixth grade curricula each consist of 23 lessons. Fidelity of implementation during the study was reported via teacher logs indicating students received an average of 74-83% of the lessons. Teacher logs were supplemented with on-site observations of instruction and interviews with teachers and students. Based on these data, the authors concluded that the program was implemented with a fair amount of fidelity.

Sample. The final data set of the study included 525 students in nine HLAY schools and six matched control schools selected from the Greater Chicago area. Schools that scored below average on the statewide proficiency exams in reading and writing were excluded from the population of schools selected because of concerns about lack of time to implement HLAY and attrition issues. The report notes that the sample represented inner city schools, traditional urban neighborhood schools, and suburban schools. However, student- and school-level demographic data were not provided to demonstrate representation. Similarly, HLAY/control group equivalence data were not provided, except for substance-use behaviors and skills (i.e., having developed a refusal plan). At baseline HLAY students reported significantly higher baseline levels of substance use than control students, while control students were more likely than HLAY students to have developed a refusal plan, suggesting that one or both of the sample groups were not representative of the population (at least as substance use and having a refusal plan is concerned).

Data collection and analysis. Data on students' self-reported substance-use behaviors, knowledge, attitudes, skills, and intentions were assessed via surveys at baseline, two points during the intervention (nine and 12 months from baseline), and after the intervention (21 months from baseline in the spring of the second academic year after students had received two years of the HLAY curriculum). The report provides analyses comparing the baseline (data point 1, DP1) to data collected at the end of the intervention (data point 4, DP4).

Outcomes: Students' Substance-Use Behaviors. Substance-use behaviors were measured in two ways: (a) students' self-report of the frequency of use of six different substances (4th/5th cohort) and seven different substances (5th/6th cohort) in the three- or six-month period prior to administration of the survey. Students' reported use of the substances (alcohol, cigarettes, cigars, marijuana, smokeless tobacco, inhalants, plus any other illegal drugs for the 5th/6th cohort) were aggregated into a substance-use index measure; and (b) the average number of substances students reported "never" having used prior to testing was used as a non-use of substances index. No data were provided to support the internal reliability of the indexes as measures of students' substance-use behaviors.

Substance use was low for both cohorts of HLAY and control students: 85% or more of HLAY and control students reported non-use of substances at DP1 and DP4. The results indicate that the 4th/5th cohort of HLAY students increased substance use significantly less from DP1 to DP4 than control students.¹ However, conclusions from these data should be made with caution because HLAY students reported significantly higher levels of substance use than control students at DP1 (indicating nonequivalence of treatment and control groups at baseline). Although the substance-use results for the 5th/6th cohort were in the same direction they were not statistically significant. The analysis of the non-use index data showed that 4th/5th grade control students' average number of "never-used" substances decreased significantly more than HLAY students from DP1 to DP4. However, control students had a higher average number of "never-used" substances than HLAY students at both DP1 and DP4, and HLAY/control group equivalence analyses of these data at baseline were not reported. The non-use results

¹ Although one can assume that a repeated-measures ANOVA provided these results, an identification of the statistical test and results data for this analysis could not be found, except for the p value of the result.

for the 5th/6th cohort were in the same direction but they were not statistically significant. The report also includes a variety of within-group analyses and across-group analyses of non-use of individual drugs that either didn't directly compare the HLAY and control students, had non-significant results, or provided a single significant result (e.g., 4th/5th non-use of inhalants) among broader non-significant findings. At this time, no generalizable conclusions of impact on students' substance-use behaviors can be drawn from these data due to several factors: the lack of a consistent pattern of results, the lack of demographic data on the subject samples, the nonequivalence of the HLAY and control groups at DP1, and the lack of reliability information for the aggregated index measures.

Outcomes: Students' Knowledge, Skill, and Attitudes Reasoned to Influence Substance Use. The report also includes DP1 to DP4 comparative analyses of students' responses to survey questions about factors addressed in HLAY and reasoned to influence substance use, including: development and use of refusal plans, intentions for future use of substances, ability to recognize risk situations, and prevention-related knowledge and attitudes. No data was provided to support the reliability of the index measures used to represent these factors. Slightly more than half of the across-group analyses yielded no significant differences between the HLAY and control students from DP1 to DP4. In some analyses HLAY students showed significantly greater increases from DP1 to DP4 in analyzing risk situations, prevention-related knowledge and attitudes. In some analyses HLAY students also made significantly greater gains from DP1 to DP4 in having developed, and having used, a refusal plan. However, the results of some of these latter analyses may be confounded by significant differences between HLAY and control students on these variables at DP1.

In sum, the present evaluation of HLAY does not provide valid and reliable evidence of effectiveness, especially on students' substance-use behaviors. Without peer-reviewed studies on the impact of HLAY and given the design weaknesses and lack of instrumentation reliability data of the Farley and Associates (April, 2003) unpublished study, there is not available evidence at this time to change the conclusions reported in *Getting Results, Update 2* (2001).

**Instructional Materials Funding Realignment Program (IMFRP) Petition Request
CALIFORNIA STATE BOARD OF EDUCATION
JANUARY 2004 AGENDA
Item No. W-9**

<p>SUBJECT: Petition request under <i>Education Code</i> (EC) Sections 60421(d) and 60200(g) by Hillsborough City School District to purchase non-adopted Instructional Resources (<i>Everyday Mathematics, Grades K-5</i>) using Instructional Materials Funding Realignment Program (IMFRP) monies.</p> <p>CDSIS: 19-11-2003</p>	<p><u> X </u> ACTION <u> </u> INFORMATION <u> </u> PUBLIC HEARING</p>
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RECOMMENDATION:

The Department recommendation: Approval from January 1, 2004, through January 1, 2006, with the condition that the district supplement *Everyday Mathematics, Grades 4-5*, as necessary for coverage of all mathematics content standards.

Summary of Previous State Board of Education Discussion and Action:

The petition process was continued in statute for use by districts with the Instructional Materials Funding Realignment Program, AB 1781, Statutes of 2002 with EC 60421(d). This is the second request from this district for a waiver for *Everyday Mathematics*; in June 2001 the State Board approved a Schiff-Bustamante waiver for this district for the program. Susan Stickel, former chair of the Curriculum Commission, has reviewed several editions of the program at the request of the State Board.

Summary of Key Issue(s).

The Hillsborough City School District requests approval of its petition pursuant to EC 60421(d): “Notwithstanding any other provision of law, pursuant to subdivision (g) of section 60200, the State Board of Education may authorize a school district to use any state basic instructional materials allowance to purchase standards-aligned materials as specified within this part.” EC 60200(g): “If a district board establishes to the satisfaction of the State Board that the state-adopted instructional materials do not promote the maximum efficiency of pupil learning in the district, the State Board shall authorize the district board to use its instructional materials allowance to purchase materials as specified by the State Board.”

The Hillsborough School District is petitioning to purchase: *Everyday Mathematics (K-5)*.

The petition request is for three elementary schools within the District. These three schools have excellent assessment results. All three of these schools have had an API ranking of 10 from 1999 through 2002. The district submitted assessment data for the statewide Mathematics Arts Standards Test and the SAT-9 Mathematics Test. District performance and the performance of these three schools is significantly above the state average, with the district demonstrating 96-99% scoring at “basic or above” on the 2002 Mathematics CST for grades 2-5, compared to 59-68% statewide.

Detailed assessment data is attached to this petition. The District requests that its petition be granted to use *Everyday Mathematics* as the core instructional materials that best address the needs of both teachers and students and has demonstrated positive results.

Following earlier petition requests to purchase the *Everyday Mathematics* program using Instructional Materials Fund funds, the State Board of Education asked former Commissioner Stickel to review the 2002 edition of the *Everyday Mathematics* program for grades 4-6. Ms. Stickel found in her report to the Board that there were numerous areas where the Mathematics Standards were not met, particularly at the Grade 4 level. Pursuant to this recommendation the Board acted to approve these petition requests with the condition that the districts demonstrate supplemental coverage of these standards. In both its prior Schiff-Bustamante waiver request and in the current petition request, the district has acknowledged these shortcomings and has stated that it provides supplemental materials to cover the gaps in coverage by the program.

Department Recommendation

The Department recommendation is for approval of the petition request from 1/1/04 through 1/1/06, with the condition that the district supplement *Everyday Mathematics*, Grades 4-5, as necessary for coverage of all mathematics content standards.

Authority for the petition: **E.C. 60421 (d) and 60200(g)**

Local Board approval: pending for December 10, 2003

Public hearing held on: pending for December 10, 2003

Fiscal Analysis (as appropriate)

LEA's estimated K-8 IMFRP in the 2003-2004 year:	\$ 34,281 ¹
Estimated cost of requested materials:	\$ 17,607
Percentage of K-8 IMFRP:	51.4%

Background Information: Petition request and background information is attached to this summary

¹ Estimate provided by the district. Note that due to ongoing budget cuts, it is impossible to be certain how much funding for IMFRP will be provided in future years.

SPECIFIC WAIVER COVER SHEET
CALIFORNIA STATE BOARD OF EDUCATION
JANUARY 2004 AGENDA
Item No. W-10

TITLE: Request by **Dixon Unified School District** for a retroactive waiver of *Education Code* (EC) Section 60119 regarding Annual Public Hearing on the availability of textbooks or instructional materials. The district had an audit finding for fiscal year 2001-2002 because the public hearing was not noticed for ten days as required. This is the second year in a row for this district as they had an audit finding in fiscal year 2000-2001.

