California State Board of Education

Meeting Agenda Items for March 11-12, 2015

Bylaws

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

ARTICLE I

Authority

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

ARTICLE II

Powers and Duties

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

ARTICLE III

Members

APPOINTMENT

Section 1.

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

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

TERM OF OFFICE

Section 2.

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

EC 33001; 33000.5
GC 1774

VACANCIES

Section 3.

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

EC 33002

STUDENT MEMBER

Section 4.

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

EC 33000.5

COMPENSATION AND EXPENSES

Section 5.

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

EC 33006
GC 11564.5

CONFLICT OF INTEREST CODE

Section 6.

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

2 CCR 18730
5 CCR 18600

ARTICLE IV

Officers and Duties

PRESIDENT, VICE PRESIDENT

Section 1.

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

Section 2.

a. The president and vice president shall be elected annually in accordance with the procedures set forth in this section.
b. At the January meeting, the State Superintendent of Public Instruction shall ask members to nominate individuals for the office of president. At that same meeting, the president shall ask Board members to nominate individuals for the office of vice president. Any nomination for office must be seconded. No member may nominate or second the nomination for himself or herself for either office.
c. Six votes are necessary to elect an officer, and each officer elected shall serve for one year or until his or her successor is elected.
d. If, in the Board's judgment, no nominee for the office of president or vice president can garner sufficient votes for election to that office at the January meeting, a motion to put the election over to a subsequent meeting is in order.
e. Newly elected officers shall assume office immediately following the election.
f. In the event a vacancy occurs in the office of president or vice president during a calendar year, an election shall be held at the next meeting. Any member interested in completing the one-year term of an office that has become vacant may nominate himself or herself, but each nomination requires a second.
g. The State Superintendent of Public Instruction shall preside only during the election proceedings for the office of president and for the conduct of any other business that a majority of the Board members may direct.

EXECUTIVE OFFICER

Section 3.

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

EC 33004

DUTIES OF THE PRESIDENT

Section 4.

The president shall:

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

DUTIES OF THE VICE PRESIDENT

Section 5.

The vice president shall:

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

DUTIES OF COMMITTEE CHAIR

Section 6.

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

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

DUTIES OF LIAISON OR REPRESENTATIVE

Section 7.

A Board member appointed as a liaison or representative shall:

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

function) to which he or she is appointed as liaison or representative and keep the Board appropriately informed.

DUTIES OF A BOARD MEMBER APPOINTED TO ANOTHER AGENCY

Section 8.

The member shall:

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

ARTICLE V

Meetings

REGULAR MEETINGS

Section 1.

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

EC 33007

SPECIAL MEETINGS

Section 2.

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

OPEN MEETINGS

Section 3.

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

GC 11120 et seq.

NOTICE OF MEETINGS

Section 4.

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

SPECIAL MEETINGS (ADDITIONAL PROVISIONS)

Section 5.

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

EC 33008
GC 11125

EMERGENCY MEETINGS

Section 5.

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

GC 11125.5
EC 33008
EC 33010

CLOSED MEETINGS

Section 6.

Closed sessions shall be held only in accordance with law.

GC 11126

QUORUM

Section 7.

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

ORDER OF BUSINESS

Section 8.

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

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

CONSENT CALENDAR

Section 9.

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

ARTICLE VI

Committees and Representatives

SCREENING COMMITTEE

Section 1.

a. The president shall appoint a Screening Committee composed of at least three Board members to screen and interview applicants for appointment to Board advisory bodies and other positions as necessary; participate, as directed by the president, in the selection of candidates for the position of student Board member in accordance with law; and recommend appropriate action to the Board. The president shall designate one Board member as Chair of the Screening Committee.
b. In consultation with the chair, the president may appoint additional Board members, such as the appointed Board liaison, to serve as voting members of the Screening Committee on a temporary basis. In accordance with Section 4 of these bylaws, the president may also serve as an ex officio member of the Screening Committee. The quorum requirement shall be increased as necessary to include the total number of Board members, including temporary members, appointed to serve on the Committee for that purpose.
c. As necessary, the chair may create an ad hoc subcommittee of the Screening Committee to assist the Screening Committee with its duties.

AD HOC COMMITTEES

Section 2.

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

REPRESENTATIVES

Section 3.

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

ARTICLE VII

Public Hearings: General

SUBJECT OF A PUBLIC HEARING

Section 1.

a. The Board may hold a public hearing regarding any matter pending before it after giving notice as required by law.
b. The Board may direct that a public hearing be held before staff of the Department of Education, an advisory commission to the Board, or a standing or ad hoc committee of the Board regarding any matter which is or is likely to be pending before the Board. If the Board directs that a public hearing be held before staff, then a recording of the public hearing and a staff-prepared

summary of comments received at the public hearing shall be made available in advance of the meeting at which action on the pending matter is scheduled in accordance with law.

5 CCR 18460
EC 33031
GC 11125

TIME LIMITS FOR THE PRESENTATION OF PUBLIC TESTIMONY

Section 2.

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

5 CCR 18463
EC 33031

WAIVER BY PRESIDING INDIVIDUAL

Section 3.

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

5 CCR 18464
EC 33031

ARTICLE VIII

Public Hearings: School District Reorganization

SUBMISSION OF PROPOSALS AND PETITIONS

Section 1.

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

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

CCR 18570

ARGUMENTS PRESENTED AT THE PUBLIC HEARING: ORIGINAL SUBMISSION

Section 2.

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

CCR 18571

RESUBMISSION OF THE SAME OR ESSENTIALLY IDENTICAL PROPOSAL OR PETITION

Section 3.

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

CCR 18572

ARTICLE IX

Public Records

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

GC 6250 et seq.

ARTICLE X

Parliamentary Authority

RULES OF ORDER

Section 1.

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

Section 2.

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

Section 3.

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

Section 4.

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

Section 5.

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

ARTICLE XI

Board Appointments

ADVISORY BODIES

Section 1.

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

a. Advisory Commission on Special Education. The Board appoints five of 17 members to serve four-year terms.
EC 33590
b. Instructional Quality Commission. The Board appoints 13 of 18 members to serve four-year terms.
EC 33530
c. Child Nutrition Advisory Council. The Board appoints 13 members, 12 to three-year terms and one student representative to a one-year term. By its own action, the Council may provide for the participation in its meetings of non-voting representatives of interest groups not otherwise represented among its members, such as school business officials and experts in the area of physical education and activity.
EC 49533
d. Advisory Commission on Charter Schools. The Board appoints eight members to two-year terms.
EC 47634.2(b)(1)
State Board of Education Policy 01-04

OTHER APPOINTMENTS

Section 2.

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

SCREENING AND APPOINTMENT

Section 3.

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

ARTICLE XII

Presidential Appointments

LIAISONS

Section 1.

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

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

OTHER

Section 2.

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

ARTICLE XIII

Amendment to the Bylaws

These Bylaws may be amended at any regular meeting of the Board, provided that the amendment has been submitted in writing to the Board and members of the public with the meeting notice.

Abbreviations

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

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

Dates of Adoption and Amendment

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

SBE Agenda for March 2015

Agenda for the California State Board of Education (SBE) meeting on March 11-12, 2015.

State Board Members

- Michael W. Kirst, President
- Ilene W. Straus, Vice President
- Sue Burr
- Bruce Holaday
- Aida Molina
- Patricia A. Rucker
- Niki Sandoval
- Trish Williams
- Kenton Shimozaki, Student Member
- *Vacancy*
- *Vacancy*

Secretary & Executive Officer

- Hon. Tom Torlakson

Executive Director

- Karen Stapf Walters

Schedule of Meeting	Location
Wednesday, March 11, 2015 8:30 a.m. Pacific Time ± STATE BOARD OF EDUCATION **Public Session. The Closed Session will take place at approximately 11:30 a.m.** (The Public may not attend.)	**California Department of Education** 1430 N Street, Room 1101 Sacramento, California 95814 916-319-0827

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

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

Schedule of Meeting	Location
Thursday, March 12, 2015 8:30 a.m. Pacific Time ± STATE BOARD OF EDUCATION **Public Session, adjourn to Closed Session – IF NECESSARY.**	**California Department of Education** 1430 N Street, Room 1101 Sacramento, California 95814 916-319-0827

CLOSED SESSION AGENDA

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

- *California School Boards Association, et al. v. California State Board of Education* and *Aspire Public Schools, Inc.,* Alameda County Superior Court, Case No. 07353566, CA Ct. of Appeal, 1st Dist., Case No. A122485, CA Supreme Court, Case No. S186129
- *Cruz et al. v. State of California, State Board of Education, State Department of Education, Tom Torlakson et al.,* Alameda County Superior Court, Case No. RG14727139
- *D.J. et al. v. State of California, California Department of Education, Tom Torlakson, the State Board of Education,* Los Angeles Superior Court, Case No. BS142775, CA Ct. of Appeal, 2nd Dist., Case No. B260075
- *Emma C.*, *et al. v. Delaine Eastin, et al.*, USDC (No.Dist.CA), Case No. C-96-4179
- *Nevada City School District and the Board of Trustees of the Nevada City School District v. California Department of Education, State Superintendent of Instruction Tom Torlakson, State Board of Education,* Nevada County Superior Court, Case No. CU14-080329
- *Options for Youth, Burbank, Inc., San Gabriel, Inc. Upland, Inc. and Victor Valley*, Notice of Appeal Before the Education Audit Appeals Panel, EAAP Case Nos. 06-18, 06-19- 07-07, 07-08 OAH Nos. L2006100966, L2006110025, L20070706022, L2007060728, Los Angeles County Superior Court, Case No. BC 347454
- *Reed v. State of California, Los Angeles Unified School District, State Superintendent of Public Instruction, Jack O'Connell, California Department of Education,* and *State Board of Education, et al.*,

  Los Angeles County Superior Court, Case No. BC432420, CA Ct. of Appeal, 2nd Dist., Case No. B230817, CA Supreme Ct., Case No. 5191256
- *Vergara et al. v. State of California, Governor Edmund G. Brown, Tom Torlakson, the California Department of Education, the State Board of Education,* Los Angeles County Superior Court, Case No. BC484642, CA Ct. of Appeal 2nd Dist., Case No. B253282, B253310

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

- *Today's Fresh Start*

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.

ALL TIMES ARE APPROXIMATE AND ARE PROVIDED FOR CONVENIENCE ONLY

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

THE ORDER OF BUSINESS MAY BE CHANGED WITHOUT NOTICE

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

REASONABLE ACCOMMODATION FOR ANY INDIVIDUAL WITH A DISABILITY

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

CALIFORNIA STATE BOARD OF EDUCATION

FULL BOARD AGENDA
Public Session Day 1

Wednesday, March 11, 2015

Wednesday, March 11, 2015 – 8:30 a.m. Pacific Time ±
California Department of Education
1430 N Street, Room 1101

Sacramento, California 95814

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

AGENDA ITEMS DAY 1

Corrected Item 01 (DOC; **Corrected** 04-Mar-2015) Links in Attachments 1 and 2 were updated.

Item 01 (DOC)

Subject: Indicator 17 of the State Performance Plan and Annual Performance Report for Special Education: State Systemic Improvement Plan for Program Year 2013–2014.

Type of Action: Action, Information

Item 02 (DOC)

Subject: Special Education Task Force: Final Report and Recommendations.

Type of Action: Action, Information

Item 03 (DOC)

Subject: California Assessment of Student Performance and Progress: Update on Program Activities, including, but not limited to, Approval of Individual Student Reports, California Alternate Assessment Field Test, Development of the New Primary Language Development Test, Smarter Balanced Assessments, and Digital Library Resources.

Type of Action: Action, Information

Item 04 (DOC)

Subject: California Assessment of Student Performance and Progress: Designation of the California Assessment of Student Performance and Progress Contractor.

Type of Action: Action, Information

Item 05 (DOC)

Subject: Update on Issues Related to California's Implementation of the Elementary and Secondary Education Act (ESEA) and Other Federal Programs, Including but Not Limited to, Reauthorization of ESEA, California's 2014 Individuals with Disabilities Education Act Compliance Determination Appeal (IDEA), and Action in Response to a United States Department of Education (ED) Accountability System letter to Title I Directors.

Type of Action: Action, Information

- Item 05 Attachment 1 (PDF)
- Accessible Alternative Version (AAV) of Item 05 Attachment 1
- Item 05 Attachment 2 (PDF)
- Accessible Alternative Version (AAV) of Item 05 Attachment 2

Item 06 (DOC)

Subject: Developing a New Accountability System: Report and Recommendations from the Public Schools Accountability Act (PSAA)

Advisory Committee for Using Multiple Measures and Suspending the Academic Performance Index for the 2014-15 School Year; and Update on the Transition to a New Accountability System, including the Development of the Local Control Funding Formula Evaluation Rubrics, and Timeline for Public Stakeholder Input and Outreach on Accountability System Planning.

Type of Action: Action, Information

- Item 06 Attachment 3 (PDF; 1MB)

WAIVERS / ACTION AND CONSENT ITEMS

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

Federal Program Waiver (Carl D. Perkins Career and Technical Education Improvement Act of 2006)

Item W-01 (DOC)

Subject: Request by three school districts for a waiver of Section 131(c)(1) of the Carl D. Perkins Career and Technical Education Improvement Act of 2006 (Public Law 109-270).

Waiver Numbers:

- Chawanakee Unified School District Fed-14-2014
- Fall River Joint Unified School District Fed-13-2014
- Los Molinos Unified School District Fed-1-2015

(Recommended for APPROVAL)

Independent Study Program (Pupil Teacher Ratio)

Item W-02 (DOC)

Subject: Request by Middletown Unified School District to waive portions of California *Education Code* Section 51745.6, and *California Code of Regulations*, Title 5, Section 11704, and portions of Section 11963.4(a)(3). The waiver is related to the charter school independent study pupil-to-teacher ratio to allow an increase from 25:1 to 27.5:1.

Waiver Number: 9-10-2014

(Recommended for APPROVAL WITH CONDITIONS)

Open Enrollment (Removal From the List of LEAs)

Item W-03 (DOC)

Subject: Request by four school districts to waive California *Education Code* Section 48352(a) and *California Code of Regulations,* Title 5, Section 4701, to remove four schools from the Open Enrollment List of "low-achieving schools" for the 2015–16 school year.

Waiver Numbers:

- Atwater Elementary School District 20-11-2014
- Conejo Valley Unified School District 13-12-2014
- Covina-Valley Unified School District 10-12-2014
- Savanna Elementary School District 8-12-2014

(Recommended for APPROVAL WITH CONDITIONS)

Open Enrollment (Removal From the List of LEAs)

Item W-04 (DOC)

Subject: Request by Conejo Valley Unified School District for a renewal to waive California *Education Code* Section 48352(a) and *California Code of Regulations,* Title 5, Section 4701, to remove Conejo Elementary School from the Open Enrollment List of "low-achieving schools" for the 2015–16 school year.

Waiver Number: 12-12-2014

(Recommended for DENIAL)

Open Enrollment (Removal From the List of LEAs)

Item W-05 (DOC)

Subject: Request by Covina-Valley Unified School District for a renewal to waive California *Education Code* Section 48352(a) and *California Code of Regulations,* Title 5, Section 4701, to remove Manzanita Elementary School from the Open Enrollment List of "low-achieving schools" for the 2015–16 school year.

Waiver Number: 9-12-2014

(Recommended for DENIAL)

Open Enrollment (Removal From the List of LEAs)

Item W-06 (DOC)

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

Waiver Number: 26-10-2014

(Recommended for DENIAL)

Open Enrollment (Removal From the List of LEAs)

Item W-07 (DOC)

Subject: Request by Jamestown Elementary School District for a renewal to waive California *Education Code* Section 48352(a) and *California Code of Regulations,* Title 5, Section 4701, to remove Jamestown Elementary School from the Open Enrollment List of "low-achieving schools" for the 2015–16 school year.

Waiver Number: 14-11-2014

(Recommended for DENIAL)

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

Item W-08 (DOC)

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

Waiver Numbers:

- Anderson Union High School District 16-11-2014
- Paradise Unified School District 19-11-2014
- Shasta County Office of Education Excel Academy 18-11-2014
- Tehama County Office of Education 1-12-2014

(Recommended for APPROVAL WITH CONDITIONS)

Charter School Program (Nonclassroom-Based Funding)

Item W-09 (DOC)

Subject: Request by the Placer County Office of Education to waive portions of *California Code of Regulations*, Title 5, Section 11963.6(c), relating to the submission and action on determination of funding requests regarding nonclassroom-based instruction.

Waiver Number: 16-12-2014

(Recommended for APPROVAL)

Physical Fitness Testing (Physical Fitness Testing)

Item W-10 (DOC)

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

Waiver Number: 3-12-2014

(Recommended for APPROVAL)

School District Reorganization (Elimination of Election Requirement)

Item W-11 (DOC)

Subject: Request by Humboldt County Board of Education on behalf of Redwoods Community College District to waive California *Education Code* Section 5020, and portions of sections 5019, 5021, and 5030, that require a districtwide election to reduce the number of trustees.

Waiver Number: 14-12-2014

(Recommended for APPROVAL)

School District Reorganization (Elimination of Election Requirement)

Item W-12 (DOC)

Subject: Request by Sylvan Union Elementary School District to waive California *Education Code* Section 5020, and portions of sections 5019, 5021, and 5030, that require a districtwide election to establish a by-trustee-area method of election.

Waiver Number: 11-12-2014

(Recommended for APPROVAL)

Schoolsite Council Statute (Number and Composition of Members)

Item W-13 (DOC)

Subject: Request by 11 local educational agencies under the authority of California *Education Code* Section 52863 for waivers of *Education Code* Section 52852, relating to schoolsite councils regarding changes in shared, composition, or shared and composition of members.

Waiver Numbers:

- Happy Camp Union Elementary School District 15-11-2014
- Happy Valley Union Elementary School District 27-10-2014
- Jamestown Elementary School District 25-10-2014
- Kernville Union Elementary School District 2-12-2014
- Little Shasta Elementary School District 9-11-2014
- Maricopa Unified School District 12-11-2014
- Mendota Unified School District 24-10-2014

- Monrovia Unified School District 13-11-2014
- Mountain Empire Unified School District 4-12-2014
- Mountain Empire Unified School District 5-12-2014
- Peninsula Union School District 6-12-2014
- Siskiyou County Office of Education 23-11-2014

(Recommended for APPROVAL WITH CONDITIONS)

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

Item W-14 (DOC)

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

Waiver Number: 114-2-2014

(Recommended for APPROVAL WITH CONDITIONS)

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

Item W-15 (DOC)

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

Waiver Number: 36-4-2014

(Recommended for APPROVAL WITH CONDITIONS)

Other Waivers (Employment - Retirement System)

Item W-16 (DOC)

Subject: Request by Los Angeles Unified School District to waive California *Education Code* Section 45134(c), to allow the employment of a State Teachers' Retirement System retiree as a staff assistant to a Board Member.

Waiver Number: 15-12-2014

(Recommended for APPROVAL)

Quality Education Investment Act (Class Size Reduction Requirements)

Item W-17 (DOC)

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

Waiver Numbers:

- 10-10-2014
- 11-10-2014

(Recommended for APPROVAL WITH CONDITIONS)

Quality Education Investment Act (Class Size Reduction Requirements)

Item W-18 (DOC)

Subject: Request by Washington Unified School District to waive California *Education Code* Section 52055.740(a), regarding class size reduction requirements under the Quality Education Investment Act, that this funded school reduce its class sizes by an average of five students per class by the end of the 2014–15 school year at Elkhorn Village Elementary School.

Waiver Number: 7-12-2014

(Recommended for APPROVAL WITH CONDITIONS)

Quality Education Investment Act (API Growth Target)

Item W-19 (DOC)

Subject: Request by Los Angeles Unified School District to waive portions of California *Education Code* Section 52055.760(c)(3) and 52055.740(c), regarding alternative program and Academic Performance Index requirements under the Quality Education Investment Act, that this funded school, shall meet their annual Academic Performance Index growth targets.

Waiver Number: 8-1-2015

(Recommended for APPROVAL)

Quality Education Investment Act (Rule of 27)

Item W-20 (DOC)

Subject: Request by Los Angeles Unified School District to waive California *Education Code* Section 52055.740(a), regarding class size reduction requirements under the Quality Education Investment Act, that this funded school reduce its class sizes by an average of five students per class by the end of the 2013–14 school year at Joseph Le Conte Middle School.

Waiver Number: 9-1-2015

(Recommended for DENIAL)

Teacher Evaluation and Assessment (Evaluate Every Three Years Instead of Two)

Item W-21 (DOC)

Subject: Request by Sacramento City Unified School District to waive *Education Code* Section 44664(a)(2) and (3), regarding the evaluation and assessment of the performance of each certificated employee.

Waiver Number: 21-11-2014

(Recommended for DENIAL)

QUALITY EDUCATION INVESTMENT ACT (Class Size Reduction Requirements)

Item W-22 (DOC)

Subject: Request by Los Angeles Unified School District to waive California *Education Code* Section 52055.740(a), regarding class size reduction requirements under the Quality Education Investment Act, that this funded school reduce its class sizes by an average of five students per class by the end of the 2014–15 school year at Western Avenue Elementary School.

Waiver Number: 10-1-2015

(Recommended for DENIAL)

END OF PUBLIC WAIVERS

Item 07 (DOC)

Subject: Elementary and Secondary Education Act: Supplemental Educational Services Providers: Approval of Providers, Including Local Educational Agencies Identified for Improvement as Providers Based on a Waiver Granted Under Title I, Part A Section 9401 of the Elementary and Secondary Education Act to the 2015–17 State Board of Education-Approved Supplemental Educational Services

Provider List.

Type of Action: Action, Information

Item 08 (DOC)

Subject: STATE BOARD PROJECTS AND PRIORITIES.

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

Type of Action: Action, Information

Item 09 (DOC)

Subject: GENERAL PUBLIC COMMENT.

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

Type of Action: Information

ADJOURNMENT OF DAY'S SESSION

CALIFORNIA STATE BOARD OF EDUCATION

FULL BOARD AGENDA
Public Session Day 2

Thursday, March 12, 2015

Thursday, March 12, 2015 – 8:30 a.m. Pacific Time ±
California Department of Education
1430 N Street, Room 1101
Sacramento, California 95814

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

AGENDA ITEMS DAY 2

PUBLIC HEARINGS

Public Hearings on the following two agenda items will commence no earlier than 8:30 a.m on Thursday, March 12, 2015. The Public Hearings will be held as close to 8:30 a.m. as the business of the State Board permits.

Item 10 (DOC)

Subject: Petition for Establishment of a Charter School Under the Oversight of the State Board of Education: Consideration of The New School of San Francisco which was denied by the San Francisco Unified School District and the San Francisco County Office of Education.

Type of Action: Action, Information, Hearing

Item 11 (DOC)

Subject: San Francisco Flex Academy: Hold a Public Hearing to Consider a Petition to Renew the Charter Currently Authorized by the State Board of Education.

Type of Action: Action, Information, Hearing

END OF PUBLIC HEARINGS

Item 12 (DOC)

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

Type of Action: Action, Information

Item 13 (DOC)

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

Type of Action: Action, Information

Item 14 (DOC)

Subject: Appeal from the action of the San Mateo County Committee on School District Organization to approve a transfer of territory from the South San Francisco Unified School District to the San Bruno Park Elementary School District and the San Mateo Union High School District.

Type of Action: Action, Information

Item 15 (DOC)

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

Type of Action: Action, Information

Item 16 (DOC)

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

Type of Action: Action, Information

Item 17 (DOC)

Subject: Approval of 2014–15 Consolidated Applications.

Type of Action: Action, Information

Item 18 (DOC; 2MB)

Subject: School Improvement Grant: Renewal of Sub-grants Under Section 1003(g) for Year 2 of Cohort 3 Local Educational Agencies and Schools.

Type of Action: Action, Information

Item 19 (DOC; 1MB)

Subject: Procedures for Reviewing Proposed Revisions to Adopted Instructional Materials—Approve Commencement of the Rulemaking Process for Amendments to the *California Code of Regulations*, Title 5, Section 9526.

Type of Action: Action, Information

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

Item 20 (DOC)

Subject: 2015 English Language Arts/English Language Development Primary Adoption of Instructional Materials: Approval of Revised Schedule of Significant Events and Approval of Facilitators Who are not Members of the Instructional Quality Commission.

Type of Action: Action, Information

Item 21 (DOC)

Subject: After School Program Attendance Adjustments for Programs Temporarily Closed due to Natural Disasters.

Type of Action: Action, Information

- Item 21 Attachment 1 (DOC)

Item 22 (DOC)

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

Type of Action: Action, Information

ADJOURNMENT OF MEETING

This agenda is posted on the State Board of Education's Web site [http://www.cde.ca.gov/be/ag/]. For more information concerning this agenda, please contact the State Board of Education at 1430 N Street, Room 5111, Sacramento, CA, 95814; telephone 916-319-0827; facsimile 916-319-0175. Members of the public wishing to send written comments about an agenda item to the board are encouraged to send an electronic copy to SBE@cde.ca.gov, with the item number clearly marked in the subject line. In order to ensure that comments are received by board members in advance of the meeting, please submit these and any related materials to our office by 12:00 Noon on March 6, 2015, the Friday prior to the meeting.

California State Board of Education

Meeting Agenda Items for March 11-12, 2015

CORRECTED ITEM 01

CALIFORNIA STATE BOARD OF EDUCATION

MARCH 2015 AGENDA

SUBJECT	
Indicator 17 of the State Performance Plan and Annual Performance Report for Special Education: State Systemic Improvement Plan for Program Year 2013–2014.	☒ Action ☒ Information ☐ Public Hearing

SUMMARY OF THE ISSUE(S)

This item is the second of two items concerning California's 2015 State Performance Plan (SPP) and Annual Performance Report (APR) for special education, required annually by the U.S. Department of Education, Office of Special Education Programs (OSEP). The first item, covering Indicators 1–16, was presented and approved at the November 2014 meeting of the State Board of Education (SBE), Item 10. Indicator 17, the new federal requirement for a State Systemic Improvement Plan (SSIP), is presented in this item. The SSIP requirement reflects the OSEP's shift in focus from ensuring state and local compliance with special education law to also targeting improved outcomes for students through the development of state level systemic plans for increasing student academic performance. The attached SSIP describes Phase 1 of California's plan for achieving these outcomes.

The Special Education Division (SED) of the California Department of Education (CDE) has developed the proposed SSIP based on instructions provided by the OSEP and with substantial input on multiple occasions from a variety of stakeholders. California's SSIP addresses plans for increasing student academic performance over the six year period from fiscal year 2013–14 through 2018–19, as required by the OSEP. The SSIP is to be developed in three phases over a three year period, with specific sections required to be completed in each year. The Phase 1 report covers:

- Data analysis
- Analysis of state infrastructure to support improvement and build capacity
- State identified measurable result (SIMR) for students with disabilities
- Selection of improvement strategies
- Theory of action

Once the SSIP is approved, California will report progress and all revisions annually to the OSEP through the SPP/APR.

RECOMMENDATION

The CDE recommends that the SBE review and approve the SSIP prepared by the SED to be submitted to the OSEP by the mandated submission date of April 2, 2015.

BRIEF HISTORY OF KEY ISSUES

California is required to have in place an SPP to guide the state's implementation of Part B of the Individuals with Disabilities Education Act (IDEA), and to describe how the state will meet the SPP implementation targets. California submitted its initial SPP and APR to the OSEP on December 2, 2005, as approved by the SBE and the State Superintendent of Public Instruction. Each year the SPP and APR have been updated to align with changes to federal requirements. In 2013–2014, the OSEP made several important changes to the SPP and APR:

1. Combined the SPP and APR into a single document for submission.

2. Eliminated four indicators (complaints, due process, general supervision, and state data) that required data to be collected and reported.

3. Eliminated the practice of using improvement plans for individual indicators.

4. Created a new indicator, Indicator 17, the State Systemic Improvement Plan.

These changes are part of an increased effort and emphasis on Results Driven Accountability (RDA) initiated by the OSEP. The OSEP's requirement that a SSIP be included for the new SPP Indicator 17 has required that SED present to the SBE on Indicator 17 separately from the SPP and APR as the due dates, for the two documents are different. This second SBE item on the SPP/APR addresses only Phase 1 of the comprehensive, multi-year SSIP. The OSEP requires states to develop the SSIP in three phases.

1. Phase 1: Analysis of the current state of California's education system for the SSIP (must be included in the SPP/APR submitted to OSEP in 2015), including the following areas:

    a. Data analysis (current student performance data, etc.)

    b. Analysis of state infrastructure to support improvement and build capacity (California's education structure at all levels)

    c. State identified measurable result (SIMR) for children with disabilities (Outcome measure to be used to determine changes in the academic performance of students with disabilities (SWD))

    d. Selection of coherent improvement strategies (activities to be implemented to improve academic performance of SWD)

e. Theory of action (graphic representation of the general components and intents of the SSIP)

2. Phase 2: SSIP (in addition to Phase 1 content and updates the state must include with its 2016 SPP/APR submission)

    a. Infrastructure development

    b. Support for local educational agency (LEA) implementation of evidence-based practices

    c. Evaluation

3. Phase 3: Evaluation and implementation of the SSIP (state must include this information with its 2017 through 2020 SPP/APR submissions.)

    a. Results of ongoing evaluation and revision to the SSIP

The Phase 1 plan identifies California's capacity for making changes that will lead to improving results for students with disabilities. For this effort, the SED convened a special stakeholder group, a subgroup of the Improving Special Education Services (ISES) advisory group, to obtain input for the purpose of creating the SSIP. This group consisted of Special Education Local Plan Area (SELPA) directors, Parent Training and Information Center staff, members of the Advisory Commission on Special Education, and SED staff. This group met monthly beginning in November of 2013, and reviewed and conducted activities that fulfilled the following:

- Data analysis: Identification and analysis of key California data to (1) select the SIMR; and, (2) identify root causes contributing to low student performance. (Attachment 1)

- Infrastructure analysis: A description of how California analyzed the capacity of its current infrastructure, in specific areas, to support improvement and build capacity in LEAs to scale up and sustain the use of evidence-based practices to improve the performance results of students with disabilities. Embedded in this section is a series of stakeholder recommendations, indicated in **bold** font. These recommendations will not be implemented now, but will be analyzed for potential future action. At a future date, the CDE will consider which of these recommendations are to be implemented, based on SBE direction and additional stakeholder input. (Attachment 2)

- State-identified measureable result(s): A statement of the result(s) California intends to achieve through the implementation of the SSIP. California's results are aligned to an SPP/APR indicator or a component of an indicator. The California SIMR is based on the data and state infrastructure analysis and is a student level outcome. (Attachment 3)

- Coherent improvement strategies: An explanation of how the improvement strategies were selected; why the strategies are sound, logical, aligned, and will lead to a measurable improvement in the SIMR. These strategies were identified

through the data and state infrastructure analysis. The SSIP describes how implementation of the improvement strategies will address identified root causes for low student performance and build LEA capacity to achieve the SIMR for students with disabilities. (Attachment 4)

- Theory of action: A graphic illustration showing how implementing the coherent improvement strategies will increase California's capacity to lead change in LEAs and to achieve the SIMR for students with disabilities. (Attachment 5)

After completing the required analysis, the stakeholder group arrived at the following conclusions.

- The local control funding formula (LCFF) and local control accountability plan (LCAP) are the single largest infrastructure change for public education in California.

- The data and infrastructure analysis showed that students with disabilities make up a significant portion of the three LCFF-targeted student subgroups, low income, English Language Learners, and/or foster youth, which are to be addressed in LEA improvement goals.

- The SIMR should be based on assessment results for students with disabilities who are also members of the targeted subgroups in the LCFF: low income, English Language Learners, and/or foster youth.

- From reviewing improvement strategies and initiatives, three key areas for improving outcomes for students with disabilities were identified:

    - Student engagement: Increase the amount of time students spend at school by a reduction of tardiness and absences.

    - Student discipline: Decrease suspensions and expulsions by developing alternative options to student misbehavior.

    - Access: Increase access to, and instruction in, the California Common Core State Standards emphasizing least restrictive environment principles and using a multi-tiered system of supports.

- These areas for improvement also align to several of the LCAP priority areas.

- The CDE should design the SSIP so that it can scale up and build support activities to generate improved student outcomes for all students with disabilities, and specifically for students with disabilities who are members of the three targeted LCFF student populations (low income, English Language Learners, and/or foster youth).

- The CDE should maximize the coordination and integration of state and federally funded supports for LEAs to support student outcome improvements for all

students, including students with disabilities, aligned with the LCAP priority areas.

As a result of these conclusions, the SSIP is organized in a similar manner as the structure and content of the LCFF and LCAP. For a graphic overview of the Phase I SSIP, see the attached theory of action document that summarizes the CDE, SED, approach for the SSIP and SIMR (Attachment 5). For specific details of the Phase I SSIP, see the following Attachments:

- Data analysis
- Analysis of state infrastructure to support improvement and build capacity
- State identified measurable result(s) for students with disabilities
- Selection of improvement strategies
- Theory of action

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

In November of 2014, the SBE met and approved on consent part one of this process, item 10, an Executive Summary of the SPP and APR reporting on the progress of the 2012–2013 compliance and performance indicators as required by the IDEA.

FISCAL ANALYSIS (AS APPROPRIATE)

There is no fiscal impact created by this requirement.

ATTACHMENT(S)

Attachment 1: Data analysis (18 pages)

- Appendix A: Disaggregated Data Analysis for All Federal Performance Indicators (pages 11-18)

Attachment 2: Analysis of state infrastructure to support improvement and build capacity (121 pages)

- Appendix A: SSIP Stakeholder Group (pages 38-39)
- Appendix B: Infrastructure Evaluation (pages 40-45)
- Appendix C: Infrastructure Descriptions and Recommendations (pages 46-86)
- Appendix D: State Initiative Summary and Discussion Guides (pages 87-104)
- Appendix E: Improvement Activities Resources (pages 105-113)
- Appendix F: Best Practices Resources for Student Discipline and Behavior Intervention (pages 114-116)
- Appendix G: Divisions of the CDE and How They Serve Students with Disabilities (pages 117-121)

Attachment 3: State identified measurable result for children with disabilities (3 pages)

Attachment 4: Selection of improvement strategies (15 pages)

Attachment 5: Theory of action (2 pages)

Data Analysis

This document is the first of five sections that constitute Phase I of California's State Systemic Improvement Plan (SSIP). The SSIP is a new requirement of the U.S. Department of Education and serves as the centerpiece for implementation of the Office of Special Education Programs' (OSEP) initiative entitled "Results Driven Accountability," which is its effort to focus more on student performance in the overall system of the state's general supervision of local educational agencies (LEAs). Phase I is intended to provide a detailed analysis of data and state infrastructure that will guide the selection of coherent improvement strategies to increase the state's capacity to lead meaningful change in LEAs to improve measureable results for students with disabilities (SWD). While this section is being presented as an independent document in this item, it is meant to be considered in the context of OSEP's overall instructions and is best read in concert with the other SSIP sections presented in this item.

This Data Analysis section describes how California (1) identified, disaggregated, and analyzed key data, including compliance data; (2) selected the State Identified Measurable Result (SIMR) for students with disabilities to be used over time to measure changes in student performance; and (3) identified root causes that interfere with improved student academic performance in the state. This section also identifies potential areas for improvement in activities leading to improved student academic performance.

The California Department of Education (CDE), Special Education Division (SED) began the data analysis for the SSIP by examining the current federal performance indicators to help identify areas in which California may be chronically failing or may be struggling to achieve its targets. This analysis included outcome indicators such as graduation, drop out, assessment, suspension/expulsion, and post-school outcomes. Part of this analysis included disaggregation by district, district-type, and size, including the number of districts meeting the current target, and the potential root causes for not meeting the target.

Reestablishing the Annual Performance Results Targets

The CDE and stakeholders determined that the California performance targets were no longer aligned with the data and benchmarks established in the first state performance plan in 2005. Many targets were unattainable for most districts and possibly counterproductive to improvement. For example, if a district was so far from these artificially high targets, then it may believe that it will never achieve the targets. This may cause district staff and stakeholders to ignore the targets or to believe that the results will never change.

Figure 1 below, an excerpt from the State Performance Summary Table, from the State Performance Plan (SPP) and Annual Performance Report (APR) for Part B of the Individuals with Disabilities Education Act (IDEA) of 2004 covering program year 2012−13, Executive Summary (Item 15, State Board of Education, November 7, 2013, agenda) shows the target and results discrepancy for two potential outcome indicators.

Indicator 3A, Statewide Assessment, is one example of this discrepancy. Indicator 5, Least Restrictive Environment (LRE), is another clear example.

Figure 1. Example of State Performance Targets and Data

Indicators	Target	Results	Met Target
3 Statewide Assessment			
3A AYP	58%	8.2%	No
5 Least Restrictive Environment			
5A Percent Removed from Regular Class Less Than 21% of the Day	76%	52.6%	No
5B Percent Removed from Regular Class More Than 60% of the Day	Less than 9%	22.1%	No

Stakeholders questioned why California had low rates of target attainment. California based its targets on data trends prior to 2005 and used the 2005 baseline as a place to begin modest gains. Staff indicated that California had initially set very high target levels that had further increased with time. This was supported by a state-by-state analysis performed to compare California's targets with those of other states and to prompt a discussion regarding the appropriateness of California's SPP targets. Figure 2 below, a state-by-state comparison of targets, shows the comparison of states similar to California (based on population size and demographics) and the performance targets set by those states. As can be seen in the analysis, California's targets are typically at the extreme edge of expected performance. This is particularly true for the bolded indicator values as shown: Indicator 1–Graduation, Indicator 3–Proficiency scores, Indicator 5–LRE, and Indicator 14–Postsecondary.

Figure 2. State-by-State Comparison of Annual Performance Report Targets for Federal Fiscal Year (FFY) 2011

State Targets	California	Florida	New York	Texas	Ohio	Illinois
Performance Indicators						
1 Graduation	90%	51%	53%	75%	87.50%	80%
2 Drop Out	<22.1%	<3.25%	<14%	<12%	<12.5%	<5.0%
3a AYP Objectives	58%	15%	31.00%	100.00%	84.00%	85.00%
3b ELA Participation	95%	99.00%	95.00%	95.00%	97.40%	95.00%
3b Math Participation	95%	99.00%	95.00%	95.00%	97.40%	95.00%
3c Elem ELA Proficiency	78.40%	40% ELA 45% Math	Improvement from previous year	80% ELA 75% Math	88% ELA 81.8% Math	42% ELA 40% Math
3c Elem Math Proficiency	79.00%					
3c High School ELA Prof.	77.80%					
3c High School Math Prof.	77.40%					
3c Unified/COE ELA Prof.	78.00%					
3c Unified/COE Math Prof.	78.20%					
4a Suspension/Expulsion	<10.1%	0.00%	<=2%	0.00%	<1.6%	<5%
5a LRE removed >21%	<76%	70.00%	57.00%	68.00%	61.50%	51.00%
5b LRE removed >60%	<9%	14.00%	22.00%	10.00%	11.60%	18.50%
5a LRE Separate School	<3.8%	3.00%	6.00%	1.00%	3.40%	3.90%
6a LRE Regular Preschool	32.10%	Data Not	42.20%	Data Not	Data Not	32.30%
6b Separate School or Class	40.80%	Available	26.80%	Available	Available	31.10%
7a-1 Preschool Assessment	72.70%	66.00%	84.50%	79.00%	66.00%	90.00%
7a-2 Preschool Assessment	82.10%	76.00%	55.50%	61.00%	49.00%	61.50%
7b-1 Preschool Assessment	70.00%	59.30%	86.00%	80.00%	68.00%	90.50%
7b-2 Preschool Assessment	82.50%	53.10%	54.40%	57.00%	47.00%	62.00%
7c-1 Preschool Assessment	75.00%	59.70%	83.50%	81.00%	67.00%	91.00%
7c-2 Preschool Assessment	79.00%	73.50%	63.30%	72.00%	60.00%	73.00%
8 Parent Reporting	>90%	94.00%	>90%	76.00%	>93.5%	>58%
14 Post Secondary	69.00%	51.00%	44.00%	24.00%	67.80%	69.50%

Based on understanding those previously established indicator targets that were chronically unattainable and/or were set extremely high as compared to other states, stakeholders and staff considered appropriately reestablishing targets for the FFY 2013 APR. The new targets were approved by the SBE at the November 2014 meeting.

Analysis of Disaggregated Data

During the reestablishing of indicators for the SPP, the data was disaggregated by district type and size. This highlighted the different ways that regions and district types were challenged by the performance indicators. This led to a discussion for selection of the SIMR. For the SIMR selection, the CDE began with a broad approach to selection, considering a variety of potential outcome measures with the goal of selecting the outcome measure(s) that would most likely ensure success for students with disabilities in California. The outcome data was disaggregated by LEA and region. This analysis

showed that regional disaggregation was less useful, but LEA type disaggregation provided considerable information for the stakeholders to discuss.

Figure 3 below provides an LEA level example of an initial LEA type target analysis for one indicator (Indicator 2–Dropout), which was presented to the CDE staff and stakeholders for discussion of current targets and consideration for reestablishing targets through FFY 2018. In this example, the group examined several target options, including setting one target for both statewide and district level data, establishing separate targets based on LEA type (high school, elementary, unified, county offices, and charter LEAs), or using a growth model that would also account for LEA size. A similar stakeholder process was used to scrutinize and obtain input on appropriate targets for each of the other federal indicators.

In addition to the target analysis, the stakeholder groups discussed current likely root causes based on the data analysis, and considered what actions might improve the performance of LEAs (For data on other federal performance indicators, see Appendix A -- Disaggregated Data Analysis for All Federal Performance Indicators, page 12).

Figure 3. Disaggregated Data Analysis Reviewed by Stakeholder Groups in spring 2014

Indicator 2-DROPOUT

NOTE: Targets for Dropout must Decrease over time

Method 1: Same Baseline for both the State and the LEA

	Baseline	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018	2018-2019
State Target	8.9%	7.9%	6.9%	5.9%	4.9%	3.9%	2.9%
Local Target	8.9%	7.9%	6.9%	5.9%	4.9%	3.9%	2.9%
Percent of Districts Meeting Target*	68	63	57	50	44	33	21

*Currently meet baseline. If nothing changes over the years, this is the percent meeting target.

Method 2: Separate Targets based on LEA Type

LEA Type	Baseline	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018	2018-2019
High School District	7%	6%	5%	4%	3%	2%	1%
Unified School District	9.6%	8.6%	7.6%	8.6%	6.6%	7.6%	3.6%
State *	8.9%	7.9%	6.9%	5.9%	4.9%	3.9%	2.9%

*COE and Elementary Districts are not included because counts are too low for these LEA types

Percent of Districts Meeting the LEA Target

LEA Type	Baseline	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018	2018-2019
High School District	51.5	48.5	39.4	30.3	21.2	9.1	3.6
Unified School District	72.8	66.3	60.1	53.5	47.3	39.5	27.4

Method 3: Growth Model – Each LEA has its own Target

District	Baseline	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018	2018-2019
Large Sized	6.1%	5.9%	5.7%	5.5%	5.3%	5.1%	4.9%
Medium Sized	16.6%	16.4%	16.2%	16.0%	15.8%	15.6%	15.4%
State Target	8.9%	7.9%	6.9%	5.9%	4.9%	3.9%	2.9%

The LEA type analysis was also applied to Indicator 5–LRE. It shows that elementary and high school LEAs had some differences in placements. California has approximately 1,500 LEAs; nearly 800 have fewer than 250 special education students. There are 550 elementary LEAs, and 300 high school LEAs. There are also approximately 400 charters that act as LEAs for the purposes of special education. It

was clear that any potential solution or plan would need to address the varied type and size of LEAs in California. In order to scale up a plan for all students in the state, any plan would need to have flexibility to allow LEAs to individualize their unique needs and features. Figure 4 is an LEA type analysis showing the differences in LRE placements.

Figure 4. Evaluation of District Type for Least Restrictive Environment (APR Indicator 5)

District of Accountability (DOA) Type	Least Restrictive Environment Indicator 5 - Breakout by District of Accountability - Children with IEPs, ages 6 through 21 only - **2012**									
	Inside Regular Class 80% of the time or more		Inside Regular Class 40% of the time or less		Separate Schools, Residential Facilities, or Homebound/ Hospital Placement		Inside Regular Class 41% through 79% of the time		DOA Type of the Total Students with IEPs and ages 6-21	
	%	N	%	N	%	N	%	N	%	N
Charter School as LEAs	88.06	7,813	4.20	373	1.56	138	6.18	548	1.46	8,872
County Office of Education	61.68	969	11.39	179	20.24	318	6.68	105	0.26	1,571
Elementary	58.39	63,368	23.88	25,920	1.83	1,986	15.90	17,256	17.88	108,530
High	40.77	25,741	27.88	17,599	4.73	2,983	26.62	16,807	10.40	63,130
Other	0.00	0	0.00	0	100.00	35	0.00	0	0.01	35
Unified	52.66	223,798	22.65	96,253	4.60	19,533	20.09	85,378	70.00	424,962

Data was further disaggregated by race/ethnicity, gender, disability category, placement, and discipline, and the results were presented with assessment data in several different cross tabulations to determine if there were any preliminary correlations that could be further examined. As exhibited in Figure 5, district level data was used with multiple variables to develop a correlational analysis.

Figure 5. Table of Crosstab Variables Reviewed by Stakeholders in Spring 2014

Indicators Examined for SSIP	
Enrollment	Disproportionate representation
Special Education enrollment	Race/ethnicity
In regular class less than 40% of the day	Gender
In regular class more than 80% of the day	English Language learning
Students in separate schools	Dropout rate
English Language arts proficiency	Graduation rate
Mathematics proficiency	60 day timeline compliance
Discipline events	C to B transition compliance
Discipline outcomes	Secondary transition compliance
Fiscal compliance	Region
Preschool assessment	Preschool LRE

The data in Figure 5 was used to test several hypotheses. The first hypothesis was that for those districts with high levels of suspension and expulsion, it was expected that assessment scores were negatively correlated. Overall, this hypothesis was supported by the first correlation analysis using a Pearson's R Correlation analysis (Pearson's r= -.86). The analysis was performed using assessment data from 2012–13, because there were no scores available for the field tests administered in 2013–14. Without the most recent assessment scores, additional data analysis will need to be performed with new baseline assessment data to establish more exact relationships. A hypothesis that placement, specifically placement in more restrictive settings, was negatively correlated with assessment scores was tested. A simple correlation analysis did not support this hypothesis (Pearson's r= -.31). Stakeholders and advocates encouraged an

examination of poverty (using free and reduced priced meals eligibility) and its relation to poor performance. Therefore, the correlative analysis was repeated with race/ethnicity and eligibility for free and reduced priced meals as potential variables. The findings revealed that free and reduced priced meals eligibility was a strong negative correlate with assessment proficiency (Pearson's r = -.71). A more stringent statistical analysis was not necessary because the CDE used census data and not sample data, thus, a simple analysis such as this produces clear evidence of a relationship. In addition, this type of analysis is easily understood by stakeholders who were able to engage and give their input on a variety of likely root causes and potential improvement strategies. In summary, the data support the hypothesis that high levels of disciplinary events and high levels of poverty negatively affected assessment scores.

Choosing a State Identified Measurable Result

Based on the extensive experience of the staff and stakeholders, those involved believed strongly that keeping a student in the classroom and increasing student participation in the curriculum would improve other outcomes. Stakeholders for both general education and special education students strongly advocate that students' presence in the classroom increases overall performance in all areas. As evidenced in both special education and general education data, LEAs in California have been reducing the number of suspensions and expulsions over the last several years based on the premise that more class time will improve student performance. The stakeholders in the SSIP group believed that this trend was something that should anchor the SSIP. However, in spite of strong stakeholder support, through interaction with the OSEP and their technical assistance centers over time, it was made clear to CDE staff that suspension and expulsion measures were not acceptable options to report for a SIMR, and that the CDE should consider alternatives. Based on information provided by the OSEP, and through a process of elimination, the CDE determined that the only options for a SIMR were graduation rates and assessment. Based on an analysis of the districts in California, approximately 500 districts serve elementary students only and thus do not have graduates. Therefore, scaling up of the SSIP with graduation rates as a SIMR would not be truly systemic. Based on OSEP's requirements, the CDE and stakeholders concluded that among potential possible SIMRs California considered, only assessment was a viable option. This was confirmed by the Frequently Asked Questions disseminated to the states by the IDEA Data Center on December 1, 2014:

> As discussed above, the SIMR must be a child-level, measurable result that improves child outcomes. The "compliance indicators" measure compliance but do not measure child outcomes. This includes the compliance indicators under Part C (1, 7, and 8) and Part B (9, 10, 11, 12, and 13). In addition, there are some "results indicators" that are not appropriate to use as a SIMR, since they do not measure improvement in child outcomes.
>
> Topics that would not be acceptable stand-alone SIMRs include those related to the following results indicators:

For Part C:
Indicator 2–natural environments
Indicators 5 and 6–child find
Indicators 9 and 10–resolution sessions and mediation

For Part B:
Indicator 2–dropout
Indicator 4–suspension/expulsion
Indicators 5 and 6–LRE
Indicator 8–parent involvement
Indicators 15 and 16–resolution sessions and mediation

Review of Compliance Data

The CDE examined compliance data, which indicated no barrier existed for the implementation of the SSIP. In all the district-level examinations, compliance factors had little influence on the final SIMR determination or the focus areas for improvement. As evidenced in Figure 5, the CDE examined compliance data from the indicators (4, 9, 10, 11, and 12) to identify any correlations or barriers. The data shows that nearly all districts are compliant yet variance in outcomes still exists, concluding that compliance was not an issue for implementation of the SSIP.

The data analysis was heavily focused on LRE, suspension/expulsions, and students who were eligible for free and reduced price meals. Feedback from stakeholders indicated that there were no data quality concerns, and that no additional data elements would need to be collected beyond those the CDE currently collects from LEAs, because the data necessary to measure performance and outcomes is already collected by the CDE.

Local Control Accountability Plan Analysis

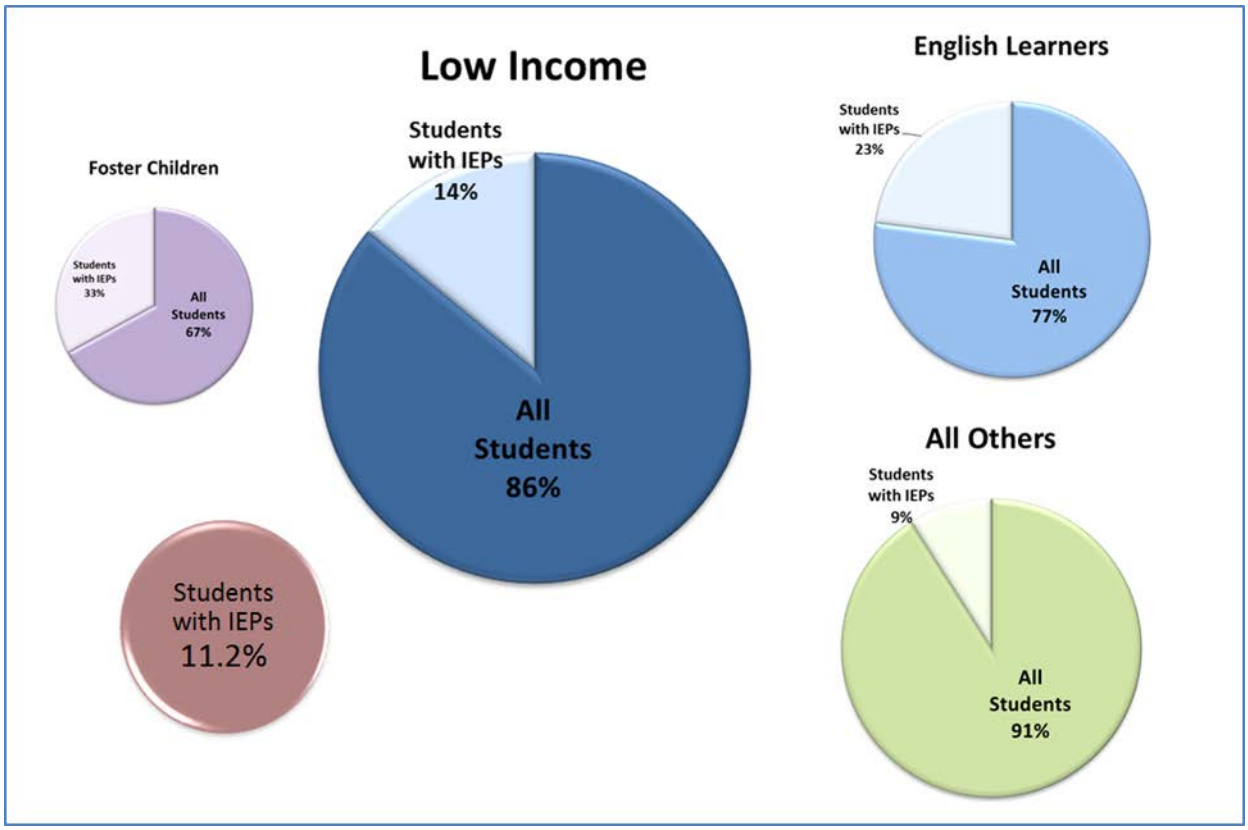
The CDE data analysis indicated that low assessment scores seem to have a similar root cause for both general and special education. Poverty was the strongest negative correlation with assessment scores in both populations. At the conclusion of this initial data analysis, staff and stakeholders conducted an environmental scan to determine the statewide initiatives that are being implemented in California.

An earlier general education analysis reached similar conclusions. It found that three specific groups of students in California had a high level of need: students that were identified as English learners, foster youth, or eligible for the free and reduced priced meals program. As a result, the Governor initiated a Local Control Funding Formula (LCFF) in the spring of 2014 that provided a redirection of funds to support intensive services and programs to be aimed at those populations. LEA funding formulas were recalculated using a base calculation of average daily attendance, and additional programmatic funding was given to LEAs that had students identified as English learners, foster youth, or eligible for the free and reduced priced meals program beginning in the 2014–15 school year. See the following CDE Web site at http://www.cde.ca.gov/fg/aa/lc/. Under this new funding formula, every district would

need to create a Local Control Accountability Plan (LCAP). These plans were meant to set local goals to improve outcomes for these targeted groups and other subgroups, including students with disabilities. The stakeholders voiced strong opinions that the LCFF was an initiative that had significant statewide impact, and any plan which aligned with the LCFF would have a greater chance at success and scale up.

Seizing on this new statewide initiative that will affect all students, the CDE performed an additional analysis using those three subgroups to determine the makeup of special education students in this population. As evidenced in Figure 6 below that was presented to stakeholders, special education students make up 11.2 percent of the total population, but their proportions are greater in the identified subgroups. Students with disabilities represent 14 percent of all low income students, 23 percent of English learners, and 33 percent of foster youth. In addition, there are students who are in more than one of these categories; that overlap is not represented in the chart but was an important point made by the stakeholder groups. It was clear that student outcomes using the LCFF funding on those subgroups would also have a positive effect on students with disabilities. The CDE's Special Education Division could positively support LEAs to implement local improvement activities that support improved outcomes for all students including students with disabilities.

Figure 6. Students with Individual Education Programs in the LCAP World

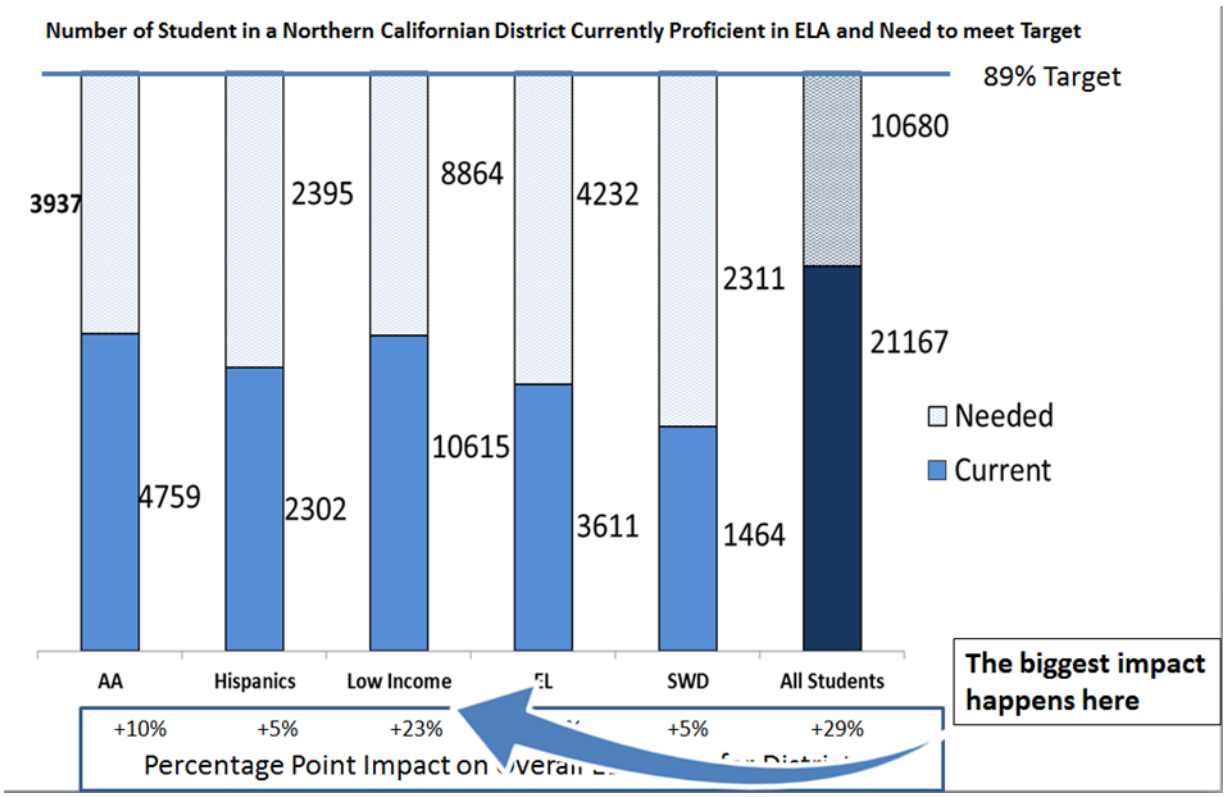


This enhanced representation of students with disabilities indicated that LEA implementation of LCAP goals would also significantly affect students with disabilities,

not as separate subgroup, but as students who also make up portions of those populations.

One key question posed by the stakeholder group was how a LEA could maximize its efforts, using the new funding under the LCFF and its LCAP, to effect change among the broadest group of students. The LEA example in Figure 7 below was produced to answer that question. The dark column shows the number of students currently proficient (21,167) and the number that will need to become proficient (10,680) to meet California's benchmark of 89 percent. The other columns show the effect that improving the performance of those subgroups would have on the overall proficiency rates. For example, based on their proportion within the LEA, increasing the African American subgroup to the benchmark would increase the overall LEA proficiency rate only 10 percent. Increasing the Hispanic subgroup to the target would only increase the overall district proficiency rate 5 percent. Because African Americans and Hispanics make up a small proportion of the overall LEA, focusing efforts on this subpopulation will have a small overall effect on the LEA's achievement. However, implementing programs and practices that would increase the students in poverty (as measured by free and reduced priced meal eligibility) to the target would increase the overall LEA proficiency rate 23 percent, due to the fact that students in poverty make up a large proportion of the overall student population in this LEA. The biggest impact for any initiative would be to focus on students in poverty.

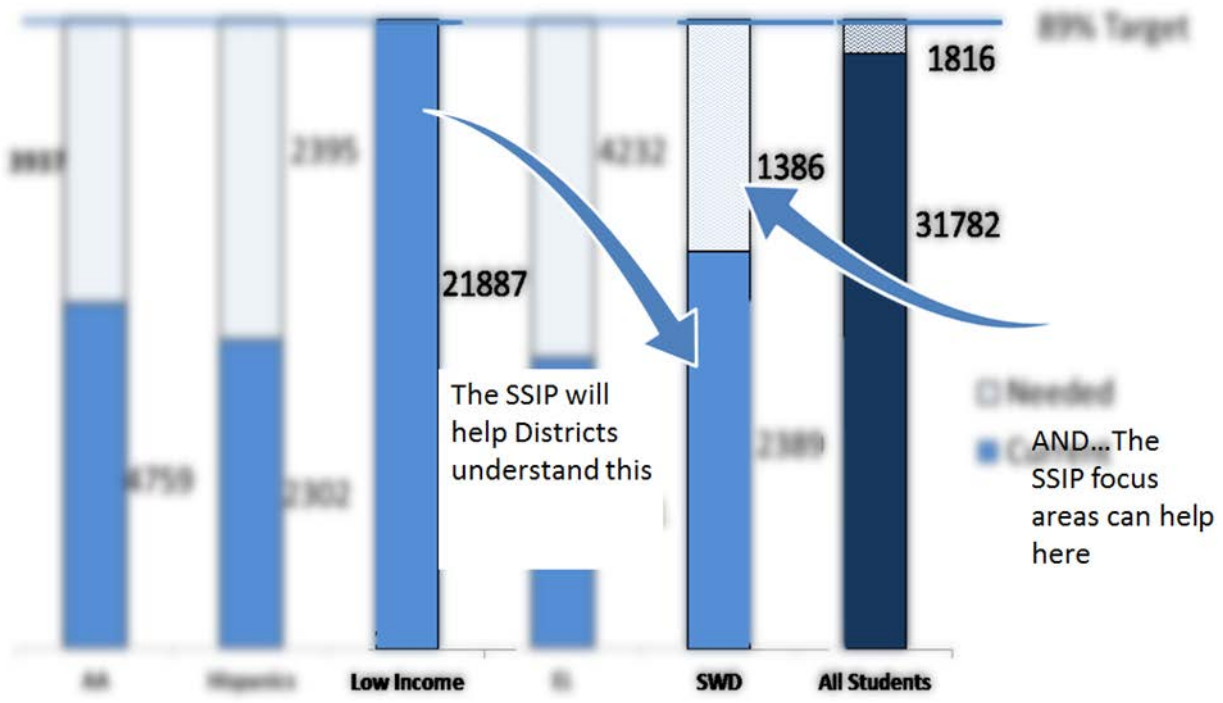
Figure 7. Eliminate the Achievement Gap by Increasing Student Achievement as Evidenced on Standardized Tests



The same holds true for SWD. If the LEA focused its efforts solely on SWD, the overall impact would only be 5 percent. However, practices effective in increasing outcomes for students in poverty, English Learners, and foster youth would also have a positive effect on SWD. Figure 8 below shows that by increasing its low income student population to the benchmark, a LEA would also have an enhanced positive impact on its SWD.

Capitalizing on this analysis, it is clear that by aligning the SSIP with this initiative will make direct and positive gains, and improve results for SWDs in California in terms of assessment. Figure 8 shows that if the achievement for students in poverty increases, so does the proficiency of SWDs, because the SWD group includes students in poverty. While there will be SWD in an LEA that are not affected by the initiatives because they are not in poverty, the SSIP can assist LEAs in understanding the role that local plans will play in improving outcomes for all students. In addition, the SSIP will support LEAs in targeting resources to assist students with disabilities as a distinct population.

Figure 8. SSIP Relationship Showing Target Support for LCFF Subgroups Results In Improvement for SWD.



Appendix A – Disaggregated Data Analysis for All Federal Performance Indicators

Indicator 2-DROPOUT
NOTE: Targets for Dropout must Decrease over time

Method 1: Same Baseline for both the State and the LEA

	Baseline	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018	2018-2019
State Target	**8.9%**	7.9%	6.9%	5.9%	4.9%	3.9%	2.9%
Local Target	**8.9%**	7.9%	6.9%	5.9%	4.9%	3.9%	2.9%
Percent of Districts Meeting Target*	**68**	63	57	50	44	33	21

*Currently meet baseline. If nothing changes over the years, this is the percent meeting target.

Method 2: Separate Targets based on LEA Type

LEA Type	**Baseline**	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018	2018-2019
High School District	**7%**	6%	5%	4%	3%	2%	1%
Unified School District	**9.6%**	8.6%	7.6%	8.6%	6.6%	7.6%	3.6%
State *	**8.9%**	7.9%	6.9%	5.9%	4.9%	3.9%	2.9%

*COE and Elementary Districts are not included because counts are too low for these LEA types

Percent of Districts Meeting the LEA Target

LEA Type	**Baseline**	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018	2018-2019
High School District	**51.5**	48.5	39.4	30.3	21.2	9.1	3.6
Unified School District	**72.8**	66.3	60.1	53.5	47.3	39.5	27.4

Method 3: Growth Model – Each LEA has its own Target

District	**Baseline**	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018	2018-2019
Large Sized	6.1%	5.9%	5.7%	5.5%	5.3%	5.1%	4.9%
Medium Sized	16.6%	16.4%	16.2%	16.0%	15.8%	15.6%	15.4%
State Target	**8.9%**	7.9%	6.9%	5.9%	4.9%	3.9%	2.9%

Indicator 4a-SUSPENSION/EXPULSION
NOTE: Targets for Discipline must Decrease over time

Method 1: Same Baseline for both the State and the LEA

	Baseline	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018	2018-2019
State Target	**2.6%**	2.4%	2.2%	2.0%	1.8%	1.6%	1.4
Local Target	**2.6%**	2.4%	2.2%	2.0%	1.8%	1.6%	1.4
Percent of Districts Meeting Target*	**98**	96	93	89	81	60	51

*Currently meet baseline. If nothing changes over the tears, this is the percent meeting target.

Method 2: Separate Targets based on LEA Type

LEA Type	**Baseline**	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018	2018-2019
County Office of Education	2.60%	2.40%	2.20%	2.0%	1.80%	1.60%	1.4%
Elementary School District	2.30%	2.10%	1.90%	1.70%	1.50%	1.30%	1.4%
High School District	2.80%	2.60%	2.40%	2.20%	2.00%	1.80%	1.6%
Unified School District	2.90%	2.70%	2.50%	2.30%	2.10%	1.90%	1.7%

Percent of Districts Meeting the LEA Target

LEA Type	**Baseline**	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018	2018-2019
County Office of Education	95	90	90	90	90	79	65
Elementary School District	99	98	97	94	90	85	77
High School District	90	87	81	75	69	55	46
Unified School District	91	90	86	80	76	61	54

Method 3: Growth Model – Each LEA has its own Target

District	**Baseline**	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018	2018-2019
Large District	1%	0.8%	0.6%	0.4%	0.2%	0.00%	0.00%
Medium District	0.1%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
State Target	**2.6%**	2.4%	2.2%	2.0%	1.8%	1.6%	1.4%

Indicator 5a PERCENT OF STUDENT IN REGULAR CLASS 80% OR MORE

Method 1: Same Baseline for both the State and the LEA

	Baseline	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018	2018-2019
State Target	52.7%	53.7%	54.7%	55.7%	56.7%	57.7%	58.7%
Local Target	52.7%	53.7%	54.7%	55.7%	56.7%	57.7%	58.7%
Percent of Districts Meeting Target*	60	58	54	50	46	44	60

*Currently meet baseline. If nothing changes over the tears, this is the percent meeting target.

Method 2: Separate Targets based on LEA Type

LEA Type	**Baseline**	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018	2018-2019
County Office of Education	66.2%	67.2%	68.2%	69.2%	70.2%	71.2%	1.4%
Elementary School District	58.2%	59.2%	60.2%	61.2%	62.2%	63.2%	1.4%
High School District	40.7%	41.7%	42.7%	43.7%	44.7%	45.7%	1.6%
Unified School District	52.9%	53.9%	54.9%	55.9%	56.9%	57.9%	1.7%
State Target	52.7%	53.7%	54.7%	55.7%	56.7%	57.7%	58.7%

Percent of Districts Meeting the LEA Target

LEA Type	**Baseline**	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018	2018-2019
County Office of Education	68	68	64	59	59	59	65
Elementary School District	61	59	56	52	48	46	77
High School District	59	59	55	51	45	44	46
Unified School District	57	54	50	46	41	38	54

Method 3: Growth Model – Each LEA has its own Target

District	**Baseline**	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018	2018-2019
Large District	54%	55%	56%	57%	58%	59%	0.00%
Medium District	47%	48%	49%	50%	51%	52%	0.00%
State Target	52.7%	53.7%	54.7%	55.7%	56.7%	57.7%	58.7%

5B—PERCENT OF STUDENTS IN REGULAR CLASS 40% OF DAY OR LESS

Method 1: Same Baseline for both the State and the LEA

	Baseline	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018
State Target	**22.3%**	21.3%	20.3%	19.3%	18.3%	17.3%
Local Target	**22.3%**	21.3%	20.3%	19.3%	18.3%	17.3%
Percent of Districts Meeting Target	64	62	58	55	51	47

*Currently meet baseline. If nothing changes over the tears, this is the percent meeting target.

Method 2: Separate Targets based on LEA Type

LEA Type	**Baseline**	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018
County Office of Education	8.3%	7.3%	6.3%	5.3%	4.3%	3.3%
Elementary School District	23.1%	22.1%	21.1%	20.1%	19.1%	18.1%
High School District	26.7%	25.7%	24.7%	23.7%	22.7%	21.7%
Unified School District	21.5%	20.5%	19.5%	18.5%	17.5%	16.5%
State Target	**22.3%**	21.3%	20.3%	19.3%	18.3%	17.3%

Percent of Districts Meeting the LEA Target

LEA Type	**Baseline**	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018
County Office of Education	64	59	55	46	41	32
Elementary School District	69	67	64	62	57	54
High School District	75	72	67	61	60	59
Unified School District	58	56	52	48	44	39

Method 3: Growth Model – Each LEA has its own Target

District	**Baseline**	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018
Elk Grove	18%	17%	16%	15%	14%	13%
Fairfield	21%	20%	19%	18%	17%	16%
State Target	22.3%	21.3%	20.3%	19.3%	18.3%	17.3%

5c—PERCENT IN SEPARATE SCHOOLS

Method 1: Same Baseline for both the State and the LEA

	Baseline	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018
State Target	**3.8%**	3.6%	3.4%	3.2%	3.0%	2.8%
Local Target	**3.8%**	3.6%	3.4%	3.2%	3.0%	2.8%
Percent of Districts Meeting Target*	**76%**	73%	72%	70%	67%	65%

*Currently meet baseline. If nothing changes over the tears, this is the percent meeting target.

Method 2: Separate Targets based on LEA Type

LEA Type	**Baseline**	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018
County Office of Education	14.3%	14.1%	13.9%	13.7%	13.5%	13.3%
Elementary School District	1.9%	1.7%	1.5%	1.3%	1.1%	0.9%
High School District	4.8%	4.6%	4.4%	4.2%	4.0%	3.8%
Unified School District	4.4%	4.2%	4.0%	3.8%	3.6%	3.4%
State Target	3.8%	3.6%	3.4%	3.2%	3.0%	2.8%

Percent of Districts Meeting the LEA Target

LEA Type	**Baseline**	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018
County Office of Education	77	77	76	76	76	75
Elementary School District	60	55	50	44	40	35
High School District	56	52	49	49	48	45
Unified School District	78	77	74	71	66	64

Method 3: Growth Model – Each LEA has its own Target

District	**Baseline**	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018
Large District	7.0%	6.8%	6.6%	6.4%	6.2%	6.0%
Medium District	5.8%	5.6%	5.4%	5.2%	5.0%	4.8%
State Target	3.8%	3.6%	3.4%	3.2%	3.0%	2.8%

14A–PERCENT ENROLLED IN HIGHER ED

Method 1: Same Baseline for both the State and the LEA

	Baseline	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018
State Target	**50%**	51%	52%	53%	54%	55%
Local Target	**50%**	51%	52%	53%	54%	55%
Percent of Districts Meeting Target*	**58%**	48%	48%	46%	45%	43%

*Currently meet baseline. If nothing changes over the tears, this is the percent meeting target.

Method 2: Separate Targets based on LEA Type

LEA Type	**Baseline**	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018
County Office of Education	8%	9%	10%	11%	12%	13%
Elementary School District	17%	18%	19%	20%	21%	22%
High School District	18%	19%	20%	21%	22%	23%
Unified School District	21%	22%	23%	24%	25%	26%
State Target	50%	51%	52%	53%	54%	55%

Percent of Districts Meeting the LEA Target

LEA Type*	**Baseline**	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018
County Office of Education	61	61	58	58	58	58
High School District	88	86	86	84	84	82
Unified School District	91	90	89	89	86	84

* Elementary Districts are not included because counts are too low for these LEA types

Method 3: Growth Model – Each LEA has its own Target

District	**Baseline**	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018
Large District	54%	55%	56%	57%	58%	59%
Medium District	3.6%	4.6%	5.6%	6.6%	7.6%	8.6%
State Target	50%	51%	52%	53%	54%	55%

14B—PERCENT ENROLLED IN HIGHER ED OR EMPLOYMENT

Method 1: Same Baseline for both the State and the LEA

	Baseline	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018
State Target	**65.0%**	66.0%	67.0%	68.0%	69.0%	70.0%
Local Target	**65.0%**	66.0%	67.0%	68.0%	69.0%	70.0%
Percent of Districts Meeting Target*	**21%**	21%	18%	18%	16%	16%

*Currently meet baseline. If nothing changes over the tears, this is the percent meeting target.

Method 2: Separate Targets based on LEA Type

LEA Type	**Baseline**	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018
County Office of Education	15%	16%	17%	18%	19%	20%
Elementary School District	25%	26%	27%	28%	29%	30%
High School District	26%	27%	28%	29%	30%	31%
Unified School District	28%	29%	30%	31%	32%	33%
State Target	65.0%	66.0%	67.0%	68.0%	69.0%	70.0%

Percent of Districts Meeting the LEA Target

LEA Type*	**Baseline**	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018
County Office of Education	55	49	48	53	45	41
High School District	77	75	75	74	71	71
Unified School District	60	59	59	59	59	58

Elementary Districts are not included because counts are too low for these LEA types

Method 3: Growth Model – Each LEA has its own Target

District	**Baseline**	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018
Large District	76%	77%	78%	79%	80%	81%
Medium District	12.0%	13%	14%	15%	16%	17%
State Target	65.0%	66.0%	67.0%	68.0%	69.0%	70.0%

14C—PERCENT ENROLLED IN HIGHER ED, OTHER POST-SEC ED, OR ANY EMPLOYMENT

Method 1: Same Baseline for both the State and the LEA

	Baseline	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018
State Target	**69.0%**	70.0%	71.0%	72.0%	73.0%	74.0%
Local Target	**69.0%**	70.0%	71.0%	72.0%	73.0%	74.0%
Percent of Districts Meeting Target	**38%**	37%	36%	35%	34%	34%

*Currently meet baseline. If nothing changes over the tears, this is the percent meeting target.

Method 2: Separate Targets based on LEA Type

LEA Type*	**Baseline**	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018
County Office of Education	34%	35%	36%	37%	38%	39%
Elementary School District	36%	37%	38%	39%	40%	41%
High School District	38%	39%	40%	41%	42%	43%
Unified School District	39%	40%	41%	42%	43%	44%
State Target	69.0%	70.0%	71.0%	72.0%	73.0%	74.0%

* Elementary Districts are not included because counts are too low for these LEA types

Percent of Districts Meeting the LEA Target

LEA Type	**Baseline**	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018
County Office of Education	55	52	52	52	52	52
High School District	82	82	80	80	79	78
Unified School District	65	65	63	62	60	60

Method 3: Growth Model – Each LEA has its own Target

District	**Baseline**	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018
Large District	96%	97%	98%	99%	100%	100%

Analysis of State Infrastructure to Support Improvement and Build Capacity

This document is the second of five sections that constitute Phase I of California's State Systemic Improvement Plan (SSIP). The SSIP is a new requirement of the U.S. Department of Education and serves as the centerpiece for implementation of the Office of Special Education Programs' (OSEP) initiative entitled "Results Driven Accountability," which is its effort to focus more on student performance in the overall system of the state's general supervision of local educational agencies (LEAs). Phase I is intended to provide a detailed analysis of data and state infrastructure that will guide the selection of coherent improvement strategies to increase the state's capacity to lead meaningful change in LEAs to improve measureable results for students with disabilities (SWD). While this section is being presented as an independent document in this item, it is meant to be considered in the context of OSEP's overall instructions and is best read in concert with the other SSIP sections presented in this item.

This Analysis of State Infrastructure to Support Improvement and Build Capacity section describes how the California Department of Education (CDE) analyzed its capacity to support LEA improvement and build LEA capacity to improve results for SWD. Areas reviewed include governance, fiscal elements, instructional standards, professional development, data elements, technical assistance, and accountability and monitoring. Also included is a review of strengths of the current system, coordination of system elements, and current state-level plans and initiatives. This section also addresses OSEP's requirement to identify recommendations for improvement of the state's infrastructure to better support improved student performance. Those recommendations are provided in bold type at the end of the topic they address.

In response to the OSEP's requirement that states move towards a system of general supervision that focuses on Results Driven Accountability (RDA), the CDE selected a subset from California's Improving Special Education Services (ISES) stakeholder group to conduct activities with staff of the Special Education Division (SED) to develop the SSIP. The subgroup included representatives of Special Education Local Plan Areas (SELPAs), Parent Training Information Centers (PTIs), Family Empowerment Centers (FECs), the California Advisory Commission on Special Education, and staff of the State Board of Education (SBE). (See Appendix A – State Systemic Improvement Plan Stakeholder Group, page 42).