CDSIS: 7-8-2003

ACTION
 INFORMATION
 PUBLIC HEARING
 CONSENT

RECOMMENDATION:

The Department recommends: Approval Denial

Summary of Previous State Board of Education Discussion and Action:

The State Board of Education (SBE) has heard and approved a policy developed by the department of Instructional Materials Sufficiency Waivers of Retroactive audit findings. **This is the second year that the district has received an audit finding for EC Section 60119, so it cannot be considered for consent.**

Summary of Key Issue(s):

Dixon Unified School District is requesting a second retroactive waiver of EC Section 60119. This second finding was for not noticing the public hearing for ten days before the hearing was scheduled. The district had a previous finding for omitting the public hearing in fiscal year 2000-2001.

When a district has a finding of EC Section 60119 two years in a row, we require additional information from the district on their textbooks and instructional materials. The district has submitted a listing of their current instructional materials from 1999 to the present as proof that they do indeed have the required materials for the district's pupils. The district had a fully compliant hearing on December 12, 2002 and is now fully aware of the requirement to post the public hearing notice for ten days and not their usual practice of posting notices for six days. CDE staff verified all other requirements of the Specific Waiver request. Without the waiver, the local educational agency will have to return **\$272,180** to CDE.

Since the district is now fully compliant with the requirements of EC Section 60119 and aware of the purpose and importance of passing a resolution after the public hearing, and the district has submitted evidence that they are using adopted textbooks and instructional materials, the department recommends approval of this waiver.

Authority for the waiver: EC Section 41344.3

SW-3
08/01

Effective dates of request: 7/1/01 to 6/30/02 Audit Year

Local Board Approval Date: 12/12/02

Fiscal Analysis (as appropriate): This waiver if approved will relieve the district of **\$272,180** in total penalties.

Background Information:

Waiver request forms and supporting documents are available for inspection in the Waiver Office.

SPECIFIC WAIVER COVER SHEET
CALIFORNIA STATE BOARD OF EDUCATION
JANUARY 2004 AGENDA
Item No. W-11

<p>TITLE: Request by Newport-Mesa Unified School District to waive <i>Education Code</i> (EC) Section 46201(d), the longer day instructional time penalty for fiscal year 2001-2002 at Middle College High School due to a shortage of 1,800 instructional minutes.</p> <p>CDSIS: 3-10-2003</p>	<p><u> X </u> ACTION <u> </u> INFORMATION <u> </u> PUBLIC HEARING <u> </u> CONSENT</p>
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RECOMMENDATION:

The Department recommends approval on the condition that the district maintain increased instructional time at **Middle College High School** from the required 64,800 minutes per year to 66,600 minutes per year (64,800 plus the 1,800 minutes short) for a period of two years beginning in 2003-2004 and continuing through 2004-2005, and report the increase in its yearly audits.

Summary of Previous State Board of Education Discussion and Action:

On January 1, 2002, with SB 178, the existing EC authority, Section 46206 was repealed, and a new Section 46206 added to the EC. In the fall of 2002, AB 1227 was passed by the Legislature and signed into law by the Governor. It authorizes waivers to be granted for fiscal penalties created by shortfalls of instructional time in the 2000-01 fiscal year or thereafter only if the makeup minutes or days, or both, are commenced not later than the school year following the year in which the waiver is granted and removes the 900-minute restriction for waivers of this type. While there is a board policy for these types of waivers, this waiver does not meet the requirements of the policy.

Summary of Key Issue(s):

The Newport-Mesa Unified School District requests a waiver of *Education Code* (EC) Section 46201(d), the longer day instructional time penalty, which states that sixty-four thousand, eight hundred minutes of instructional time must be offered at the high school level. In the 2001-2002 school year, the Newport-Mesa Unified School District incorrectly calculated for minutes for Middle College High School using the number of minutes for the fourth through eighth grade levels of 54,000 instructional minutes. In order to prevent this from reoccurring in the future, the district has instituted a spreadsheet to correctly calculate the instructional minutes at all the schools in the district. The penalty for this error is **\$754,971.87**. The district will begin to make up the instructional time beginning in school year 2003-2004 by increasing the instructional time at **Middle College High School** to 66,600 (64,800 plus 1,800).

Therefore, the department recommends approval on the condition that the district maintain increased instructional time at **Middle College High School** from the required 64,800

minutes per year to 66,600 minutes per year (64,800 plus the 1,800 minutes short) beginning in 2003-2004 and continuing through 2004-2005, and report the increase in its yearly audits.

Authority for the waiver: 46202

Bargaining unit(s) consulted on: 08/07/03 and 08/08/03

Position of bargaining unit (choose only one):

Neutral

Support

Oppose

Name of bargaining unit representative: Jim Rogers, Richard Hoff, Stephen Harper, Rajia Blank, and Charlotte Zaremba

Local board approval date: 09/09/03

Effective dates of request: July 1, 2001 through June 30, 2002

Fiscal Analysis (as appropriate):

- The repayment amount for offering less than the 1986-87 minutes per *Education Code* (EC) Section 46201(d), as required by law is: 5699.44 (Affected ADA) times \$4,764.90 (Base Revenue Limit) equals \$27,157,261.66 (Apportionment). 1,800 (Number of minutes short) divided by 64,800 (Number of required minutes) equals 0.0027777778 (Percentage). \$27,157,261.66 (Apportionment) times 2.78% (Percentage) equals **\$754,971.87 (Penalty)**.

Background Information:

Waiver request forms and supporting documents are attached to this summary.

SPECIFIC WAIVER COVER SHEET
CALIFORNIA STATE BOARD OF EDUCATION
JANUARY 2004 AGENDA
Item No. W-12

TITLE: Request by Santa Monica-Malibu Unified School District to waive <i>Education Code</i> (EC) Section 46202, because they offered less than the required 1982-83 minutes for fiscal year 2001-2002 at Muir Elementary School due to a shortage of 310 instructional minutes. CDSIS: 2-10-2003	<u> X </u> ACTION <u> </u> INFORMATION <u> </u> PUBLIC HEARING <u> </u> CONSENT
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RECOMMENDATION:

The Department recommends approval on the condition that the district maintain increased instructional time at **Muir Elementary School** in grades one through three for a period of two years from the required 53,100 minutes per year to 53,410 minutes per year (53,100 plus the 310 minutes short) for a period of two years beginning in 2002-2003 and continuing through 2003-2004, and report the increase in its yearly audits.

Summary of Previous State Board of Education Discussion and Action:

On January 1, 2002, with SB 178, the existing EC authority, Section 46206 was repealed, and a new Section 46206 added to the EC. In the fall of 2002, AB 1227 was passed by the Legislature and signed into law by the Governor. It authorizes waivers to be granted for fiscal penalties created by shortfalls of instructional time in the 2000-01 fiscal year or thereafter only if the makeup minutes or days, or both, are commenced not later than the school year following the year in which the waiver is granted and removes the 900-minute restriction for waivers of this type.

Summary of Key Issue(s):

The Santa Monica-Malibu Unified School District requests a waiver of EC Section 46202, the requirement that the district offered at least the number of minutes as offered in 1982/83. In 2001-2002 school year, Muir Elementary offered less than the 1982-1983 minutes by 310 minutes, although the state minimum requirement was met. The penalty in this case is \$64,103.22.

The district has adjusted their bell schedules and has already begun to make up the instructional minutes starting in school year, 2002-2003. Therefore, the Department recommends approval on the condition that the district maintain increased instructional time at **Muir Elementary School** in grades one through three for a period of two years from the required 53,100 minutes per year to 53,410 minutes per year (53,100 plus the 310 minutes short) for a period of two years beginning in 2002-2003 and continuing through 2003-2004, and report the increase in its yearly audits.

Authority for the waiver: 46202

Bargaining unit(s) consulted on: Bargaining Units not formally consulted as they have already been making up the extra minutes since the beginning of the 02/03 school year

Position of bargaining unit (choose only one):

Neutral

Support

Oppose

Name of bargaining unit representative:

Local board approval date: 04/03/03

Effective dates of request: July 1, 2001 through June 30, 2002

Fiscal Analysis (as appropriate):

- The repayment amount for offering less than the 1982-83 minutes per Education Code Section 46202, as required by law is: 2282.4 (Affected ADA) times \$4,810.84 (Base Revenue Limit) equals \$10,980,261.22 (Apportionment). 310 (Number of minutes short) divided by 53,100 (Number of required minutes) equals 0.005838041 (Percentage). \$10,980,261.22 (Apportionment) times .58% (Percentage) equals **\$64,103.22 (Penalty)**.

Background Information:

Waiver request forms and supporting documents are attached to this summary.

SPECIFIC WAIVER COVER SHEET
CALIFORNIA STATE BOARD OF EDUCATION
JANUARY 2004 AGENDA
Item No. W-13

<p>TITLE: Request by Tustin Unified School District (TUSD) to waive <i>Education Code</i> (EC) Section 56366.1(a), certification requirements for an uncertified nonpublic agency to provide Behavioral Intervention Services to a severely disabled special needs student. Supported Unique Consumer Center Education for Post Secondary Students (SUCCESS) Gallegos, The Mountain O.T.R.</p> <p>CDSIS: 46-4-2003</p>	<p><u> X </u> ACTION <u> </u> INFORMATION <u> </u> PUBLIC HEARING <u> </u> CONSENT</p>
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RECOMMENDATION:

The Department recommends: Approval

Summary of Previous State Board of Education Discussion and Action:

The State board of Education has taken action on many waivers regarding Nonpublic School Certification. The Special Education Division has adopted guidelines to assist staff in the review of these requests.

Summary of Key Issue(s):

- This waiver request is to enable the SELPA to place Sean E. into an education Adult Transition facility (nonpublic agency) not yet certified.
- The student, Sean E., a 22 year-old student with severe disabilities was attending a county-operated program for severely disabled students. The county was no longer able to maintain the student in their setting.
- All nonpublic schools in TUSD's area that serve severely disabled students were unwilling to take this student because of his significant behavioral issues.
- The SUCCESS program is designed to work with severely disabled students with significant behavioral issues. Staff is appropriately qualified to provide Behavior Intervention Services.
- SUCCESS has stated that they are applying for nonpublic agency certification.