The CDE staff and SSIP stakeholders met monthly between December 2013 and November 2014. Stakeholders participated in three types of infrastructure analysis:

1) Review and evaluation of current infrastructure related to providing services to students with disabilities; (December 2013, October 2014, and June 2014)

2) Review and evaluation of state level initiatives and local plans in general education that would facilitate improved results for children with disabilities (April 2014, May 2014, October 2014); and

3) Review of infrastructure elements as related to achieving the state identified measurable results. (May 2014, August 2014, October 2014)

Section 1: Review and Evaluation of Current Infrastructure Related to Serving Students with Disabilities (Generally)

Stakeholders examined the draft instructions for the SSIP in December 2013 and conducted an analysis of a number of infrastructure elements, including:

- Professional development system
- Technical assistance system
- Connection with other state improvement efforts
- General supervision system
- Infrastructure to support improvement and build LEA capacity

For each of the areas listed above, a small group reviewed the OSEP instructions, discussed the infrastructure element, and made recommendations regarding further analysis of the area. Specific recommendations may be found in State Systemic Improvement Plan Preliminary Infrastructure Analysis, December 2013, (see Appendix B -- Infrastructure Evaluation, page 44). Overall, the group recommended that a more detailed analysis be conducted. To complete this analysis, the group suggested that a matrix be constructed. The matrix would be used to summarize the infrastructure (at each level of the system) and develop the analysis to generate the elements needed for the SSIP description:

- Current strengths of the systems
- The extent to which systems are coordinated
- Areas for improvement of functioning within and across the systems

In a subsequent stakeholder meeting (October 2014), individual matrix descriptions were prepared by CDE staff in the following element areas:

- Governance
- Professional development
- Technical assistance
- Quality standards
- Data
- Statewide initiatives/focus areas for improvement
- Coordination of local plans

Each matrix provided a summary of the infrastructure for the organizational level being addressed. The levels of system review included:

- CDE (Special Education)
- CDE (General Education)

- SELPAs
- County Offices of Education (COE)
- LEAs
- Other (agencies, boards, and organizations having significant roles in the element being analyzed)

In addition, CDE staff included blank columns on each matrix form to record the results of the discussions related to:

- Strengths of the system
- Coordination of system(s)
- Areas for improvement

(For the infrastructure descriptions and a summary of discussions on each element, see Appendix C -- Infrastructure Descriptions and Recommendations, page 51.)

Section 2: Working with Other Divisions in the California Department of Education to Review and Evaluate State Level Initiatives and Local Plans as Applicable to Students with Disabilities

Review and Evaluation of Required Local Plans: Concurrent with the SSIP stakeholder process, the SED participated on a department-wide work group to assess the alignment of local plans. The need for alignment was created by the transition to a new statewide system of assessment (Smarter Balanced Assessment Consortium), the revision of a state accountability system, and the implementation of a new funding system: the Local Control Funding Formula and the Local Control Accountability Plan (LCFF/LCAP). The State Superintendent of Public Instruction (SSPI), the CDE, and the SBE recognized the need to review current state and federal plan requirements in June 2014 and initiated a project under the name of the Plan Alignment and Coordination Project (PACP). A memorandum describing this joint CDE and SBE effort can be found at ftp://ftp.cde.ca.gov/sp/se/ds/ssipattachments/Attachment3%20Plan%20Alignment%20Committee%20Memo.docx. The purpose of the PACP is to study the alignment of the LCAP to other mandated plans. The plans reviewed by the PACP included the following:

- LCAP
- LEA
- Single School District Plan (SSD)
- Single Plan for Student Achievement (SPSA)
- Safe Schools Plan
- Program Improvement Addendum or Plan (Title I)
- Title II Non-Compliant Teacher Action Plan
- Title III Improvement Plan

The Plan Alignment and Advisory work is ongoing and is performed by CDE staff representing program-specific expertise department wide, including the participation of the SED. The PACP includes representatives and staff from the following:

- SBE
- District, School, and Innovation Branch Office (CDE)
- California Comprehensive Center
- School Fiscal Services Division (CDE)
- Educational Data Management Division (CDE)
- Legal Division (CDE)
- English Learner Support Division (CDE)
- Special Education Division (CDE)
- Charter Schools Division (CDE)
- Assessment Development and Administration Division (CDE)
- Professional Learning Supports Division (CDE)
- Local Agency Systems Support Offices (CDE)
- Measurement and Accountability Reporting Division (CDE)

The task of the CDE staff represented in the PACP is to provide feedback and advisory consultation. Staff has relied on the federal LEA plan and additional federal requirements (e.g., Title II and Title III) as a frame of reference to determine the degree of alignment with required federal and state plans. Specific tasks were slated to include:

- Identifying and selecting federally and state mandated plans to research and compare and contrast

- Determining plan requirements pursuant to federal and state mandates

- Comparing and contrasting plans

- Completing a draft matrix that summarizes findings

- Comparing and contrasting plans and proposing recommendations

The work completed by the PACP was used by the SED as the basis for preparing an analysis specifically related to proposed SSIP activities. Discussion of the alignment of local plans to the SSIP was conducted in October 2014. As noted in the section on the Review and Analysis of Current Infrastructure, the SED prepared matrices for evaluation by the stakeholder group. Drawing on the work of the PACP, SED staff prepared a matrix to facilitate evaluation of the alignment of the local plans to the SSIP: ftp://ftp.cde.ca.gov/sp/se/ds/ssipattachments/Infrastructure%20Analysis%20-%20Plan%20Alignment%20Matrix%20101314.xlsx)

At this time, the PACP has recommended that the LCAP be used as a vehicle, when possible, to align the individual requirements found in other locally mandated state plans. The SSIP stakeholder group also determined that there is a high degree of alignment already in place between the components of the LCAP and what would be needed in the SSIP.

Review and Evaluation of State Level Initiatives: Another key part of the Infrastructure Analysis was to look at state level initiatives in both general and special education to evaluate the extent to which each initiative could contribute to improved results for SWD. The SED partnered with other divisions in the CDE to prepare and conduct these analyses. To do this, the CDE prepared summaries of other state education initiatives, including proposals for increased collaboration for supporting LEAs (See Appendix D -- State Initiative Summary and Discussion Guides, page 96). Stakeholders participated in one of the following state level initiatives:

- Project READ Web site at http://www.calstat.org/projectread.html
- Discipline and Truancy (PBIS) Web site at http://www.cde.ca.gov/ls/ss/se/behaviorialintervention.asp; http://www.cde.ca.gov/ls/ai/
- Common Core State Standards (CCSS) Implementation Web sites at http://www.cde.ca.gov/re/cc/; http://www.corestandards.org/
- Multi-Tiered System of Supports (MTSS) Web site at http://www.cde.ca.gov/ci/cr/ri/
- English Language Development Standards Web site at http://www.cde.ca.gov/sp/el/er/eldstandards.asp
- Family Engagement Framework Web site at http://www.wested.org/online_pubs/cpei/family-engagement-framework.pdf

General education partners provided an overview of each area and led discussions to explore three questions in small stakeholder groups:

1) How does the CDE's support and current activities relate to the implementation of the initiative as a focus area for improvement to ensure that students with disabilities have access to the initiative and thereby increase academic achievement?

2) How would the SED proposal enhance CDE's efforts to improve student outcomes for students with disabilities?

3) What else should the SED do to increase academic achievement for students with disabilities through the initiative as the focus area for improvement?

After each SSIP stakeholder meeting, there was a debriefing between selected CDE staff and the SSIP stakeholders. The purpose of these debriefings was to: 1) summarize what was learned and capture key recommendations; and 2) begin planning for the next monthly meeting. As a result of the small group discussions, the debriefing group selected three of the six areas (initiatives) to continue discussions at the May meeting as potential focuses for improvement: Discipline, Multi-Tiered System of Supports, and Project READ.

For each of the areas discussed in the meetings, the SSIP stakeholder group considered the extent to which data was available and the potential that the initiative activities would produce improved performance. It should be noted that the activities related to implementation of the California Common Core State Standards (CA-CCSS) and the English Language Development Standards were identified as basic strategies for improvement, but did not need additional analysis or discussion. Similarly, Family Engagement was identified as a strategy that would be infused in all improvement strategies selected.

Lastly, the SSIP stakeholder group recommended that the elements of the SSIP be aligned to the LCFF and LCAP, the most sweeping initiatives affecting California education, including special education.

Based on the input from the SSIP stakeholders, the SED developed an agenda for the May 2014 SSIP stakeholder meeting to continue the analysis of data related to the remaining potential focus areas, and to begin to think about what a potential theory of action might be (i.e., if CDE does this, then LEAs will do this. If LEAs do this, then student results will improve in the following ways…) and how each improvement area might result in positive outcomes for students with disabilities. This agenda included an overview of the LCFF and LCAP, and a panel discussion of SELPA Directors to share their experiences with formulating an LCAP, including results for SWD. This was presented in general session for all participants at the meeting. Small groups also met in breakout sessions to review the discussions on the remaining focus areas for improvement from the April meeting. The breakout discussions were designed to have participants:

- Learn how data is collected related to each focus area for improvement
- Evaluate data collection and measurement for the particular improvement effort
- Rate how likely implementation of that particular focus area for improvement area is to result in positive student outcomes
- Begin to develop a theory of action related to that focus area

After the May meeting, the SSIP stakeholder debriefing group members were struck by how all-encompassing the LCFF and LCAP efforts are. The consensus was that whatever was done to develop an SSIP, it should align with the LCAP. Additional debriefing discussions focused on the information shared in each of the small SED

focus areas for improvement groups. These discussions were generally organized by the following questions:

- How do the initiatives (focus areas for improvement) align to the requirements of the SSIP?
- How do the initiatives (focus areas for improvement) diverge?
- How do the initiatives (focus areas for improvement) align with the LCAP priority areas?
- How are the LEAs including SWD and what metrics are they using to measure programs?
- Does this suggest any focus areas for improvement (initiatives) to prioritize for the SSIP?
- For each of these, what would be the measurable student level outcome (State Identified Measurable Result [SIMR])?
- How would these potential SIMRs align with the LCAP?

As a result of this work, SSIP stakeholder participants felt that the chosen SSIP and the required SIMR should be supportive of LCAP requirements for student progress. The stakeholder group came to the following conclusions by the end of the May 2014 meeting:

1. A statewide planning, implementation, and accountability infrastructure is being put in place based on the LCFF and LCAP requirements created by the Governor, Legislature, and the SBE.
2. The infrastructure created by the LCFF and LCAP requirements is inclusive of general education and special education.
3. The eight priority areas included in the LCAP template are compatible with both improved student outcomes and the selected SSIP strategies that lead to improved student performance (e.g., reduction of suspension and expulsion, multi-tiered system of support [MTSS], improved access to, and instruction in, the CA CCSS).
4. The potential SIMR was identified as student assessment results for SWD who are also English Learners, foster youth, and/or students who are eligible for free and reduced-price meals (FRPM).
5. The potential areas for improvement/coherent improvement strategies would be school climate/student discipline; student engagement/attendance; and access to, and instruction in, the CA CCSS.

The LCFF and the LCAP: The LCFF and LCAP provide a new state infrastructure for education in California (see http://www.cde.ca.gov/fg/aa/lc/). The LCFF is a statewide policy enacted by the Legislature, with the Governor's approval, and makes a sweeping change in funding of public education and accountability for student outcomes. The LCFF is being implemented by all districts and charter LEAs statewide. Components of the LCFF are intended to be scaled up over a period of three years. To date, all districts have developed and implemented an LCAP. The specifics of the accountability process and metrics are being developed and will be considered by the SBE in the fall of 2015.

Funds: The LCFF combines state (not federal) education funds, including funds that were previously devoted to categorical programs (except state special education funds). The funds include three components: 1) a base grant (funding based on average daily attendance); 2) a supplemental grant (based on the unduplicated number of students who are English Learners (ELs), low income and/or foster youth); and 3) a concentration grant (for districts with a high percentage of their total enrollment from the target groups).

Local Planning: In keeping with the emphasis on local control, state categorical program requirements were eliminated. The intended result is to give districts increased flexibility to respond to local conditions to their unique student populations. The LCFF places primary responsibility on the district to plan and implement programs that lead to improved student outcomes. While there are three student populations included in supplement funding allocations, it should be noted that all of the Elementary and Secondary Education Act (ESEA) disaggregated groups are included in the targets for the LCAP, including students with disabilities.

Local Plan Review: The LCAP is the vehicle that is used to summarize planning efforts and to document accountability. The SBE is responsible for creating and implementing the guidelines, templates, and evaluation criteria for the LCAP. LEA LCAPs have been initially prepared for a three year cycle. The first LEA LCAPs were submitted July 1, 2014, for approval by the governing board of the school district or COE after review by parent advisory committees and following public hearing. It is the responsibility of the COE, not the CDE, to review the LCAPs developed by all of the districts and charters within the county boundaries. The CDE is only responsible for reviewing LCAPs prepared by the COEs for students directly served by the COE.

LCAP Contents: The LEA LCAP goals and priorities apply to the LEA in general and individual schools within the LEA. LCAP template instructions require that the LEA LCAP must include:

Annual goals: All pupils (including ethnic subgroups, socioeconomically disadvantaged, ELs, students with disabilities, and foster youth) will have annual goals that address eight state priority areas:

1. Basic conditions of learning (teacher assignment and qualifications, standards aligned instructional materials, and well-maintained school facilities)

2. Implementation of academic content and performance standards

3. Parental involvement (including students with exceptional needs)

4. Pupil achievement (including assessment results)

5. Pupil engagement (attendance, graduation, and dropout rates)

6. School climate (suspension and expulsion rates)

7. Extent to which students are involved in a broad course of study

8. Pupil outcomes by subject area (e.g., math, English Language Arts [ELA), science, social science, arts, health, physical education and other State Board of Education prescribed subjects).

Evaluation Rubrics: As identified in the state LCFF legislation, the SBE is required adopt evaluation rubrics by October 2015. The rubrics are to be used to assist:

- A school district, county office of education, or charter school in evaluating its strengths, weaknesses, and areas that require improvement

- A county superintendent of schools in identifying school districts and charter schools in need of technical assistance, and the specific priorities upon which the technical assistance should be focused

- The SSPI in identifying school districts in need of intervention

The evaluation rubrics are intended to reflect a holistic, multidimensional assessment of school district and individual school site performance and must address all of the state priorities. As part of the evaluation rubrics, the SBE shall adopt standards for school district and individual school site performance, and expectations for improvement in regard to each of the state priorities.

Monitoring, Technical Assistance, and Accountability: The district is responsible for monitoring its performance using the rubrics as applied to its LCAP. The district is also responsible for using their resources to secure any technical assistance they identify as being needed.

The county superintendent of schools, however, has a primary role for providing technical assistance under any of the following conditions:

1. The governing board of a school district requests technical assistance

2. The county superintendent does not approve a local control and accountability plan or annual update; or

3. The school district that fails to improve pupil achievement across more than one state priority for one or more pupil subgroups (which includes SWD)

The technical assistance provided by the county superintendent of schools is intended to include one or more of the following:

1) Identification of the school district's strengths and weaknesses in regard to the state priorities, including a review of effective, evidence-based programs that apply to the school district's goals.

2) Assignment of an academic expert or team of academic experts to assist the school district in identifying and implementing effective programs that are designed to improve the outcomes for all pupil subgroups.

3) Request that the Superintendent assign the California Collaborative for Educational Excellence to provide advice and assistance to the school district.

The California Collaborative for Educational Excellence (CCEE): The CCEE is to advise and assist school districts, county superintendents of schools, and charter schools in achieving the goals in an LCAP. The membership of the CCEE is specified in law and its members include the SSPI, the President of the State Board of Education, and other local officials and stakeholders appointed by the governor and the Legislature.

A local educational agency, or consortium of local educational agencies, are contracted to serve as the fiscal agent for the CCEE. Funds appropriated for the CCEE are apportioned to the fiscal agent. At the direction of the governing board of the CCEE, the fiscal agent will contract with individuals, local educational agencies, or organizations with the expertise, experience, and a record of success in the following areas:

State priority areas:

- Improving the quality of teaching
- Improving the quality of school district and school site leadership
- Successfully addressing the needs of special pupil populations, including, but not limited to, English Learners, pupils eligible to receive a free or reduced-price meal, pupils in foster care, and individuals with exceptional needs.

The SSPI may direct the CCEE to advise and assist a school district, county superintendent of schools, or charter school in any of the following circumstances:

- If the school district, county board of education, or a charter school requests the advice and assistance of the CCEE

- If the county superintendent of schools of the county in which the school district or charter school is located determines, following the provision of technical assistance as applicable, that the advice and assistance of the CCEE is necessary to help the school district or charter school accomplish the goals described in their LCAP

- If the SSPI determines that the advice and assistance of the CCEE is necessary to help the school district, county superintendent of schools, or charter school accomplish the goals set forth in the LCAP.

The SSPI may identify school districts in need of intervention, with the approval of the SBE, if the district meets both of the following criteria:

1) The school district did not improve the outcomes for three or more pupil subgroups in more than one state or local priority in three out of four consecutive school years

2) The CCEE has provided advice and assistance to the school district and makes either of the following findings:

   a. That the school district has failed, or is unable, to implement the recommendations of the CCEE; or

   b. That the inadequate performance of the school district, based upon an evaluation rubric adopted pursuant to Section 52064.5, is either so persistent or acute as to require intervention.

For districts that need intervention, the SSPI may, with the approval of the SBE, do one or more of the following:

1) Make changes to a LCAP adopted by the governing board of the school district

2) Develop and impose a budget revision, in conjunction with revisions to the LCAP, that the SSPI determines would allow the school district to improve the outcomes for all pupil subgroups in regard to state and local priorities

3) Stay or rescind an action, if that action is not required by a local collective bargaining agreement, that would prevent the school district from improving outcomes for all pupil subgroups in regard to state or local priorities

4) Appoint an academic trustee to exercise the powers and authority specified in this section on his or her behalf.

Section 3: Infrastructure Analysis as it Relates to the Capacity for Achieving the SSIP in Conjunction with the LCFF and LCAP

As noted previously, SSIP stakeholders made a consensus recommendation to align the State Performance Plan (SPP) and SSIP activities, whenever possible, to the LEA LCAP requirements and LCFF. Because of the magnitude of the change represented by the LCFF and LCAPs, the SSIP stakeholder group overwhelmingly recommended aligning the SSIP to the structures being developed to implement the LCFF and LCAP. Specifically, the stakeholder group felt that this was an important opportunity to:

- Coordinate improvement efforts between special education and state and federal general education efforts
- Address a variety of activities (e.g. discipline, multi-tiered system of supports, instruction in the common core) that lead to improved outcomes (assessment results) for SWD
- Acknowledge that students who are English Learners, foster youth, and/or eligible for FRPM are significantly represented within special education programs

Governance

Local Educational Agency (LEA): The LEA is at the center of the LCAP. It is the LEA that is responsible for developing, implementing, and evaluating the goals and services provided to achieve necessary outcomes in the eight priority areas:

1) Basic conditions of learning (teacher assignment and qualifications, standards aligned instructional materials, and well maintained school facilities)
2) Implementation of academic content and performance standards
3) Parental involvement (including students with exceptional needs)
4) Pupil achievement (including assessment results)
5) Pupil engagement (attendance, graduation and dropout rates)
6) School climate (suspension and expulsion rates)
7) Extent to which students are involved in a broad course of study
8) Pupil outcomes by subject area (e.g., math, ELA, science, social science, arts, health, physical education, and other State Board of Education prescribed subjects)

The LEA is responsible for including students with disabilities in the LCAP in general if not explicitly.

The LEA and the SELPA of which it is a part is responsible for ensuring that all students with disabilities receive a free appropriate public education in the least restrictive environment as required by state and federal (Individuals with Disabilities Education Act) law and regulations.

If the LEA is a single district SELPA, then the LEA is responsible for establishing an annual budget and service plan that ensures that the LEA is prepared to address all of the special education and related service needs that may arise for students with all types of disabilities from birth to 22 years of age.

> **Stakeholder Recommendation: To improve LEA capacity to achieve the SIMR, the CDE should support all LEAs to develop goals and services for students with disabilities in LEA local plans.**

County Office of Education (COE): Under the LCAP, the COE is responsible for providing technical assistance and for approving the LCAP developed by each LEA in their county. The COE is also responsible for reviewing progress using state rubrics to determine if LEAs need assistance related to meeting progress goals and metrics.

If the COE provides direct services to students, including students with disabilities, then it would be responsible for developing, implementing, and evaluating an LCAP for its direct services. The COE LCAP is reviewed by the CDE and is subject to the same criteria used for evaluating LEA LCAPs.

Also, as a direct service provider to students with Individualized Education Program (IEPs), the COE is responsible for ensuring that all students served receive a free appropriate public education in the least restrictive environment and to implement the requirements of the IDEA as spelled out in state and federal law and regulations.

> **Stakeholder Recommendation: To improve LEA capacity to achieve the SIMR, the CDE should seek to disseminate any criteria adopted for the LCAP evaluation rubrics related to students with disabilities.**

Special Education Local Plan Areas (SELPAs): SELPAs have no specific role outlined in state LCFF and LCAP requirements. In a single district SELPA, the SELPA Director and staff may have a direct role in preparing and implementing the LCAP as it relates to students with disabilities. In multi-district SELPAs, the SELPA may play a number of supportive roles related to planning and implementing the LCAP such as provision of data, identification of evidence based practices and content experts, provision of staff development resources, etc.

Under the governance system in California, the SELPA is key to the development and implementation of local policies and practices, coordination of services within the SELPA and across SELPAs statewide, preparation of the local plans for special

education, provision of staff development and training, monitoring the implementation of the local plan, and correction of noncompliance.

> **Stakeholder Recommendation: To improve LEA capacity to achieve the SIMR, the CDE should encourage SELPAs to participate in LEA LCAP evaluation and planning activities.**

The California Department of Education (CDE) and the Special Education Division (SED): The CDE is administered by the SSPI. The SSPI is an elected official under the constitution of the State of California. As such, the SSPI is the chief state school officer for California, and also serves as the State Board of Education's (SBE) Executive Officer and Secretary. The CDE administers programs and services under the policy direction of the SBE.

Under the LCFF legislation, the SSPI is responsible for reviewing LCAPs prepared by COEs, for participation in and funding of the CCEE, and for intervening in districts only under specific circumstances with the approval of the SBE.

The SED has rigorous responsibilities for administration and monitoring of services for students with disabilities. The SED is responsible for ensuring that all students with disabilities are located, evaluated, and served. The SED is responsible for ensuring that all students with disabilities are provided a free appropriate public education in the least restrictive environment. The SED has broad responsibilities for administering IDEA funds and for general supervision of all requirements under the IDEA.

> **Stakeholder Recommendation: To improve LEA capacity to achieve the SIMR, the CDE should coordinate the work of all divisions within the CDE to ensure that support for LEAs and COEs provided under the LCFF and federal programs (Title I, Title II, Title III and IDEA, for example) is available as needed and as desired to promote positive outcomes for all students, including students with disabilities.**

The California State Board of Education (SBE): The SBE is the K – 12 policy making body for academic standards, curriculum, instructional materials, assessments and accountability. The SBE adopts instructional materials for use in grades kindergarten through eight. The SBE also adopts regulations (Title 5) to implement a wide variety of programs created by the Legislature, such as charter schools and special education. In addition, the SBE has the authority to grant LEA requests for waivers of certain provisions of the California *Education Code*.

Under the LCFF legislation, the SBE is specifically responsible for:

- Adopting LCAP templates for use by LEAs and COEs
- Adopting evaluation rubrics, including standards for school district and individual school site performance and expectation for improvement in regard to each of the state priorities

- Participating in the CCEE
- Approving LEA intervention proposals made by the SSPI

The SBE is considered the State Education Agency (SEA) under the meaning found in the IDEA. Under the IDEA, the SBE is responsible for making policies and procedures related to all aspects of special education, adopting regulations, and approving the SPP/APR including the SSIP.

> **Stakeholder Recommendation: To improve LEA capacity to achieve the SIMR, the CDE should support future SBE efforts to address students with disabilities in the LCAP templates and evaluation rubrics.**

Fiscal

State Budget Process: Expenditure of funds in California is authorized through the annual Budget Act. Allocations of both federal and state general funds are made in specific items and provisions each year. The budget is proposed by the Department of Finance on behalf of the Governor. The budget is introduced and reviewed by committees in both the Senate and Assembly. Typically, the budget specifies the amounts and the purposes for each item. Once the budget is passed and signed, various state agencies use those funds as directed. In California, the budget contains specific items for federal funds in special education and for state general funds in special education. In 2013–14, the budget for education went through a major change in the creation of the LCFF. Funding for a number of categorical education programs was eliminated and combined into the LCFF allocations. Several categorical programs were retained, including special education. While the program was retained in the budget, allocations within the special education items were swept into more generic funding to SELPAs, giving more “local control” to the use of funds than was in place previously. One rationale for retaining a separate identify for special education funding was to mark a clear line for local maintenance of effort and maintenance of state financial support. However, this has had the unintended impact of reducing the visibility and integration of services for students with disabilities within the LCAP process; it is mentioned as another target group, but funds are considered separate and flow to SELPAs and not to districts directly.

> **Stakeholder Recommendation: To improve LEA capacity to achieve the SIMR, the CDE should seek to clarify how state and federal special education funds can be used to benefit students with disabilities in the targeted LCFF subgroups.**

The California Department of Education (CDE) and the Special Education Division (SED): Based on the annual Budget Act, the CDE calculates three grant awards for

each LEA, COE, and charter school to meet the requirements of the LCFF: a base grant (funding based on average daily attendance); a supplemental grant (based on the unduplicated number of students who are EL, low income and/or foster youth); and a concentration grant (for districts with a high percentage of their total enrollment from the target groups). Funds are distributed through the Principal Apportionment Process (see http://www.cde.ca.gov/fg/aa/pa/). LEAs are expected to secure independent audits using the new audit guide, as updated to address the LCFF and LCAP.

The CDE also uses the Principal Apportionment Process to allocate state general funds for special education to SELPAs. Amounts for each SELPA are calculated based on the methodology contained in the Education Code and for the purposes identified in the Budget Act. Generally speaking, state general funds are allocated based on the collective K–12 Average Daily Attendance (ADA) of LEAs who are members of the SELPA. These calculations are made by the School Fiscal Services Division and funds are disseminated to current SELPA entities. Annually, the CDE identifies the list of SELPAs and their participating LEAs. (e.g., new SELPAs are formed, LEAs move from one SELPA to another).

The SED is responsible for administration of federal IDEA grant funds. Using methodologies specified in the IDEA, SED calculates and administers grant funds for Section 611 and 619 of the IDEA. Like state general funds, these funds are allocated to SELPAs that are responsible for submitting annual budget and service plans to the SED. Funds are distributed locally in accordance with a local allocation plan adopted through the SELPA governance structure.

> **Stakeholder Recommendation: To improve LEA capacity to achieve the SIMR, the CDE should convene a workgroup across state and federal programs (e.g., Title I, Title II, Title III and IDEA) to prepare a fiscal resource overview and technical assistance guide related to overlaps and uses of both state and federal funds that would assist LEAs to optimize the use of resources to achieve student outcomes.**

Special Education Local Plan Areas (SELPAs): As noted previously, SELPAs have no specific role related to the LCFF and LCAP. Funding for LCFF and LCAP flows directly to the LEA.

In order to receive state general funds for special education, a SELPA must have a local plan, approved by the SBE. All federal eligibility tests are conducted at the LEA level (e.g., maintenance of effort). Special education funds flow through SELPAs to LEAs. There are 39 single district SELPAs that are able to use all of the funds directly. The 90 multi-district SELPAs prepare an allocation plan each year that identifies how much will be retained at the SELPA level (for staffing, administration, and direct service programs) and how much will flow to each LEA (district, COE, and charter acting as an LEA). The allocation plan is reviewed and approved through the SELPA governance structure. Typically, it is the superintendents of the participating LEAs who, as a group, ratify the funding plan. The funding plan is not submitted to the state. There is no programmatic description of outcomes or services associated with the funding plan. State law does not

require discussion or consideration of LCFF or LCAP priorities in SELPA funding plan decisions.

> **Stakeholder Recommendation: To improve LEA capacity to achieve the SIMR, the CDE should make available technical assistance to SELPAs and LEAs to increase consideration of the use of local resources as a means to improve the outcomes of students with disabilities who are in the LCFF and LCAP target populations.**

County Offices of Education (COEs): Generally, the COE is responsible for reviewing and ensuring that all LEA member district A-133 audit findings have been corrected. COEs receive funds for two purposes under the LCFF: 1) as a LEA that provides direct services, and, 2) as a LCAP plan reviewer and technical assistance provider.

Most COEs receive special education funds for direct services. In special education, a COE may provide direct special education services when students with IEPs who are residents of LEAs in the county are referred to the COE by the LEA. Many COEs provide services for infants and toddlers, preschool school age children, juvenile court schools, low incidence, and severe and multiply-disabled students. In low population areas, the county office may take on additional direct service responsibilities on behalf of very small LEAs (e.g., provision of speech, occupational therapy, and physical therapy services).

A COE may also receive funds as the Administrative Unit (AU) of a multi-district SELPA. Of the 90 multi-district SELPAs, 68 are administered through COEs. Staff of these SELPAs are more likely to be involved in the COE LCAP process than staff of other multi-district SELPAs. They are also more likely to be able to advise districts on the use of funds to improve outcomes for students with disabilities.

> **Stakeholder Recommendation: To improve LEA capacity to achieve the SIMR, the CDE should encourage COE SELPAs to coordinate their work with COE LCAP reviewers and technical assistance providers.**

Local Educational Agency (LEA): The LEAs are the recipient of funds for both LCFF and special education. LEAs do not have to demonstrate fiscal eligibility to receive LCFF grants. They are responsible for developing and implementing the LCAP. Section 3: Actions, Services, and Expenditures of the LCAP requires that the LEA explain how funds will be used:

- Part A requires the LEA to complete a table that explains what actions will be performed to meet the goals for ALL pupils and to include planned expenditures for the three periods of the LCAP, the fund source and where these expenditures can be found in the LEA's budget.

- Part B requires the LEA to complete a table that explains what actions will be performed to meet the goals for the targeted populations and to include planned expenditures for the three periods of the LCAP, the fund source, and where these expenditures can be found in the LEA's budget.

- Part C requires the LEA to describe the increase in funds in the LCAP year and how the LEA is expending these increased funds in the LCAP year.

- Part D requires the LEA to demonstrate how the services provided in the LCAP year for low income pupils, foster youth, and English learners provide for increased or improved services for these pupils in proportion to the increase in funding provided for such pupils in that year.

Unless the LEA is a single district SELPA, special education funds are provided to LEAs through the SELPA. In order to be eligible to receive federal IDEA funds, the LEA must demonstrate that it has met two fiscal tests: 1) maintenance of effort (budgeted amount must exceed prior year actual expenditures), and, 2) excess cost (spent at least as much in state funds for students with disabilities as to non-disabled students). There is a requirement that LEAs adopt the policies and procedures contained in the SELPA local plan, the local plan is not descriptive in nature, and does not provide goals and activities related to student outcomes.

> **Stakeholder Recommendation: To improve LEA capacity to achieve the SIMR, the CDE should consider convening a workgroup to explore modification of the SELPA local budget and service plans to address student outcomes.**

Data Collection, Measurements, and Reporting

California Department of Education (CDE): The CDE collects data through two primary data sets related to students with disabilities: the California Longitudinal Pupil Achievement Data System (CALPADS) and the California Special Education Management Information System (CASEMIS). Data from both systems are used to report to the U.S. Department of Education. Data collection and reporting is coordinated across the CDE.

Data managers from:

- Analysis, Measurement, and Accountability Reporting Division
- Assessment Development and Administration Division
- Educational Data Management Division
- Special Education Division
- English Learner Support Division

Meet biweekly to:

- Review current data practices
- Address current department data concerns
- Discuss assessment implementation
- Discuss LEA issues with submission, inaccurate data

- Develop cross division work groups to address issues

LCAP funding is based on data collected through CALPADS regarding overall Average Daily Attendance (ADA) and the ADA of specific target groups. In addition, LCAP legislation refers to specific measures as defining certain priority areas. These include:

Pupil achievement:

- Statewide assessments
- The Academic Performance Index
- Successful completion of courses that satisfy entrance to the University of California and the California State University Systems
- Progress toward English proficiency as measured by the California English Language Development Test (CELDT)
- The English learner reclassification rate
- Passage of an advanced placement examination with a score of 3 or higher
- The percentage of pupils who participate in, and demonstrate college preparedness pursuant to, the Early Assessment Program.

Pupil engagement:

- School attendance rates
- Chronic absenteeism rates
- Middle school dropout rates
- High school dropout rates
- High school graduation rates

School climate:

- Pupil suspension rates
- Pupil expulsion rates
- Other local measures, including surveys of pupils, parents, and teachers on the sense of safety and school connectedness

Generally, data that may be included in the LCAP is also collected and reported as required by state and federal law to the CDE by the LEA. Of the measures listed above, some are calculated by the CDE (e.g., Annual Performance Index) using data reported by the LEA. Other measures may be the same as information calculated and reported by the CDE to the United States Department of Education (e.g., graduation rates,

dropout rates). However, districts may have additional data or calculation methods that they use for the purposes of local planning.

Some of the measures related to LCAP priorities are calculated separately for students with disabilities. The CDE also makes calculations for the annual LEA indicator report and for compliance determinations. These calculations correspond to some of the calculations for pupil achievement, pupil engagement, and school climate. Special education indicators are calculated for the accountable LEA. The district, county office, or charter acting as an LEA is responsible for ensuring that a student receives a free appropriate public education in the least restrictive environment. This may be at variance with calculations made for LCAP which is based on the LEA that serves the student. The CDE's SED validates data that has been submitted to the CDE during monitoring visits and as a follow-up to Special Education Self-reviews (SESRs).

> **Stakeholder Recommendation: To improve LEA capacity to achieve the SIMR, the CDE should make it a priority to prepare calculations for each of the measures identified for the LCAP and LCFF targeted subgroups as soon as possible to provide LEAs with information to help them gauge the impact of their improvement activities.**
>
> **Stakeholder Recommendation: To assist LEAs in identifying ways to improve LEA capacity to achieve the SIMR, the CDE could make calculations of measures included in the LCAP priorities of pupil achievement, pupil engagement, and school climate for students with disabilities who are also in the LCFF targeted subgroups.**

Special Education Local Plan Areas (SELPAs): SELPAs are the entity statutorily responsible for collecting data regarding students with disabilities from each LEA in the SELPA and for certifying that they are reporting valid and reliable data. Section 14 of 30 *California Education Code (EC)* 56205 (a)(14) requires that SELPAs have in place policies, procedures, and programs related to performance goals and indicators. Previously, this requirement has related to key performance indicators (prior to IDEA reauthorization in 2004) and SPP indicators (2005 to present). With the advent of the LCFF and SSIP, it is probable that SELPAs will need to realign the content of their local plans to address the SIMR and the priority areas in the LCFF and LCAP.

> **Stakeholder Recommendation: To improve LEA capacity to achieve the SIMR, the CDE should convene a workgroup of stakeholders to identify methods for updating SELPA local plans to meet the additional performance goals and indicators embodied in the SSIP and aligned with the LCFF and LCAP priority areas.**

Local Educational Agencies (LEAs): LEAs are the source of data for both CASEMIS and CALPADS. Some information about students with disabilities is reported in both data bases (e.g., suspension and expulsion). It is a challenge to keep both data bases

consistent, as data for CALPADS may be entered at the school site, while CASEMIS data is most often included in the IEP. With the proliferation of electronic IEP systems, data about students with disabilities is usually not part of the regular education data system. While this may pose problems in single district SELPAs, it is compounded in multi-district SELPAs. The CDE provides SELPAs with annual data evaluation reports to identify the extent to which data is consistent between CASEMIS and CALPADS and to correct inconsistencies. This split between data systems creates an additional challenge for districts who wish to review and use data related to students with disabilities in their district level planning.

> **Stakeholder Recommendation: To improve LEA capacity to achieve the SIMR, the CDE should work with the SBE, COEs, LEAs, and charters to clarify responsibilities and methods for including students with disabilities in data related to their local planning.**

Monitoring and Accountability

LCAP Evaluation Rubrics: As discussed previously in the infrastructure section, the SBE is required by the LCFF legislation to adopt evaluation rubrics for the LCAP by October 2015. As part of the evaluation rubrics, the SBE is to adopt standards for LEA and school site performance, as well as expectations for improvement in each of the state priorities. The rubrics are to assist:

- A school district, county office of education, or charter school in evaluating its strengths, weaknesses, and areas that require improvement
- A county superintendent of schools in identifying school districts and charter schools in need of technical assistance and the specific priorities upon which the technical assistance should be focused; and
- The state Superintendent in identifying school districts in need of intervention.

LCAP Monitoring: As mentioned previously, LEAs, COEs, the California Collaborative for Educational Excellence (CCEE), and the CDE all have specific responsibilities outlined in state law for monitoring:

> Local Educational Agency (LEA): At the most basic level, the LEA is responsible for monitoring its performance using the rubrics as applied to their LCAP and for making modifications each year.
>
> County Office of Education (COE): The COE is responsible for reviewing the initial and annual updates to the LCAPs. The COE monitors the LEA LCAPs to determine if they can be approved and is responsible to refer or provide technical

assistance if the LEA fails to improve pupil achievement across more than one state priority for one or more pupil subgroups.

The California Collaborative for Educational Excellence (CCEE): The purpose of the CCEE is to advise and assist school districts, county superintendents of schools, and charter schools in achieving the goals in an LCAP. The CCEE is designed to provide assistance to LEAs upon request, if the COE determines that the district needs help following assistance by the COE, or if the SSPI determines that an LEA needs help to accomplish the goals set forth in the LCAP. The CCEE may identify that the LEA needs intervention by the SSPI (following the provision of technical assistance) because the district has failed or is unable to implement CCEE recommendations, or that the LEA's inadequate performance is so persistent or acute as to require intervention by the SSPI.

State Superintendent of Public Instruction (SSPI): The SSPI is responsible for approving COE LCAPs, and for interacting with COEs concerning their responsibilities for oversight of LEA LCAPs.

Intervention by the Superintendent: For districts that need intervention, the SSPI may, with the approval of the SBE, do one or more of the following:

- Make changes to a LCAP adopted by the governing board of the school district.
- Develop and impose a budget revision, in conjunction with revisions to the LCAP, that the SSPI determines would allow the school district to improve the outcomes for all pupil subgroups in regard to state and local priorities.
- Stay or rescind an action, if that action is not required by a local collective bargaining agreement, that would prevent the school district from improving outcomes for all pupil subgroups in regard to state or local priorities.
- Appoint an academic trustee to exercise the powers and authority specified in this section on his or her behalf.