Authority for the waiver: *Education Code* (EC) Section 56101

Bargaining unit(s) consulted on: N/A

Position of bargaining unit (choose only one): N/A

Neutral

Support

Oppose

Name of bargaining unit representative: N/A

Local board approval date: SELPA approval April 24, 2003

SW-3
04/03

Effective dates of request: April 22, 2003 to December 31, 2003

Fiscal Analysis (as appropriate): No known fiscal impact.

Background Information: Waiver request forms and supporting documentation are attached to this summary.

SPECIFIC WAIVER COVER SHEET
CALIFORNIA STATE BOARD OF EDUCATION
JANUARY 2004 AGENDA
Item No. W-14

TITLE: Request by Claremont Unified School District to waive <i>Education Code</i> (EC) Section 56366.1(a), certification for an uncertified nonpublic school, Briggs and Association to provide speech and language services to one special education student Kau A. CDSIS: 30-5-2003	<hr/> ACTION <hr/> INFORMATION <hr/> PUBLIC HEARING <hr/> X CONSENT
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RECOMMENDATION:

The Department recommends: Approval Denial

Summary of Previous State Board of Education Discussion and Action:

Requests to waive *Education Code* (EC) Section 56366.1(a) have been supported by the State Board in the past.

Summary of Key Issue(s):

- *Education Code* (EC) Section 56366.1(a) requires agencies with a desire to provide services to children with special needs be certified by the Special Education Division, Office of Nonpublic Schools and Agencies.
- Briggs and Associates has been certified in the past, and continues to employ qualified personnel necessary to meet the needs of the student.
- The IEP team has determined that this is the most appropriate service to meet the needs of the child.

Authority for the waiver: *Education Code* (EC) Section 56101

Bargaining unit(s) consulted on: May 7, 2003 and May 8, 2003

Position of bargaining unit (choose only one):

Neutral Support Oppose

Name of bargaining unit representative: Langston Coleman, Jean Botkin

Local board approval date: Approved by SELPA 5/12/03

Effective dates of request: September 1, 2002 to June 2004

Fiscal Analysis (as appropriate): Loss of certification fee.

Background Information: Waiver request forms and supporting documents are attached to this summary.

SPECIFIC WAIVER COVER SHEET
CALIFORNIA STATE BOARD OF EDUCATION
JANUARY 2004 AGENDA
Item No. W-15

<p>TITLE: Request by East Side Union High School District to waive <i>Education Code</i> (EC) Section 56366.1(a) certification for an uncertified nonpublic school, Heartspring School located in Wichita, Kansas to provide services to one special education student, Ryan L.</p> <p>CDSIS: 4-11-2003</p>	<p><u> X </u> ACTION <u> </u> INFORMATION <u> </u> PUBLIC HEARING <u> </u> CONSENT</p>
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RECOMMENDATION:

The Department recommends: Approval Denial

Summary of Previous State Board of Education Discussion and Action:

The State Board of Education has taken action on several previous nonpublic school certification waivers.

Summary of Key Issue(s):

The **East Side Union High School District (ESUHSD)** requests a waiver of EC 56366.1(a). This law establishes standards for non-profit, nonsectarian schools and agencies to follow to be certified to provide special education and designated instruction services (DIS) to students with disabilities. The district requests this waiver in order to place student, **Ryan L.** at **Heartspring School** located in **Wichita, Kansas**.

The placement is pursuant to the settlement agreement between the Oak Grove Elementary District and Ryan's parents. The East Side Union High School District assumed responsibility for Ryan's education beginning with the 2002-2003 school year.

The student's handicapping condition is Down's syndrome. The district did a search to find a placement but none of the programs were appropriate. The district's IEP team made a determination that this is the appropriate placement. The school was California certified in October of this year.

The **Heartspring Academy** staff are highly trained and devoted to students with Down's Syndrome.

The Department recommends this waiver request be approved.

Authority for the waiver: *Education Code* (EC) Section 56101

Bargaining unit(s) consulted on: 10/30/03

Position of bargaining unit (choose only one):

Neutral

Support

Oppose

Name of bargaining unit representative: Don McKell, Filiberto Zamora

Local board approval date: SELPA approval 11/17/03

Effective dates of request: 9/1/03-12/31/03

Fiscal Analysis (as appropriate): No known fiscal impact.

Background Information: Waiver request forms and supporting documents are attached to this summary.

SPECIFIC WAIVER COVER SHEET
CALIFORNIA STATE BOARD OF EDUCATION
JANUARY 2004 AGENDA
Item No. W-16

TITLE: Request by East Side Union High School District to waive <i>Education Code</i> (EC) Section 56366.1(a) certification for an uncertified nonpublic school, Sunhawk Academy located in Saint George, Utah to provide services to one special education student, Natalie G.	<u> X </u> ACTION <u> </u> INFORMATION <u> </u> PUBLIC HEARING <u> </u> CONSENT
CDSIS: 12-11-2003	

RECOMMENDATION: The Department recommends: Approval Denial

Summary of Previous State Board of Education Discussion and Action: The State Board of Education has taken action on several previous nonpublic school certification waivers.

Summary of Key Issue(s): The **East Side Union High School District (ESUHSD)** requests a waiver of EC 56366.1(a). This law establishes standards for non-profit, nonsectarian schools and agencies to follow to be certified to provide special education and designated instruction services (DIS) to students with disabilities. The district requests this waiver in order to place student, **Natalie G.** at **Sunhawk Academy** located in **Saint George, Utah.**

The student's handicapping condition is Emotional Disturbance. The placement is pursuant to mental health needs. The student has issues with substance abuse and safety needs. No other program was appropriate to meet all of the student's needs.

The **Sunhawk Academy** staff are highly trained and devoted to students with substance abuse needs. This student needs a secure facility with a drug and alcohol treatment program

The Department recommends this waiver request be approved.

Authority for the waiver: *Education Code* (EC) Section 56101

Bargaining unit(s) consulted on: 10/30/03

Position of bargaining unit (choose only one):

Neutral

Support

Oppose

Name of bargaining unit representative: Don McKell, Filiberto Zamora

Local board approval date: SELPA approval 11/17/03

Effective dates of request: 9/1/02-8/31/04

Fiscal Analysis (as appropriate): No known fiscal impacts

Background Information: Waiver request forms and supporting documents are attached to this summary.

GENERAL WAIVER COVER SHEET
CALIFORNIA STATE BOARD OF EDUCATION
JANUARY 2004 AGENDA
Item No. W-17

TITLE: Request by various school district(s) on behalf of (11 possible) school(s) in Cohort I of the Immediate Intervention and/Underperforming Schools Program (IIUSP) postponed Nov 14, 2003, (Invalid API) to waive sanctions in portions of E.C. 52055.5(b), in effect to keep the schools on “watch” for another year.	<u>X</u> ACTION
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RECOMMENDATION: Some individual waivers and recommendations are attached, more may follow in a Last Minute Memorandum.

Summary of Previous State Board of Education Discussion and Action:

On November 12, 2003, the State Board of Education (SBE) heard Item 23: Immediate Intervention/Underperforming Schools Program (II/USP): Proposed intervention for (Cohorts I and II) schools that failed to show significant growth.

A decision on eleven (11) schools in Cohort I and 6 schools in Cohort II, without valid API growth data was deferred until the January 2004 Board meeting in order to establish alternative criteria and provide these schools with an opportunity to demonstrate growth in student achievement and thus obtain a waiver to be placed on “watch “ for another year.

At the Board’s direction, Department and State Board staff collaboratively developed an **alternative method for schools with invalid growth APIs to demonstrate significant growth**. The criteria were provided to each affected district to determine if their school(s) made significant growth, thus qualifying to receive an “approval” recommendation on waivers for **11 possible Cohort I schools with Invalid API’s** (see attached list)

Summary of Key Issues

The districts on behalf to these schools request a waiver from being deemed **state-monitored**, waiving portions of E.C. 52055.5(b), thus keeping the schools on “watch” for another year. It would be inappropriate to allow schools to exit the program based on the achievement of the alternative criteria since the law is explicit that schools may only exit “watch” status by making all their API growth targets.

Additional schools may be added in the Last Minute Memorandum.

Fiscal Analysis (as appropriate):

Elementary and Middle schools receive **\$75,000** to conduct the SAIT Process. High Schools receive **\$100,000** to conduct the SAIT Process. All schools may apply for additional funds to conduct the SAIT, up to \$125,000. However, the additional funding must be approved by CDE and Finance. **In addition, all schools in the IIUSP/Sanctions receive \$150 per student** for at least two years and possibly three.

Attachment: 1) [List of 11 Possible Cohort I Schools.](#)

2) [Description of Alternative Growth Criteria for INVALID Cohort II School](#)

3) [Instructions for Calculating the Percentage of Students At or Above Proficient on the California Standards Tests](#)

4) [Format for Presenting the Percentage of Students At or Above Proficient on the California Standards Tests](#)

5) [Individual analysis, legal requirements and CDE Recommendations for four Cohort II Schools with IVALID API's.](#)

All documents are attached for each one in this order:

CDSIS-10-12-2003	Merced City SD	Alicia Reyes Elementary	Approval
CDSIS-05-12-2003	Ontario Montclair SD	Lehigh Elementary	Approval
CDSIS-14-12-2003	Oakland USD	Stonehurst Elementary	Approval
CDSIS-12-12-2003	Mendota USD	McCabe Jr. High School	Approval

Immediate Intervention Underperforming Schools (II/USP) Potentially Subject to State Intervention

This is the list of the 11 Cohort I schools with **Invalid** API's that failed to demonstrate significant growth. On November 12-13, 2003, the California State Board of Education deferred action on these schools until the next California State Board of Education meeting in January 2004.