Monitoring in Special Education: The CDE has a system of general supervision in place that is incorporating changes due to Results Driven Accountability (RDA). Currently, the monitoring component of the general supervision system includes:

Annual Review Processes: Every year the CDE's SED conducts the following monitoring activities:

1. Review of APR Indicators. The CDE calculates and publishes values for each of the SPP indicators for each LEA. All of the compliance indicators are reviewed through either the Disproportionate Representation Review (Indicators 4b, 9, and 10) or through the Data Informed Noncompliance (Indicators 11, 12, 13). Additionally, any failure to meet compliance or performance targets by an LEA

requires that the Indicator be investigated if the district is subject to a Verification Review (VR) or is scheduled for a Special Education Self Review (SESR).

2. Disproportionate Representation Review. Districts identified as having disproportionate representation by race and ethnicity in four areas: discipline (Indicator 4b), placements, overall representation (Indicator 9), and representation by disability (Indicator 10). Districts found to have disproportionate representation in any of these areas must complete a review of their policies, procedures, and practices for each area found disproportionate. The CDE provides oversight, makes findings of noncompliance, and ensures correction of any noncompliance.

3. Data Informed Noncompliance Review. Districts report data to the CASEMIS twice each year. The CDE's SED identifies individual cases where dates or data indicate that there is noncompliance related to annual IEP dates, triennial assessments, transition at age three (Indicator 11), timely evaluation (Indicator 12), and the required elements of secondary transition (Indicator 13). Districts are required to review their data, provide correction, and provide a follow-up sample containing no noncompliance.

4. Compliance Determinations. Each year, the CDE's SED makes a compliance determination for each LEA as required by federal IDEA requirements. A LEA may be found to meet requirements, need assistance, need intervention, or need substantial intervention. Specific consequences for needs assistance, needs intervention, and needs substantial intervention are specified in federal regulations.

Fiscal Eligibility Determination and Monitoring: Fiscal eligibility is established every year using Maintenance of Effort (MOE) tests specified in federal regulations. Eligibility for funds is established when an LEA can demonstrate that they have budgeted at least as much state and local (or local only) funds for special education as they expended in the most immediate prior fiscal year.

Additional fiscal tests are conducted each year to establish that LEAs are using federal funds as required. LEAs are required to make excess cost calculations at the elementary and secondary levels to ensure that LEAs do not expend federal funds until they can demonstrate that they are spending at least as much in state and local funds on students with disabilities as they are on nondisabled students. Every year, each SELPA and LEA must report on Part B MOE and their entitlement to reduce MOE because of expenditure of funds for Coordinated Early Intervening Services. This data is reported to the CDE, reviewed, and the CDE requires correction as necessary.

Other fiscal tests are included in on-site reviews including appropriate use of funds for staffing, equipment and contracts. Each LEA is required to secure an independent (A-133) audit. The CDE and the COE ensure that every audit finding is tracked and corrected.

Local Plans for Special Education: As required in federal law, every LEA must provide assurances that they have policies, procedures, and programs in place that meet state policies that are established under federal IDEA requirements (see 34 CFR 300.201). These requirements are met through the SELPA Local Plan process (see 30 EC 56205[a]). A complete local plan submission was reviewed for each SELPA in 2007, prompted by the release of final regulations for the IDEA reauthorization of 2004. Additionally, SELPAs are required to submit revised policies, procedures, and assurances whenever there is a change to the local plan. These revisions are monitored and approved by CDE staff via a delegation of authority by the SBE. Policies and procedures related to specific SPP indicators or to address a compliance concern are reviewed whenever an LEA is monitored through an SESR or through a Verification Review (VR) process. Noncompliant policies and procedures result in findings of noncompliance and require correction.

Under state law, SELPAs are required to submit an Annual Budget Plan and an Annual Service Plan (30 EC 56205 [b] [1-2]). These are reviewed by CDE staff, each year, and corrections are made as required.

Verification Reviews (VR)*:* These are conducted annually for districts whose SPP indicators indicate that the district does not meet targets overall for either performance indicators or compliance indicators. The VR is based on a monitoring plan that is developed from parent input, SPP indicator data, and compliance history information. The four primary review activities are student record reviews (focusing on procedural compliance, educational benefit, and IEP implementation); policy and procedure reviews; interviews; and a SELPA governance review. Each VR is customized based on its monitoring plan through the use of the CDE-developed monitoring software that generates customized review protocols, compliance reports, and corrective action plans. The CDE staff, in partnership with district staff, conducts VRs. Follow-up visits of VRs are conducted to ensure 100 percent compliance in a subsequent sample of student records.

Special Education Self-reviews (SESRs): Roughly a quarter of the districts are required to conduct SESRs each year. Coordinated through the SELPA of which a district is a part, SESR is conducted primarily by district staff using the CDE-furnished software and directions. As is done for VR, each district prepares a monitoring plan based on parent input, SPP data, and its compliance history. The monitoring plan is submitted to the CDE for review and approval before the actual review begins. The CDE has provided SESR software that produces customized forms, compliance reports, and corrective action plans. Again, like the VR, SESR consists of multiple types of record reviews, a review of policies and procedures, and a SELPA governance review. Each district submits the data from its software, through the SELPA, to the CDE for review, evaluation, and follow-up. On-site follow-up reviews are conducted in 10 percent of the districts.

Specialty Reviews: In addition to SESRs and VRs, the CDE conducts other special reviews as needed.

1. Nonpublic School Reviews. Nonpublic schools and agencies are annually certified and continuously monitored by the CDE according to state and federal law. As required by California state law, on-site reviews are conducted once every three years or more frequently if necessary. The CDE involvement does not end until the nonpublic school is fully compliant, or when the nonpublic school loses its certification status

2. Significant Disproportionality. The CDE identifies a LEA as having significant disproportionality if it fails calculations related to significant over-identification. Calculations are made in four areas: overall identification by race and ethnicity, identification by disability, by placement, and by rates of suspension and expulsion. LEAs that fail the calculation are directed to use 15 percent of their IDEA funds to provide early intervening services to address the specific issues of disproportionality. Each district is required to assemble a stakeholder group from general and special education, and to conduct compliance and program self-reviews that assist the district to identify the root causes of the disproportionality, and to prepare a plan for review by the CDE.

3. Data Reviews. Data verification is a part of every VR and every follow-up to an SESR. When circumstances indicate that there is concern about the reliability or validity of data, a special team is assembled to examine information submitted to CASEMIS by reviewing student records and conducting interviews with key staff. This information is cross tabulated and compared with data also reported in CALPADS and through statewide assessments. These reviews may result in findings of noncompliance and corrective actions and/or provision of technical assistance.

4. Fiscal Reviews. Use of IDEA funds is a component in SESRs and VRs. Special fiscal reviews are conducted when there are persistent findings of fiscal issues in A-133 audits. As with data reviews, a special team is assembled to review fiscal information submitted by the district and to conduct an on-site inquiry into fiscal policies and practices. These reviews may result in findings of noncompliance and corrective actions and/or provision of technical assistance.

5. Critical Incident Reviews. These reviews are the result reports of serious incidents or circumstances at school districts that may be reported to the CDE or in the news media. As with the other special reviews, a special team is assembled to review the issue of concern, and to conduct an on-site inquiry into potential noncompliance. These reviews may result in findings of noncompliance and corrective actions and/or provision of technical assistance.

Increased Focus on Performance: The OSEP has initiated a new focus on performance and student outcomes called Results Driven Accountability. The OSEP is increasing use of performance indicators to identify states for monitoring and technical assistance; making state compliance determinations; and adding the SSIP the various

modifications to the SSP/APR. These changes come at the same time as the LCFF and LCAP bring a new focus on performance in the eight priority areas for all students, including students with disabilities. These changes also come at a time when the court in the Emma C. consent decree is in the process of evaluating the CDE's overall system of monitoring as it relates to the Ravenswood Elementary School District. To address the many changes and expectations resulting from these initiatives, the CDE has convened a workgroup consisting of CDE staff and SELPA Directors to reshape the way that LEAs are monitored for special education requirements. The workgroup is addressing the following potential additions and modifications:

1. Annual indicator review. Eliminate SESRs in favor of an annual CDE conducted review of compliance and performance indicators.

    a. Compliance indicators. Continue Data Informed Noncompliance and Disproportionality Indicator Reviews. Conduct needed record reviews through a desk audit of electronic or duplicated student records. Ensure timely correction within one year of identification, including review of a subsequent sample.

    b. Performance indicators. Conduct compliance reviews as appropriate to the indicator, as above. Provide LEAs a self-review guide to assist in the identification of root causes and to suggest evidence based practices. Provide technical assistance and track progress over three years.

    c. Policy and procedure reviews. Identify annualized process for review of policies and procedures. Review and revitalize the annual budget and service plans.

2. Reformulate Fiscal Reviews. Conduct annual fiscal reviews as described previously for all LEAs. Work with the State Controller's Office to require annual IDEA audits for all districts during the A-133 audits, and incorporate specific fiscal monitoring tests to align to the OSEP expectations and IDEA requirements.

3. Systemic reviews. Replace VRs with systemic reviews intended for districts with intensive and/or repeated needs for monitoring and intervention. The group would develop multiple pathways into systemic reviews:

    a. LEAs whose SPP indicators indicate that the district does not meet targets overall for either performance indicators or compliance indicators;

    b. LEAs whose annual indicator reviews indicate that they have persistent failure to improve multiple compliance or performance indicators;

c. LEAs identified through the LCAP monitoring process as needing intervention by the SSPI with SBE approval, at the request of the SSPI

Systemic reviews would be customized to the performance and compliance issues in the districts. Teams would be built using state and local special education and general education staff and experts.

4. Add new specialty reviews. The workgroup will consider new specialty reviews including: Infant and Preschool Programs, Provision of Mental Health Services; Individual Indicator Reviews (for LEAs with recurrent failure to improve performance indicators); State Operated Program reviews (e.g., Department of Juvenile Justice); and/or Statewide Program Reviews (e.g., Court and Community Schools).

5. Include Field Experts. Both COEs and SELPAs have existing requirements for monitoring. The workgroup will consider how to notice and train staff and consultants for participation in monitoring reviews.

Stakeholder Recommendation: To improve LEA capacity to achieve the SIMR, the CDE should convene a workgroup of state and local stakeholders representing LEAs, COEs, SELPAs, CCEE, the SBE and the CDE (general education and special education) to develop technical support resources that assist LEAs in maximizing the alignment of monitoring and accountability processes, which could include criteria for identifying needs for assistance; and providing sources of effective technical assistance and supports for improvement.

Technical Assistance

Sources of Technical Assistance (TA): The CDE's current TA system provides materials and training so that LEAs can meet the various reporting, monitoring, compliance, and performance results that are requirements associated with various programs for general education, and with the IDEA for special education. The two documents attached and noted below provide examples of the various resources that are available as part of the CDE's Technical Assistance system. These resource listings are not an exhaustive list:

- Improvement Activities Resources – Technical Assistance Contractors Table (See Appendix E, page 115).

- Best Practice Resources for Student Discipline and Behavior Intervention (See Appendix F, page 124).

The resources in these attachments identify different types of mechanisms for providing supportive information and links. Listed below are some examples of TA resources that are related to the SSIP and organized by the type of mechanism:

- CDE Web hosted links to programmatic materials:
  - California Common Core Standards (CA CCS) Web site at http://www.cde.ca.gov/re/cc/
  - LCFF/LCAP Web site at http://www.cde.ca.gov/fg/aa/lc/
  - Special Education Current Issues Web site at http://www.cde.ca.gov/sp/se/ac/
  - English Language Learners Web site at http://www.cde.ca.gov/sp/el/er/
  - CASEMIS Data Collection Web site at http://www.cde.ca.gov/sp/se/ds/casemis.asp
  - Statewide System of School Support (S4) Web site at http://www.cde.ca.gov/sp/se/ds/casemis.asp
- CDE Web hosted links to evidence based practices:
  - Universal Design for Learning Web site at http://lessonbuilder.cast.org/
  - Differentiated Instruction Web site at http://buildingrti.utexas.org/rti-presentations/differentiated-instruction-key-to-student-success/
- CDE Web hosted links to expert led presentations:
  - California Common Core State Standards Symposium for Special Educators Web site at http://cde.videossc.com/archives/120213/
  - Assessment and Service Level Determination Presentation Web site at Assessment and Service Determination Presentation, October 20, 2011 (WMV; 01:58:49) http://www3.cde.ca.gov/video/specialed/ab114oct2011assessservice.asx
- CDE Web hosted links to self-assessment materials:
  - Title III Toolkit Web site at ELSSA and Toolkit - Title III (CA Dept. of Education) http://www3.cde.ca.gov/scripts/texis.exe/webinator/search/redir.html?query=self+assessment&pr=wwwmainsite&prox=page&rorder=750&rprox=750&rdfreq=250&rwfreq=0&rlead=750&rdepth=0&sufs=1&order=r&cq=&u=http%3A//www.cde.ca.gov/sp/el/t3/documents/t3elssa2010.xls
  - Multi-Tiered System of Support (includes self-assessment tools/toolkits) Web site at

https://www.mydigitalchalkboard.org/portal/default/Content/Viewer/Content?action=2&scId=509627

In addition to the resources available for Technical Assistance (TA) on the CDE Web page; the staff at CDE is a resource for providing direct technical assistance. The TA provided by SED staff is organized by functions that live within specific units of the division as follows:

1. Focused Monitoring and Technical Assistance (FMTA) Units. CDE SED regional consultants provide direct TA to LEAs in assisting with compliance with monitoring requirements found in the IDEA. This can include providing training to LEA, SELPA, and COE staff. Parents are also provided with information regarding state and federal requirements for special education from FMTA units.

2. Assessment, Evaluation, and Support (AES). Staff in this unit provides TA to LEAs in fulfilling reporting requirements associated with state and federal special education law. Staff provides LEAs, SELPAs, and COEs with training and TA on the use of the Special Education Management Information System for reporting student level data.

3. Procedural Safeguards Referral Service (PSRS). Staff in this unit engage with parents, LEA staff, and other interested parties. This unit is responsible for responding to requests for information coming from the Parent Helpline. This unit is also responsible for providing TA to parties who look to file a formal complaint over an alleged lack of compliance with state and federal special education requirements. Additionally, staff assists interested parties in beginning the process of setting up a due process claim with the Office of Administrative Hearings.

4. Policy and Program Services (PPS). Staff in this unit provide technical assistance to contractors and grantees that provide oversight and create TA for LEAs and parents. PPS also provides direct TA to LEAs on low incidence issues, early childhood special education, and credentialing and highly qualified teacher requirements.

5. Complaints Resolution Unit (CRU). Staff provides direct interaction with parents, advocates, LEAs, and others who are actively involved in a complaint case filed with the state. Depending on the case, additional training and TA is assigned as a corrective action for an identified non-compliance finding for a state or federal special education requirement.

6. Additional sources for direct TA. As stated in the description of the PPS unit, CDE staff manages contracts with TA providers. These contractors are a resource for providing direct TA to LEAs, SELPAs, and COEs. Please see the attached list of grants available through the PPS unit. The following list is an example of contractors that can be used by LEAs.

    a. Aligning and Integrating Special Education Practices (AISEP). Provide TA for IEP development, contractor is developing training modules for California that LEAs can use to train staff, and have developed a Web site providing TA resources that are free to

LEAS. Other assistance includes aligning and integrating special education practices that are culturally and linguistically appropriate, and supporting access to, and instruction in, the standards and standards-based IEPs. Contract with WestEd.

b. California Services for Technical Assistance and Training (CalSTAT). LEAs can contact this provider directly for TA towards achieving improved educational results for special education students. TA approaches are specific to the outcomes that the contracting LEA desires, and can include training, facilitation, coaching, site visit, information, and referrals for expert trainers. TA topics include, but are not limited to, CA CCSS, family engagement, school climate.

c. Desired Results access Project (DR *access*). Contractor provides the development of the Desired Results Developmental Profile (DRDP) assessment instrument for assessing infants, toddlers, and preschoolers. They also provide professional development and technical assistance for assessors using the DRDP. This supports young children being included, and having access to the same statewide assessment as their same aged peers. Contract with Napa COE.

d. Family Empowerment and Disability Council (FEDC). There are 14 Family Empowerment Centers that provide direct TA to parents. These centers are funded through federal grants administered through the CDE. The FECs provide training and information that meets the needs of the parents and guardians of children with disabilities, and work with community-based organizations. FEC training and TA helps parents better understand the nature of their child's disability, how to communicate effectively with their IEP team, enhance parents' ability to participate in the IEP process, and advocate for their child in a manner that promotes alternative forms of dispute resolution.

e. Project Raising Educational Achievement for students with Disabilities (Project READ). Contract through a federal grant to reform and improve the system of personal preparation and professional development with the goal of increasing reading achievement and academic outcomes for middle school students in the state. TA provided to the 44 participating sites includes product development (curricular materials/software), training in effective instructional practices, and professional development activities, including coaching.

f. Supporting Inclusive Practices (SIP). Provide TA, resources, and supports so LEAs can use practices that will support a LEAs ability

to meet targets and to give students access to instruction in the CA CCSS. Contract with Santa Clara COE.

g. State Performance Plan Technical Assistance Project (SPP TAP). Available to identified Significantly Disproportionate LEAs who are given facilitated assistance in developing a program improvement plan to mitigate disproportionality. TA can consist of, but is not limited to, coaching, direct training, and resource materials.

Other divisions within the CDE provide supports to students with disabilities as well. Attached is a summary by division of supports they have identified for students with disabilities (See Appendix G: Divisions of CDE and How They Serve Students with Disabilities, page 128).

Multi-Tiered System of Supports (MTSS): During the August 2014 meeting, SSIP stakeholders studied and analyzed the potential for using tiered levels of intervention to assist LEAs to scale up their systems for bringing about improvements in student outcomes. In particular, they worked with the idea of a MTSS. In this case, it involves using three tiers, or different levels, of supports. The goal is to provide instruction and intervention supports that are designed and implemented through a team approach to data-based planning and problem solving, matched to the learning needs of students. The three tiers can be described as follows:

1. Tier 1. Universal Support/Instruction – Instruction and support designed and differentiated for all students in all settings to ensure mastery of academic standards and universal instructional goals/expectations (may include behavior).

2. Tier 2. Supplemental Intervention/Support – More focused, targeted support/instruction/intervention aligned with academic standards and universal instructional goals/expectations (may include behavior).

3. Tier 3. Intensive Intervention/Support – The most intense intervention based on individual need and aligned with universal curriculum, instruction, and supplemental supports.

Such a system can be adapted to provide increasingly more intense support to account for the increasing level of need to mitigate for a specific issue, such as lack of academic attainment, for a sub-group of a LEA’s student population, and it is widely regarded as an effective structure to organize systemic interventions.

In the case of the SSIP, there are abundant Web link resources (examples listed above) that would form a foundation for a Tier 1 level of a multi-tiered framework for intervention/support. There are also sources of direct TA to LEAs, both CDE staff and contractors, that could be utilized in Tiers 2 and 3 of a multi-tiered system of supports. However, it should be noted that there is a need to enhance the amount and level of resources that would be required in Tier 3.

The SSIP stakeholder group determined that a general education and special education partnership in the provision of technical assistance was also critical to the success of the SSIP. Further, the SSIP stakeholders identified the need to increase the availability of resources and experts to provide intensive, individualized supports to LEAs whose progress indicates the need for specialized supports and assistance.

> **Stakeholder Recommendation: To improve LEA capacity to achieve the SIMR, the CDE should convene a workgroup of state and local general and special education stakeholders to review technical assistance resources and identify ways to: 1) integrate support to LEAs; and, 2) build additional capacity for coordinated, intensive technical assistance.**

Summary of Infrastructure Analysis

The CDE has conducted extensive analysis of the infrastructure in place in California for serving students with disabilities. SSIP stakeholders were convened over a 14 month period to examine, among other things, the state infrastructure related to serving students with disabilities, including key state initiatives and plans in general education. They identified a number of strengths in the existing infrastructure supporting services for students with disabilities.

Strengths of the System

Governance: California's public education structure for special education involves multiple entities, each with specific responsibilities, supporting the effective provision of services to which SWDs are entitled, with an emphasis on local decision-making and system design, which is most effective and appropriate given the varied contexts and structures of California's LEAs. This approach is reflected by several system elements:

- SELPAs and their member LEAs develop local plans for the provision of instruction and related services for SWDs in their jurisdiction.

- Local control of plan development enables SELPAs and LEAs to be responsive to the unique needs/issues that are present in their local contexts.

- The SELPA structure creates a system for the provision of technical assistance, professional development, and monitoring to ensure that local issues are resolved and needs addressed, and students appropriately served.

- The state's educational governance structures provides for multiple levels of oversight through monitoring and support through training and technical

assistance, creating a multi-tiered system to ensure that IDEA requirements are met.

Fiscal: California's new LCFF structure balances the need for local decision-making concerning the use of education funding with public accountability, through the development of specific local plans concerning specific use of funds and identification of improvement activities to be implemented, created by local educational leaders with substantial input from the local community.

Quality Standards: California has adopted standards of high quality, including student academic standards (e.g., Common Core standards, Next Generation Science Standards); program standards related to Transition, Early Childhood Special Education, Behavior Intervention, School-Family-Community Partnerships, LRE, Response to Intervention, and others; and, teacher preparation and assignment standards to ensure students are served by qualified, well-prepared educators.

Professional Development: The state provides professional development resources to LEAs on a multitude of topics and subject areas, enabling LEAs to identify local professional development needs and drawing from those resources to address training requirements for their local contexts. LEAs, SELPAs, and COEs regularly coordinate professional development activities for efficient delivery of training resources.

Data: The CDE has developed effective data collection and reporting systems for compiling data reported from COEs, SELPAs, and LEAs; these systems include means to identify data irregularities, allowing for correction of initial data reports, and ensuring greater data quality.

Technical Assistance: The CDE provides effective technical assistance through a combination of direct interaction with COE's, SELPAs, and LEAs, and contracting of other entities that have substantial knowledge and ability to provide targeted technical assistance. To ensure that CDE-based technical assistance is current, efficient, and of high quality, CDE staff communicates within and among divisions on changing conditions, new initiatives, field needs, and new and developing technical assistance resources.

Accountability and Monitoring: California implements an accountability and monitoring structure that involves both state and local entities to ensure that SWD are receiving the instruction and related services to which they are entitled. Elements of this structure include:

- California's compliance monitoring system ensures identification and timely correction of noncompliance through data analysis, direct monitoring of LEA and SELPA practices, and systemic review and response to field inquiries and parent concerns.

- California's Educational Benefit process for reviewing student IEPs over multiple years ensures that IEP reviews exceed simple verification of

compliance with law, but that IEP revisions are effectively designed to support each student's educational progress.

- The CDE's ongoing communication with SELPA and LEA staff ensures clarification of current and changing law and policy, discussion and attention to emerging issues, and timely action to resolve concerns about delivery of instruction and services.

Coordination

The SSIP stakeholders also assessed how the components of the infrastructure are coordinated. The SSIP stakeholder group pointed out that the primary area in which there is a need to increase coordination is within the CDE. Many federal and state programs function independently, with limited cross consultation or collaboration. As the programmatic needs for data sharing, collaboration, and support increase; so too will the level of coordination between programs at CDE. One such example of this is the ongoing, cross-division work of the PACP. The following summarizes coordination practices discussed by the SSIP stakeholder group:

Governance: Currently, a variety of local plans are created by LEAs. Most are reviewed, and approved, by the CDE. There is also coordination between state agencies as regulations call for interagency agreements between CDE and other state agencies that have responsibilities for the provision of related services to students with disabilities.

Fiscal: SED currently coordinates with the Administrative, Finance, Technology and Infrastructure Branch in order to support LEAs with fiscal reporting requirements of IDEA and to allocate state and federal funds for the provision of special education and related services to SELPAs and LEAs.

Quality Standards: Quality standards are often a collaborative effort either across divisions and branches within the CDE; between CDE and outside experts/contractors; or between CDE and educational administration and professional organizations. Technical assistance and training in quality standards is most often collaborative as well.

Professional Development and Technical Assistance: The CDE provides professional development resources in several ways: through web pages hosted on the CDE web site; through contracts with colleges, universities and LEAs, and through opportunities to learn from CDE staff. The CDE also supports local collaboration in professional development through grants and facilitation of communities of practice.

Data: The current system allows for coordination by providing follow up analytics and coordination manuals. The SED coordinates with LEAs to crosscheck data CASEMIS and CALPADS. The CDE coordinates data collection and analysis across the department through a cross division Data Managers Data Coordination Meeting.

Accountability and Monitoring: Special Education Monitoring is coordinated from the CDE to SELPAs to COEs to LEAs. SELPAs play a key role in supporting districts and for working with CDE to assess and revise monitoring processes. While accountability data is coordinated across the CDE, monitoring processes are very often conducted by program areas.

Areas for Improvement

As the work of the stakeholder group narrowed, the group determined that the LCFF and LCAP is the most important organizational infrastructure change in education in California and that the SSIP should be aligned to the LCFF and the LCAP. CDE staff and SSIP stakeholders determined that in order to improve the capacity of LEAs to achieve the SIMR in the context of the LCFF and LCAP, the CDE should:

- Support all LEAs to develop goals and services for students with disabilities in LEA local plans
- Seek to disseminate any criteria adopted for the LCAP evaluation rubrics related to students with disabilities
- Encourage LEAs to include SELPAs as participants in LEA LCAP evaluation and planning activities
- Coordinate the work of all divisions within the CDE to ensure that support for LEAs and COEs provided under the LCFF and federal programs (Title I, Title II, Title III, and IDEA, for example) is available as needed and as desired to promote positive outcomes for all students, including students with disabilities.
- Work at the direction of the SBE to support SBE efforts to address students with disabilities in the LCAP templates and evaluation rubrics.
- Seek to clarify how state and federal special education funds can be used to benefit students with disabilities in the targeted LCFF subgroups.
- Convene a workgroup across state and federal programs (e.g., Title I, Title II, Title III, and IDEA) to prepare a fiscal resource overview and technical assistance guide related to overlaps and uses of both state and federal funds that would assist LEAs to optimize the use of resources to achieve student outcomes.
- Provide technical assistance to SELPAs and LEAs to increase consideration of the use of local resources as a means to improve the outcomes of students with disabilities who are in the LCFF and LCAP target populations.

- Encourage COE SELPAs to coordinate work with COE LCAP reviewers and technical assistance providers.

- To convene a workgroup to explore modification of the local, budget and service plans to address student outcomes in coordination with the LCAP.

- Make it a priority to prepare calculations for each of the measures identified for the LCAP and LCFF targeted subgroups as soon as possible to provide LEAs with information to help them gauge the impact of their improvement activities

- Make calculations of measures included in the LCAP priorities of pupil achievement, pupil engagement, and school climate for students with disabilities who are also in the LCFF targeted subgroups.

- Convene a workgroup of stakeholders to identify methods for updating SELPA local plans to meet the additional performance goals and indicators embodied in the SSIP.

- Work with the SBE, COEs, LEAs and charters to clarify responsibilities and methods for including students with disabilities in data related to local planning.

- Convene a workgroup of state and local stakeholders representing LEAs, COEs, SELPAs, CCEE, the SBE and the CDE (general education and special education) to maximize the alignment of monitoring and accountability processes, which could include criteria for identifying needs for assistance; and providing resources of effective technical assistance and supports for improvement.

- Convene a workgroup of state and local general and special education stakeholders to review technical assistance resources and identify ways to: 1) integrate support to LEAs; and, 2) build additional capacity for coordinated, intensive technical assistance.

Ongoing Collaboration and Partnerships: The SED will continue to sponsor regular SSIP stakeholder group meetings (SELPAs, Parent Training and Information Centers, Advisory Commission on Special Education, SBE staff, and SED staff). The CDE will invite additional representatives from COEs (some SELPA representatives are also COEs). The SED will continue to work in cross division groups for data coordination and for plan alignment. Lastly, the SED will offer to participate in any efforts sponsored by the SBE, SSPI, CCEE, or California County Superintendents' Education Services Association (CCSESA) to address the needs of students with disabilities.

In Phase II, the CDE will report on the results of efforts to improve alignment of the LCFF and special education, identify improvements that have and will continue to be

made to the state infrastructure to better support LEAs to implement and scale up evidence-based practices to improve the SIMR.

Appendix A—State Systemic Improvement Plan Stakeholder Group

Advisory Commission on Special Education
Gina Plate, Chair

California State Board of Education Staff
Beth Rice

Family Representatives
Jane Floethe-Ford, Parents Helping Parents
Kat Lowrance, Rowell Family Empowerment Center
Kelly Young, Warmline Family Resource Center
Marta Anchondo, Team of Advocates for Special Kids
Nora Thomson, MATRIX Family Empowerment and Resource Center

SELPA Directors
Alen Houser, Pasadena SELPA
Anita Ruesterhotz, East San Bernardino County SELPA
Catherine Conrado, Sonoma SELPA
Chirs Lohrman, Long Beach SELPA
Mary Bass, Clovis SELPA
Nancy Damm, Kings County SELPA
Sue Balt, Riverside County SELPA
Michael Jason, Southwest Service Area SELPA

Contractors
State Performance Plan Project, Napa COE
George Triest
Connie Silva-Broussard

Desired Results Access Project, Napa County Office of Education
Patty Salcedo
Steve Lohrer

WestEd
Dona Meinders
Kevin Schaffer

Seeds of Partnership, Sacramento County Office of Education
Sharon Holstege
Robin Ryan

CalSTAT, Napa County Office of Education
Marin Brown
LRE Project, Santa Clara County Office of Education
Janice Battaglia

CDE Staff

Professional staff members of the Special Education and State Special Schools Divisions of the California Department of Education, 131 in total.

Appendix B – Infrastructure Evaluation
State Systemic Improvement Plan (SSIP) – December 2013
Small Group Assignments and Notes

U. S. Department of Education, Office of Special Education Programs (OSEP)
Results Driven Accountability (RDA) initiative: Professional Development System

Purpose: To begin a year-long process to meet the new requirements of OSEPs RDA initiative.

Outcomes:

- Review and discuss OSEPs instructions for the 2013-18 State Performance Plan (SPP) and Annual Performance Review (APR)

- Examine the requirements and suggested approaches to completing the work over the next year.

I. Professional Development (FMTA I)

A. OSEP Requirements: Professional Development System:
The mechanisms the state has in place to ensure that service providers have the skills to effectively provide services that improve results for students with disabilities.

B. Goal: To increase capacity of the local educational agencies (LEAs) to implement, scale up, and sustain evidence based practices will result in improved student outcomes.

C. Existing Professional Development System:
See California Department of Education, Professional Development Web site at http://www.cde.ca.gov/pd/. Also see the State of California Department of Education, Digital Chalkboard Web site at http://www.cde.ca.gov/eo/in/dc.asp.The BOE is an interactive online environment that offers both easily searchable teaching resources and an online community of teaching professionals. The purpose of the BOE is to allow teachers to connect with colleagues to share a wealth of expertise and best practices.

1. Key Components, Activities, Content that Need to be Included or Considered:

   a. Best Practices communicated in a newsletter, such as Special EDge, at: http://www.calstat.org

   b. Effective collaboration between general education and special education

c. CDE Listservs at: http://www.cde.ca.gov/re/di/cd/listservs.asp

d. Model Programs and Mentors

e. "What Works" Clearinghouse Web site at: http://ies.ed.gov/ncee/wwc/

f. Question to research: What are existing evidence based practices in the area of professional development?

g. Question to research: What does existing research indicate?

h. Question to research: What are effective training/coaching models?

i. Question to research: What are existing data systems that support student achievement?

j. Teacher training programs, credentialing programs, and beginning teacher support and assessment (BTSA) Web site at: http://www.btsa.ca.gov/

k. Question to research: Should there be increased involvement in professional development, growth, and accountability?

2. Special Education Service Providers:
   a. Teachers (reference: 5 CCR 3064)
      i. General education
      ii. Special education
   b. Administrators
      i. Principals
      ii. Vice Principals
      iii. Other Administrators (Special Education Director)
   c. Paraprofessionals
   d. Other Staff
      i. Transportation
      ii. Curriculum, Instruction, and Assessment Specialists
      iii. Health Providers
   e. Related Service Providers (reference: 5 CCR 3051 and 3065)
      i. Licensed, credentialed, professional organizations (Recreation/Sign Language), Government Entity (Library of Congress-Braille)

3. Service Delivery Institutions
   a. Regional Center
   b. Juvenile Justice
   c. Developmental Centers

d. Mental Health (state/county)
e. Community Colleges
f. Nonpublic Schools and Agencies

D. Infrastructure to Support Improvement and Build Capacity for Professional Development
1. Selection of evidence-based practices
2. Provision of ongoing training and coaching
3. “FMTA in the Field” On-site visits to provide focused technical assistance in a specific content area and provide resources and references in addition to the site visit.
4. CDE sponsored online e-learning modules on specific content areas
5. Update of CDE Web site to provide content area specific resources and improve navigation
6. Assist with building and using data systems
7. Shift the paradigm to focus on “front-loading” with technical assistance identifying “what works” focus at the local level, identifying strengths rather that data collection at the back end, which focuses on non-compliance.
8. Provide technical support at District/site level implementing systems designed to provide real-time feedback on how students are meeting standards.
9. Provide technical support on how to analyze data and use data to improve outcomes.
10. Improve administrative support so that systems which support evidence based practices are in place
11. Identify program strengths and effective service delivery strategies

E. Recommendation on how to approach the completion of work associated with Professional Development:

1. CDE/SED Staff- Coordination with FMTA 3 (Technical Assistance System), FMTA 5 (General Supervision), and FMTA 2 (Stakeholder Involvement).
2. Other CDE staff coordination with Professional Development Division, State Special Schools, Title I, Data Systems and Collection Division, Finance Division. Curriculum and Instruction Division, Assessment Division, SSPI Educator Excellence Task Force, and SSPI STEM Task Force.
3. Stakeholders: Higher Education, Parents/Parent Organizations, Community Advisory Committee (CAC), Special Education Local Plan Area (SELPA)
4. Other: Advocacy groups, professional organizations, employee unions

II. Technical Assistance (FMTA III)

A. Current TA: Broad Process – Capacity:
1. Listserve (guidance)

2. PSRS Parent Help Line (rich source of data to identify areas of training needed for LEAs)
3. County Monitors
4. TA to field during VRs and subsequent monitoring visits
5. Training for SESR process
6. Web site
7. TA to districts regarding CASEMIS and data based noncompliance submissions
8. On-site LEA training
   a. SESR, CASEMIS data submission
   b. Compliance Complaint Investigation TA

B. Improvement:
1. Focus on communication (internal and external)
2. Need a searchable database for easy access to previous guidance letters and memos to the field for both internal and external use
3. Avoid developing underground regulations
4. Accessible database (internal and external)
   a. Repository of training materials and best practice guidance
5. CDE: more assertive, sponsor trainings and guidance to the field to provide focused technical assistance for the LEAs which have not met SPP targets
6. Areas of expertise identified and defined within the CDE
7. Attend LEA regional trainings
8. Define the specialty of monitoring consultants so the level of expertise is honed

C. Theory of Action:
1. Database available to internal and external stakeholders through a well-designed and easily accessible division Web site
2. Web based tutorials for various field related databases (CASEMIS, SESR, etc.)
3. Easy and timely access to information through a real time supported Web site
4. Consistent and coordinated messaging delivered to the field
5. Work with technical staff and consultants to develop Web site
   a. Possible IT unit to oversee all development and maintenance of new Web-based information and materials
6. Work groups with SELPAs
   a. Involvement and support of electronically posted information
7. Provide regionalized training to both consultants and LEAs
8. Conference calls for LEAs to answer questions (Frequently Asked Questions) held either bi-weekly or monthly with a primary facilitator
   a. LEAs to submit questions before hand for adequate preparation of responses
9. Internal Hot Topics discussed at Division meetings
   a. General information discussed at general session with all SED staff
   b. Provide more time during Division meetings for staff development specific to each unit's specific function and specialization

III. Connection with Other State Improvement Efforts (FMTA IV)

A. How has California aligned with other improvement initiatives within the state?
   1. Collect information on state initiatives and determine interface(s) with SPP indicator #17.
   2. Develop database to include research results and list resources.
   3. Communicate with other divisions and agencies to identify activities that interface with California initiatives.
   a. For example: General Education, Common Core (Smarter Balanced), English Learner, Title I, DOR initiative, Early Education, and DRDP.
   4. Create timelines for completion
   5. Implement activities and identify staff and other stakeholders. The activities will support the LEAs (TA, professional development).
   6. Measure progress and report outcomes (survey, data collection).

IV. General Supervision System (FMTA V)

1. What are the requirements and what do we do now?
   a. Each unit operates independently but fits into the whole division.
2. What do we do now?
   a. Data-Based Noncompliance, ABP, ASP, SESR, CASEMIS-valid, MOE
3. How can we streamline and integrate the requirements?
   a. Target the LEAs/SELPAs.
   b. Require most monitoring activities as part of an annual web based application in order to receive IDEA funds (e.g., DBNC, ABP, ASP, SESR).
   c. Include as SESR only key compliance issues related to the monitoring theme.
   d. Validate LEA submissions by on site monitoring.
   e. Provide targeted training for LRE, DAIT, SAIT.
   f. Establish a small group that includes SELPA director(s) to plan-out new general supervision system.
   g. Work smarter, leaner, and tighter in focus.

V. Infrastructure Support (FMTA II)

1. It's important to assess our stakeholder groups so as to monitor our relationship with them.
   a. Implementing
   b. Operationalizing

2. We need to focus on monitoring the:
   a. What
   b. How
   c. Why

3. More regular education participation will require all encompassing and ongoing professional development for all the different stakeholder groups:
    a. Administration
    b. Teaching staff
    c. Instructional aide staff
    d. Parents/community members
    e. Service providers

4. Community Advisory Committees (CACs) should be consulted since it's a requirement anyway

5. Current line of infrastructure – how do we monitor? Determine what kinds of information and data the CDE wishes to collect. Documentation should be reviewed to ensure it is following requirements:
    a. Minutes
    b. Surveys
    c. By-laws
    d. How selected
    e. How do documents line up? Single Plan for Student Achievement with LEA Plan with SELPA Plan…check agendas of meeting and policy making decisions and how they arrived at these decisions

6. Monitor credentials of staff (highly qualified)

7. Monitor corrective actions and their sticking power over time. Do LEAs have a pattern of repeated noncompliance that should be addressed?

8. Professional development needs to be verified: law states it needs to be of sufficient intensity and duration to have a lasting impact on student outcomes: documentation like grades, report cards, in addition to drop-out rates, suggest checking them at site levels for selected schools.

9. District staff should be part of creating its own monitoring and improvement plans – more engaged in process of SESR. We could find a meaningful way of incorporating pertinent Title 1 regulations as we monitor. We could form and use focus groups as a component of our stakeholder participation in the verification review. Consumers and representatives of incarceration; resident of a group home, etc. should be involved.

Appendix C – Infrastructure Descriptions and Recommendations

Include the following systems that make up the CA infrastructure; governance, fiscal, quality standards, professional development, data, technical assistance, and accountability monitoring, for each describe the current strengths of the system, the extent the system is coordinated, and the areas for improvement of functioning within and across the systems.

I. Governance

A. Infrastructure Elements

1. CDE (Special Education):

- The Special Education Division (SED) is responsible for administering the implementation of federal and state laws related to the education of students with disabilities who are 3 to 22 years of age.

- The SED receives advice and assistance from the Advisory Commission on Special Education (members are appointed by the Governor, the Legislature, and the SBE).

- Some students who are blind and/or deaf may be served in residential schools operated by the State's Special Schools Division.

- The SED monitors, provides updates to regulations as needed and required by changes in legislation and statute, provides TA to SELPA and LEAs, collects and monitors data, distributes federal and state IDEA funds.

- **State Special Schools Division** Some deaf/blind students are served by state residential special schools which provide oversight and monitoring for the provision of special education and related services.

2. CDE (General Education):

- The Governor is the Chief Executive Officer for the state of California

- The Governor, through the Department of Finance, develops and submits a proposed state budget, including outlays for public instruction, to the Legislature which includes fiscal directions for all funds affecting the education of students with disabilities.

- Fiscal and policy decisions are made by the Legislature and subject to approval from the Governor.

- The State Board of Education (SBE), as appointed by the Governor, serves as the State Education Agency and policy making body.

- The State Superintendent of Public Instruction is an elected Constitutional Officer who directs and administers the California Department of Education, the administrative arm of the SBE, and also acts as the Secretary to the SBE.

- The Special Education Division (SED) is in the Student Support and Special Services branch.

3. Special Education Local Plan Area (SELPA)

- A SELPA can either be a single district (LEA) or a combination of different types of LEAs which can include elementary districts, high school districts, unified districts, charter school LEAs, and County Offices of Education. These different entities join together to develop and submit a Local Plan for special education. A SELPA must meet minimum size and scope requirements (providing for a continuum of program options) and identify a member as the Administrative Unit (AU). The Local Plan is adopted by each member of the SELPA and must include, at a minimum, all the areas required by the IDEA for LEA programmatic and funding eligibility as required by *EC* 56205:

  i. Free appropriate public education

  ii. Full educational opportunity

  iii. Child find and referral

  iv. Development, implementation, review, and revision of the individualized education programs (including initial, annual, and triennial assessments)

  v. Least restrictive environment

  vi. Procedural Safeguards

  vii. Annual and Triennial Assessments

  viii. Confidentiality

  ix. Transition to Preschool Programs (Part C – Part B) – Transition from Subchapter III (commencing with Section 1431) of Title 20 of the *United States Code* to the preschool program.

  x. Children in Private Schools

xi. Compliance Assurances with IDEA, Section 504, and ADA

xii. Description of governance and administration of the plan *[EC 56205 (a)(12)(A - E)],* including identification of the governing body of a multi-district plan or the individual responsible for administration in a single district plan, and of the elected officials to whom the governing body or individual is responsible. A description of regionalized operations and services listed in EC 56836.23 and direct instructional support provided by program specialists in accordance with EC 56368 to be provided through the plan. Verification that a community advisory committee has been established per EC 56190. Multidistrict plans must (EC 56195.1) in part: a) specify the responsibilities of each participating county office and district governing board in the policymaking process, b) the responsibilities of superintendents of each participating district and county in the implementation of the plan, c) responsibilities of district and county administrators of special education in the coordination and administration of the plan, d) identify roles of the AU and administrator of SELPA and individual LEAs for hiring, supervision, evaluation, discipline; allocation from federal and state funds to SELPA AU and LEAs within SELPA; e) operation of special education programs; f) monitoring the appropriate use of federal, state, and local funds allocated for special education; g) preparation of program and fiscal reports for the SELPA as required by the state; h) copies of joint powers agreement (JPA) as stipulated in EC 56195.1

xiii. Ensure that personnel that provide related services are appropriately and adequately prepared and trained *[EC 56058 and 56070; 20 USC 1412(a)(14) and 1413 (a)(3)]*

xiv. Performance Goals and Indicators

xv. Participation in district and statewide assessments

xvi. Supplementation of state, local, and other federal funds

xvii. Maintenance of effort

xviii. Public Participation for adoption of policies and procedures

xix. Suspension and expulsion rates

xx. Access to instructional materials for blind students

xxi. Over identification and disproportionate representation by race and ethnicity *[20 USC 1412 (a)(24)]*

xxii. Prohibition against mandatory medication use *(EC 56040.5)*

xxiii. Each local plan must be submitted to the Superintendent and must contain: a) annual budget adopted through public hearing; b)annual service plan adopted through public hearing; c) description of programs for early childhood special education from birth to age 5 [*EC* 56205 (b)(3)]; d) description of method by which public can address questions and concerns to the governing body; e) dispute resolution process; f) verification that plan was reviewed by the CAC; g) process used to meet requirements of *EC* 56303; h) process to evaluate placements in nonpublic, nonsectarian schools and that all IEP requirements of students are being met, and description of evaluation to see if pupil is making appropriate educational progress; i) be written in a language that is understandable to the general public

- In addition to the provisions listed above, each SELPA shall have written agreements which shall cover, but not be limited to, the following (*EC* 56195.7):

  i. Coordinated identification, referral, and placement system

  ii. Procedural Safeguards

  iii. Regionalized services to local programs: a) program specialist services; b) personnel development/training for staff, parents, members of CAC; c) evaluation; d) data collection and development of management information systems; e) curriculum development; f) ongoing review of programs, procedures, and mechanism for correcting identified problems; g) process for coordinating services with other local public agencies funded to serve individuals with exceptional needs; h) process for coordinating and providing services to individuals with exceptional needs placed in licensed children's institutions and foster family homes (commencing with EC 56155); i) process for coordinating and providing services to individuals with exceptional needs placed in juvenile court schools or county community schools (*EC* 56150); j) budget for special education and related services maintained by SELPA that is open to the public; k) multidistrict SELPAs require a description of policymaking process including description of method used to distribute state and federal funds amongst the LEAs in the SELPA.

4. County Offices of Education

- County Offices of Education (COE) operate special education programs as appropriate to size and structural organization of the county. COEs also provide a review function and approve LEAs' Local

Control Accountability Plans (LCAP) per Local Control Funding Formula (LCFF) requirements. COEs also monitor teacher assignments and certification. COE must do the following (*EC* 5614):

1. Submit to the SSPI a countywide plan for special education demonstrating the coordination of all Local Plans and ensuring that all individuals with exceptional needs residing in the county (including those enrolled in alternative educational programs, alternative schools, charter schools, opportunity schools and classes, community day schools operated by school districts, community schools operated by COEs, and juvenile court schools) will have access to appropriate special education programs and related services.

2. Within 45 days, approve or disprove any proposed Local Plan submitted by a district or group of districts within the county or counties.

3. Participate in the state on-site review of the district's implementation of an approved local plan.

4. Join with districts in the county which elect to submit a plan or plans per *EC* 56195.19(c).

5. For each SELPA located within the jurisdiction of the COE that has submitted a revised Local Plan per EC 56836.03 (revised local plans/transition guidelines/division of SELPA areas), the COE must comply with *EC* 48850 (academic achievement of pupils in foster care, homeless children/youth) as it relates to individuals with exceptional needs, by making available to agencies that place children in licensed children's institutions a copy of the annual service plan adopted per *EC* 56205(b)(2).

5. Local Educational Agency (School District, COE, Charter LEAs):

- Develop LCAP addressing direct services. Provide and administer Special Education and Related Services per IDEA requirements as stipulated in Title 5 *California Code of Regulations*, Chapter 5.1 (Uniform Complaint Procedures), Article 3 (Sections 4620 – 4622):

  i. Each LEA shall ensure compliance with applicable state and federal laws and regulations.

  ii. Each LEA shall investigate complaints alleging failure to comply with applicable state and federal laws and regulations and/or alleging discrimination.

iii. Each LEA shall seek to resolve those complaints in accordance with the procedures set out in Title 5 of the *CCR* and in accordance with the policies and procedures of the governing board.

iv. Each LEA shall adopt policies and procedures consistent with 5 CCR 4600–4695 for the investigation and resolution of complaints.

v. Each LEA shall have policies that ensure complainants are protected from retaliation and that the identity of a complainant alleging discrimination remains confidential as appropriate.

vi. School districts and COEs shall submit policies and procedures to the local governing board for adoption.

vii. Each LEA shall include in its policies and procedures the person(s), employee(s), or agency position(s) or unit(s) responsible for receiving complaints, investigating complaints, and ensuring LEA compliance.

viii. Each LEA's policies shall ensure that the staff responsible for compliance and/or investigations shall be knowledgeable about the laws and programs that they are assigned to investigate.

ix. Each LEA may provide a complaint form for those wishing to file a complaint to fill out and file. The form shall be provided for complaints regarding instructional materials, emergency or urgent facilities conditions that pose a threat to the health and safety of pupils or staff, and teacher vacancies or misassignments. A person does not have to use the complaint form furnished by the LEA in order to file a complaint.

- Each LEA shall annually notify, in writing as applicable, its students, employees, parents or guardians of its students, the district advisory committee, school advisory committees, appropriate private school officials or representatives, and other interested parties of their LEA complaint procedures, including the opportunity to appeal to the CDE.

6. California Commission on Teacher Credentialing

- The California Commission on Teacher Credentialing is an agency in the Executive Branch of the California State Government. It was

created in 1970 by the Ryan Act and is the oldest of the autonomous state standards boards in the nation. The major purpose of the agency is to serve as a state standards board for educator preparation for the public schools of California, the licensing and credentialing of professional educators in the State, the enforcement of professional practices of educators, and the discipline of credential holders in the State of California. The California Commission on Teacher Credentialing consists of nineteen members, fifteen voting members and four ex-officio, non-voting members. The Governor appoints fourteen voting Commissioners and the State Superintendent of Public Instruction or his/her designee serves as the fifteenth voting Member. The four ex-officio Members are selected one each by the major elements of the California higher education constituency: Association of Independent California Colleges and Universities; Regents of the University of California; California Postsecondary Education Commission; and the California State University. The Governor-appointed Commissioners consist of six classroom teachers, one school administrator, one school board member, one school counselor or services credential holder, one higher education faculty member from an institution for teacher education, and four public members. Governor appointed Commissioners are typically appointed to four-year terms, and serve as volunteers in unpaid positions. The Commission works toward:

I. Educator Quality

- Maintain expectations for educator preparedness and performance that are responsive to the needs of California's diverse student population and promote 21st century teaching and learning.

- Develop, maintain, and promote high quality authentic, consistent educator assessments and examinations that support development and certification of educators who have demonstrated the capacity to be effective practitioners.

- Ensure that credential processing and assignment monitoring activities accurately, effectively, and efficiently identify educators who have met high and rigorous certification standards and who are appropriately assigned.

- Effectively, efficiently, and fairly monitor the fitness of all applicants and credential holders to work with California students.

- Continue to emphasize teaching as a profession and encourage highly talented individuals to enter the education profession.

II. Program Quality and Accountability

- Develop and maintain rigorous, meaningful, and relevant standards that drive program quality and effectiveness for the preparation of the education workforce and are responsive to the needs of California's diverse student population.

- Effectively and efficiently monitor program implementation and outcomes and hold all approved educator preparation programs to high standards and continuous improvement through the accreditation process.

- Establish and maintain educator preparation, development, and career pathways as a shared responsibility among institutions of higher education, local educational agencies, and state agencies.

- Track current trends and research in learning theory, educator preparation, and certification and disseminate information about high quality programs, models, and outcomes.

III. Communication and Engagement

- Maintain and strengthen working relationships with the Commission's diverse stakeholder community.

- Continue to refine the coordination between Commissioners and staff in carrying out the Commission's duties, roles, and responsibilities.

- Contribute to public discourse and inform public opinion about educator, program, and discipline quality and effectiveness.

- Partner with stakeholders in the development and implementation of policy that shapes preparation, certification, development, and discipline of the education workforce.

- Advise the Governor, Legislature, and other policy makers as appropriate regarding issues affecting the quality, preparation, certification, and discipline of the education workforce.

- Collaborate with other government agencies at the local, state, and national levels in support of coherent and effective education policy.

IV. Operational Effectiveness

- Maintain a workplace environment and culture that inspires, supports, and values employees.

- Align human and financial resources with Commission priorities and offer staff opportunities for development to maximize professional engagement and performance.

- Demonstrate professionalism and accountability for high standards of practice in all Commission operations.

- Maintain a clear and accessible Web presence that enables ease of access to information about requirements and best practices in certification, accreditation, educator discipline, and other areas of Commission responsibility.

- Maintain appropriate response times for processing applications, investigating allegations of misconduct, monitoring conditions of Settlement Agreements, and answering inquiries from the field.

- Maintain a culture of continuous improvement by periodically reviewing agency capacity to achieve Commission goals for educator workforce quality, preparation, certification, and discipline.

- Ensure that current regulations, procedures, and initiatives are appropriately streamlined and moving the Commission closer to meeting established goals

7. Charters Acting as LEAs

- Charter schools that are deemed to be a LEA must fulfill all requirements that LEAs are subjected to for the provision of special education and related services as stipulated in federal statutes and regulations *(EC 47640–46747).* A charter school deemed an LEA shall participate as an LEA in a special education plan approved by the SBE and shall be deemed an LEA for the purposes of compliance with federal law (IDEA). A charter school deemed an LEA for purposes of special education shall be permitted to participate in an approved SELPA per *EC* 56195.1(f).

B. Strengths of System

i. Strength of the system is the state approval of the local plans developed by each SELPA and their member LEAs. This also serves as an example of system coordination.

ii. SELPAs are regional organizations that provide technical assistance, professional development, and monitor local issues and needs.

iii. The state's current governance structures provides for multiple levels of oversight by monitoring, creating a multi-tiered system for ensuring that IDEA requirements are met.

iv. Local control allows for creativity so that there is responsiveness to the unique needs and issues that are present in some regions of the state that are individual in nature, and at times created by demographic differences.

C. Coordination of Systems

i. Local plans created and approved at the local level are also reviewed and approved by the CDE SED.

ii. Regulations call for the existence of interagency agreements between state agencies and the CDE, having responsibilities for the provision of related services to students with disabilities.

D. Areas of Improvement

i. The current governance system has a potential disconnect in that the entities responsible for funds do not have the authority to enforce corrective actions.

ii. How specific is the monitoring provided by SELPA and their ability to support implementation of a corrective action?

iii. Increase the support that is currently available to individual SELPAs ability to effectively monitor the implementation of the Local Plan vis-à-vis their member LEAs.

iv. Increase capacity, statewide, for the implementation of Local Plans in terms of specifying with greater clarity: common definitions, common expectations, integration of other governmental agencies having overlapping or common responsibilities to provide services to students with disabilities, such as law enforcement, courts, probation, homeless youth, foster youth, county health, behavioral health, mental health agencies.

v. Suggestion: CTC's decisions related to special education staff credentialing should be considered by the CDE or the SBE.

vi. Increase consistent coordinated communication between the SEA, special education, general education, and ensure that information is provided through all levels of the state system.

vii. Foster closer integration of CTC activities and responsibilities as it affects staffing and provision of quality services at the state and local level.

viii. Suggestion: Provide for either the SBE or the CDE to have interaction with the CTC as it relates to implementation of the IDEA.

II. Fiscal

A. Infrastructure Elements

I. Levels of system review

- LCAP – See discussion of LCAP in this document
- Maintenance of Effort – MOE is a requirement based on the amount that an LEA expended in the last year showing that the LEA *"Maintained the Effort."* Two sets of comparisons are completed for each fiscal year.
  - MOE compliance test
  - MOE eligibility
  - SELPAs, as an LEA, must also complete the MOE requirement
  - Excess Cost – Funds allocated to an LEA under Part B of the IDEA may only be used to pay the excess costs of providing special education and related services to SWD. Excess costs are those that are in excess of the average annual per student expenditure in an LEA during the preceding school year. An LEA must spend at least the average annual per student expenditure before funds under Part B of the Act are used to pay the excess cost of providing special education and related services.
  - Table 8 –IDEA Part B MOE Reduction and Coordinated Early Intervention Services (CEIS) Report
    - Allocation of IDEA 611 and 619 grant funds
    - MOE reduction calculation

- CEIS funds expended
- Number of students receiving CEIS funds

B. Strengths of the System

- The combination of LCAP requirements and the federal reporting requirements of IDEA provide a thorough programmatic view of how funds are being spent and how LEAs source funds in order to provide for special education and related services.

- LCAP and federal reporting requirements of IDEA cover both general education and SWDs.

C. Coordination of the Systems

- Up until this time, not much as LCAP is a new experience for LEAs in CA.

D. Areas for Improvement

- As SWD are included in more LCAPs the LCAPs themselves may begin to naturally align to the reporting requirements that are part of IDEA.

III. Quality Standards

A. Infrastructure Elements

- Levels of System Review:

  - CDE (Special Education): The CDE has a variety of program quality documents available related to Transition, Early Childhood Special Education, Behavior Intervention (Positive Environment Network of Trainers), CalStat Core Messages: Reading/Literacy, PBIS, Collaboration, Transition, School-Family-Community Partnerships, LRE, RtI, Closing the Achievement Gap.

  - CDE (General Education): The CDE has a number of quality standard documents in place that affect students with IEPs: (whatever the new version of the Essential Programs Components is), new EL guidelines, Safe Schools, Multi-Tiered System of Supports, Early Childhood Education, etc.

  - SELPA: (List of SELPA developed guidance docs, multicultural guidelines)

- COE: (List of COE special ed related guidelines, e.g., SEACO Curriculum)
- LEA: (LEA generated products)

- Other: Western Association of Schools and Colleges Accreditation Process

B. Strengths of the System:

- Identify **names** of the CDE documents
- Identify **locations** of the CDE documents
- Some documents are available on the CDE Web site
- Available contractor to provide TA in specific areas
- LRP daily updates (staff)

C. Coordination of the Systems:

- Collaboration with state agencies
- Departments- i.e. Western Regional Resource Center
- Updates provided timely
- Coordination efforts need to be monitored
- Identify resources assigning correct monitors to share information
- Ensure that all documents address and include all students (with or without disability)

D. Areas for Improvement:

- Increase collaboration with other departments and agencies
- Updates: Composite of Laws (searchable) (implemented 12/2014)
- Examples of quality standards from other states
- Share information about contractors
- Timelines of documents and information
- Structure format of document search (alpha, topic, timeliness, etc.)
- Web and document oversight
- **All** documents should reference special education population, general ed., etc.
- Remove old, irrelevant documents
- Navigate/user-friendly Web site – update **all**

IV. Professional Development

A. Infrastructure Elements

- **Levels of System Review:**

1. CDE (Special Education)

    - Provides professional development options through on-site training and compliance visits by the CDE SED staff.

- The CDE SED also contracts with outside agencies to provide intensive professional development and training around student discipline, instruction, and SPED compliance. These include: CalSTAT, West Ed, Santa Clara COE, PTI's, FECs and CEDD.

- Has also held symposiums on aligning annual IEP academic goals to the CCSS. Provides local grants to LEAs for projects that generate PD activities.

2. CDE (General Education)

   - Provides a variety of online resources related to professional growth for teachers, administrators, and school staff in all areas of education, school climate, finance, curriculum, and instruction. Additionally provides seminars and presentations for LEA's on: frameworks, standards, instructional materials, assessment, fiscal guidance, LCAP, and categorical programs.

3. SELPA

   - Can apply to receive grants from the CDE that generate PD activities. Some SELPAs provide extensive professional development options and workshops for LEAs, and parent education partnerships with CAC.

4. County Offices of Education

   - Some of the COEs provide professional development options focused on school improvement initiatives, curriculum, instruction, and student discipline.

5. Local Educational Agencies

   - May provide in-house professional development options for staff on a variety of education topics. Can apply to the CDE for grants that can provide Professional Development activities.

B. Strengths of the Systems (Professional Development)

1. So much independence: school district can determine "this is where we need to focus"; the CDE doesn't direct PD.

2. We do have COE's to help with PD delivery. In between the CDE and LEA's.

3. We are a VERY diverse state, attempting to address the unique and diverse needs of the state.

4. Attempt to ensure that all stakeholders are involved: ELD, Title I, parent support.

5. What kind of parent involvement do we have: varies by district, LEA, and district type; some state level parent training options and programs.

6. Strengths: many different options for diverse entities

7. Effective coordination on the general education side to work and coordinate with COEs and deliver to LEAs.

8. Transparency to contact general education staff at the CDE (Web site easier to use on general education side vs. SED); need quick connections to expertise at the CDE SED; not necessarily direct to FMTA consultant.

9. General education organized around easily understood silos; special education not so much.

10. How can FMTA consultants enhance their knowledge of unique issues related to the region they represent? Maybe need special training; expectations and procedures may vary by region.

C. Coordination of the Systems (Professional Development)

1. Challenges: how do you ensure and monitor that it is all working together and coordinated in the delivery process?

2. Microsoft grant in LBUSD to coordinate delivery of professional development.

3. Coordination of professional development for staff within the SED could be strengthened. Tapping into the expertise of the staff at SED.

4. Individuals within the CDE have a great deal of expertise that could be accessed more in PD for staff and LEAs.

5. Making training options and PD more clear on the CDE Web site.

6. Options to allow for cross-training: posting and making professional development calendars visible and available.

7. Providing more information and resource knowledge regarding PD delivery options in California: diagnostic centers; WestEd; CalSTAT; SPP-TAP; COEs (statewide expertise).

8. As we move forward with the SSIP, we need to be cognizant of the unique aspects of LEAs and regions in the state and the background involved in complaints and resolution (understanding the culture and the nature of the particular districts), honoring the relationships that have been built between SED staff and districts (insider and historical knowledge).

D. Areas for Improvement (Professional Development)

1. It would be a key system of support to reestablish a Composite of Laws. It's very difficult to ensure compliance when researching laws and regulations are so disparate and disjointed. The existing search engine on the CDE Website is difficult unless you already know the code you are seeking. This would help address a PD need for governance and compliance. (Addressed 12/2014)

2. More interactive approaches to the provision of PD.

3. How does LEA decide where and how to spend PD funds?

4. Groups sharing data together and built into PD plans.

5. Delivery systems of PD need to be effective and efficient.

6. The CDE SED could improve guidance to field by training staff and coordinating and expanding delivery of guidance and technical assistance.

7. Access expertise in Diagnostic Centers to provide cross training options for SED staff, and SED staff go with them to provide training options to LEAs.

8. Making grant information and RFP available for all LEAs, providing and disseminating information widely throughout the state

9. How does the field learn about grant and PD options that are available (internal CDE people and external LEAs)?

10. Ensuring that data collection and receivers of the grants share more. Better coordination of mini-grants to summarize what worked and what did not (e.g. CEIS; ADR; PD; LRE) by providing

and disseminating what works to other LEAs. Some way for districts to report out what worked and what did not.

11. Maybe assign FMTA, NPS, and CRU consultants to specific areas of expertise to receive PD and updates, and report back to SED staff: keep staff updated on changes in different areas.

12. Examining how SED staff interacts with and coordinates with COE to provide PD and technical assistance. Strength in providing training at a COE level vs. SELPA or LEA.

13. Within the CDE SED: We don't understand clearly how FMTAs and NPS work together for compliance and monitoring issues.

14. Training scheduling: Maybe have NPS and FMTA consultants visit LEAs and provide training together.

15. Have NPS, FMTA, and AES staff go on reviews together (verification reviews, SESR follow ups, training, NPS reviews).

16. This also applies to the coordination of the corrective actions across units within the SED.

17. Have the CDE SED staff go to ACSA, CASBO, and CAPSES conferences to provide PD options for these groups of administrators.

18. Have the CDE staff be more involved with professional organizations such as: ACSA, CASBO, ASCD, CAPSES, etc. (breaking down administrative silos).

19. Our group had a lot of discussion around the divisions between general education, special education, and nonpublic schools: all of these entities need to be coordinated well and work together to deliver improved outcomes for students: the CDE, COEs, SELPAs, LEAs, professional organizations still divided along general education, SPED, and NPS lines.

V. Data

A. Infrastructure Elements

- **Levels of System Review**

1. CDE: Collects special education student data submitted by LEAs/SELPAs. Data is stored and analyzed (for monitoring purposes and reporting requirements) into the CASEMIS system.

Provide training and materials so that LEAs and SELPAs can submit data twice per year.

2. CDE (General Education): Collects student data (including Title I and III data) including, but not limited to, assessment data for school accountability purposes. Data is searchable through the DATAQUEST system.

3. SELPA: Assists LEAs by providing TA and training so that data submitted is accurate. SELPA is responsible for certification and submission to the CDE concerns about data quality and compliance.

4. COE: Provide student level special education data when the COE is responsible for providing special education and related services. Also, provide teacher assignment monitoring data to the CTC.

5. LEA: Responsible for data entry at the school and district site. Responsible for working with software vendors to ensure that data extracts meet the CDE specifications. Must training first-level data entry personnel to ensure consistency and accuracy.

B. Strengths of the System

1. Own System; Flexibility; CASEMIS errors and warnings; DATA Quality; Snapshots; Certification requirements; Support and Technical Assistance; Stakeholders input

2. Data changes; Assessment data; DATAQUEST takes SE out of Silo; SSID; Accommodations

3. Focus on CASEMIS; Pull data can fix before submission; Data integration (when chosen) helps align data; Not all districts use same vendor

4. Can be easier if using a program manager model; Small districts use teacher as model

5. Engaged SELPA Directors; Webinar

6. Fiscal data report, a whole system

C. Coordination of the Systems

1. Follow-up Analytics; Manual Coordination

2. DATAQUEST; Assessment sorting subgroups; crosschecking data

3. Check services

4. Having a master trainer at a district.

D. Areas for Improvement

1. Variation from SELPA to SELPA; DATA governance; Trainings; Not same definitions; Not same data collection system; Discrepancies; Alignments; Clarification; Quality assistance; Data is old

2. Timelines for reporting; Removing duplicates for SSID; Getting understanding; Keeping up with Technology – TSD; Data two ways; Data in timely manner

3. Early release of software; Multi-District SELPAs vs. Single District; SELPAs based on leadership

4. Data quality; Data culture; Data Governance; Integrity; Quality of data

5. Knowledge of consequences; Graduation rates of CDE

6. Consistent language; consistent definitions; lots of new direction; more and more data points; need to decrease the number; lots of demands on teachers; staff turnover; SED and CALPADS do not talk.

VI. Technical Assistance

A. Infrastructure Elements

1. CDE (both general education and special education)

    - Provides materials, training and technical assistance so that LEAs can meet the various reporting and monitoring compliance and results requirements associated with the IDEA.

    - Provide technical assistance with recent changes in law as shown by workgroups created to ease transitions created by AB 114 (2011) and AB 86 (2013).

    - Provide technical assistance to assist LEAs fulfill reporting and monitoring compliance and results requirements mandated by federal laws and state *Education Code*.

- Provide technical assistance on state initiatives such as CCSS, LCAP, policy, preschool, Early Intervention, mental health, English learners, etc.

- Parent technical assistance and outreach through Procedural Safeguards and Parent Rights

- Data analysis, CASEMIS TA, monitoring,

2. SELPA

    - Provide member LEAs with training and technical assistance to assist LEAs in fulfilling monitoring compliance and results reporting requirements associated with IDEA.

3. County Offices of Education

    - Credentialing authorization, curriculum, fiscal, implement state initiatives, coordination of professional development, programs, classrooms and support for unique populations (i.e. court schools, severe disabilities, infant programs).

4. Local Educational Agencies

    - Provide local level with training and technical assistance to assist LEAs in fulfilling monitoring compliance and results reporting requirements associated with IDEA.

    - Implementation of initiatives, programs and services under IDEA

    - CAC parent

5. Others

    - Through contracts technical assistance is provided around parent engagement, assessment, disproportionality, professional development, early childhood, OAH.

B. Strengths of System

1. We communicate within the SED, sending consistent message to the field

2. More technical assistance given

3. Strengthening of field contacts and T

4. Support for districts with on-site visits by CDE staff

5. Commitment by administration to cross-train staff for the overall improvement of results for students and LEAs

6. Strong contractors providing technical assistance

7. Stakeholder input

8. Diversity of staff and partners adds perspective and expertise

9. Coordination across agencies, systems, and divisions

C. Coordination of System(s)

1. We communicate within the SED, sending consistent message to the field

2. More technical assistance given

3. Strengthening of field contacts and TA

4. Support for districts with onsite visits by the CDE staff

5. Commitment by administration to cross-train staff for the overall improvement of results for students and LEAs

6. Strong contractors providing technical assistance

7. Stakeholder input

8. Diversity of staff and partners adds perspective and expertise

9. Coordination across agencies, systems, and divisions

D. Areas for Improvement

1. Improve Statewide consistency

   - Through interpretation and implementation of law, initiatives, policy, and programs

   - By articulating a common vision of the SED work

   - Ensure integration of SED at the beginning of initiatives to promote collaboration and inclusive practices

   - Through uniform and timely communication overall

2. Increase Coordination

    - Coordinate with LCAP focus areas, including highlighting parents of children with disabilities

    - Coordinate with other divisions in the CDE

    - Ensure equitable services for children with disabilities

    - Greater exposure and involvement of the SED staff on initiatives and products being developed so we can be integrated into what is happening

3. Technical Assistance – build and strengthen avenues of communication by:

    - Providing multiple ways to present information and sharing back and forth, that is available to the field (different formats, Webinars posted, where to find)

    - Developing a subscription for the CDE listserv to get notices to multiple audiences; listservs by category or topic to match interests

    - Designing a forum for TA providers to share resources and knowledge (e.g. TTAC, state, local, organizations, contractors)

4. Technical Assistance – build capacity by:

    - Analyzing data and feedback from the field to address the needs of technical assistance

    - Developing a continuous improvement process that includes:

        i. A framework of planning, implementation, evaluation and reevaluation

        ii. State to local – multiple ways of communication – policy informed practice – practice informed policy

    - Updating SED technical assistance guides for different aspects of work in a timely way

    - Providing timely and complete training to staff

    - Developing and disseminating accurate materials and forms to the field in a timely way

VII. Accountability Monitoring

A. Infrastructure Elements

1. Levels of System Review – CDE, Special Education

- CASEMIS, coupled with CALPADS data collection, is the basis for IDEA reporting and accountability. APR indicators are used to fulfill most requirements of 34 CFR 300.600 for monitoring including: SPP and APR, annual compliance determinations, data identified non-compliance, Disproportionality, Significant Disproportionality. APR indicators are used to select districts for VRs and to form the nucleus of the compliance items reviewed in SESR and VR. The CDE reviews all compliance indicators with every district every year; conducts SESR every four years, and selects VRs each year using combination of indicators from the annual compliance determination. Monitoring includes review of student records, policies and procedures, fiscal, IEP implementation, Educational Benefit reviews, individualized items selected for each district and included in a monitoring plan.

- CRU (complaints)

- OAH (due process)

- CALSTAT

- NPS certification review

- SELPA governance

- Interviews (admin, parent, and staff)

- Data Validation Reviews (DVRs) (on-site visits)

- Infant and preschool records

- DRDP-preschool assessment

- Bureau of State Audits (BSA), reviews SESRs and VRs

- STAR assessment data and testing

- Ten percent SESR follow up

- CASEMIS validation (part of VR)

2. CDE General Education

- Assessment and CALPADS data collections and EdFacts reporting form the basis for statewide accountability. API and AYP are used to identify districts for program improvement. Monitoring is conducted annually in various categorical programs (e.g., English Learners)
    - DRDP
    - WEST ED
    - Smarter Balanced

3. SELPA

- Are required to have an agreement in place to review implementation of local plan and correct any deficiencies. May carry this out through a variety of means. Typically review APR and fiscal indicators with LEAs each year as well as DINC, disproportionate representation and significant disproportionality. Provide substantial guidance and assistance in planning and conducting SESRs. May participate in VR reviews.

    - CASEMIS (review and qualitative)
    - Data analysis (certification and submit to State)
    - Complaints and OAH
    - Must participate in VR reviews

4. County Offices of Education

- COE is required by code to participate in on-site reviews They are responsible for reviewing LCAPs, LEA budgets. May provide assistance through SAIT (School Assistance and Intervention Team) focused on improved student outcomes.

5. Local Educational Agencies

- LEAs participate in accountability through a variety of plans, e.g., Single Plan for Student Achievement; Safe Schools Plan; School Accountability Report Card; Program Improvement documents.

    - LCAP
    - CRU (complaints)
    - OAH (due process)
    - CALSTAT

- NPS certification review
- SELPA Governance
- Interviews (admin, parent, and staff)
- Data Validation Reviews (DVRs) (Onsite visits)
- Infant and preschool records
- DRDP-preschool assessment
- BSA reviews SESRs and VRs
- STAR assessment data and testing
- Ten percent SESR follow up
- CASEMIS validation (part of VR)

6. Other
   - Annual A-133 audits

B. Strengths of System

- Parent input
- Identifies and corrects noncompliance
- Identifies trends in data
- Ed Benefit gets results
- System enables timely submission of APR indicators and SSPI
- Timely completion of noncompliance
- Data collection and analysis
- Accountability
- Facilitates communication between the CDE and LEAs
- Provides resources
- Identifies and corrects noncompliance
- A plan for change
- Student level data

C. Coordination of System(s)

- Cross validation of systems (CASEMIS, CALPADS and IEPS)
- Data integration
- IDEA reporting
- Shares data for Part C lead agencies
- Bi-monthly Data Managers meeting (coordinates data sources)
- Smarter Balance workgroup
- Monthly SELPA meetings
- Certifying LEA student level data
- SEACO participation
- Student level data

D. Areas for Improvement

- Definitional issues (e.g., what is a suspension?)

- Standardizing data gathering systems e.g. CRU, FMTAs, NPS
- Use of SSID for all systems for accountability efficiencies
- Disseminate information to SELPAs and COEs
- Monitoring performance improvement and compliance
- Standardizing tools
- Communication
- Compliance
- DRDP data
- Timely submit accurate and complete data
- Correct data errors
- Increase participation on VRs
- Communication
- Correction of noncompliance
- Accurate data collection of student level data
- Audit plan to coordinate with CDE and OSEP requirements

Identify current state-level improvement plans and initiatives; including special and general education improvement plans and initiatives; and describe the extent that the initiatives are aligned and how they are, or could be, integrated with the SSIP.

A. Local Control and Accountability Plans

1. Required Elements - Eight State Priority Areas

A. Conditions of Learning:

i. Basic: degree to which teachers are appropriately assigned pursuant to *Education Code* section 44258.9, and fully credentialed in the subject areas and for the pupils they are teaching; pupils have access to standards-aligned instructional materials pursuant to *Education Code* section 60119; and school facilities are maintained in good repair pursuant to Education Code section 17002(d). (Priority 1)

ii. Implementation of state standards: implementation of academic content and performance standards adopted by the SBE for all pupils, including English learners. (Priority 2)

iii. Course access: pupil enrollment in a broad course of study that includes all of the subject areas described in *Education Code* section 51210 and subdivisions (a) to (i), inclusive, of Section 51220, as applicable. (Priority 7)

iv. Expelled pupils (for county offices of education only): coordination of instruction of expelled pupils pursuant to *Education Code* section 48926. (Priority 9)

v. Foster youth (for county offices of education only): coordination of services, including working with the county child welfare agency to share information, responding to the needs of the juvenile court system, and ensuring transfer of health and education records. (Priority 10)

B. Pupil Outcomes:

i. Pupil achievement: performance on standardized tests, score on Academic Performance Index, share of pupils that are college and career ready, share of English Learners that become English proficient, English Learner reclassification rate, share of pupils that pass Advanced Placement exams with 3 or higher, share of pupils determined prepared for college by the Early Assessment Program. (Priority 4)

ii. Other pupil outcomes: pupil outcomes in the subject areas described in Education Code section 51210 and subdivisions (a) to (i), inclusive, of *Education Code* section 51220, as applicable. (Priority 8)

C. Engagement:

i. Parent involvement: efforts to seek parent input in decision making, promotion of parent participation in programs for unduplicated pupils and special need subgroups. (Priority 3)

ii. Pupil engagement: school attendance rates, chronic absenteeism rates, middle school dropout rates, high school dropout rates, high school graduation rates. (Priority 5)

iii. School climate: pupil suspension rates, pupil expulsion rates, other local measures including surveys of pupils, parents and teachers on the sense of safety and school connectedness. (Priority 6)

2. Howthe LCAP is aligned to the SSIP

- High expectations, narrowing achievement gap for all student subgroups. All eight LCAP state priority areas align with possible SSIP elements (assessment results, discipline and truancy, graduation rates).

3. Extent to which the LCAP is aligned to SSIP 1-5

- All the efforts and activities to improve elements of the LCAP would improve all elements of the SSIP.

4. How alignment could be improved

- Be available to offer ways to align SSIP efforts to "Other Student Outcomes" in LCAP.

- Include students with disabilities as a student subgroup required to be focused on in LCAP. Align other plans with the LCAP, consolidate them, and ensure the SSIP is aligned with the resulting consolidated plan(s).

B. LEA Plan

1. Required Elements

- LEA plans describe the actions that LEAs will take to ensure that they meet certain programmatic requirements, including student academic services designed to increase student achievement and performance, coordination of services, needs assessments, consultations, school choice, supplemental services, and services to homeless students, and others as required. In addition, LEA plans summarize assessment data, school goals, and activities from the Single Plans for Student Achievement developed by the LEAs' schools.

- Needs Assessments:
  - Academic achievement
  - Professional development and hiring
  - School safety

- Descriptions – District Planning

  - District profile

  - Local measures of student performance

  - Performance Goal 1: Specific actions to improve education practice in reading and math

  - Performance Goal 2: All limited English proficient students will become proficient in English and reach high academic standards, at a minimum attaining proficiency or better in reading, language arts, and mathematics.

    - Performance Goal 3: All students will be taught by highly qualified teachers.
    - Performance Goal 4: All students will be educated in learning environments that are safe, drug-free, and conducive to learning.
    - Performance Goal 5: Planned improvements for high school graduation rates, dropouts, and advanced placement access.

- Additional mandatory Title I descriptions

2. How the LEA Plan is aligned to the SSIP

    - Proficiency in reading and math is a large focus. Self-assessment, needs assessment is used.