Schools Deferred for Review in January 2004

County	District	School	ADA
Alameda	Emery Unified	Anna Yates Elementary	383
Alameda	Emery Unified	Emery High	262
Alameda	Oakland Unified	Stonehurst Elementary	709
Butte	Biggs Unified	Biggs High	273
Fresno	Mendota Unified	McCabe Junior High	326
Los Angeles	Compton Unified	Centennial High	1,379
Merced	Merced City Elementary	Reyes (Alicia) Elementary	675
Monterey	Monterey Peninsula Unified	Ord Terrace Elementary	422
San Bernardino	Ontario-Montclair Elementary	Lehigh Elementary	1,056
San Diego	San Diego Unified	Balboa Elementary YR	393
Tulare	Tulare Joint Union High	Tulare Western High	1,929

Description of Alternative Growth Criteria for INVALID Cohort I Schools

At the November 2003 State Board meeting, the Board deferred taking action regarding sanctions for II/USP schools without valid APIs. At that time, the Board indicated that criteria would be developed that would allow schools without valid APIs to demonstrate growth. I'm calling to provide you with the criteria that were developed by the Department, in consultation with State Board staff, for demonstrating growth. If your school(s) meets the criteria you will need to submit a waiver requesting the Board to keep the school "on watch" for another year. The waiver must be received by the Department no later than 5:00 p.m. on December 8th. If your school(s) does not meet the criteria, you should anticipate that the school(s) will be deemed state-monitored at the January Board meeting. The criteria for demonstrating growth for Cohort I II/USP schools are as follows:

Elementary schools must demonstrate that:

- The percentage of students (schoolwide) at or above the proficient level on the California Standards test in English/language arts increased by at least one percentage point from 2002 to 2003 (note: 0.99 does not equal 1.00), **and**
- The percentage of students (schoolwide) at or above the proficient level on the California Standards test in Mathematics Standards increased by at least one percentage point from 2002 to 2003.

Middle Schools must demonstrate that:

- The percentage of students at or above the proficient level (schoolwide) on the California Standards test in English/language arts increased by at least one percentage point from 2002 to 2003 (note: 0.99 does not equal 1.00), **and**
- The percentage of students (schoolwide) at or above the proficient level on the California Standards tests in the Mathematics Standards, General Math and Algebra I increased by at least one percentage point from 2002 to 2003.

High schools must demonstrate that:

- The percentage of students (schoolwide) at or above the proficient level on the California Standards test in English/language arts increased by at least one percentage point from 2002 to 2003 (note: 0.99 does not equal 1.00), **and**
- The percentage of students (schoolwide) at or above the proficient level on the California Standards test in General Mathematics, Algebra I and Geometry increased by at least one percentage point from 2002 to 2003.

The waiver may be submitted before the local governing board approves the waiver request. However, the local governing board must approve the waiver by January 5, 2004 and the Waiver Office must be notified of the action taken no later than noon on January 6, 2004 at (916) 319-0592.

Instructions for Calculating the Percentage of Students At or Above Proficient on the California Standards Tests

School data for the table (number of students tested and percent advanced and proficient) may be obtained from the STAR website.

For middle schools math calculations, use the results for California Standards tests, the General Math test and Algebra 1.

For high schools math calculations, use the results for the General Math test, Algebra 1 and Geometry.

For elementary math calculations and all English Language Arts calculations, use all grades tested.

Calculation is done separately by content and for each year required (2001,2002 or 2003). Complete a Chart for each year. (Note: Only Cohort II should provide 2001 data for English/language arts)

Percentage of students Proficient and above is calculated by dividing the sum of row 'c' by sum of row 'b'.

Gain is calculated by subtracting the previous year results from the current year results.

Format for Presenting the Percentage of Students At or Above Proficient on the California Standards Tests

	Subject Area (ELA or Mathematics)								
Row	Year: _____	Grade/ Course	Totals						
a	Percent of Students Proficient and Advanced (from STAR website)								
b	Number of Students Tested (from STAR website)								Sum row b all cells
c	Number of Student Proficient and Above (which is a x b)								Sum row c all cells
d	Percentage of student Proficient and Advanced (calculate by dividing the sum of row 'c' by sum of row 'b').								

Summary Table						
	2001 (ELA for Cohort II Only)	2002 (ELA for Cohort II Only)	Difference	2002	2003	Difference
ELA						
Mathematics						

Include percent for each subject and year and calculate the difference (+ or -)

Item W-17
Individual District/ School - Schools with a Invalid API
Waivers of Sanctions – Cohort I

CDSIS-10-12-2003	Merced City School District for Alicia Reyes Elementary School
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CDE Recommendation:

Approval: CDE recommends Alicia Reyes Elementary School be placed on “watch” status for the 2003-04 school year.

Analysis:

Alicia Reyes Elementary School has met the criteria established by the Department of Education and State Board staff for schools without 2003 valid Growth APIs. The percentage of students at or above proficient on the 2003 California Standards English/language arts test increased by 5.53% and the percentage of students at or above proficient on the 2003 California Standards Mathematics Test increased by 7.85%.

If the Board grants the waiver, the school would be placed on “watch” status for the 2003-2004 school year. If the school makes all its growth targets on the 2004 Growth API, it will exit the II/USP program.

Fiscal Analysis for this school’s waiver request:

If the waiver is granted, a total of \$176,250 in Title I funds would be saved (\$75,000 for the services of a SAIT and \$101,250 to implement the recommended corrective actions).

See attached waiver document for all other legal requirements.

Item W-17
Individual District/ School - Schools with a Invalid API
Waivers of Sanctions – Cohort I

CDSIS-5-12-2003	Ontario-Montclair School District for Lehigh Elementary
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CDE Recommendation:

Approval: CDE recommends Lehigh Elementary be placed on “watch” status for the 2003-04 school year.

Analysis:

Lehigh Elementary has met the criteria established by the Department of Education and State Board staff for schools without 2003 valid Growth APIs. The percentage of students at or above proficient on the 2003 California Standards English/language arts test increased by 2.4% and the percentage of students at or above proficient on the 2003 California Standards Mathematics Test increased by 5.8%.

If the Board grants the waiver, the school would be placed on “watch” status for the 2003-2004 school year. If the school makes all its growth targets on the 2004 API, it will exit the program.

Fiscal Analysis for this school’s waiver request:

If the waiver is granted, a total of \$233,400 in Title I funds would be saved (\$75,000 for the services of a SAIT and \$158,400 to implement the recommended corrective actions).

See attached waiver document for all other legal requirements.

Item W-17
Individual District/ School - Schools with a Invalid API
Waivers of Sanctions – Cohort I

CDSIS-14-12-2003	Oakland Unified District for Stonehurst Elementary
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CDE Recommendation:

Approval: CDE recommends Stonehurst Elementary be placed on “watch” status for the 2003-04 school year.

Analysis:

Stonehurst Elementary has met the criteria established by the Department of Education and State Board staff for schools without 2003 valid Growth APIs. The percentage of students at or above proficient on the 2003 California Standards English/language arts test increased by 3% and the percentage of students at or above proficient on the 2003 California Standards Mathematics Test increased by 9%.

Also, the percentage tested in English/language arts increased from 63% in 2002 to 96.3% in 2003 and the percentage tested in mathematics increased from 67% in 2002 to 96.5% in 2003.

If the Board grants the waiver, the school would be placed on “watch” status for the 2003-2004 school year. If the school makes all its growth targets on the 2004 API, it will exit the program.

Fiscal Analysis for this school’s waiver request:

If the waiver is granted, a total of \$181,350 in Title I funds would be saved (\$75,000 for the services of a SAIT team and \$106,350 to implement the recommended corrective actions).

See attached waiver document for all other legal requirements.

Item W-17
Individual District/ School - Schools with a Invalid API
Waivers of Sanctions – Cohort I

CDSIS- 12-12-2003	Mendota Unified District for McCabe Junior High
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CDE Recommendation:

Denial per E.C. 33051(a)(1). CDE recommends that the school be deemed state-monitored, a SAIT be assigned, and that the district be allocated the appropriate SAIT and corrective action funds. The Department also recommends that the local governing board be allowed to retain its legal rights, duties, and responsibilities with respect to McCabe Junior High.

Analysis:

McCabe Junior High does not have a valid growth API for 2003 due to the fact that the school only tested 8th grade students in general math in 2002. Therefore, McCabe did not have California Standards Math Test scores available to calculate the 2002 Base API.

As their data indicate, students made growth in language arts, increasing the percentage proficient from 11% in 2002 to 18.38% in 2003. However, in 8th grade general math (which is based on 6th and 7th grade standards), the percentage of students scoring at or above proficient decreased from 28% in 2002 to 25% in 2003 (Please note: 8th grade general math are the only consistent test scores available in 2002 and 2003 and therefore, the only test that could be used to determine growth in math for this alternative growth criteria.) Therefore, McCabe does not meet the criteria established for schools without valid 2003 growth API scores.

Also based on the 2003 California Standards Tests, 82.1% of students scored below proficient in English/language arts, 75% of the students scored below proficient in general math, and 63% of the students scored below proficient in algebra I, indicating that the school would benefit from the services of a SAIT (see table below).

2003 California Standards Tests			
	Percent of students at or above proficient	Percent of students at basic	Percent of students at below or far below basic
English/Language Arts	18.3%	44.3%	37.8%
General Math (6 & 7 Grade Standards—taken by 8 th grade students)	25%	41%	35%
Algebra I	37%	47%	16%

Fiscal Analysis for this school’s waiver request:

If the waiver is denied, McCabe Junior High School would receive \$75,000 to help support the services of a SAIT and \$48,900 to implement the recommended corrective actions from Title I funds.

See attached waiver document for all other legal requirements.

LAST MINUTE MEMORANDUM

DATE: January 6, 2004

TO: MEMBERS, STATE BOARD OF EDUCATION

FROM: Judy Pinegar, Administrator
Waiver Office, Executive Branch

RE: Item No. W-17 blue

SUBJECT: Request by various school district(s) on behalf of **(11 possible)** school(s) in **Cohort I** of the Immediate Intervention and/Underperforming Schools Program (IIUSP) postponed Nov 14, 2003, **(Invalid API)** to waive **sanctions** in portions of E.C. 52055.5(b), in effect to keep the schools on "watch" for another year.

This Last Minute Memorandum is to make a correction to W-17, to add a new waiver request from a district, and to clarify CDE recommendations on Item W-17 before the State Board of Education (SBE).

Correction: In the SBE "short" Agenda and on the Item W-17 write up, the Education Code being waived by the listed districts was erroneously listed as E.C. 52055.5(b). The correct citation is E.C. 52055(h). Also Mendota was noticed as recommended for approval, the correct recommendation is for Denial (see below).

Addition: The waiver for Tulare School District, for Tulare Western High School is hereby added to the actions requested by the State Board of Education (SBE) under Item W-17. Attached is the Individual District/School report form, which includes the analysis and recommendation from the California Department of Education (CDE) as well as the original waiver request from Tulare School District documenting legal requirements, and including supporting data for the "Alternative Method of Growth."

Clarification: The CDE Recommendations for Item W-17 are as follows:

The following waivers are recommended by the CDE for Approval:

10-12-2003	Merced City SD	Alicia Reyes Elementary	Approval
05-12-2003	Ontario Montclair SD	Lehigh Elementary	Approval
14-12-2003	Oakland USD	Stonehurst Elementary	Approval
26-12-2003	Tulare JUHSD	Tulare Western High	Approval

The following waivers are recommended by the CDE for Denial:

12-12-2003	Mendota USD	McCabe Jr. High School	Denial EC 33051(a)(1)
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GENERAL WAIVER COVER SHEET
CALIFORNIA STATE BOARD OF EDUCATION
JANUARY 2004 AGENDA
Item No. W-18

TITLE: Request by various school district(s) on behalf of (6 possible) school(s) in Cohort II of the Immediate Intervention and/Underperforming Schools Program (IIUSP) postponed Nov 14, 2002, (Invalid API) to waive sanctions in portions of E.C. 52055.5(b), in effect to keep the schools on “watch” for another year.	<u>X</u> ACTION
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RECOMMENDATION: Some individual waivers and recommendations are attached, more may follow in a Last Minute Memorandum.

Summary of Previous State Board of Education Discussion and Action:

On November 12, 2003, the State Board of Education (SBE) heard Item 23: Immediate Intervention/Underperforming Schools Program (II/USP): Proposed intervention for (Cohorts I and II) schools that failed to show significant growth.

A decision on schools without valid API growth data was deferred until the January 2004 Board meeting in order to establish alternative criteria and provide these schools with an opportunity to demonstrate growth in student achievement and thus obtain a waiver to be placed on “watch” for another year.

At the Board’s direction, Department and State Board staff collaboratively developed an **alternative method for schools with invalid growth APIs to demonstrate significant growth**. The criteria were provided to each affected district to determine if their school(s) made significant growth, thus qualifying to receive an “approval” recommendation on waivers for **6 possible Cohort II schools with Invalid API’s** (see attached list).

Summary of Key Issues:

The districts on behalf to these schools request a waiver from being deemed **state-monitored**, waiving portions of E.C. 52055.5(b), thus keeping the schools on “watch” for another year. It would be inappropriate to allow schools to exit the program based on the achievement of the alternative criteria since the law is explicit that schools may only exit “watch” status by making all their API growth targets. See attached documents.

Additional schools may be added in the Last Minute Memorandum.

Fiscal Analysis (as appropriate):

Elementary and Middle schools receive **\$75,000** to conduct the SAIT Process. High Schools receive **\$100,000** to conduct the SAIT Process. All schools may apply for additional funds to conduct the SAIT, up to \$125,000. However, the additional funding must be approved by CDE and Finance. **In addition, all schools in the IIUSP/Sanctions receive \$150 per student** for at least two years and possibly three.

Attachments: 1) [List of 6 Possible Cohort II Schools](#)

- 2) [Description of Alternative Growth Criteria for INVALID Cohort II School](#)
- 3) [Instructions for Calculating the Percentage of Students At or Above Proficient on the California Standards Tests](#)
- 4) [Format for Presenting the Percentage of Students At or Above Proficient on the California Standards Tests](#)
- 5) [Individual analysis, legal requirements and CDE Recommendations for four Cohort II Schools with IVALID API's](#)

All documents are attached for each one in this order:

CDSIS-19-12-2003	Los Angeles USD	Bancroft Middle School	Approval
“ “	“ “	Fairfax Senior High School	Approval
CDSIS-13-12-2003	Jurupa USD	Rubidoux High School	Denial
CDSIS-15-12-2003	San Diego USD	O'Farrell High School	Denial

Immediate Intervention Underperforming Schools (II/USP) Potentially Subject to State Intervention

This is a list of the 6 Cohort II II/USP schools with **Invalid** API's that failed to demonstrate significant growth. On November 12-13, 2003, the California State Board of Education deferred action on these schools until the next California State Board of Education meeting in January 2004.

Schools Deferred for Review in January 2004

County	District	School
Alameda	Hayward Unified	Tennyson High
Los Angeles	Los Angeles Unified	Bancroft (Hubert Howe) Middle
Los Angeles	Los Angeles Unified	Fairfax Senior High
Riverside	Jurupa Unified	Rubidoux High
San Diego	San Diego Unified	O'Farrell Community Charter
Ventura	Rio Elementary	Rio Plaza Elementary

Description of Alternative Growth Criteria for INVALID Cohort II Schools

At the November 2003 State Board meeting, the Board deferred taking action regarding sanctions for II/USP schools without valid APIs. At that time, the Board indicated that criteria would be developed that would allow schools without valid APIs to demonstrate growth. I'm calling to provide you with the criteria that were developed by the Department, in consultation with State Board staff, for demonstrating growth. If your school(s) meets the criteria you will need to submit a waiver requesting the Board to keep the school "on watch" for another year. The waiver must be received by the Department no later than 5:00 p.m. on December 8th. If your school(s) does not meet the criteria, you should anticipate that the school(s) will be deemed state-monitored at the January Board meeting. The criteria for demonstrating growth for Cohort 2 II/USP schools are as follows:

Elementary schools must demonstrate that:

- The percentage of students (schoolwide) at or above the proficient level on the California Standards test in English/language arts increased by at least one percentage point from 2001 to 2002 **and** from 2002 to 2003 (note: 0.99 does not equal 1.00), **and**
- The percentage of students (schoolwide) at or above the proficient level on the California Standards test in Mathematics Standards increased by at least one percentage point from 2002 to 2003.

Middle Schools must demonstrate that:

- The percentage of students at or above the proficient level (schoolwide) on the California Standards test in English/language arts increased by at least one percentage point from 2001 to 2002 **and** from 2002 to 2003 (note: 0.99 does not equal 1.00), **and**
- The percentage of students (schoolwide) at or above the proficient level on the California Standards tests in the Mathematics Standards, General Mathematics and Algebra I increased by at least one percentage point from 2002 to 2003.

High schools must demonstrate that:

- The percentage of students (schoolwide) at or above the proficient level on the California Standards test in English/language arts increased by at least one percentage point from 2001 to 2002 **and** from 2002 to 2003 (note: 0.99 does not equal 1.00), **and**
- The percentage of students (schoolwide) at or above the proficient level on the California Standards test in General Mathematics, Algebra I, and Geometry increased by at least one percentage point from 2002 to 2003.

The waiver may be submitted before the local governing board approves the waiver request. However, the local governing board must approve the waiver by January 5, 2004 and the Waiver Office must be notified of the action taken no later than noon on January 6, 2004. The Waiver Office number is (916) 319-0592.

Instructions for Calculating the Percentage of Students At or Above Proficient on the California Standards Tests

School data for the table (number of students tested and percent advanced and proficient) may be obtained from the STAR website.

For middle schools math calculations, use the results for California Standards tests, the General Math test and Algebra 1.

For high schools math calculations, use the results for the General Math test, Algebra 1 and Geometry.

For elementary math calculations and all English Language Arts calculations, use all grades tested.

Calculation is done separately by content and for each year required (2001,2002 or 2003). Complete a Chart for each year. (Note: Only Cohort II should provide 2001 data for English/language arts)

Percentage of students Proficient and above is calculated by dividing the sum of row 'c' by sum of row 'b'.

Gain is calculated by subtracting the previous year results from the current year results.

**Format for Presenting the Percentage of Students At or Above Proficient on the
California Standards Tests**

	Subject Area (ELA or Mathematics)								
Row	Year: _____	Grade/ Course	Totals						
a	Percent of Students Proficient and Advanced (from STAR website)								
b	Number of Students Tested (from STAR website)								Sum row b all cells
c	Number of Student Proficient and Above (which is a x b)								Sum row c all cells
d	Percentage of student Proficient and Advanced (calculate by dividing the sum of row 'c' by sum of row 'b').								

Summary Table						
	2001 (ELA for Cohort II Only)	2002 (ELA for Cohort II Only)	Difference	2002	2003	Difference
ELA						
Mathematics						

Include percent for each subject and year and calculate the difference (+ or -)

Item W-18
Individual District/ School - Schools with a Invalid API
Waivers of Sanctions – Cohort II

CDSIS-19-12-2003	Los Angeles Unified School District for Fairfax Senior High and Bancroft (Hubert Howe) Middle Schools
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CDE Recommendation:

Approval: CDE recommends Fairfax Senior High and Bancroft (Hubert Howe) Middle Schools be placed on “watch” status for the 2003-04 school year.