3. Extent to which the LEA Plan is aligned to SSIP 1 -5

    - LEA Plan is less focused on accountability to continuous improvement and performance and outcomes, more focused on meeting requirements. The LEA Plan model is more focused on the categorical programs model and less on the block grants model. The LEA Plan does not seem to have as much potential to change practice as much as the LCAP does.

4. How alignment could be improved

    - Use LEA Plan Needs Assessments to inform SSIP efforts. Focus on students with disabilities as a subgroup for improvement. Focus less just on meeting IDEA requirements for students with disabilities. Facilitate and streamline coordination of resources and services for all students, including SWD.

C. Single Plan for Student Achievement (SPSA)

1. Required elements

    - Planned improvements in student performance
    - Centralized services for planned improvements in student performance
    - Programs included in this plan
    - School Site Council membership

- Recommendations and assurances
- Budget planning tool
- Single Plan for Student Achievement annual evaluation

2. How the SPSA is Aligned to the SSIP

   - The SPSA is the school site version of the LEA Plan.

3. Extent to which the SPSA is Aligned to SSIP 1-5

   - The SPSA is more specific than the LEAP. This plan and budget does not include special education expenditures.

4. How Alignment could be improved

   - Explicitly include students with disabilities and focus on students with disabilities as a subgroup to improve.

D. Single School District (SSD) Plan

1. Required Elements

   - Designed for use by single school districts, the SSD Plan template combines the elements of the LEA Plan and the SPSA into one single document.

2. How the SSD Plan is aligned to the SSIP

   - (See LEAP and SPSA information.)

3. Extent to which the SSD Plan is aligned to SSIP 1 -5

   - (See LEAP and SPSA information.)

4. How alignment could be improved

   - (See LEAP and SPSA information.)

E. Safe Schools Plan

1. Required Elements

a. Plan is written and developed by a school site council (SSC) or a safety planning committee.

b. SSC/Planning Committee consulted with a representative from a law enforcement agency in the writing and development of the Comprehensive School Safety Plan.

c. The Comprehensive School Safety Plan includes, but is not limited to:

    i. An assessment of the current status of school crime committed on the school campus and at school-related functions.
    ii. An identification of appropriate strategies and programs that provide/maintain a high level of school safety.

d. The SSC/Planning Committee reviewed and addressed, as needed, the school's procedures for complying with existing laws related to school safety.

e. Policies, procedures and rules regarding child abuse reporting, emergencies, suspension and expulsion, bullying, visitor access, etc.

f. The plan may include clear guidelines for the roles and responsibilities of mental health professionals, community intervention professionals, school counselors, school resource officers, and police officers on campus.

g. The plan may include procedures for responding to the release of a pesticide or other toxic substance from properties located within one-quarter mile of a school.

h. The plan should include verification that the school safety plan was evaluated at least once a year, and revised by March 1 every year.

i. The plan should include documentation that school safety plan was submitted for approval to either the district office or county office of education. Evidence of approval at the district or county level should be included.

j. The plan should include verification that the SSC Planning Committee communicated the school safety plan to the public at a public meeting at the school site.

2. How the Safe Schools Plan is aligned to the SSIP

    - It is not very aligned with SSIP. The focus is placed on policies and procedures rather than student performance.

3. Extent to which the Safe Schools Plan is aligned to SSIP 1-5

- None of the efforts/activities to improve elements of the Safe Schools Plan would improve any elements of the SSIP.

4. How alignment could be improved

- Align Safe Schools Plan policies and procedures more with school climate improvement.

- Consider bullying, suspension and expulsion, etc. impact on students with disabilities.

F. Program Improvement Addendum or Plan (Title 1)

1. Required elements

a. According to provisions in ESEA, the LEA Plan Addendum is required to meet all requirements specified in ESEA Section 1116(c)(7)(A)(i) through (viii):

i. Address the fundamental teaching and learning needs in the schools of the LEA and the specific academic problems of low-achieving students, including a determination of why the prior LEA Plan failed to bring about increased student achievement.

ii. Identify actions that have the greatest likelihood of improving the achievement of students in meeting state standards.

iii. Incorporate scientifically-based research strategies that strengthen the core academic program in schools served by the LEA.

iv. Include specific, measurable achievement goals and targets for all students and subgroups, addressing all elements of Adequate Yearly Progress (AYP).

v. Address the professional development needs of the instructional staff. Indicate that the LEA will dedicate not less than 10 percent of the LEA Title I allocation for high quality professional development.

vi. Identify how technical assistance will be obtained to support implementation of the LEA Plan revisions (e.g., professional development for teachers and administrators, county office support, and work with such organizations as the California School Boards Association, California Teachers Association, Association of California School Administrators, California

Federation of Teachers, Parent Teacher Association, institutions of higher education, and public and private organizations).

vii. Incorporate, as appropriate, learning activities before school, after school, during the summer, and during an extension of the school year.

viii. Include strategies to promote effective parental involvement in the school.

2. How the Title 1 Plan is aligned to the SSIP

   - The plan is aligned with SIMRs including academic achievement, and parental involvement. This plan includes evidence-based practices.

3. Extent to which the Title I Plan is aligned to SSIP 1-5

   - Goals are mostly aligned, but discipline is not directly addressed by the Title I improvement plan.

4. How alignment can be Improved

   - This is a challenge in that the Title I improvement plan does not apply to all schools. It does, however, include targets for increasing graduation rates, specifically for students with disabilities. The Title I improvement plan also allows schools to seek technical assistance from external sources. This could provide an opportunity to improve alignment with SSIP by ensuring this TA addresses results for students with disabilities.

G. Title II Non-Compliant Teacher Action Plan (Title II Plan)

1. Required Elements

   - Plan lists each non-highly qualified teacher and which activities will occur to make each teacher highly qualified.

   - LEAs with less than 100 percent highly qualified teachers in ESEA core academic subjects for two consecutive years are required to submit an Equitable Distribution Plan (EDP) to the CDE by June 24 of each year.

   - LEAs with less than 100 percent highly qualified teachers in ESEA core academic subjects and that fail to make Adequate Yearly Progress (AYP) for three consecutive years shall enter into an agreement with the CDE per the provisions of Section 2141(c) of the ESEA. The agreement consists of a Memorandum of Understanding (MOU), Budget Agreement

and the Non-Compliant Teacher Action Plan. All three documents are required to be submitted to the CDE.

2. How the Title II Plan is aligned to SSIP

   - Highly qualified teachers are critical for students with disabilities. Teachers who are HQT have a direct impact on a LEAs ability to provide for FAPE in the LRE and assist secondary SWD in earning graduation credits.

3. Extent to which the Title II Plan is aligned to SSIP 1-5

   - This plan is aligned with statewide assessment results, discipline, and graduation rates for students with disabilities. This plan is not as broad as the SSIP.

4. How alignment can be Improved

   - By creating tighter linkages between HQT and LRE, and increasing graduation rates by increasing SWD ability to earn graduation credits. Provide ongoing professional development in addition to the required certificates.

H. Title III Improvement Plan

1. Required Elements

   LEAs that fail to meet their Annual Measurable Achievement Objectives (AMAO) submit plans as follows:

   - Year 2 LEA: missed one or more AMAOs for two consecutive years—addressed via Improvement Plan Addendum to LEA plan. The Improvement Plan consists of a goal, strategy, action steps, tasks, and budget items.

   - Year 4 LEA: missed one or more AMAOs for four consecutive years—addressed via Action Plan on California Accountability and Improvement System

2. How the TitleIII Improvement Plan is aligned to the SSIP

   - Population of students with disabilities exists within ELL population.

3. How alignment can be Improved

- Make data reporting for the SSIP for special education more similar to data reporting for Title III Plan (including students released from Special Education in the data pool for three years).

I. Truancy and Discipline https://www.pbis.org/

1. Description

    a. The California Department of Education continues to be a resource to Local Educational Agencies to help reduce the rate of truancy and discipline. Programs such as PBIS were established by the U.S. Department of Education's Office of Special Education Programs (OSEP) to define, develop, implement, and evaluate a multi-tiered approach to technical assistance that improves the capacity of states, districts and schools to establish, scale-up, and sustain the PBIS framework.

2. How are truancy and discipline programs aligned to the SSIP

    a. CAL-STAT and SPP-TAP contracts
    b. Reporting of discipline in current system
    c. WestEd workshops include discipline
    d. PBIS workshops
    e. Restorative justice
    f. Behavioral Intervention Plans within IEPs
    g. Race to the Top
    h. NPS/A
    i. Verification Reviews
        a. Monitoring plan focused on data for discipline (CASEMIS)
    j. After-school programs
    k. Family frameworks
    l. Title I
    m. SARB

3. Extent to which truancy and discipline programs are aligned with SSIP

    a. All mentioned deal with school climate and safe learning environment.

4. How alignment could be improved

    a. Increase professional development for all staff

        i. Behavior management
        ii. Effective IEP development
        iii. Behavioral Intervention Plan/Behavior Support Plan Development
        iv. Parent training on IEP process and behavior

b. Too many things exist and information is unknown divisionwide and statewide.

   i. Better Web site to address discipline.
   ii. Monitor the SPPI more frequently using data in a more proactive approach, have good data to assist in monitoring.
   iii. Create buy-in from LEA employees to implement research based programs.
   iv. Involve PTIs in training for assessment of students with behavior issues.

J. **Project READ** http://www.calstat.org/projectread.html

1. Description

   a. California's new State Personnel Development Grant focusing on improving reading achievement and academic performance for middle school students in 44 competitively selected middle school sites.

2. How Project READ is aligned with SSIP

   a. Grant for selected middle schools only; increased reading where implemented for pupil achievement

3. Extent to which Project READ is aligned with SSIP

   a. Improved academic performance

4. How alignment could be improved

   a. Fund statewide (if possible)

   b. Expand beyond middle schools application (if grant allows)

K. **Common Core State Standards (CCSS) Implementation**
http://www.cde.ca.gov/re/cc/ ; http://www.corestandards.org/

1. Description

   a. The Common Core is a set of standards in mathematics and English language arts/literacy.

   b. Learning goals outline what a student should know and be able to do at the end of each grade.

   c. The standards were created to ensure that all students graduate from high school with necessary skills to succeed in college, career, and life, regardless of where they live.

2. How are the CCSS aligned with the SSIP

    a. Focuses on student academic achievement

    b. Internal training for staff is provided by each LEA

3. Extent to which the CCSS are aligned with the SSIP

    a. Will provide a better understanding of a student's academic level

4. How alignment can be Improved

    a. Additional staff training in English-Language Arts and Math for implementation of standards through curriculum and class activities

    b. Professional development on effective instructional strategies and effective IEP academic goals

    c. Collection of integrated data

L. **Multi-Tiered System of Supports (MTSS)**
http://www.cde.ca.gov/ci/cr/ri/; http://ncld.org/disability-advocacy/where-we-stand-policies/multi-tier-system-supports-response-intervention

1. Description

    a. Framework aligns Response to Instruction and Intervention with the CCSS and the systems needed for academic, behavior, and social/emotional success for students.

2. How is MTSS aligned to the SSIP

    a. Districts independently create their own system of support

    b. WestEd trainings are available

3. Extent to which MTSS is aligned with SSIP

    a. Behavior

    b. Academic achievement

    c. Assessment for special education services and related services

    d. School climate

    e. All aspects of the SSIP

4. How alignment could be Improved

    a. Ensure that all LEAs have a system of support

    b. Legislatively mandated support

    c. Increase funding for staff training and professional development on tiered interventions

    d. Get California Commission on Teacher Credentialing on board and adjust the credentialing system to include experiences or instruction in MTSS

M. **Career Readiness Campaign** (http://www.cde.ca.gov/eo/in/cr/index.asp)

1. Description

    a. Through this California Career Readiness Initiative, SSPI Tom Torlakson has directed the CDE to proceed with 17 key objectives to support, sustain, and strengthen Career and Technical Education (CTE) in the state.
    b. This Initiative builds upon goals outlined in “A Blueprint for Great Schools”

    c. A program or study to career pathway and careers

2. How the Career Readiness Campaign is aligned to the SSIP

    a. A Framework for Great Schools

    b. Limited career technology programs already in existence

3. Extent to which the Career Readiness Campaign is aligned to SSIP

    a. Increased graduation

4. How alignment could be improved

    a. Expand for all students

    b. Create viable programs for transitional planning.

    c. Better tracking of post school outcomes with incentives.

d. More funding

e. Increase PTI/FEC role for transition and postsecondary school data

N. **Bullying and Hate Motivated Behavior Prevention**
(http://www.cde.ca.gov/ls/ss/se/bullyingprev.asp)

1. Description

   a. One of the CDE initiatives. The link provides resources for parents, administrators, and students on how bullying can be prevented and addressed. Resources include publications, sample policies, and frequently asked questions.

2. How Bullying Prevention is aligned to the SSIP

   a. School training is available statewide

3. Extent to which Bullying Prevention is aligned to the SSIP
   a. School climate and academic achievement

4. How alignment could be improved

   a. More bullying awareness in class

   b. Develop and make parent training available

   c. Increase funding for prevention programs

   d. Increase and/or develop on types and resources of bullying for staff, parents, and students

O. **Family Engagement Framework**
http://www.wested.org/online_pubs/cpei/family-engagement-framework.pdf

1. Description

   a. On April 10, 2012, the SSPI Tom Torlakson unveiled a new publication designed to help school districts engage families and communities in their children's education.

2. How the Family Engagement Framework is aligned to the SSIP

   a. WestEd training

   b. Family engagement networks

   c. PTIs to be responsible for parent input in the monitoring process

d. The CDE monitors PTIs

3. Extent to Which the Family Engagement Framework is Aligned to the SSIP

   a. School climate and academic achievement

4. How alignment could be improved

   a. SED should monitor and communicate effectively within divisions and SELPAs and LEAs that interact with PTIs and FECs

   b. More funding

   c. Departments and divisions to work more closely for data of PTIs and FECs. Analyze what PTI and FECs do

   d. Collect data, etc. to ensure monies are going to assist parents in supporting student achievement.

P. **Summer Matters Initiative** http://www.cde.ca.gov/eo/in/summerlearning.asp

1. Description

   a. The SSPI Tom Torlakson believes summer learning programs play an important role in helping all California children succeed in school and beyond. The goal of this initiative is to achieve one of the goals of the Blueprint for Great Schools:

      i. To ensure all California students have access to high quality summer learning opportunities that support year-round learning and well-being

   b. Statewide summer program for students supported by school leadership and community

2. How the Summer Matters Initiative is aligned to the SSIP

   a. Increase student achievement

   b. Keep students socially and emotionally connected to school and community over summer

3. Extent to which the Summer Matters Initiative aligned to the SSIP

   a. Student academic achievement

4. How Alignment Could be Improved

a. Additional marketing to:

    i. LEAs
    ii. School sites
    iii. Parents and students
    iv. PTIs and FECs
    v. community

b. Gather current data for California.

Appendix D – State Initiative Summary and Discussion Guides

Focus for Improvement: Project READ

Topic	Project READ – Raising Academic Achievement in English Language Arts and Literacy for Students with Disabilities
Description	California Department of Education (CDE), Special Education Division, has a number of activities designed to support districts in need of improvement (have not met state achievement targets) both overall as well as for specific subgroups such as students with disabilities. The CDE, through a grant from the United States Department of Education (USDOE), Office of Special Education Programs (OSEP) has received funding targeting middle school reading. In collaboration with the Napa County Office of Education, this project offers training and technical assistance on reading instruction and intervention to 44 middle schools.
Proposed Assistance to LEAs	Through support from the USDOE State Personnel Development Grant middle school sites are selected based on a statewide rank of “3” or below reflecting status in the lowest 30 percent of school in 2012 Base Academic Performance Index (API). The goals of this project are to increase the percentage of students scoring Proficient or Advanced in English language arts on statewide assessment, decrease the percentage of students scoring Below Basic or Far Below Basic, reach improved outcomes of all student for each significant subgroup including students with disabilities and English Language Learners; and to have at least 20 school staff participate in professional development to increase their skills in teaching struggling readers.
Rationale	2013-14 state assessment results for English Language Arts has illuminated the high numbers of middle school students with disabilities who are struggling readers. In order for students with disabilities to be college and career ready, it is imperative that students are able to read and write and be proficient at grade-level standards.
Discussion Questions	• How will this project increase reading proficiency and academic achievement in the Common Core State Standards for students with disabilities as well as increase graduation rates and post school outcomes? • How will Project Read support overall CDE efforts to increase student achievement and improve student outcomes? • What else should the CDE be doing to increase achievement in English Language Arts and Literacy for all students including students with disabilities?

Comments from April 14th Meeting	SPP Division Day – Morning Breakout
	April 14, 2014
	
	Discussion questions:
	
	• How will this project assist reading proficiency and academic achievement in the Common Core State Standards for students with disabilities, as well as increase graduation rates and post school outcomes?
	  o Can access CORE curriculum better if reading is improved
	  o Technical Manuals—can this begin at the middle school level?
	  o LRE encourages access — (related to first bullet)
	  o Offer Professional Development to staff
	  o We can attain assessment results by exit status
	  o Special Education and general education work together
	  o Provides students with more individual attention.
	
	• Do you think *Project Read* will enhance overall CDE efforts to improve student outcomes?
	  o Increased access to materials targeted to the needs of each district: local control, flexibility
	  o Support and enhance existing reading programs
	  o Provides evidence based resources for others
	  o Parent input
	  o Sustainable practices over a long period of time
	  o Access to additional supports result in improved outcomes
	
	• What else should the CDE be doing to obtain more specific data related to results for students?
	  o Determine what data are already collected by the CDE to increase more specific results for students and literacy for all students
	  o Understand data is key to everything
	  o Increase engagement with community and family groups.
	
	• Other

	o Discussion with CTC and local bargaining unit about varied delivery models o Consistent data (single source) SPP Division Day – Afternoon Breakout April 14, 2014 Discussion questions: • How will this project increase reading proficiency and academic achievement in the Common Core State Standards for students with disabilities, as well as increase graduation rates and post school outcomes? o By increasing reading skills, assessment results, graduation rates, and post school outcomes should increase CCSS o Staff development and collaboration that help students through intervention/prevention prior to middle school • How will Project Read support overall CDE efforts to increase student achievement improve student outcomes? o Multilevel approach to teaching/training o Individualized to unique local needs o Ongoing evaluation throughout local cycles o Include strategies and intervention o Modeling that helps other schools that want to adapt • What else should the CDE be doing to increase achievement in English Language Arts and Literacy for all students including students with disabilities? o Publicity of results o Target clients at an earlier age o Long term student tracking o Increase parental (guardian/relative/role model/tutor) involvement. o Compare results to non- Project READ participants.

Focus for Improvement: Discipline and Truancy

Topic	Discipline and Truancy: Increasing academic achievement, graduation rates and positive postsecondary outcomes by keeping students in school.
Description	Current CDE initiatives and supported activities seek to increase attendance and reduce absences due to truancy, suspension, and expulsion. These efforts also address dropout prevention and improving school climate.
Proposed Assistance to LEAs	The Special Education Division (SED) proposes to partner with the Coordinated Student Support and Adult Education Division to identify LEAs whose rates of drop out, truancy, and suspension and expulsion for students with disabilities significantly exceed the rates of general education population. These LEAs would be offered support to identify the root causes of these concerns through creation of LEA-wide teams that would develop a plan based on evidence-based practices. This will lead to increased student participation in school, and improved outcomes in academic achievement, graduation, and postsecondary employment and education.
Rationale	Research and achievement data support the assertion that chronic absenteeism negatively impacts academic achievement, graduation rates, and postsecondary outcomes. Data also points to students with disabilities having higher rates of suspension and expulsion in many LEAs throughout California.
Discussion Questions	• How could the SED's support of the CDE department-wide activities for addressing truancy and discipline issues, assist students with disabilities in increasing their academic achievement, graduation rates, and post school outcomes? • How would the SED proposal enhance the CDE's efforts to improve student outcomes? • What else could the SED do to keep more students with disabilities coming to and staying in school?

Comments from April 14 meeting	SPP Division Day – Morning Breakout
	April 14, 2014
	
	Discussion Questions:
	
	• How could the SED's support of the CDE department-wide activities for addressing truancy and discipline issues, assist students with disabilities in increasing their academic achievement, graduation rates, and post school outcomes?
	  o Law enforcement, courts, and social services should triage and collaborate with schools
	  o Plan analysis over the years that we do have of CASEMIS suspension/expulsion and general education data to target which districts need additional tech support, funding, and training for the neediest LEAs
	  o Work with Special Education Directors to identify solutions
	  o Develop assistance to IEP teams
	  o Significant Disproportionality—schools can analyze their data on suspension, truancy, chronic absenteeism. Refer to model SARCs, restorative justice Webinars
	  o Build more awareness of the issue which has largely been ignored, thus creating an opportunity to identify and develop for improvement
	  o Do not look only at SED's support of the CDE, but also how could the CDE department wide activities support SED's efforts to increase academic achievement of students with disabilities
	
	• How would the SED proposal enhance the CDE's efforts to improve student outcomes?
	  o By students being in the classroom more, they learn more, will enjoy going to school, and will perform better
	  o Helps reduce misunderstanding of behavioral issues which allows room for identifying true causes of suspension/expulsion and helps for solutions

	o Use of disaggregated data to identify and support students where there is a high number of absences/truancy for special education students • What else could the SED do to keep more students with disabilities coming to and staying in school? o More school work apprenticeship programs and ties to attendance: non-disciplined required to work. o Offer CCSS training to teachers in Special Education. Offer CCSS/SE training to general education teachers o Identify what issues are keeping students out of school and see if there are ways that some of the issues can be solved o Provide professional development to staff statewide focusing on issues related to students with disabilities, behavior intervention, and availability of resources for students and LEAs • Other o Data collection o Training o Identify resources and assistive devices to help students reach the opportunities of learning SPP Division Day – Afternoon Breakout April 14, 2014 Discussion Questions: • How could the SEDs support of the CDE department-wide activities for addressing truancy and discipline issues, assist students with disabilities in increasing their academic achievement, graduation rates, and post school outcomes? o SED should conduct collaborative meetings with the CDE o Not putting SWD in LRE and keeping them included in the school programs while meeting their needs. Also, keeping in mind—kids that attend NPSs should be treated and assisted in their academic goals just as much as those in the public

	o schools o Webinars, distribution lists, forums o Make sure that IEP teams are aware of any attendance or discipline issues, identify causes, and determine support solutions o Support schools in implementing school wide positive behavioral intervention systems. • How would the SED proposal enhance the CDE's efforts to improve student outcomes? o More accountability at the school/district level. Find out why the lack of attendance and come up with strategic plans to address those needs. o School wide positive behavior intervention systems are likely to improve academic outcomes for all students. • What else could the SED do to keep more students with disabilities coming to and staying in school? o Incorporate the SARB program and allot more attendance data to the different monitoring programs/technical assistance o Offer more programs for various disabling conditions—not cookie cutter/one size fits all programs o Interact, activities, and engage with peers o Locate as many services on the school site as possible; including health services, mental health services, and related services

Focus for Improvement: California Common Core State Standards

Topic	CA Common Core State Standards (CA CCSS): Increasing the fidelity of implementation of the CA CCSS leading to increased academic achievement for all students.
Description	The CA CCSS are kindergarten – 12th grade educational standards for English language arts (ELA) and math that describe what students should know and be able to do in each subject at each grade level. California is among 45 states to adopt the same ELA and math standards. The SED is currently engaged in efforts to provide resources and training materials to support districts in implementing the CA CCSS specifically related to ensuring access to and support for students with disabilities. SED activities are aligned to the Common Core State Standards Systems Implementation Plan for California. http://www.cde.ca.gov/re/cc/documents/ccsssysimpplanforcaapr13.doc As such, the SED is engaged in: • Providing Web-based resources and technical assistance to local education agencies (LEAs) in transitioning from California's previous academic standards to the CA CCSS including training in IEP academic goals to the CA CCSS. • Creating and facilitating a Community of Practice to assist LEAs in the training and professional development of staff related to instructing and supporting students with significant cognitive disabilities in the CA CCSS.
Proposed Assistance to LEAs	Once assessment and reporting data on CA CCSS aligned statewide assessments is available CDE,SED proposes to: • Identify LEAs needing improvement in meeting State Performance Plan (SPP) indicator targets for student achievement on ELA and math assessments • Develop an analysis tool that identified how LEAs would assess the degree and fidelity of their implementation of the CCSS related to educating SWD and the practices associated with supporting them. This would include IEP goal alignment to the CA CCSS, and professional development activities provided for staff related to IEP goal writing, and evidence based instructional practices for teaching the CA CCSS. • As a result of the self-assessment, LEAs would develop and implement an improvement plan leading to increased student access to, and achievement in, the CA CCSS for SWD.
Rationale	There is concern that the increased rigor of the CA CCSS will further widen the achievement SWD. Thus, it is imperative that teachers and educational staff in LEAs are prepared to meet the needs of diverse learners including SWD. There will be districts that will not meet either the academic performance indicators in the SPP, or graduation rates and postsecondary outcome targets for the state, and will benefit from access to additional resources, technical assistance, and training

Discussion Questions	• How does the CDE's support and current activities related to the implementation of the CA CCSS ensure SWD have access to the CCSS and increased academic achievement? • How would the SED proposal enhance CDE's efforts to improve student outcomes? • What else should the SED do to increase academic achievement for students with disabilities in the CA CCSS?
Comments from April 14 meeting	SPP Division Day – Morning Breakout April 14, 2014 Discussion Questions: • How does the CDE's support and current activities related to the implementation of the CA CCSS ensure SWD have access to the CA CCSS and increased academic achievement? o Information dissemination o Work with professors on the Higher Education system to ensure that they focus on current practices of special education o General Education teachers should have access to accommodations for each standard o The continuity of the CCSS would seem to cross the boundaries of Special Education which will help post school outcomes for our students o Webpage—this is a local LEA focus o A required plan would be a simple solution and also something both the parent and student can follow and/or take with them to other schools • How would the SED proposal enhance CDE's efforts to improve student outcomes? o We need to look at family issues—attendance, discipline, suspension/expulsion, violence—before we go on. o Aligning general education with special education to improve outcomes Field training on available resources to all educators—District, Charter, NPS

	o It seems like there is going to be a need for a lot of outreach or technical assistance to LEAs and more funding, of course, to provide it o I like the idea of the self-assessment—will help districts to focus on goals for special education students o If using achievement data aligned to AYP/NCLB benchmark, all districts “do not meet” target o Better to develop our improvement/growth process of identification • What else should the SED do to increase academic achievement for students with disabilities in the CA CCSS? o Support District and SELPA efforts o Field Test—Planning, implementation, assessment o Have more of a role in implementation and technical assistance that is meaningful to educators o Provide more direct professional development opportunities for the field o Make sure core is aligned for learning style of SWD o General education and special education should work collaboratively to ensure that special education students have the supports they need to succeed o Linkage with LCAP—this is already underway and focuses on eight areas state priorities. CCSS is a state priority. SPP Division Day – Afternoon Breakout April 14, 2014 Discussion Questions: • How does the CDE’s support and current activities related to the implementation of the CA CCSS ensure SWD have access to the CA CCSS and increased academic achievement? o Provide information at the trainings/parent and staff meetings as consultants go out on VR/SESRs o Develop assessment tool to ID areas of weakness that need improvement—close alignment with IEP goals

	o IT provides professional development, more accurate assessment, and more reliable data o Training material, Web site, guides, Community Of Practice work, and symposia o Increase activities in regards to transition of students from school to work o Provide avenue for Questions and Answers and provide a speaker forum to answer questions and give resources where they might seek assistance in this new effort o The appropriate definition of achievement would create success for both the student and the state. I would look at actual student attainment and get away from the vocabulary (i.e. “Community of practice”) o Reduce paperwork for more time to teach o Simplify/rework IEP format o Include SED staff on meetings/workgroups with the divisions that are included in implementing the common core. SED staff can then be a part of a group within the SED to see how the information can be tailored and disseminated to the SED population o UDL—teacher prep at Institutions of Higher Education • How would the SED proposal enhance the CDE’s efforts to improve student outcomes? o Build in the UDL principles o Use special education and regular education to come up with some MTSS o Webinars to assist staff implement practice testing for students o Follow-up and evaluation o Provide bridges to the CA CCSS and allow more access to things in the general education environment o Stop saying we are measuring assessments; Instead say we are measuring academic achievement as measured by assessment o Paradigm shift: along with graduation rates, dropout rates, and truancy. Start considering LRE (how much time students spend in the general education classroom),

	teacher observations, interim assessments, formative assessments, and other o Tracking data results in information gained to proceed with improvements o CDE would be pro-active in meeting the community's needs as well as student needs in more areas than just academic achievement (increase in graduation rates/decrease in suspension and expulsion) o Student outcome attainment needs to be aligned with BDA under item 17. Use the prior to measure the latter o Measure student outcomes after they leave school—that's what a post school outcome is o Align areas of CC with special education needs. • What else should the SED do to increase academic achievement for students with disabilities in the CCSS? o Ensure that all stakeholder groups, including parents, have some knowledge of standards and instruction in both regular education and special education. All need at least a cursory understanding of CCSS, etc. o Join with other divisions that use and collect follow-up surveys, particularly be surveying before graduation, especially Workability students, concerning what was/is helpful for them to be successful in the workplace and in Workability o More career skills training for employment o Ensure that modifications ad adaptors are carefully and rigorously adhered to o Keep discussions open with the field and stakeholders (to learn what is working and what is not) o Offer resources that can be used from the bottom up (teacher/parents) and the top down (administrators). o Include special education teachers in review and discussion of common core activities Define math and English language arts standards to be attainable by special education students—conjoin CTE and common core in workability

	o Write in general standard for flexibility in teaching o Emphasis on Universal Design to identify learning styles and supports o Develop a good marketing (PR) plan to reduce anxiety about how/why CCSS is a benefit not something to be feared and resisted

Focus for Improvement: Multi-Tiered System of Supports

Topic	California Multi-Tiered System of Supports (MTSS): A Framework for Supporting the Achievement of All Students in the CA Common Core State Standards.
Description	MTSS, an evolution of California's RTI², is a framework that utilizes a tiered systems approach to instruction by ensuring all students receive high quality instruction and academic and behavioral support in their Least Restrictive Environment (LRE). This approach relies on the assumption that general education will meet the needs of most students and through a data-driven and targeted system of supports, the exceptional needs of those students who require additional supports will be met.
Proposed Assistance to LEAs	The California Department of Education (CDE), Special Education Division (SED), would develop a menu of supports for Local Educational Agencies (LEAs) including tools and resources, for LEAs that do not meet the expected academic performance outcomes for students with disabilities and State Performance Plan indicators for Least Restrictive Environment. Some possible supports might include: in depth examination of LEA placement and performance data, review and evaluation of Individualized Education Program placement decision-making, promising models for instruction and support for students with disabilities in all types of educational service settings, and technical assistance provider partnerships. LEAs in need of improvement would be expected to assemble a district wide, multi-disciplinary team to assess and address LEA practices through development and implementation of an LEA-wide plan, which could include an MTSS framework.
Rationale	There are a high number of LEAs that do not meet either the expected academic performance or LRE indicators in the SPP. Research supports implementation of a tiered instructional framework of support has proven successful in increasing academic achievement for all students (Hughes and Dexter, 2011).
Discussion Questions	• How might the CDE's support for MTSS in California also assist students with disabilities in increasing their academic achievement, graduation rates and post- school outcomes? • How would the SED proposal support and enhance the CDE's Common Core implementation utilizing a MTSS framework? • What should the SED's role be in promoting MTSS?

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Comments from April 14 meeting	Considerations: ➢ Establish a common understanding of what MTSS is for the state, for districts and for schools ➢ Greater statewide support for PBIS ➢ Credentialing barriers must be addressed o Credentials not set up to support all kids o Pre-service training essential (Credentialing program alignment to pedagogy) ➢ Professional development needed for current teachers in the field ➢ Greater acceptance and training for Universal Design for Learning (UDL) o Connect importance to both instruction and assessment ➢ Public campaign/proper and wide spread messaging from the CDE o Importance of collaborative messaging from general education and special education o Connect to Common Core Standards and assessments ➢ Do not make it another “cart before the horse” initiative o Plan, adopt and develop resource materials before public campaign ➢ Make MTSS more tangible and less theoretical o Focus on real district/school examples ➢ Need broad teacher buy-in and training ➢ Create parent friendly messaging and get parent buy in before implementation ➢ Have a clear delineation between MTSS and RTI^2 ➢ Train CDE staff and provide them access to materials empowering them to be well versed in explaining MTSS for purposes of technical assistance to districts ➢ Create statewide professional development and tools

Focus for Improvement: English Language Development Standards

Topic	English Language Development (ELD) for dual-identified students (English Learners who have IEPs)
Description	CA ELD Standards align to the California Common Core State Standards for English Language Arts and address English language and literacy skills English learners need in key content areas. The goal of the CA ELD Standards is to ensure that English learners acquire full proficiency in English as rapidly and effectively as possible and attain parity with native speakers of English. English Learners who are also identified as students with special needs, no matter what their placement is, require ELD instruction **and** access to CA CCSS in such a way that they improve their English while gaining access to core subjects. The CDE, SED proposes to identify districts whose population of students with disabilities who are EL is a higher percentage rate than their general education EL population **and** whose percentage of students identified as Proficient and Advanced on statewide tests are below the statewide SPP target. These districts would be offered assistance to support a self-review of their policies, procedures, and practices for identifying EL students, for developing appropriate IEP goals and to analyze their instructional service delivery practices. The CDE, SED would partner with the EL Division to support district wide teams to plan and implement systemic changes, consistent with the EL standards to support improved outcomes for dually-identified students.
Rationale	With approximately 1.3 million English learners in California public schools and approximately 30 percent of them also with IEP. There are districts with as much as 77 percent of their special education population comprised of ELs. A large number of districts do not meet their Annual Measurable Objectives (AMOs) and Adequate Yearly Progress (AYP) for their EL population. This rate of achievement is even lower for dual-identified students. Coherent effort and collaboration is needed between EL and Special Ed staff at the state, LEA, and school level to ensure dual-identified students receive their ELD, Special Academic Instruction (SAI) concurrently from qualified staff.
Discussion Questions	• How would the CDE's support for English Learner services assist students with disabilities to increase their assessment results, graduation rates and/or post school outcomes? • How would the SED proposal enhance CDE's efforts to improve student outcomes? • What other things should the SED do to achieve more specific results?

Comments from April 14 meeting	SPP Division Day – Afternoon Breakout April 14, 2014 Discussion Questions: • How can the CDE SED support for ELD services assist students with disabilities in increasing academic achievement, graduation rates and post school outcomes? o Provide assistance to special education and EL staff and families o Not having silos in CDE and LEAs o Concern that we still use the CELDT and it has five levels vs. three that are proposed in the new ELD standards o Better assessments to distinguish students' needs due to being EL and/or due to disability o Common language and common thought o More cross-work and co-op between different departments • How might the California ELD Standards support students with disabilities in accessing Common Core State Standards in English Language Arts and Literacy? o A lot has been done with ELD development but a lot still needs to be done o All special education teachers need to be trained in Common Core State Standards o Local control funding and accountability program and duel- identified students need more attention o One participant's observation was that high school general education classes are not accessible to special education students due to student's limited English skills • Other (No comments noted)

Focus for Improvement: Family Engagement Framework

Topic	Family Engagement: Increasing student achievement through enhanced efforts to engage families.
Description	The CDE recognizes the important role family engagement plays in student achievement and positive post-school outcomes. These efforts include: • Family Engagement Framework • Parent/Family - Parents/Family and Community, Engaging Families in RTI^2, and others. The SED proposes to partner with Title 1 and Title 3 to develop guidance for family engagement across programs. The SED would utilize the parent involvement survey to identify districts whose rates of family engagement are significantly low and student outcomes are in need of improvement. These districts would be offered supports to identify the root causes of these concerns through a district-wide team and would develop a plan of evidence-based practices leading to increased parent school collaboration improved outcomes in assessment, graduation and post-secondary employment and education.
Rationale	There are a number of districts that do not meet Indictor 8 in the SPP and there are legal citations for parent involvement requirements across the CDE programs.
Discussion Questions	• How would the CDE's support for addressing family engagement issues assist students with disabilities to increase their assessment results, graduation rates and/or post school outcomes? • How would the SED proposal enhance CDE's efforts to improve student outcomes • What types of supports could the CDE provide districts to increase family engagement for students with disabilities? • How could the SED partner with other programs to support family engagement "across the rows"?