Analysis:

Fairfax Senior High has met the criteria established by the Department of Education and State Board staff for schools without 2003 valid Growth APIs. The percentage of students at or above proficient on the 2002 California Standards English/language arts test increased by 3.06% from 2001 and the percentage of students at or above proficient on the 2003 California Standards English/language arts test increased by 4.73% from 2002. The percentage of students at or above proficient on the 2003 California Standards Mathematics Tests (general math, algebra, and geometry) increased by 2.20%.

Bancroft Middle School has also met the established criteria. The percentage of students at or above proficient on the 2002 California Standards English/language arts test increased by 4.5% from 2001 and the percentage of students at or above proficient on the 2003 English/language arts test increased by 1.03% from 2002. The percentage of students at or above proficient on the 2003 mathematics standards tests (mathematics standards and algebra,) increased by 2.15%.

If the Board grants the waiver, both schools would be placed on “watch” status for the 2003-2004 school year. If the schools make all their growth targets on the 2004 API, they will exit the program.

Fiscal Analysis for this school’s waiver request:

If the waiver is granted, a total of \$830,050 in Title I funds would be saved:

- \$525,700 for Fairfax High School (\$100,000 for the services of a SAIT and \$425,700 in Title I funds to implement the recommended corrective actions), and
- \$304,350 for Bancroft Middle School (\$75,000 for the services of a SAIT and \$229,350 in Title I funds to implement the recommended corrective actions).

See attached waiver document for all other legal requirements.

Item W-18
Individual District/ School - Schools with a Invalid API
Waivers of Sanctions – Cohort II

CDSIS-13-12-2003	Jurupa Unified School District for Rubidoux High School
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CDE Recommendation:

Denial per E.C. 33051(a)(1). CDE recommends that the school be deemed state-monitored, a SAIT be assigned, and that the district be allocated the appropriate SAIT and corrective action funds. The Department also recommends that the local governing board be allowed to retain its legal rights, duties, and responsibilities with respect to Rubidoux High School.

Analysis:

Although the data provided by Sanford Systems indicates that Rubidoux High School made growth on a simulated API, the school does not meet the criteria established by the Department of Education and State Board staff for schools with invalid APIs (see table below).

Summary Table Indicating the Growth in Percentage of Students Scoring At or Above Proficient on the CST			
	2002	2003	Difference
English/Language Arts	19.5%	20%	+.5%
Mathematics (general math, algebra, and geometry)	6.64%	6.61%	-.03%

Also, based on the 2003 California Standards Test, 80% of the students scored below proficient in English/Language Arts and 96% of the students scored below proficient in algebra I. Therefore, Department staff believes the school would benefit from the services of a SAIT, especially in the area of mathematics.

	Percent of students at or above proficient	Percent of students at basic	Percent of students at below or far below basic
English/Language Arts	20%	36%	44%
Algebra I	4%	17%	79%

Fiscal Analysis for this school’s waiver request:

If the waiver is denied, Rubidoux High School would receive \$100,000 to help support the services of a SAIT and \$389,550 to implement the recommended corrective actions.

See attached waiver document for all other legal requirements.

Item W-18
Individual District/ School - Schools with a Invalid API
Waivers of Sanctions – Cohort II

CDSIS- 15-12-2003	San Diego Unified School District for O’Farrell Community School, (Charter)
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CDE Recommendation:

Denial per E.C. 33051(a)(1). CDE recommends that the school be deemed state-monitored, a SAIT be assigned, and that the district be allocated the appropriate SAIT and corrective action funds. The Department also recommends that the local governing board be allowed to retain its legal rights, duties, and responsibilities with respect to O’Farrell Community School.

Analysis:

As indicated by the data presented by O’Farrell Community School, the percentage of students at or above proficient on the English/language arts standards increased from 19.8% in 2001 to 25.2% in 2003. Although the school did not show 1 percentage point growth in each year, the Department staff believe the school has met the intent of the criteria for English/language arts. However, in mathematics the percentage of students scoring at or above proficient went down 2.1 percentage points. (Please note: the percentage of students proficient in math is based upon the general mathematics test and algebra I test.)

As stated in O’Farrell’s waiver request, the criteria for demonstrating significant growth for schools without a valid API are indeed more stringent than for schools with valid APIs. However, when the Board decided to provide an opportunity for schools to demonstrate significant growth through an alternative method, Department and Board staff agreed that schools without a valid API should be held to a higher standard, if for no other reason than to reinforce the importance of the state’s accountability program.

Based on the 2003 California Standards Test, 75.9% of the students scored below proficient in English/language arts and 90% percent of the students scored below proficient in algebra 1 (see table below). Since O’Farrell was unable to meet the established criteria for demonstrating growth in mathematics and because the results of the California Standards test indicate the school could benefit from the services of a SAIT, the Department recommends that O’Farrell be deemed state-monitored.

2003 California Standards Tests			
	Percent of students at or above proficient	Percent of students at basic	Percent of students at below or far below basic
English/Language Arts	23.6%	37.1%	38.8%
Algebra I	9%	21%	69%

Fiscal Analysis for this school’s waiver request:

If the waiver is denied, O’Farrell Community School would receive \$75,000 to help support the services of a SAIT and \$231,150 to implement the recommended corrective actions from Title I Funds.

See attached waiver document for all other legal requirements.

GENERAL WAIVER COVER SHEET
CALIFORNIA STATE BOARD OF EDUCATION
JANUARY 2004 AGENDA
Item No. W-19

TITLE: Request by various school district(s) on behalf of (20 possible) school(s) in Cohort I of the Immediate Intervention and/Underperforming Schools Program (II/USP) deemed state monitored on Nov 12, 2003, (Valid API) to waive sanctions in portions of E.C. 52055.5(b), and keep the schools on “watch” for another year. Failing that the district(s) may wish to waive the timeline in portions of E.C. 52055.51(d)	<u>X</u> ACTION
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RECOMMENDATION: Some individual waivers and recommendations are attached, more may follow in a Last Minute Memorandum.

Summary of Previous State Board of Education Discussion and Action

On November 12, 2003, the State Board of Education (SBE) heard Item 23: Immediate Intervention/Underperforming Schools Program (II/USP): Proposed intervention for (Cohorts I and II) schools that failed to show significant growth.

The SBE voted unanimously on Nov, 12, 2003, to require the districts of **20 Cohort I** schools with **Valid Academic Performance Indexes (API’s)** identified in the agenda item to “enter into contracts with School Assistance and Intervention Teams (SAITs) – because the schools have failed to demonstrate significant growth, as required by law – and allow the governing board of each school district to retain its legal rights, duties, and responsibilities with respect to each state-monitored school within its jurisdiction.”

There was **no discussion** at the November SBE meeting about waiver criteria or an alternate method of calculation for the schools with valid API’s, under the General Waiver authority, EC 33050 each one must be taken on the merits of the individual argument.

Summary of Key Issues:

The districts on behalf of these **(20 possible) Cohort I** schools (see attached list) have requested a waiver from being deemed state monitored for various individual reasons. The waiver is of the **sanctions** in portions of E.C. 52055.5(b), in effect to keep the schools to remain on “watch” for another year.

Failing that, the district(s) may wish to waive the **timeline** in portions of E.C. 52055.51(d) so that they have time to complete the SAIT activities required under the sanctions.

Additional schools may be added in the Last Minute Memorandum.

Fiscal Analysis (as appropriate):

Elementary and Middle schools receive \$75,000 to conduct the SAIT Process. **High Schools receive \$100,000** to conduct the SAIT Process. All schools may apply for additional funds to conduct the SAIT, up to \$125,000. However, the additional funding must be approved by CDE and the Department of Finance. **In addition, all schools in the II/USP Sanctions receive \$150 per student** for at least two years, and potentially three years, in order to implement the corrective actions.

Attachment: 1) [List of 20 Possible Cohort I Schools.](#)

2) [Individual analysis, legal requirements and CDE Recommendations for four Schools.](#) All documents are attached for each one in this order:

CDSIS 8-12-2002	Central UHSD	Central High School	Denial
“ “	“ “	Southwestern High School	Denial
CDSIS-6-12-2003	Burbank USD	Providencia Elementary	Denial
CDSIS-3-12-2003	San Jose USD	Hester Elementary School	Denial

**Immediate Intervention Underperforming Schools (II/USP)
Potentially Subject to State Intervention**

The list of the 20 Cohort I schools with **Valid** Academy Performance Indexes (API) that failed to demonstrate significant growth. On November 12-13, 2003 the California State Board of Education identified these schools to be state monitored.

Schools Deferred for Review in January 2004

County	District	School	ADA
Butte	Biggs Unified	Biggs Elementary	383
Fresno	Selma Unified	Wilson (Woodrow) Elementary	440
Fresno	West Fresno Elementary	West Fresno Elementary	633
Imperial	Central Union High	Central High	1,594
Imperial	Central Union High	Southwest High	2,007
Los Angeles	Burbank Unified	Providencia Elementary	492
Merced	Merced City Elementary	Rivera (Rudolph) Middle	1,152
Monterey	Monterey Peninsula	Del Rey Woods Elementary	562
Riverside	Palo Verde Unified	Palo Verde High	941
Riverside	Perris Elementary	Sanders (Nan) Elementary	790
Sacramento	Galt Joint Union High	Galt High	1,963
San Diego	San Diego Unified	Fulton Elementary	492
San Francisco	San Francisco Unified	Burton (Phillip & Sala) Academic High	1,766
San Francisco	San Francisco Unified	Golden Gate Elementary	181
San Francisco	San Francisco Unified	Malcolm X Academy (Elem)	300
San Francisco	San Francisco Unified	Marshall (Thurgood) Academic High	1,150
Santa Clara	Alum Rock Union Elementary	Pala Middle	385
Santa Clara	East Side Union High	Lick (James) High	1,237
Santa Clara	San Jose Unified	Hester Elementary	383
Tehama	Antelope Elementary	Berrendos Middle	244

Item W-19
Individual District/ School - Schools with a Valid API
Waivers of Sanctions – Cohort I

CDSIS- 8-12-2003	Central Union High School District for Central and Southwest High Schools
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CDE Recommendation:

Denial per E.C. 33051(a)(1). CDE recommends that Central and Southwest High Schools continue to be deemed state-monitored as determined at the November 12, 2003 State Board meeting.