Appendix E – Improvement Activities Resources

CDE Resource or Initiative	Resource Description	Web link
Smarter Balanced Digital Library	Provides online, professional development learning opportunities relative to formative assessment strategies, practices, resources and tools, for educators to use in the classroom and tailor instruction to meet the education needs of students to achieve the CCSS in English Language Arts/Literacy and Mathematics	http://www.cde.ca.gov/ta/tg/sa/diglib.asp
Smarter Balanced Assessment System	Designed to measure all students' progress toward college and career readiness in English language arts and mathematics in grade 3 through nine and grade eleven. All students, including students with disabilities, English Language Learners (ELLs), and ELLs with disabilities, are held to the same expectations for participation and performance on state assessments. Specifically, all students enrolled in grades 3-8 and 11 are required to participate in the Smarter Balanced assessment	http://www.cde.ca.gov/ta/tg/sa/
Digital Chalkboard (formerly Brokers of Expertise)	Developed for LEAs to share online tools that are effective with the goal of providing a new level of online connectivity and cohesion across all educator categories and in all regions of California's education system. The desired outcome is to build educators' capacity level in using technology while at the same time students benefiting from evidenced-based practices that work in the classroom.	https://www.mydigitalchalkboard.org/
Early Start Personnel Development	Provides professional development training to those individuals teaching and working with infants and toddlers with disabilities and their families. The online courses provide the foundational knowledge and basic skills early intervention personnel need to serve SWD and their families. The content and learning outcomes are grounded in the comprehensive, evidence-based core curriculum.	http://www.ceitan-earlystart.org/training/
Professional Learning Opportunities Web site	The intention is to develop a statewide infrastructure for professional learning that supports educator/administrator communities and school improvement efforts.	http://www.cde.ca.gov/pd/te/ce/prodev07intro.asp
California Longitudinal Pupil Achievement Data System (CALPADS)	A longitudinal student-level data system used to maintain individual-level data including student demographics, course data, discipline, assessments, staff assignments, and other data for state and federal reporting. The Special Education Division (SED) uses the CALPADS data to make calculations related to disproportionality, graduation, and dropouts.	http://www.cde.ca.gov/ds/sp/cl/

CDE Resource or Initiative	Resource Description	Web link
Standardized Testing and Reporting (STAR)	The STAR database program looks at how well schools and students are performing. The STAR included four tests until 2013-14: the California Standards Tests, the California Modified Assessment, the California Alternate Performance Assessment, and the Standards-based Tests in Spanish. The SED uses the STAR data to make calculations related to the assessment benchmarks, accountability, and Adequate Yearly Progress. The STAR tests in English Language Arts and Mathematics have been replaced with the Smarter Balanced tests in 2014-2015.	http://www.cde.ca.gov/ta/tg/sr/
Adequate Yearly Progress (AYP) Accountability Progress Reporting System (APR)	A statewide accountability system mandated by the No Child Left Behind Act of 2001 which requires each state to ensure that all schools and districts make Adequate Yearly Progress. The SED uses the APR data reports, which includes the Academic Performance Index reports, the Adequate Yearly Progress (AYP) reports, and the Program Improvement reports, to determine educational benefit for students with disabilities.	http://www.cde.ca.gov/ta/ac/ar/
DataQuest	An online, dynamic system that provides reports about California's schools and school districts. It contains a wide variety of information including school performance indicators, student and staff demographics, expulsion, suspension, and truancy information, and a variety of test results. Data are presented so that users can easily compare schools, districts, and counties.	http://data1.cde.ca.gov/dataquest/
California Assessment of Student Performance and Progress (CAASPP)	The CAASPP is California's new statewide student assessment system established January 1, 2014. The Special Education Division in the CDE will use the CAASPP assessment reports to determine educational benefit for students with disabilities.	http://www.cde.ca.gov/ta/tg/ca/
California Services for Technical Assistance and Training (CalSTAT)	CalSTAT is a special project of the Special Education Division. CalSTAT supports and develops partnerships with schools and families by providing training, technical assistance, and resources to both special education and general education. Activities in this contract support special education improvement strategies including training in the Common Core and the transition to the new assessments.	http://www.calstat.org/spdgises.html

CDE Resource or Initiative	Resource Description	Web link
Improving Special Education Services	The California Department of Education combined the members of the two former planning groups and created the Improving Special Education Services (ISES) stakeholder group. Approximately two meetings are held per year for the ISES to learn about and discuss SPDG updates as well as the SSIP. Bi-annually this broad based, selected, stakeholder group meets to review progress on state indicators, initiatives, and activities while making recommendations to the CDE.	http://www.calstat.org/spdgises.html
State Personnel Development Grant (SPDG)	In 2012, California was awarded a five-year, $10,000,000 federal grant to improve outcomes for students. The new SPDG supports the teaching of reading by using evidence-based professional development for school staff of middle school students with disabilities. This support will take place in 44 competitively selected middle school sites in "high need" districts in California.	http://www.calstat.org/sig.html http://caspdg.org/
State Improvement Grant	The SIG supports improving special education services in numerous areas: •Quality and number of teachers and other personnel who work with students with disabilities •Coordination of services for students with disabilities •Behavioral supports available for students with disabilities •Academic outcomes, especially in the area of literacy •Participation of parents and family members •Collection and dissemination of data	http://www.calstat.org/sig.html
Project Read	The purpose of Project READ, a unique, collaborative, evidence-based project targeting personnel development (PD), is to increase the reading achievement and academic outcomes of middle school students with disabilities from low-performing middle schools throughout California.	http://www.calstat.org/projectread.html
Quality Assurance Process	Resources to improve educational outcomes for students with disabilities while ensuring compliance with state and federal laws and regulations.	http://www.cde.ca.gov/sp/se/qa/

CDE Resource or Initiative	Resource Description	Web link
CDE Services and Resources Website	This Web site contains information on programs and services available to students with disabilities, including publications, training and technical assistance opportunities, and recruitment resources and materials. It also constitutes public reporting, data awareness, and data utilization for best practice efforts and is part of the obligation for the general supervision system under IDEA.	http://www.cde.ca.gov/sp/se/sr/#srinf
Training and Technical Assistance Collaborative (TTAC)	Composed of members from the federal, state, and local levels that share information on training efforts to increase the capacity of early childhood educators working with the special needs of SWD in a variety of service systems. A key mission of the collaborative is to build relationships and nurturing trust among TTA leaders in support of coordination and collaboration in planning and implementing early childhood/early intervention training and technical assistance activities.	http://www.wested.org/project/training-and-technical-assistance-collaborative/
Working Together for Inclusion and Belonging	Collaboration among early childhood educator providers. The group combined efforts to offer technical assistance, professional development, other resources that address inclusive practice, promotion of healthy social-emotional development, and prevention of challenging behavior in early childhood, after-school, and in other education settings.	http://cainclusion.org/
Foster Youth Services Programs	Provide support services to foster children who suffer the traumatic effects of displacement from family and schools and multiple placements in foster care. Ensure that health and school records are obtained to establish appropriate placements and coordinate instruction, counseling, tutoring, mentoring, vocational training, emancipation services, training for independent living, and other related services. FYS programs increase the stability of placements for foster children and youth. These services are designed to improve the students' educational performance and personal achievement, directly benefiting them as well as providing long-range cost savings to the state.	http://www.cde.ca.gov/ls/pf/fy/

CDE Resource or Initiative	Resource Description	Web link
The Education Liaison Model **(Not CDE sponsored but referenced on the CDE FYS page) http://www.cde.ca.gov/ls/pf/fy/resources.asp**	The Education Liaison Model is a comprehensive interagency program to support social workers in obtaining appropriate educational services for children in the foster care system. It is a research-based program that is designed to support the goals of the California Child Welfare Redesign as well as AB 490 and: • Places education liaisons in the offices of County Departments of Children and Family Services • Provides ongoing training and support to social workers in identifying educational barriers to learning and fashioning effective solutions • Provides training and technical assistance to the education liaisons so they have expertise to resolve a wide-range of complex educational problems brought to them by social workers.	http://www.mhas-la.org/Ed%20Liaison%20Model-Main.pdf
CDE Resiliency and Youth Development Web Page	Resources supporting individual and community resilience including: • Fostering Resilience in Children • Resiliency: What We Have Learned • Resilience and Youth Development Module (RYDM) • Turning the Corner: From Risk to Resilience • Promoting Resilience in Children: What Parents Can Do: Information for Families	http://www.cde.ca.gov/ls/yd/rs/resiliencyandyd.asp
Homeless Children and Youth Education	Resources to assist youth who lack a fixed, regular, and adequate residence.	http://www.cde.ca.gov/sp/hs/cy/
Title III Language Instruction for Limited English Proficiency Students	Information and resources about the education of LEP students through the Title III federal program. The purpose of the program is to ensure that all LEP students, referred to as English learners in California, attain English proficiency, develop high levels of academic attainment in English, and meet the same challenging state academic standards as all other students.	http://www.cde.ca.gov/sp/el/t3/lep.asp

CDE Resource or Initiative	Resource Description	Web link
FRPM Data 2012-13 Unduplicated Student Poverty Data	Downloadable data files pertaining to students eligible for Free or Reduced Price Meals (FRPM). The certified data in this file reflect the unduplicated counts and percentages of students eligible for Free Meals under the National School Lunch Program (NSLP) and the unduplicated counts and percentages of students eligible for Free or Reduced Price Meals (FRPM) under the NSLP.	http://www.cde.ca.gov/ds/sd/sd/filessp1213.asp
English Learners and Foster Youth Under the LCFF - FAQ	Frequently asked questions and answers regarding the Local Control Funding Formula as it pertains to English Learners and Foster Youth.	http://www.cde.ca.gov/fg/aa/lc/lcfffaq.asp#EL
Title I, Part A Low Income Students	Title I, Part A federal funds help to meet the educational needs of low-achieving students in California's highest-poverty schools. Funds are used to support effective, research-based educational strategies that close the achievement gap between high- and low-performing students, and enable the students to meet the state's challenging academic standards. Title I-funded schools are either targeted assistance schools or school wide program schools.	http://www.cde.ca.gov/sp/sw/t1/titlepart a.asp
Title I School wide Programs per NCLB	In general, a Title I school may operate as a school wide program only if a minimum of 40 percent of the students in the school, or residing in the attendance area served by the school, are from low-income families. The emphasis in school wide program schools is on serving all students, improving all structures that support student learning, and combining all resources, as allowed, to achieve a common goal. School wide programs maximize the impact of Title I.	http://www.cde.ca.gov/sp/sw/rt/
CDE English Learners Web page	There are many programs and services to help students who do not speak, read, write, or understand English well. There are programs for students, parents, and immigrants. The overall goal of these programs is to improve the English language skills of students. The CDE helps to support EL programs in California.	http://www.cde.ca.gov/sp/el/
CDE External English Learner Information Sources	Links to English learner information outside the California Department of Education Web site.	http://www.cde.ca.gov/sp/el/er/outsidelinksel.asp

CDE Resource or Initiative	Resource Description	Web link
CDE FAQ for English Learners Resources	Frequently Asked Questions regarding English learners in California and appropriate teacher authorizations and links to Web sites with information about developing programs for linguistically and culturally diverse students.	http://www.cde.ca.gov/sp/el/er/
California English Language Development Test (CELDT)	Students in kindergarten through grade twelve whose home language is not English are required by law to be assessed in English language proficiency (ELP). In California, the ELP assessment is the CELDT.	http://www.cde.ca.gov/ta/tg/el/
English Language Development Standards	The CA ELD Standards Implementation Plan identifies major phases and activities in the implementation of the CA ELD Standards throughout California's educational system. The plan describes the philosophy of and strategies for the successful integration of the CA ELD Standards that align to the California Common Core State Standards for English Language Arts and literacy in History/Social Studies, Science and Technical Subjects (CA CCSS for ELA/Literacy) to address English language and literacy skills English learners need in key content areas. The goal is to serve as a guide of the major steps in the development, adoption, and implementation of the CA ELD Standards for local educational agencies and county offices of education.	http://www.cde.ca.gov/sp/el/er/eldstandards.asp
English Learner Compliance Monitoring	Provides evaluation and technical assistance to LEAs to ensure that English learners acquire full proficiency in English as rapidly and effectively as possible, and that English learners meet state standards for academic achievement.	http://www.cde.ca.gov/ta/cr/elmonthome.asp
Common Core State Standards	Educational standards describe what students should know and be able to do in each subject in each grade. In California, the State Board of Education decides on the standards for all students, from kindergarten through high school. Since 2010, a number of states across the nation have adopted the same standards for English and math. These standards are called the Common Core State Standards (CCSS). Having the same standards helps all students get a good education, even if they change schools or move to a different state. Teachers, parents, and education experts designed the standards to prepare students for success in college and the workplace.	http://www.cde.ca.gov/re/cc/index.asp

CDE Resource or Initiative	Resource Description	Web link
Common Core Resources for Special Education	This Web site offers resources and guidelines for administrators, teachers, parents, and stakeholders on what the CCSS and the new tests will mean for California students in the Special Education community.	http://www.cde.ca.gov/sp/se/cc/
Content Standards	Content standards were designed to encourage the highest achievement of every student, by defining the knowledge, concepts, and skills that students should acquire at each grade level.	http://www.cde.ca.gov/be/st/ss/index.asp
Instructional Quality Commission (formerly known as the Curriculum Development & Supplemental Materials Commission)	The Instructional Quality Commission (IQC), formerly called the Curriculum Development and Supplemental Materials Commission, is an advisory body to the California State Board of Education (SBE) on matters related to curriculum, instructional materials, and content standards in accordance with California *Education Code* Section 33530-33540.	http://www.cde.ca.gov/be/cc/cd/index.asp
Clearinghouse for Multilingual Documents	A secure database to assist local educational agency (LEA) staff in locating parental notification documents translated into non-English languages. State and federal laws place expectations upon schools to translate notices sent to the parents of English learners. Through the Clearinghouse, schools can download translated notices for free and modify them to suit local needs. This service helps schools to save time, money, and work efforts. The Clearinghouse is intended for use by schools and districts. If parents want to obtain translations of a school notification, they should contact their child's school.	http://www.cde.ca.gov/ls/pf/cm/
CDE SBAC Digital Library	The Smarter Balanced Assessment System has three components: the Summative Assessments, designed for accountability purposes; Interim Assessments, designed to support teaching and learning throughout the year; and the Digital Library, designed to support classroom-based formative assessment processes. The Smarter Balanced Assessment Graphic (PDF) displays the relationship between these components, the Common Core State Standards, and college and career readiness.	http://www.cde.ca.gov/ta/tg/sa/diglib.asp

CDE Resource or Initiative	Resource Description	Web link
CCSS Videos and Archived Presentations	Videos and archived presentations to support the implementation of the Common Core State Standards (CCSS).	http://www.cde.ca.gov/re/cc/presentationswebinars.asp
CDE Special Populations Web Page	This page discusses the special populations defined by the federal Carl D. Perkins Career and Technical Education Improvement Act of 2006 (Perkins IV). The CDE follows the Perkins IV mandates to serve special populations and document the achievement of each group to achieve established performance levels. Areas of achievement relate to Career Technical Education program completion, earning twelfth grade diplomas, placement of twelfth graders following program completion, nontraditional program enrollment, and nontraditional career program completion. Special Population includes: • Individuals with disabilities • Individuals from economically disadvantaged families, including foster children • Individuals preparing for nontraditional training and employment • Single parents, including single pregnant women • Displaced homemakers • Individuals with other barriers to educational achievement, including individuals with limited English proficiency	http://www.cde.ca.gov/ci/ct/pk/pops.asp
State Performance Plan Technical Assistance (SPP-TA) Project	The State Performance Plan Technical Assistance Project (SPP-TAP) is funded by the California Department of Education (CDE) through a contract with the Napa County Office of Education (NCOE). The overall purpose of the project is to provide a system of technical assistance for local educational agencies (LEAs) working to address performance and compliance problems relating to disproportionality and significant disproportionality.	https://spptap.org/

Appendix F – Best Practice Resources for Student Discipline and Behavior Intervention

CalSTAT
http://www.calstat.org/
California Services for Technical Assistance and Training is a special project of the California Department of Education, Special Education Division, located at Napa County Office of Education.

Positive Behavioral Interventions and Supports
https://www.pbis.org/
(OSEP TA Center)
This is a comprehensive site with several resources.

PBIS World
http://www.pbisworld.com/
This is an interactive site, that assumes you have a structure in place. What is neat is that it describes action based on specific behavior, recommending specific practices (interventions).

PBIS Apps
https://www.pbisapps.org/Pages/Default.aspx
Software to assist district in collecting, organizing, and analyzing student discipline data.

RTI Action Network
http://www.rtinetwork.org/learn/behavior-supports

RTI Action Network
http://www.rtinetwork.org/learn/behavior-supports/schoolwidebehavior
(from the National Center on Learning Disabilities)

Florida Department of Education
http://flpbs.fmhi.usf.edu/pdfs/Response%20to%20Intervention%20for%20Behavior%20a%20Technical%20Assistance_UPDATED_010509.pdf
Technical assistance paper on response to intervention for behavior.

Responsive Classrooms
http://www.responsiveclassroom.org

State of Washington: Office of Superintendent of Public Instruction
http://www.k12.wa.us/SpecialEd/Families/pubdocs/bestpractices.pdf

Harry K. Wong: Classroom Management Best Practices and Resources
http://www.effectiveteaching.com

Dignity in Schools Web site:
http://www.dignityinschools.org

Civil Rights Project: UCLA
http://civilrightsproject.ucla.edu

Why We Must Reform School Discipline in California
Instead of correcting students' behavior and making communities and schools safer, the quick removal methods, such as out-of-school suspension and expulsion, deprive students of the chance to receive the education and help that they need, making it more likely that they will drop out of school, enter the criminal justice system, and place their future options in jeopardy. There is a much better way to hold students accountable and keep schools safe.
http://www.cde.ca.gov/ls/ss/se/behaviorialintervention.asp

School Attendance Improvement Handbook (PDF)
The School Attendance Improvement Handbook provides strategies to improve school attendance for teachers and school principals.
http://www.cde.ca.gov/ls/ai/cw/documents/schoolattendance.pdf

Present, Engaged, and Accounted For
This document focuses on the critical importance of addressing chronic absence in the early grades.
http://www.nccp.org/publications/pub_837.html

2012 School Attendance Review Boards Handbook (PDF)
The handbook provides information on establishing a School Attendance Review Board (SARB); identifies behavioral patterns of problem students; gives helpful hints on how to work with students and their parents or guardians; suggests by-laws and standing rules; identifies effective factors for parent and pupil conferences; lists California compulsory attendance and other related laws; and provides sample letters and forms to petition the Probation Department, Office of the District Attorney, and the courts.
http://cascwa.org/wp-content/uploads/2014/04/SARBhandbook42012.pdf

In School + On Track – Attorney General's 2013 Report on California's Elementary School Truancy and Absenteeism Crisis
This document focuses on the critical importance of addressing truancy in the elementary grades.
https://oag.ca.gov/truancy

Chronic Absence Forum
Prepared remarks by State Superintendent of Public Instruction Tom Torlakson on May 19, 2011, during the Taking Attendance Seriously: Promoting School Success by Preventing Chronic Absence Forum in Sacramento.
http://www.cde.ca.gov/nr/sp/yr11/yr11sp0519.asp

Research Articles on Student Discipline:

Fabelo, T., Thompson, M., Plotkin, M., Carmichael, D., Marchbanks, M., & Booth, E. (2011).Breaking Schools' Rules: A Statewide Study of How School Discipline Relates to

Students' Success and Juvenile Justice Involvement. Lexington, KY: Council of State Governments Justice Center.

Fix School Discipline (2012). Retrieved from: http://www.fixschooldiscipline.org/

Greene, R. (2008). *Lost at School: Why Our Kids with Behavioral Challenges are Falling Through the Cracks and How We Can Help Them.* New York: Scribner.
http://www.livesinthebalance.org
http://www.lostatschool.org

Greene, R., Ablon, S., & Martin, A. (2006). Innovations: Child psychiatry: Use of collaborative problem solving to reduce seclusion and restraint in child and adolescent inpatient units. *Psychiatric Services, 57*(5), 610-616.

Kelm, J. L. & McIntosh, K. (2012). Effects of school-wide positive behavior support on teacher self-efficacy. *Psychology in the Schools, 49*(2), 137-147.

Morin, J. & Battalio, R. (2004). Construing misbehavior: The efficacy connection in responding to misbehavior. *Journal of Positive Behavior Interventions, 6*(4), 251-254.

Ross, S. W., Romer, N., & Horner, R. H. (2012). Teacher well-being and the implementation of school-wide positive behavior interventions and supports. *Journal of Positive Behavior Interventions, 14*(2), 118-128.

Skiba, R. (2000). Zero Tolerance, Zero Evidence: An Analysis of School Disciplinary Practice (pp. 1-20). Indiana: Indiana Education Policy Center.

Skiba, R., & Peterson, R. (1999). The dark side of zero tolerance: Can punishment lead to safe schools? *Phi Delta Kappan, 80*(5), 372-376, 381-382.

Skiba, R., Rausch, M. K., & Ritter, S. (2005). Discipline is Always Teaching: Effective Alternatives to Zero Tolerance in Schools. Indiana University: Center for Evaluation and Education Policy.

Sprague, J. & Golly, A. (2004). *Best Behavior: Building Positive Behavior Supports in Schools.* Texas: Sopris West.

Sugai, G. & Simonsen, B. (2012). Positive Behavioral Interventions and Supports: History, Defining Features, and Misconceptions. CT: Center for Positive Behavioral Interventions and Supports.

Appendix G: Divisions of the CDE and How They Serve Students with Disabilities

After School Division:

After School Programs Division (ASD) is committed to the inclusion of students with special needs in the programs they fund. To prepare staff to meet the requirements of the Individuals with Disabilities Education Act and Section 504 of the Vocational Rehabilitation Act, a multi-year project titled *The California Inclusion Project*, or CalServe, was conducted in conjunction with the Napa County Office of Education and concluded in August of 2011. The materials are available on the California After School Resource Center (CASRC) Web site and are available to download free of charge. The ASD supports staff in our programs to acquire the knowledge, skills, abilities, and attitudes to be successful in including **all** students in after school programs.

Nutrition Services Division:

The Nutrition Services Division (NSD) administers guidance to schools, child care programs, and other community programs to provide healthy meals and snacks to all students, which can include accommodating children with special dietary needs. Feeding students with special dietary needs can present program staff with many new challenges as well as rewards. The guidance put forth from U.S. Department of Agriculture (USDA) regulations in Title 7, *Code of Federal Regulations* (7 *CFR*), sections 15.3(b) and 210.10(g), require food substitutions or modifications in the National School Lunch Program and School Breakfast Program for students whose disabilities restrict their diets.

The NSD is responsible for ensuring that Child Nutrition Programs receive the needed technical assistance to interpret, educate, and implement a successful nutrition program. In response to increased inquiries, the California Department of Education (CDE), NSD, developed Management Bulletin USDA-CNP-03-2013, available on the CDE Guidelines for Accommodating Children with Special Dietary Needs in Child Nutrition Programs Web page at http://www.cde.ca.gov/ls/nu/sn/mbcnp072014.asp.

For further information, please contact Lori Porter, Child Nutrition Consultant, Southern School Nutrition Programs Unit, by e-mail at lporter@cde.ca.gov or by phone at 916-322-1454.

Services for Administration, Finance, Technology, and Infrastructure Branch

School Facilities and Transportation Services Division:

The School Facilities and Transportation Services Division advises and assists districts in ensuring that the design of school buildings supports the Least Restrictive Environment for students with special needs. *California Code of Regulations*, Title 5, requires special day classes be dispersed throughout the campus and have classrooms that are at least the same size as classrooms used for general education. CDE has worked closely with stakeholders to develop processes to encourage districts

to early in the planning process involve County Offices of Education and Special Education Local Planning Areas to consider the need for county run programs.

"A School for Everyone--School Design to Support the Inclusion of Students with Disabilities" provides a number of areas districts and school designers should look at in the design of new schools and the remodeling of existing schools. https://www.njcdd.org/initiatives/inclusive-education/127-school-is-for-everyone

The Office of School Transportation provides education to school bus trainers. These CDE certified trainers provide direct instruction to bus drivers and the CDE offers a specialized training class on transporting students with medical conditions and other special needs.

Instruction and Learning Support Branch

Career and College Transition Division:

The California Career Resource Network (CalCRN) program provides free online career exploration and planning resources for students with disabilities that are utilized for Workability and other special education programs to complete required career assessments, and help develop IEPs and Transition Plans. One key resource is the California CareerZone found at: http://www.cacareerzone.org. For further information on CalCRN, please contact John Merris-Coots by phone at (916) 324-8151, or by e-mail at jmerris@cde.ca.gov.

The Division also provides a "Disabilities" in the Challenges section of the CA Career Center at http://www.calcareercenter.org/Home/Content?contentID=243 . These resources help students with disabilities with career and college planning.

Lastly, the CCT Division receives $119 million of federal funds through the Carl D. Perkins Career and Technical Education Improvement Act which requires all LEAs to provide special accommodations to any special education student enrolled in a career technical education course with some type of physical or mental disability. For further information on this matter, please contact Dr. Mary Gallet by phone at (916) 445-5723, or by e-mail at mgallet@cde.ca.gov.

Child Development Division:

The Child Development Division (CDD) encourages the inclusion of children with disabilities or other special needs in early childhood classrooms. In 2009 CDD published a handbook called ***Inclusion Works***. The purpose of this 95 page publication is to help child care providers learn strategies that promote inclusion and a sense of belonging for all children including those with disabilities or other special needs.

The CDD quality improvement funded Web site called **MAP to Inclusion and Belonging** http://www.cainclusion.org/camap/index.html links to a wealth of resources

for educators and families with a focus on resources that support the development of persons with disabilities.

An additional CDD resource is the **California Inclusion and Behavioral Consultation Network** (CIBC) http://www.cibc-ca.org/. This is a network of experienced, local consultants who provide on-site consultation to build the capacity of programs and providers to respond effectively to students with special needs or challenging behaviors. Consultants have knowledge of relationship-based practices and community resources and are skilled in problem-solving issues around inclusion and challenging behaviors.

Professional Learning Support Division:

The Professional Learning and Support Division (PLSD) strengthens and deepens educators' abilities to increase the academic, social, and emotional growth of students with disabilities. The PLSD provides statewide professional learning opportunities, leadership training, and technical support to administrators and teachers through seminars, conferences, online courses, Web sites, publications, research, legislative action, and collaboration with outside agencies on the topics of Common Core State Standards (CCSS), Universal Design for Learning, Response to Instruction and Intervention, and differentiated learning. The CCSS Professional Learning Modules featured on the CDE's Brokers of Expertise Web site integrate instructional strategies for supporting students with disabilities throughout each of the nine modules.

English Learner Support Division:

The Language Policy and Leadership Office and The Migrant Education Program Office conduct on-site and on-line reviews of local educational agencies (LEAs) to ensure they receive a program of English language development and progress toward meeting their academic goals 1) by reviewing IEP, and 2) ensuring their teachers are prepared and authorized to provide the required services to these students. Part of the scope of the review also encompasses an analysis of practice to ensure that students who are identified in the IEP receive testing accommodations and modifications. Finally, dual identified English Learners with disabilities who met the LEA's reclassification process and criteria are reclassified in a timely manner.

Curriculum Frameworks and Instructional Materials Division:

Proudly provides specialized formats of instructional materials in braille, large print, audio, and various file formats.

Curriculum Frameworks contain a chapter on Universal Access.

Publishers of adopted instructional materials must provide digital files so that the state can provide accessible versions.

Repositories such as the National Instructional Materials Access Center (NIMAC) – publishers provide files to be used to convert to accessible digital version depending on the need of the qualified student,; LOUIS - the national repository of files created as braille, large print, and audio for students with vision disabilities; Bookshare; and Learning Ally provide qualified students with digital files needed for access.

District, School, and Innovation Branch

The District, School and Innovation Branch promotes programs which improve student achievement. Programs include the state-wide student assessment called the California Measurement of Academic Performance and Progress (CalMAPP), school and district interventions, federally funded educational programs, state and federal accountability, educational data collection and reporting, and charter schools.

The District, School and Innovation Branch is diligently working toward the implementation of the CalMAPP state-wide assessment system. The Smarter Balanced assessment, a CalMAPP assessment for students in grades 3 through 8 and grade 11, provides accessibility to students with disabilities by designing, from the beginning, universal tools, designated supports, and accommodations into the testing experience for all students. CalMAPP will provide computer based testing to allow students with disabilities, including English learner students with disabilities, greater accessibility to test items by providing a broader variety of accommodations and supports that were not previously available through pencil and paper tests.

Analysis, Measurement and Accountability Reporting Division:

The mission of Analysis, Measurement, and Accountability Reporting Division (AMARD) is to calculate and publicly report data for a variety of accountability purposes. These data reports are used for state accountability known as the Academic Performance Index (API) and federal accountability known as Adequate Yearly Progress (AYP). AMARD also produces data for parents and school communities within the School Accountability Report Card (SARC) and a new School Quality Snapshot (SQS) which highlights a select amount of data in an attractive, visual, two-page format. Data is also produced by AMARD for the general public through DataQuest, a Web page that features multiple types of data by school, district, county, and statewide reports.

School Quality Snapshots

In October, AMARD released its second annual release of a school report that will provide parents, teachers, administrators, board members, parent and teacher organizations, site council members, and other educational stakeholders with a snapshot of school data in a format that is easy to read and understand. This two-page report for each school highlights multiple years of data for schools in an attractive, visual format. The 2012–13 School Quality Snapshot (SQS) report graphically displays comparative school, local educational agency (LEA), and state data for various accountability, demographics, and school climate indicators. For those with special needs, the SQS displays the data in a tabular format via the CDE’s Web site that will

allow visual impaired users to utilize a screen reader which will read the data to the user.

State Identified Measurable Result

This document is the third of five sections that constitute Phase I of California's State Systemic Improvement Plan (SSIP). The SSIP is a new requirement of the U.S. Department of Education and serves as the centerpiece for implementation of the Office of Special Education Programs' (OSEP) initiative entitled "Results Driven Accountability," which is its effort to focus more on student performance in the overall system of the state's general supervision of local educational agencies (LEAs). Phase I is intended to provide a detailed analysis of data and state infrastructure that will guide the selection of coherent improvement strategies to increase the state's capacity to lead meaningful change in LEAs to improve measureable results for students with disabilities (SWD). While this section is being presented as an independent document in this item, it is meant to be considered in the context of OSEP's overall instructions and is best read in concert with the other SSIP sections presented in this item. This section describes the State Identified Measureable Result (SIMR) that California has selected to measure changes in student academic performance over time. Based on OSEP's instructions for this element, it is aligned to a State Performance Plan/Annual Performance Report (SPP/APR) indicator (Indicator 3), is clearly based on the Data and State Infrastructure Analyses, and is a child-level outcome.

As described in the Data Analysis and Infrastructure Analysis Sections, special education division (SED) staff met with stakeholders and staff from other program divisions within the California Department of Education (CDE) to review student and LEA performance data and the elements of California's education infrastructure to determine the most effective means to improve the academic performance of SWD. Additionally, due to the statewide emphasis on these subgroups, this performance data is considered the most appropriate data to be used to serve as California's SIMR, to measure current student performance, and changes in student performance over the years in which this SSIP is to be implemented. However, California considered several potential measures for its SIMR, including:

- The frequency of suspensions and expulsions: The state's goal would be to reduce the number of these discipline events, thereby increasing students' access to instruction in the core curriculum.

- Graduation rate: The state's goal would be to increase graduation rates, a student-level measure that would indicate improved outcomes for SWDs.

- Scores on statewide academic assessments: The state's goal would be to improve the performance of SWDs on these assessments over time, another measure that would clearly indicate improved outcomes for SWDs.

In analyzing the viability of each of these potential SIMRs, the CDE staff and stakeholders reached the following conclusions:

- Suspensions and Expulsions: As evidenced in both special education and general education data, LEAs in California have been reducing the number of suspensions and expulsions over the last several years based on the premise that more class time will improve student performance. The stakeholders in the SSIP group felt that this trend was something that should anchor the SSIP. However, over time and through interaction with the Office of Special Education Programs and their technical assistance centers, it was made clear that suspension and expulsions were not acceptable measures to report to OSEP for a SIMR, and that the CDE should consider alternatives. Based on information provided by OSEP, the CDE determined that the only options for a SIMR were graduation and assessment.

- Graduation rates: Based on an analysis of the LEAs in California, approximately 500 LEAs serve elementary students only and thus do not have graduates. Therefore scaling up of the SSIP with graduation as a SIMR would prove problematic.

- Scores on statewide assessments: Based on OSEP's requirements, the CDE staff and stakeholders concluded that among potential SIMRs California considered, only student statewide assessment results was a viable option. This was confirmed by the frequently asked questions (FAQs) disseminated to the states by the IDEA Data Center on December 1, 2014:

> As discussed above, the SIMR must be a child-level, measurable result that improves child outcomes. The "compliance indicators" measure compliance but do not measure child outcomes. This includes the compliance indicators under Part C (1, 7, and 8) and Part B (9, 10, 11, 12, and 13). In addition, there are some "results indicators" that are not appropriate to use as a SIMR, since the indicators do not measure improvement in child outcomes.
>
> Topics that would **not** be acceptable, stand-alone SIMRs include those related to the following results indicators:
>
> For Part C:
> Indicator 2–natural environments
> Indicators 5 and 6–child find
> Indicators 9 and 10–resolution sessions and mediation
>
> For Part B:
> Indicator 2–dropout
> Indicator 4–suspension/expulsion
> Indicators 5 and 6–least rRestrictive environment
> Indicator 8–parent involvement
> Indicators 15 and 16–resolution sessions and mediation

Therefore, California narrowed its selection of a SIMR for SWD to student results on statewide assessments, specifically, the number of students who score proficient or

above on those assessments. Further, based on the SSIP infrastructure analysis and California's selection of improvement strategies that focus on English Learners (ELs), students in poverty, and foster youth, California has selected its SIMR to be measured by proficiency results for the subgroups of special education students who are also ELs; low-income, defined by student's eligibility for free and reduced-price meals (FRPM); and foster youths. As noted in previous sections, these selected subgroups of students are also those used to generate the supplemental and concentration grants for LEA funding, and are the student subgroups that are the state's funding focus.

Because California has chosen to improve the assessment proficiency scores for the subgroups noted above, (thereby aligning the SSIP and the states funding focus), the SSIP federal fiscal year (FFY) 2013 baseline data and targets are different from the statewide baseline data and targets for Indicator 3 of the SPP/APR.

These selected subgroups include approximately 60 percent of the special education population in California. Also, the data analysis conducted by the CDE demonstrated that poverty seemed to be the strongest negative correlate with assessment scores. Similarly, assessment results for ELs and foster youth tend to fall below assessment outcomes for other students. Therefore, by targeting improvement strategies for this population, California can anticipate an increase in student proficiency on the statewide assessment represented in Indicator 3.

The specific formula California intends to use for its SIMR is as follows:

Number of EL SWD proficient or above on statewide assessments
+ number of SWD eligible for FRPM proficient or above on statewide assessments
<u>+ number of SWD in foster care proficient or above on statewide assessments</u>
(All EL SWD + All SWD eligible for FRPM + All SWD in foster care)

This single result is a child-level indicator that will likely have a strong impact on Indicator 3. The CDE staff and stakeholders involved in this process are confident that improved results for this subgroup of students will effectively influence improved proficiency levels on statewide assessments for all students with disabilities in California.

Selection of Coherent Improvement Strategies

This document is the fourth of five sections that constitute Phase I of California's State Systemic Improvement Plan (SSIP). The SSIP is a new requirement of the U.S. Department of Education and serves as the centerpiece for implementation of the Office of Special Education Programs' (OSEP) initiative entitled "Results Driven Accountability," which is its effort to focus more on student performance in the overall system of the state's general supervision of local educational agencies (LEAs). Phase I is intended to provide a detailed analysis of data and state infrastructure that will guide the selection of coherent improvement strategies to increase the State's capacity to lead meaningful change in LEAs to improve measureable results for students with disabilities. While this section is being presented as an independent document in this item, it is meant to be considered in the context of OSEP's overall instructions and is best read in concert with the other SSIP sections presented in this item. California's "Selection of Coherent Improvement Strategies" explains how the improvement strategies were selected, the logic and alignment with general education strategies, and how the strategies will improve the state infrastructure to support LEA implementation of effective, evidence-based practices to improve delivery of instruction and other supports, leading to the improved academic performance of their students.

Process for Selection of Strategies

The California Department of Education (CDE) completed its process for selecting coherent improvement strategies following a thorough data analysis, analysis of statewide infrastructure, and selection of the state identified measurable result (SIMR). This environmental scan began with current CDE level initiatives being implemented, then was expanded to include all the state level education initiatives. These CDE initiatives, described in the analysis of state infrastructure section, included middle school reading (Project READ); English Learner state standards; family engagement; implementation of the California Common Core State Standards (CA CCSS); suspension and expulsion; and improved implementation of least restrictive environment (LRE) placements. This expanded statewide scan incorporated a review of the local control funding formula (LCFF) and local control accountability plan (LCAP). The SSIP stakeholders examined these initiatives to determine the efficacy as improvement strategies. Through this analysis, the CDE staff and SSIP stakeholders determined that several of these initiatives were limited in potential to fully scale up as coherent improvement strategies. Therefore, the coherent improvement strategies selected to improve the state infrastructure, support LEA implementation, and ultimately increase the capacity of LEAs to improve performance on statewide assessments are:

- Student engagement (supported by increased time in class through reduced absences)
- Student discipline (decrease suspensions and expulsions)
- Access to, and instruction in, the CA CCSS.

The SSIP stakeholders selected these strategies because they were confident that these will be most effective in increasing the capacity of LEAs to support students with disabilities (SWD) in improving their academic performance. The SSIP stakeholders also noted that these strategies are most closely linked with the identified root causes for lower SWD performance: lack of attendance; overreliance on suspensions and expulsions; and inadequate access to the CA CCSS and effective instruction.

Moreover, the SSIP stakeholders advised the CDE, Special Education Division (SED), to pay special attention to the needs of students who, in addition to having individualized education programs (IEPs), are also students who are eligible for free and reduced price meals, students who are English Learners (ELs), and students who are foster youth. These student subgroups have historically underperformed relative to the general student population, and are targeted for additional funding support through the LCFF, and for additional instructional support and services through the LCAP. In light of the subgroup overlap that occurs between students with disabilities and ELs (23 percent of ELs are also students with disabilities), socioeconomically disadvantaged students (14 percent of students in poverty are also students with disabilities), and foster youth (33 percent of foster youth are also students with disabilities), it is important to recognize how supports and services might work in a complementary, coordinated manner to improve performance for all students, particularly these identified subgroups. While the selected coherent improvement strategies will provide supports to improve the performance of all students, implementation will include a specific focus on the three student subgroups targeted by the LCFF, and the SWDs that represent a large portion of these subgroups.(See additional references, page 15.)

Rationale Supporting the Coherent Improvement Strategies

Student Engagement: Improved Attendance.

The CDE selected student engagement supported by increased time in class through reduced absences as one of the coherent improvement strategies because research shows that increased time in class leads to student progress. In the 2008 report *Present, Engaged and Accounted For*, authors Chang and Romero concluded that chronic early absence adversely affects academic success for students showing the negative consequence of spending less time on task. The following quote from *Present, Engaged, and Accounted For: The Critical Importance of Addressing Chronic Absence in the Early Grades*, captures the intent of increasing student engagement as a coherent improvement strategy.

> Going to school regularly in the early years is especially critical for children from families living in poverty, who are less likely to have the resources to help children make up for lost time in the classroom. *(page 3, 2008)*

Student Discipline: Reduced Suspensions and Expulsions.

Student discipline (decreased suspensions and expulsions) was selected to address student behavior and student academic performance based on the data analysis that showed a strong negative correlation (Pearson’s r = -.86) between suspensions and

expulsions. In addition, new research in the December 2014 issue of the *American Sociological Review*, students attending schools with high suspension rates have lower test scores, even if they are not the students being suspended. This analysis and supporting research indicated that using other disciplinary methods besides suspension and expulsion for student misbehavior would be an intervention that would strengthen student success. This strategy is similar to student engagement; keeping students in school improves student outcomes. The SSIP stakeholder group believed that overuse of suspensions and expulsions is one of the critical areas to address as suspensions and expulsions directly affect student achievement. Focusing on student discipline as a coherent improvement strategy will include both raising awareness of the benefits of reducing these measures, and providing LEAs resources to address this issue.

Access to, and Instruction in, the California Common Core State Standards (CA CCSS):

The third selected coherent improvement strategy is improved access to, and instruction in, the CA CCSS. The implementation of the CA CCSS has statewide implications, based on public policy to approve these standards for use with all students, including SWD. There are two components to this strategy. The first component is access for SWD to the general education curriculum and education with their same-aged peers. Research indicates that ensuring access for SWD to the same standards and quality of instruction as their general education peers positively correlates with increased achievement for SWDs. By providing LEAs with resources and guidance to improve such access for SWDs, the CDE will provide effective assistance toward this end (See page 6). The second component is improving the quality of instruction that is provided to SWDs. The CDE will support this strategy by providing LEAs with guidance and resources on effective instructional strategies and structures such as Universal Design for Learning (UDL) and Multi-tiered System of Supports (MTSS). (See Evidence-Based Practices, Coherent Implementation Strategy: Access, pages 6–8.)