Approval to waive E.C. 52055.51(d). The Department also recommends approval of the request to waive the SAIT timeline to allow an extension for SAIT activities. The new timeline would begin on January 8, 2004.

Analysis:

Although the Department does concur with Central Union High School District that the 2002 base API score for Central High was not accurate, it cannot support the district’s request to waive the school out of state sanctions for two reasons. The district failed to correct the error in a timely fashion; therefore CDE cannot change the 2002 API base and Central High did not meet the criteria established for schools with invalid API to demonstrate growth. In addition, it is inappropriate to allow the school to exit the program when the official published API indicates the school made negative growth in 2003.

Although Central High has increased the percentage of students scoring at or above proficient on the California Standards English/language arts test (from 16.3% to 21.7% schoolwide), the percentage of students scoring at or above proficient on the California Standards Mathematics tests decreased from 14% in 2002 to 9.3% in 2003 (includes general math, algebra and geometry).

Also, based on the 2003 California Standards Tests, 78% of the students scored below proficient in English/language arts and 93% of the students scored below proficient in algebra I (see table below). Therefore, the Department believes that Central would benefit from the services of a SAIT, especially in the area of math (see table below).

2003 California Standards Tests For Central High School			
	Percent of students at or above proficient	Percent of students at basic	Percent of students at below or far below basic
English/Language Arts	21.7%	39.18%	39%

Algebra I	7%	31%	62%
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The Department also agrees that the 2002 base API was incorrect for Southwest High School. Southwest High School's performance on the CST mirrors that of Central. The percentage of students scoring at or above proficient in English/language arts increased from 21.3% in 2002 to 23.7 %n 2003. However, the percent of students scoring at or above proficient in mathematics decreased from 11% in 2002 to 9% in 2003.

Based on the 2003 California Standards Tests, 76% percent of the students scored below proficient in English/language arts and 94% scored below proficient in algebra I (see table below). The Department believes that the Southwest would also benefit from the services of a SAIT, especially in the area of math.

2003 California Standards Tests for Southwest High School			
	Percent of students at or above proficient	Percent of students at basic	Percent of students at below or far below basic
English/Language Arts	23.7%	34.19%	42%
Algebra I	9%	25%	69%

Fiscal Analysis for this school's waiver request:

If the waiver is denied Central High School would receive \$100,000 to help support the services of a SAIT and \$239,100 to implement the recommended corrective actions from Title I funds. Southwest High School will receive \$100,000 to help support the services of a SAIT and \$301,050 to implement the recommended corrective actions from Title I funds.

See attached waiver document for all other legal requirements.

Item W-19
Individual District/ School - Schools with a Valid API
Waivers of Sanctions – Cohort I

CDSIS- 6-12-2003	Burbank Unified School District for Providencia Elementary School
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CDE Recommendation:

Denial per E.C. 33051(a)(1). CDE recommends that Providencia Elementary continue to be deemed state-monitored as determined at the November 12, 2003 State Board meeting.

Approval to waive E.C. 52055.51(d). The Department also recommends approval of the request to waive the SAIT timeline to allow an extension for SAIT activities. The new timeline would begin on January 8, 2004.

Analysis:

The information provided in Burbank’s waiver requests is accurate. However, the data provided in the request reflect the results of the California Standards tests for 2002. The results of the CST for 2003 were not provided. A review of the results on the 2003 CST for English/language arts indicates that the percentage of student scoring at **far below basic** increased from 5.2% in 2002 to 11% in 2003. Overall, Providencia Elementary School is performing well, with a smaller percentage of students scoring below and far below basic than other state-monitored schools. Unfortunately, the school did not make significant growth on its 2003 API and is therefore subject to state sanctions.

2003 California Standards Tests			
	Percent of students at or above proficient	Percent of students at basic	Percent of students at below or far below basic
English/Language Arts	35.9%	36.9%	26.9%
Mathematics	42.7%	28.3%	28.1%

In additional, a careful review of the 2002 and 2003 California Standards test in math indicates there is a significant drop in the percentage of students scoring at or above proficient in the 5th grade in comparison to 2nd through 4th grades. In 2003, the overall percentage of students scoring at or above proficient in 2nd through 4th grades was 47.9%. In contrast, only 23% of the 5th graders scored at or above proficient. (In 2002 the overall percentage of students in 2nd–4th grade scoring at or above proficient was 50% versus 36% in the 5th grade.) A SAIT team could assist the school to identify and correct the barriers for 5th grade math.

Fiscal Analysis for this school’s waiver request:

If the waiver is denied Providencia Elementary School would receive \$75,000 to help support the services of a SAIT and \$73,800 to implement the recommended corrective actions from Title I funds.

See attached waiver document for all other legal requirements.

Item W-19
Individual District/ School - Schools with a Valid API
Waivers of Sanctions – Cohort I

CDSIS- 3-12-2003	San Jose Unified for Hester Elementary School
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CDE Recommendation:

Denial per E.C. 33051(a)(1). CDE recommends that Hester Elementary School continue to be deemed state-monitored as determined at the November 12, 2003 State Board meeting.

Analysis:

Hester has shown growth on the API 3 out of the last 4 years (first Growth API 1999-2000, through the most recent Growth API 2002-03), which is commendable. However, on the 2003 Growth API Hester Elementary went down 5 points, and based on the results of the California Standards Tests (CST) the school would clearly benefit from the services of a SAIT. Seventy-nine percent of Hester’s students scored below the proficient level on the CST for English/language arts, and 70% of the students performed below the proficient level on the CST mathematics test (see table below).

2003 California Standards Tests			
	Percent of students at or above proficient	Percent of students at basic	Percent of students at below or far below basic
English/Language Arts	22%	35%	43%
Mathematics	30%	32%	38%

The school has begun to implement the nine Essential Program Components adopted by the State Board, although AB 466 training has not yet occurred. A SAIT would ensure that staff receive the appropriate AB 466 training and that the school would benefit from full implementation of the Essential Program Components.

Fiscal Analysis for this school’s waiver request:

If the waiver is denied Hester Elementary School would receive \$75,000 to help support the services of a SAIT and \$57,450 to implement the recommended corrective actions from Title I funds.

See attached waiver document for all other legal requirements.

LAST MINUTE MEMORANDUM

DATE: January 7, 2004

TO: MEMBERS, STATE BOARD OF EDUCATION

FROM: Judy Pinegar, Administrator
Waiver Office, Executive Branch

RE: Item No. W-19 blue

SUBJECT: Request by various school district(s) on behalf of **(20 possible)** school(s) in **Cohort I of the Immediate Intervention and/Underperforming Schools Program (II/USP)** deemed state monitored on Nov 12, 2003, **(Valid API)** to waive **sanctions** in portions of E.C. 52055.5(b), and keep the schools on "watch" for another year. Failing that the district(s) may wish to waive the **timeline** in portions of E.C. 52055.51(d)

This Last Minute Memorandum is to make a correction to W-19, and to clarify the final recommendations in the original Item W-19 before the State Board of Education (SBE).

Correction: In the SBE "short" Agenda and on the Item W-19 write up, the Education Code being waived by the listed districts was erroneously listed as E.C. 52055.5(b). The correct citation is E.C. 52055(h) as applied to Cohort I schools in the Under Performing/Immediate Intervention Program (II/USP).

Clarification: The CDE Recommendations for waivers in Item W-19 are as follows:

The following waivers are recommended by CDE for Approval:

8-12-2002	Central UHSD	Central High School and Southwestern High School	Approval
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The following waivers are recommended by CDE for Denial:

6-12-2003	Burbank USD	Providencia Elementary	Denial EC 33051(a)(1)
3-12-2003	San Jose USD	Hester Elementary School	Denial EC 33051(a)(1)

GENERAL WAIVER COVER SHEET
CALIFORNIA STATE BOARD OF EDUCATION
JANUARY 2004 AGENDA
Item No. W-20

<p>TITLE: Request by various school district(s) on behalf of (2 possible) school(s) in Cohort II of the Immediate Intervention and/Underperforming Schools Program (IIUSP) moved into interventions status on Nov 12, 2002, (Valid API) to waive sanctions in portions of E.C. 52055.5(b), in effect to keep the schools on “watch” for another year. Failing that the district(s) may wish to waive the timeline in portions of E.C. 52055.51(d)</p> <p>NOTE: This is being submitted as a PLACEHOLDER</p>	<p>___ ACTION</p>
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RECOMMENDATION: Waivers and recommendations may be added in the Last Minute Memorandum.

Summary of Previous State Board of Education Discussion and Action:

On November 11, 2003, the State Board of Education (SBE) heard Item 23: Immediate Intervention/Underperforming Schools Program (II/USP): Proposed intervention for (Cohorts I and II) schools that failed to show significant growth.

The SBE voted unanimous on Nov, 12, 2003, to require the districts of **2 Cohort II schools with Valid Academic Performance Indexes (APIs) in Cohort II** identified in the agenda item to “enter into contracts with School Assistance and Intervention Teams (SAITs) – because the schools have failed to show significant growth, as required by law – and allow the governing board of each school district to retain its legal rights, duties, and responsibilities with respect to each state-monitored school within its jurisdiction.”

Summary of Key Issues:

The district(s) on behalf to these **(2 possible) Cohort II** school(s) (see attached list) have chosen to waive those sanctions for various reasons. The waiver is of the **sanctions** in portions of E.C. 52055.5(b), in effect to keep the schools on “watch” for another year. Failing that, the district(s) may wish to waive the **timeline** in portions of E.C. 52055.51(d) so that they have time to complete the SAIT activities required under the sanctions.

Fiscal Analysis (as appropriate):

Elementary and Middle schools receive \$75,000 to conduct the SAIT Process. **High Schools receive \$100,000** to conduct the SAIT Process. All schools may apply for addition funds to conduct the SAIT, up to \$125,000. However, the additional funding must be approved by CDE and Finance. **In addition, all schools in the IIUSP/Sanctions receive \$150 per student** for at least two years and maybe three.

Immediate Intervention Underperforming Schools (II/USP) Potentially Subject to State Intervention

This is the list of the 2 Cohort II II/USP schools with **Valid** Academy Performance Indexes (API) that failed to demonstrate significant growth. On November 12-13, 2003 the California State Board of Education identified these schools to be state monitored.

Schools Deferred for Review in January 2004

County	<i>District</i>	School	ADA
Los Angeles	Inglewood Unified	Woodworth (Clyde) Elementary	1,003
San Francisco	San Francisco	Treasure Island Elementary	476

GENERAL WAIVER COVER SHEET
CALIFORNIA STATE BOARD OF EDUCATION
JANUARY 2004 AGENDA
Item No. W-21

TITLE: Request by various school district(s) on behalf of school(s) in Cohort I or II of the Immediate Intervention and/Underperforming Schools Program (IIUSP) moved into interventions status on Nov 12, 2002, (Valid API) to waive the timeline for sanctions activities in portions of E.C. 52055.51(d)	<u>X</u> ACTION
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RECOMMENDATION: Some individual waivers and recommendations are attached, more may follow in a Last Minute Memorandum.

Summary of Previous State Board of Education Discussion and Action:

On November 12, 2003, the State Board of Education (SBE) heard Item 23: Immediate Intervention/Underperforming Schools Program (II/USP): Proposed intervention for (Cohorts I and II) schools that failed to show significant growth.

The SBE voted unanimous on Nov, 12, 2003, to require the districts of schools with **Valid Academic Performance Indexes (APIs) in Cohort I and II** identified in the agenda item to “enter into contracts with School Assistance and Intervention Teams (SAITs) – because the schools have failed to show significant growth, as required by law – and allow the governing board of each school district to retain its legal rights, duties, and responsibilities with respect to each state-monitored school within its jurisdiction.”

Summary of Key Issues:

The district(s) on behalf to these school(s) (see attached possible list) are requesting to waive the **timeline** in portions of E.C. 52055.51(d) for various reasons, so that they have time to complete the SAIT activities required under the sanctions.

Additional schools may be added in the Last Minute Memorandum.

Fiscal Analysis (as appropriate):

No impact on state or local finances.

Attachment: 1) [List of 22 possible schools needing timeline waivers](#)
2) [Individual analysis, legal requirements and CDE recommendations for one school:](#)
[Perris Elementary School District for Sanders \(Nan\) Elementary](#)

**Possible Timeline Waivers
Immediate Intervention Underperforming Schools (II/USP)
Potentially Subject to State Intervention**

This list contains both the Cohort I and Cohort II II/USP schools with **Valid** Academy Performance Indexes (API) that failed to demonstrate significant growth. On November 12-13, 2003 the California State Board of Education identified these schools to be state monitored.

Schools Deferred for Review in January 2004

County	District	School
Butte	Biggs Unified	Biggs Elementary
Fresno	Selma Unified	Wilson (Woodrow) Elementary
Fresno	West Fresno Elementary	West Fresno Elementary
Imperial	Central Union High	Central High
Imperial	Central Union High	Southwest High
Los Angeles	Burbank Unified	Providencia Elementary
Los Angeles	Inglewood Unified	Woodworth (Clyde) Elementary
Merced	Merced City Elementary	Rivera (Rudolph) Middle
Monterey	Monterey Peninsula	Del Rey Woods Elementary
Riverside	Palo Verde Unified	Palo Verde High
Riverside	Perris Elementary	Sanders (Nan) Elementary
Sacramento	Galt Joint Union High	Galt High
San Diego	San Diego Unified	Fulton Elementary
San Francisco	San Francisco Unified	Burton (Phillip & Sala) Academic High
San Francisco	San Francisco Unified	Golden Gate Elementary
San Francisco	San Francisco Unified	Malcolm X Academy (Elem)
San Francisco	San Francisco Unified	Marshall (Thurgood) Academic High
San Francisco	San Francisco Unified	Treasure Island Elementary
Santa Clara	Alum Rock Union Elementary	Pala Middle
Santa Clara	East Side Union High	Lick (James) High
Santa Clara	San Jose Unified	Hester Elementary
Tehama	Antelope Elementary	Berrendos Middle

Item W-21
Individual District/ School - Schools with Valid API's

Waivers of II/USP SAIT Timeline – Cohort 1

CDSIS-9-12-2003	Perris Elementary School District for Nan Sanders Elementary School
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CDE Recommendation:

Approval: CDE recommends that the II/USP 90-day SAIT timeline be restarted for Nan Sanders Elementary School to begin on January 8, 2004.

Analysis:

Nan Sanders Elementary School was designated a state-monitored school at the November 12, 2003 State Board meeting. The school is on a modified traditional calendar and was closed from November 24, 2003 through January 6, 2004. Due to the school's schedule, the SAIT team is unable to validate the Academic Program Survey within the legislative timeline. Therefore the district is requesting that the 90-day SAIT timeline be restarted on January 8, 2004. This would require the SAIT to complete their initial report by March 8, 2004 and the local board to adopt the report by April 8, 2004, placing Nan Sanders on the same timeline as the schools deemed state-monitored at the January 2004 Board meeting.

CDE does recommend that a waiver of the timeline be granted so that the school has adequate time to complete the SAIT process.

Fiscal Analysis for this school's waiver request:

There is no fiscal impact for this waiver.

See attached waiver document for all other legal requirements.

GENERAL WAIVER COVER SHEET
CALIFORNIA STATE BOARD OF EDUCATION
JANUARY 2004 AGENDA
Item No. W-22

TITLE: Request by Tamalpais Union High School District to waive <i>Education Code</i> (EC) Sections 62002 (sunset provision) and 52012, relating to the composition of a school site council (SSC). Waiver will allow the use of Department Chairs on the SSC, even though they are not “elected” by teachers.	<u> X </u> ACTION <u> </u> INFORMATION <u> </u> PUBLIC HEARING <u> </u> CONSENT
CDSIS: 1-11-2003	

RECOMMENDATION:

The Department recommends **Approval** *Education Code* (EC) Section 33051(c) will apply.

Summary of Previous State Board of Education Discussion and Action:

The Board has approved requests from other districts relating to the selection of school site council members, however there has never been a waiver of this particular type requested.

Summary of Key Issue(s):

Tamalpais Union High School District is requesting a waiver of *Education Code* (EC) Sections 52012 and 62002 (sunset provision) with regard to the method of selection of the teacher members of a school site council. Sir Francis Drake High School has a 32-member school site council. The teachers on this group are the ten Department Chairmen and three elected at-large teachers.

The council conforms to all membership requirements of the *Education Code* except that teachers do not directly elect the Department Chairs. An interview process selects the Department Chairs; teachers are part of the interview panel. The district states that this structure has been in place for many years and has proven effective in school improvement efforts.

The union supports this request, in fact this membership structure is a part of the districts’s negotiated contract with its teacher organization..

Drake is a California Distinguished School and a New American High School.

Bargaining unit(s) consulted on: 10/16/03, 10/21/03 and 10/23/03

Position of bargaining unit (choose only one):

Neutral

Support

Oppose

Name of bargaining unit representative: Patrick Gaynor and Britt Block, co-presidents

Public hearing identified by (choose one or more):

posting in a newspaper posting at each school other

Public hearing held on: 10/28/03

Local board approval date: 10/28/03

Advisory committee(s) consulted:

Objections raised (choose one): None Objections are attached on separate sheet

Date consulted: 10/22/03

Effective dates of request: 07/01/03 – 06/30/05

Fiscal Analysis (as appropriate): No fiscal impact known.

Background Information:

Waiver request forms and supporting documents are attached.

LAST MINUTE MEMORANDUM

DATE: January 6, 2004

TO: MEMBERS, STATE BOARD OF EDUCATION

FROM: Judy Pinegar, Administrator
Waiver Office, Executive Branch

RE: Item No. W-22 blue

SUBJECT: Request by **Tamalpais Union High School District** to waive *Education Code* (EC) Sections 62002 (sunset provision) and 52012, relating to the composition of a school site council (SSC). Waiver will allow the use of Department Chairs on the SSC, even though they are not “elected” by teachers.

This Last Minute Memorandum is to make correction and to clarify Item W-22 before the State Board of Education (SBE). This is due to some recent information and because this particular waiver is very different from other waivers for the composition of School Site Councils (SSC) that have been previously approved by the SBE.

Correction: In the SBE Agenda and on the Item W-22 write up, the Education Code being waived by the district was erroneously listed as E.C. 62002 (sunset provision). The correct citation is E.C. 62002.5 which involves the continuation of responsibilities and functions of the school site council, although the original statute has sunset.

Clarification: In addition CDE wants to narrow the waiver request so that it only applies to one of the schools in the district, Sir Francis Drake High School. Also the waiver will specify that it allows the use of Department Chairs for only 10 teacher positions on the (SSC), while three teacher positions must be elected by the other teachers at the school.

The district has agreed to these changes, and also understands that E.C.33051(c) will apply and should conditions change a new waiver would be required.