The SSIP stakeholders recommended the selection of these specific strategies because they strongly believed that focus on student engagement; discipline; and access to, and instruction in, the CA CCSS as coherent improvement strategies will lead to measureable improvement in academic performance and proficiency on statewide assessments for SWD. In addition, the SSIP stakeholders recommended that these comprehensive improvement strategies be deployed in a flexible, district-specific way. SSIP stakeholders had observed that California has a diverse population, system of local control, and differences in LEA sizes and grade ranges, thus a “one-size-fits-all” solution would not be appropriate. Any improvement strategies would need to be flexible enough to allow LEAs to implement local improvement plans to support achieving performance goals. The coherent improvement strategies selected provide the necessary flexibility to effectively apply to California LEAs’ diverse circumstances.

Evidence-Based Practices Supporting the Coherent Improvement Strategies

As part of the infrastructure analysis and the selection of the coherent improvement strategies, the SSIP stakeholders conducted a process of identifying evidence-based

practices that support the coherent improvement strategies. In selecting the improvement strategies, the CDE and its stakeholders identified evidence based practices that would be useful under each of the coherent improvement strategies selected to be part of the SSIP below:

- Student engagement
- Student discipline
- Access, to and instruction in, the CA State Standards and the CCSS

There are numerous views on what constitutes an "evidence-based practice." From the most conservative standpoint, an evidence-based practice is a strategy, intervention, or activity that has undergone randomized controlled trials or studies that are well-designed and implemented to show effectiveness in a school setting or classroom, and is peer-reviewed. The research supports that the activity was effective in producing positive outcomes for students. A more practical view of the term was espoused in *Identifying Educational Practices Supported by Rigorous Evidence*: *A Guide to the Selection of Evidence-Based Practices* (Regional Resource Center Program, 2015: http://www.rrcprogram.org/cms2/images/_rrcpdata/documents/EBP_RRCP16Apr14.pdf) In examining potential effective strategies, the SSIP stakeholders accessed this valuable resource, which provided the following definition:

> … evidence-based practices means delivering services to students (clients) in ways that integrate (a) best available evidence from data, research, and evaluation; (b) professional wisdom gained from experience; and (c) contextual knowledge of the particular classroom, school, district, or state that might impact the design or implementation.

While many of the practices considered and discussed below meet the more conservative definition of "evidence-based practice," all meet the more practical definition provided above.

Evidence-based Practices

The tables below contain examples of evidence-based practices supporting each of the coherent improvement strategies. The SSIP stakeholder group reviewed each of these practices, describing the alignment of the evidence-based practices to a coherent improvement strategy and providing a rationale for why the evidence-based practice was considered an evidence-based practice.

Evidence-based Practices	
Coherent Improvement Strategy **Student Engagement:** Pertains to issues such as: school attendance rates, chronic absenteeism rates, middle school dropout rates, high school dropout rates, and high school graduations rates.	
Resources and Links	**Rationale**
The ALAS study found potentially positive effects on both staying in school and on progressing in school at the end of the intervention (ninth grade). http://ies.ed.gov/ncee/wwc/interventionreport.aspx?sid=22	The ALAS met the What Works Clearinghouse (WWC) evidence standards. This study included 94 high-risk Latino students entering seventh grade in one urban junior high school in California. The study examined the program's effects on whether students stayed in school and progressed in school. These outcomes were measured at the end of the intervention (ninth grade) and two years after the intervention had ended (11th grade).
Present, Engaged, and Accounted For This document focuses on the critical importance of addressing chronic absence in the early grades. http://www.nccp.org/publications/pub_837.html	This applied research project, supported by the Annie E. Casey Foundation, sought to explore the prevalence, consequences, potential contributing factors, and possible responses to chronic absence in grades K–3. To deepen understanding of the issue, this project supported new analysis of national and local data on student attendance patterns, a review of relevant literature, and interviews with practitioners, researchers, and funders about promising practices and programs. This research is from the National Center for Children in Poverty (NCCP).
School Attendance Improvement Handbook *The School Attendance Improvement Handbook* provides strategies to improve school attendance for teachers and school principals. http://www.cde.ca.gov/ls/ai/cw/documents/schoolattendance.pdf	The purpose of this handbook is to provide resources and strategies that address approaches to improve student attendance for LEAs. This handbook contains activities that have been validated as having positive results. The authors provide data from the United States Department of Education, and studies conducted at the local level, to validate the inclusion of the practices and models selected to improve attendance.

Evidence-based Practices	
Coherent Improvement Strategy **Student Discipline:** Pertains to issues such as: Pupil suspension rates; pupil expulsion rates; other local measures including surveys of pupils, parents, and teachers on the sense of safety and school connectedness.	
Resources and Links	**Rationale**
Positive Behavioral Interventions and Supports (PBIS) OSEP Technical Assistance Center http://www.pbis.org/	Gives schools capacity-building information and technical assistance for identifying, adapting, and sustaining effective school-wide disciplinary practices. The site provides research-based information about PBIS in schools at the primary, secondary, and tertiary levels; within communities; and in families.
Reducing Behavior Problems in the Elementary School Classroom What Works Clearing House Webinar http://ies.ed.gov/ncee/wwc/multimedia.aspx?sid=1	The guide provides five recommended evidence-based practices (EBPs) to help elementary school educators and school and district administrators develop and implement effective prevention and intervention strategies, supported by research studies that promote positive student behavior. Produced by the National Center for Education Evaluation and Regional Assistance, Institute of Education Sciences, under contract with the What Works Clearinghouse.
How We Can Fix School Discipline Toolkit Community Toolkit http://fixschooldiscipline.org/community-toolkit/	The **How We Can Fix School Discipline Toolkit** is a step-by-step guide to working together to change harsh discipline rules. More than two decades of research has confirmed that out-of-school suspensions do not improve student behavior and, in fact, often exacerbate it. The Web site links a resource base to EBPs. (http://fixschooldiscipline.org/research/)

Evidence-based Practices	
Coherent Improvement Strategy **Access to, and instruction in, the California State Standards and the Common Core State Standards:** Pertains to issues such as: access to general education curriculum, education with same aged peers, participation in the school community, quality instruction in the state standards, and highly qualified teachers.	
Resources and Links	**Rationale**
Quality Schooling Framework (QSF) http://www.cde.ca.gov/qs/	The Quality Schooling Framework (QSF) is the California educator's destination for timely tools and practices that are EBPs, across ten priority areas, to guide effective planning and instructional decisions.
National Center on Universal Design For Learning, http://www.udlcenter.org/aboutudl/udlevidence	Universal Design for Learning (UDL) draws from a variety of research including the fields of neuroscience, the learning sciences, and cognitive psychology. It is deeply rooted in concepts such as the Zone of Proximal Development; scaffolding; mentors; and modeling; as well as the foundational works of Piaget, Vygotsky, Bruner, Ross, Wood, and Bloom, who espoused similar principles for understanding individual differences and the pedagogies required for addressing them. This Web page provides multiple EBPs, supported by research, to guide instructional practices.
Center for Applied Special Technology (CAST) UDL professional learning This Web site provides facilitated online courses to enhance participant's understanding of UDL and apply it to practice. http://castprofessionallearning.org/online-courses/	CAST's UDL professional learning services provide unique professional learning to enable educators to experience UDL and to apply it to their practice. These courses are built on research that supports the use of UDL as a means of providing effective instruction to students.
Multi-Tiered System of Supports (MTSS): A framework that aligns Response to Instruction and Intervention with the Common Core State Standards and the systems necessary for academic, behavior, and social success. http://www.cde.ca.gov/ci/cr/ri/	These resources, posted on the CDE Web site, include the following modules addressing MTSS, instructional practices, and interventions in kindergarten through twelfth grade contexts. Annotations help locate needed information quickly. MTSS Core Component Resources 1. MTSS Core Component 1: Differentiated classroom instruction http://www.cde.ca.gov/ci/cr/ri/mtssdiffinstr.asp 2. MTSS Core Component 2: Systemic and sustainable change http://www.cde.ca.gov/ci/cr/ri/mtssfocusres2syschange.asp

Evidence-based Practices	
Coherent Improvement Strategy **Access to, and instruction in, the California State Standards and the Common Core State Standards:** Pertains to issues such as: access to general education curriculum, education with same aged peers, participation in the school community, quality instruction in the state standards, and highly qualified teachers.	
Resources and Links	**Rationale**
	3. MTSS Professional Learning Module Web site https://www.mydigitalchalkboard.org/portal/default/Content/Viewer/Content?action=2&scId=509627 This work is supported by the following research based policy briefs: Averill, Orla Higgins and Claudia Rinaldi. Research Brief: Multi-tier System of Supports (MTSS) (PDF). The Collaborative. Urban Special Education Leadership Collaborative, 2011. http://www.urbancollaborative.org/files/mtss_brief_final.modified_0.pdf Kansas MTSS. The Integration of MTSS and RtI (PDF) The Kansas Multi-Tier System of Supports. September 2010. http://www.kansasmtss.org/pdf/briefs/The_Integration_of_MTSS_and_RtI.pdf
The CDE Web site offers resources for the California State Standards and the Common Core State Standards. This site offers resources and guidelines on what the CCSS and the new tests will mean for California students in the Special Education Community. http://www.cde.ca.gov/sp/se/cc/	Educational standards describe what students should know and be able to do in each subject in each grade. In California, the State Board of Education decides on the standards for all students, from kindergarten through high school. Since 2010, 45 states have adopted the same standards for English and math. These standards are called the Common Core State Standards (CCSS). Having the same standards helps all students receive a good education, even if they change schools or move to a different state. Teachers, parents, and education experts designed the standards to prepare students for success in college and the workplace. This Web site contains references to many EBPs.
Family Engagement Framework A CDE developed toolkit providing district activities, implementation rubrics, and tools for communicating with families. http://www.wested.org/online_pubs/cpei/family-	The *Family Engagement Framework* is intended to provide guidance to educators, districts, schools, families, and communities as they plan, implement, and evaluate strategies across multiple programs for

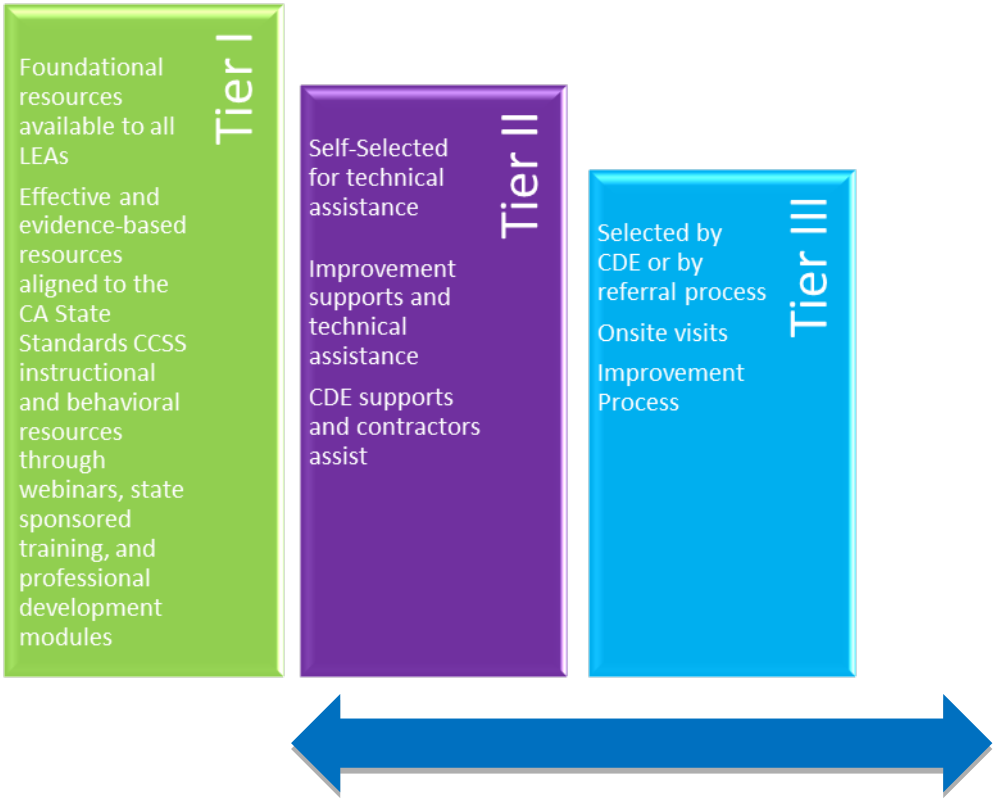
engagement-framework.pdf	effective family engagement to support student achievement and close the academic achievement gap. The toolkit contains a review of the literature that provides a research base for EBPs included in the toolkit.

Improvement of the State Infrastructure Through a Tiered System of Supports

The SSIP stakeholders recommended that a Multi-Tiered System of Supports (MTSS) be used as a framework for meeting the needs of all students. They also recommended that a tiered, MTSS model would serve as an effective framework for delivering improvement strategies to LEAs. In response to this recommendation and recognizing the need for a flexible delivery system, the SED is proposing the use of a tiered system of supports to implement the coherent improvement strategies (student engagement; discipline; and access to, and instruction in, the CA State Standards and the California CCSS) as a statewide structure for the SSIP.

Figure 1: Tiered System of Supports

Figure 1 is a graphic depicting the components of the tiered system of supports designed (based on a MTSS framework) to implement the coherent improvement strategies for the SSIP, at the same time supporting the LEAs in implementing local plans and goals.



The tiered system would focus on supports and resources for each of the coherent improvement strategies: student engagement (increased time in class through reduced absences); discipline (reduced discipline events); and access to, and instruction in, the CA State Standards and the CCSS, as described previously:

Tier I: Core Assistance. Foundational key effective and evidence-based resources are available for all LEAs to access to support meeting identified goals and priorities at the local level.

> **Selection of LEAs:** All LEAs may avail themselves of the resources available in Tier I. CDE staff and technical assistance facilitators can recommend resources and tools to LEAs.
>
> **Supports:** All resources of effective and evidence-based practices and resources for professional development, training, and technical assistance to inform LEAs practices are available.

Tier II: Enhanced Assistance: Provides resources for LEAs who self-select or are in need of technical assistance. At this tier, LEAs will be given technical assistance and resources for program improvement. They will also receive technical assistance from CDE staff, identified facilitators, and CDE contractors.

> **Selection of LEAs:** LEAs can self-refer to Tier II or be offered technical assistance by the SED due to multi-year failure to meet SIMR targets; or be referred for assistance by SELPAs or County Offices of Education (COEs).
>
> **Supports:** LEAs are offered technical assistance for improvement and tools to help identify effective remedies to local challenges. These are offered through technical assistance facilitators, contractors, and CDE staff. In addition, all effective and evidence-based practices, professional development, training, and technical assistance resources to inform LEA practices from Tier I are available.

Tier III: Focused Assistance: This activity provides assistance directly to LEAs who are identified as not meeting the APR targets and compliance items. Tier III requires an on-site visit from the CDE. LEAs in this tier will be assisted in a program improvement process which takes the LEA through a set of planned activities implemented for the purpose of resolving problems. The program improvement process entails a data and root cause analysis, identification of focus areas, an action plan, and a plan for implementation and sustainability.

> **Selection of LEAs:** LEAs are identified by the CDE due to continuing inability to meet targets after obtaining Tier II assistance; identified through SED compliance determinations as needing intervention or substantial intervention; or at the request of the State Superintendent of Public Instruction (SSPI).
>
> **Supports:** On-site visits by the CDE staff to conduct program improvement activities involving data and root cause analysis, identification of focus areas, development of action plans, and plans for implementation and sustainability. Some technical assistance facilitators or contractors may be used to support the process. In addition, all Tier I resources of effective and evidence-based practices and resources for professional development, training, and technical assistance to inform LEA practices continue to be available.

The flexibility of the SSIP through the tiered approach, based on a MTSS framework, supports LEAs in implementing the SSIP coherent improvement strategies as special education resources and supports match other initiatives LEAs are required to accomplish. As described in the Analysis of State Infrastructure section, these CDE initiatives seek to provide LEAs access to resources and supports for setting goals for improvement and implementation of SSIP strategies. This is a logical and prudent way of maximizing efforts to support the success of students, especially students with disabilities, and can be supported by the strategies identified for the SSIP.

Potential Alignment of the State Systemic Improvement Plan Coherent Improvement Strategies with Local Control Accountability Plan Priorities

The following table shows the potential alignment of the eight Local Control Accountability Plan (LCAP) priority areas with the selected coherent improvement strategies for the SSIP: student engagement; discipline; and access to, and quality instruction in, the CA State Standards and the CCSS. These strategies support LEAs in meeting goals and implementing the coherent improvement strategies. All students are more successful when interventions, supports, and services are in place and LEAs are implementing evidence-based practices to improve outcomes for students.

LCAP Priorities	SSIP Coherent Improvement Strategies
Priority 1: Basic The degree to which teachers are appropriately assigned and fully credentialed in the subject areas and for the pupils they are teaching; pupils have access to standards-aligned instructional materials **Priority 2: Implementation of State Standards** Implementation of academic content and performance standards adopted by the State Board of Education for all pupils, including English Learners	**Improvement Strategies:** Access to, and instruction in, the CA State Standards and the CCSS The SED will offer technical assistance, support, and monitor LEAs in hiring highly qualified teachers. In addition, recruitment of teachers is supported through the TEACH California Web site In partnership with other CDE divisions, the SED will provide professional development training, online modules, and Web resources to support LEAs in providing standards-aligned instructional materials, training on the development of standards-based IEPs, and aligning to the LCAP
Priority 3: Parent Involvement Efforts to seek parent input in decision-making and promotion of parent participation in programs for unduplicated pupils and special-needs subgroups	**Improvement Strategies:** • Access to, and instruction in, the CA State Standards and the CCSS; student engagement (increased time in class through reduced absences) • Student discipline (decreased suspensions and expulsions)

LCAP Priorities	SSIP Coherent Improvement Strategies
Priority 3: Parent Involvement (continued) Efforts to seek parent input in decision-making and promotion of parent participation in programs for unduplicated pupils and special-need subgroups	Because parents are critical to improved student outcomes, all improvement strategies will include a component of working with parents to support student success The SED will provide resources to support parents to assist their students in meeting common core standards through information resources such as *Ten Things Parents Need to Know About the Common Core to Support Their Children with Disabilities*, *Parent Guides to Student Success*, and *A Parent's Guide to the Common Core Standards* The SED will work with parents to address barriers to consistent student attendance and reduce truancy The CDE and LEAs will work with parents to address student discipline issues prior to the need to consider suspension or expulsion through resources such as the CDE's Behavioral Intervention Strategies and Supports Web page The SED will work in close partnership with Parent Training and Information Centers (PTIs) and Family Empowerment Centers (FECs) to support families of students with disabilities in participating in local decision-making at their LEA through inclusion of PTIs and FECs in statewide training, and will provide access to family friendly materials and information through the CDE Web site Parent Portal The SED will partner with the Title 1 family engagement team to ensure families of students with disabilities are purposely included in all statewide trainings, activities, and materials Generally, the CDE and partner agencies will provide parent resources to support family involvement in the success of students. Families are key partners in promoting student access to, and instruction in, the CA State Standards and the CCSS and student discipline through reduced absences and discipline events

LCAP Priorities	SSIP Coherent Improvement Strategies
Priority 4: Pupil Achievement Performance on standardized tests; score on Academic Performance Index; share of pupils who are college and career ready; share of English Learners that become English proficient; English Learner reclassification rate; share of pupils who pass Advanced Placement exams with a score of three or higher; share of pupils determined to be prepared for college by the Early Assessment Program	**Improvement Strategies:** Access to, and instruction in, the CA State Standards and the CCSS: • Student engagement (increased time in class through reduced absences) • Student discipline (decreased suspensions and expulsions) In partnership with other CDE divisions, the SED will provide professional development training, online modules, and Web resources to support LEAs in providing standards-aligned instructional materials, training on the development of standards-based IEPs, and aligning to the LCAP The SED will provide supports for increasing student attendance and decreasing suspensions and expulsions to assist LEAs in addressing these issues through behavior support systems
Priority 5: Pupil Engagement School attendance rates, chronic absenteeism rates, middle school dropout rates, high school dropout rates, high school graduation rates	**Improvement Strategies:** Access to, and instruction in, the CA State Standards and the CCSS: • Student engagement (increased time in class through reduced absences) and discipline (decreased discipline events)
Priority 6: School Climate Pupil suspension rates, pupil expulsion rates, other local measures including surveys of pupils, parents, and teachers on the sense of safety and school connectedness	In partnership with other CDE divisions, the SED will provide professional development and Web resources related to school attendance (pupil engagement) and suspension and expulsion rates (school climate). The SED will partner with other CDE divisions and state agencies to align SED activities with general education activities and initiatives aligned to the LCAP Resources and training addressing pupil engagement and school climate also supports student access to, and instruction in, the CA State Standards and the CCSS
Priority 7: Course Access Pupil enrollment in a broad course of study that includes all of the subject areas.	**Improvement Strategies:** Access to, and instruction in, the CA State Standards and the CCSS

LCAP Priorities	SSIP Coherent Improvement Strategies
Priority 8: Other Pupil Outcomes Pupil outcomes in the subject areas	In partnership with other CDE divisions, the SED will provide professional development training, online modules, and Web resources to support LEAs in providing standards-aligned instructional materials, training on the development of standards-based IEPs, and aligning to the LCAP The SED will also provide resources to support courses and subject matter frameworks, especially supports for LEAs addressing secondary transition and requiring a course of study for transitioning students

Implementation and Scale-up

In preparing for Phase II of the SSIP, the CDE is actively building the state's capacity to support LEAs in the implementation of evidence-based practices and resources that will lead to measureable improvement in the SIMR.

Phase I has addressed the data analysis; the analysis of state infrastructure to support improvement and build capacity; the SIMR; the selection of coherent improvement strategies; and the theory of action. Currently, the CDE is laying the foundation to build the state's capacity to support LEAs in implementing and scaling-up evidence-based practices. Phase II will detail steps that will align and leverage improvement plans and initiatives in the state. The Phase II submission will specify how California will support the LEAs in the use and implementation of evidence-based practices to support student success. Lastly, the CDE is developing the evaluation process specifically outlining short-term and long-term objectives to measure the implementation of the SSIP and its impact to assist LEAs in meeting the SIMR.

Additional References

The Invisible Achievement Gap, Education Outcomes of Students in Foster Care in California's Public Schools, PART ONE, by Vanessa X. Barrat, Center for the Future of Teaching and Learning at WestEd, located at http://www.stuartfoundation.org/docs/default-document-library/the-invisible-achievement-gap-report.pdf?sfvrsn=2

Academic Achievement for English Learners, *Data for the U.S. and Each State*, by David Murphey, Ph.D., located at http://www.childtrends.org/wp-content/uploads/2014/12/2014-62AcademicAchievementEnglish.pdf

The Effects of Poverty on Academic Achievement, by Misty Lacour and Laura D. Tissington, Educational Research and Reviews Vol. 6 (7), pp. 522-527, July 2011,Southern Arkansas University, located at http://www.academicjournals.org/article/article1379765941_Lacour%20and%20Tissington.pdf

Theory of Action

This document is the fifth of five sections that constitute Phase I of California's State Systemic Improvement Plan (SSIP). The SSIP is a new requirement of the U.S. Department of Education and serves as the centerpiece for implementation of the Office of Special Education Programs' (OSEP) initiative entitled "Results Driven Accountability," which is its effort to focus more on student performance in the overall system of the state's general supervision of local educational agencies (LEAs). Phase I is intended to provide a detailed analysis of data and state infrastructure that will guide the selection of coherent improvement strategies to increase the State's capacity to lead meaningful change in LEAs to improve measureable results for students with disabilities. While this section is being presented as an independent document in this item, it is meant to be considered in the context of OSEP's overall instructions and is best read in concert with the other SSIP sections presented in this item. California's *Theory of Action* section is a graphic representation of how the various elements of California's state and local education structures coordinate to implement an effective system that supports high-quality instruction and support for students with disabilities, and provide the means to increase the state's capacity to achieve improved teaching and learning in California's schools.

Note that the boxed section in the upper-left of the graphic indicates state activities related to the LCFF that are already being implemented.

The following acronyms are used in the *Theory of Action* graphic:

"SWD" means students with disabilities

"ELs" are English Learners

"LEAs" are local educational agencies

"RDA" is Results-driven Accountability, the new federal policy concerning special education

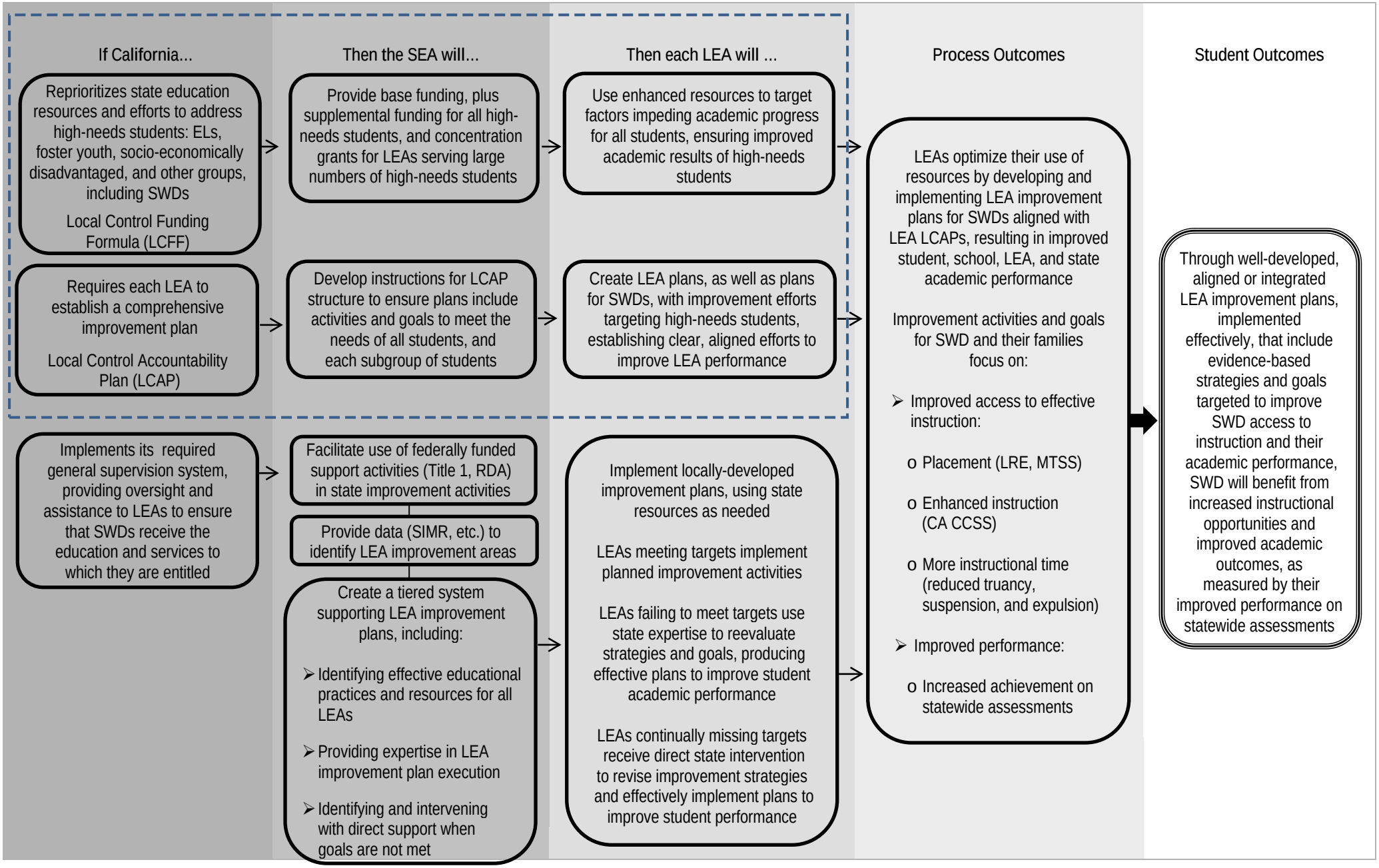
"SIMR" is State Identified Measureable Result, the federal measure for special education progress

"LRE" is Least Restrictive Environment, the federal requirement to serve students with disabilities in the most inclusive environment possible for meeting the student's academic needs

"MTSS" is Multi-tiered System of Supports, the concept of providing varying levels of service to meet the individual's or organization's support requirements

"CA CCSS" is California Common Core State Standards

California's State Systemic Improvement Plan – Theory of Action



California State Board of Education

Meeting Agenda Items for March 11-12, 2015

ITEM 01

CALIFORNIA STATE BOARD OF EDUCATION

MARCH 2015 AGENDA

SUBJECT	
Indicator 17 of the State Performance Plan and Annual Performance Report for Special Education: State Systemic Improvement Plan for Program Year 2013–2014.	☒ Action ☒ Information ☐ Public Hearing

SUMMARY OF THE ISSUE(S)

This item is the second of two items concerning California's 2015 State Performance Plan (SPP) and Annual Performance Report (APR) for special education, required annually by the U.S. Department of Education, Office of Special Education Programs (OSEP). The first item, covering Indicators 1–16, was presented and approved at the November 2014 meeting of the State Board of Education (SBE), Item 10. Indicator 17, the new federal requirement for a State Systemic Improvement Plan (SSIP), is presented in this item. The SSIP requirement reflects the OSEP's shift in focus from ensuring state and local compliance with special education law to also targeting improved outcomes for students through the development of state level systemic plans for increasing student academic performance. The attached SSIP describes Phase 1 of California's plan for achieving these outcomes.

The Special Education Division (SED) of the California Department of Education (CDE) has developed the proposed SSIP based on instructions provided by the OSEP and with substantial input on multiple occasions from a variety of stakeholders. California's SSIP addresses plans for increasing student academic performance over the six year period from fiscal year 2013–14 through 2018–19, as required by the OSEP. The SSIP is to be developed in three phases over a three year period, with specific sections required to be completed in each year. The Phase 1 report covers:

- Data analysis
- Analysis of state infrastructure to support improvement and build capacity
- State identified measurable result (SIMR) for students with disabilities
- Selection of improvement strategies
- Theory of action

Once the SSIP is approved, California will report progress and all revisions annually to the OSEP through the SPP/APR.

RECOMMENDATION

The CDE recommends that the SBE review and approve the SSIP prepared by the SED to be submitted to the OSEP by the mandated submission date of April 2, 2015.

BRIEF HISTORY OF KEY ISSUES

California is required to have in place an SPP to guide the state's implementation of Part B of the Individuals with Disabilities Education Act (IDEA), and to describe how the state will meet the SPP implementation targets. California submitted its initial SPP and APR to the OSEP on December 2, 2005, as approved by the SBE and the State Superintendent of Public Instruction. Each year the SPP and APR have been updated to align with changes to federal requirements. In 2013–2014, the OSEP made several important changes to the SPP and APR:

1. Combined the SPP and APR into a single document for submission.

2. Eliminated four indicators (complaints, due process, general supervision, and state data) that required data to be collected and reported.

3. Eliminated the practice of using improvement plans for individual indicators.

4. Created a new indicator, Indicator 17, the State Systemic Improvement Plan.

These changes are part of an increased effort and emphasis on Results Driven Accountability (RDA) initiated by the OSEP. The OSEP's requirement that a SSIP be included for the new SPP Indicator 17 has required that SED present to the SBE on Indicator 17 separately from the SPP and APR as the due dates, for the two documents are different. This second SBE item on the SPP/APR addresses only Phase 1 of the comprehensive, multi-year SSIP. The OSEP requires states to develop the SSIP in three phases.

1. Phase 1: Analysis of the current state of California's education system for the SSIP (must be included in the SPP/APR submitted to OSEP in 2015), including the following areas:

    a. Data analysis (current student performance data, etc.)

    b. Analysis of state infrastructure to support improvement and build capacity (California's education structure at all levels)

    c. State identified measurable result (SIMR) for children with disabilities (Outcome measure to be used to determine changes in the academic performance of students with disabilities (SWD))

    d. Selection of coherent improvement strategies (activities to be implemented to improve academic performance of SWD)

e. Theory of action (graphic representation of the general components and intents of the SSIP)

2. Phase 2: SSIP (in addition to Phase 1 content and updates the state must include with its 2016 SPP/APR submission)

    a. Infrastructure development

    b. Support for local educational agency (LEA) implementation of evidence-based practices

    c. Evaluation

3. Phase 3: Evaluation and implementation of the SSIP (state must include this information with its 2017 through 2020 SPP/APR submissions.)

    a. Results of ongoing evaluation and revision to the SSIP

The Phase 1 plan identifies California's capacity for making changes that will lead to improving results for students with disabilities. For this effort, the SED convened a special stakeholder group, a subgroup of the Improving Special Education Services (ISES) advisory group, to obtain input for the purpose of creating the SSIP. This group consisted of Special Education Local Plan Area (SELPA) directors, Parent Training and Information Center staff, members of the Advisory Commission on Special Education, and SED staff. This group met monthly beginning in November of 2013, and reviewed and conducted activities that fulfilled the following:

- Data analysis: Identification and analysis of key California data to (1) select the SIMR; and, (2) identify root causes contributing to low student performance. (Attachment 1)

- Infrastructure analysis: A description of how California analyzed the capacity of its current infrastructure, in specific areas, to support improvement and build capacity in LEAs to scale up and sustain the use of evidence-based practices to improve the performance results of students with disabilities. Embedded in this section is a series of stakeholder recommendations, indicated in **bold** font. These recommendations will not be implemented now, but will be analyzed for potential future action. At a future date, the CDE will consider which of these recommendations are to be implemented, based on SBE direction and additional stakeholder input. (Attachment 2)

- State-identified measureable result(s): A statement of the result(s) California intends to achieve through the implementation of the SSIP. California's results are aligned to an SPP/APR indicator or a component of an indicator. The California SIMR is based on the data and state infrastructure analysis and is a student level outcome. (Attachment 3)

- Coherent improvement strategies: An explanation of how the improvement strategies were selected; why the strategies are sound, logical, aligned, and will lead to a measurable improvement in the SIMR. These strategies were identified

through the data and state infrastructure analysis. The SSIP describes how implementation of the improvement strategies will address identified root causes for low student performance and build LEA capacity to achieve the SIMR for students with disabilities. (Attachment 4)

- Theory of action: A graphic illustration showing how implementing the coherent improvement strategies will increase California's capacity to lead change in LEAs and to achieve the SIMR for students with disabilities. (Attachment 5)

After completing the required analysis, the stakeholder group arrived at the following conclusions.

- The local control funding formula (LCFF) and local control accountability plan (LCAP) are the single largest infrastructure change for public education in California.

- The data and infrastructure analysis showed that students with disabilities make up a significant portion of the three LCFF-targeted student subgroups, low income, English Language Learners, and/or foster youth, which are to be addressed in LEA improvement goals.

- The SIMR should be based on assessment results for students with disabilities who are also members of the targeted subgroups in the LCFF: low income, English Language Learners, and/or foster youth.

- From reviewing improvement strategies and initiatives, three key areas for improving outcomes for students with disabilities were identified:

    - Student engagement: Increase the amount of time students spend at school by a reduction of tardiness and absences.

    - Student discipline: Decrease suspensions and expulsions by developing alternative options to student misbehavior.

    - Access: Increase access to, and instruction in, the California Common Core State Standards emphasizing least restrictive environment principles and using a multi-tiered system of supports.

- These areas for improvement also align to several of the LCAP priority areas.

- The CDE should design the SSIP so that it can scale up and build support activities to generate improved student outcomes for all students with disabilities, and specifically for students with disabilities who are members of the three targeted LCFF student populations (low income, English Language Learners, and/or foster youth).

- The CDE should maximize the coordination and integration of state and federally funded supports for LEAs to support student outcome improvements for all

students, including students with disabilities, aligned with the LCAP priority areas.

As a result of these conclusions, the SSIP is organized in a similar manner as the structure and content of the LCFF and LCAP. For a graphic overview of the Phase I SSIP, see the attached theory of action document that summarizes the CDE, SED, approach for the SSIP and SIMR (Attachment 5). For specific details of the Phase I SSIP, see the following Attachments:

- Data analysis
- Analysis of state infrastructure to support improvement and build capacity
- State identified measurable result(s) for students with disabilities
- Selection of improvement strategies
- Theory of action

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

In November of 2014, the SBE met and approved on consent part one of this process, item 10, an Executive Summary of the SPP and APR reporting on the progress of the 2012–2013 compliance and performance indicators as required by the IDEA.

FISCAL ANALYSIS (AS APPROPRIATE)

There is no fiscal impact created by this requirement.

ATTACHMENT(S)

Attachment 1: Data analysis (18 pages)

- Appendix A: Disaggregated Data Analysis for All Federal Performance Indicators (pages 11-18)

Attachment 2: Analysis of state infrastructure to support improvement and build capacity (121 pages)

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Attachment 4: Selection of improvement strategies (15 pages)

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Data Analysis

This document is the first of five sections that constitute Phase I of California's State Systemic Improvement Plan (SSIP). The SSIP is a new requirement of the U.S. Department of Education and serves as the centerpiece for implementation of the Office of Special Education Programs' (OSEP) initiative entitled "Results Driven Accountability," which is its effort to focus more on student performance in the overall system of the state's general supervision of local educational agencies (LEAs). Phase I is intended to provide a detailed analysis of data and state infrastructure that will guide the selection of coherent improvement strategies to increase the state's capacity to lead meaningful change in LEAs to improve measureable results for students with disabilities (SWD). While this section is being presented as an independent document in this item, it is meant to be considered in the context of OSEP's overall instructions and is best read in concert with the other SSIP sections presented in this item.

This Data Analysis section describes how California (1) identified, disaggregated, and analyzed key data, including compliance data; (2) selected the State Identified Measurable Result (SIMR) for students with disabilities to be used over time to measure changes in student performance; and (3) identified root causes that interfere with improved student academic performance in the state. This section also identifies potential areas for improvement in activities leading to improved student academic performance.

The California Department of Education (CDE), Special Education Division (SED) began the data analysis for the SSIP by examining the current federal performance indicators to help identify areas in which California may be chronically failing or may be struggling to achieve its targets. This analysis included outcome indicators such as graduation, drop out, assessment, suspension/expulsion, and post-school outcomes. Part of this analysis included disaggregation by district, district-type, and size, including the number of districts meeting the current target, and the potential root causes for not meeting the target.

Reestablishing the Annual Performance Results Targets

The CDE and stakeholders determined that the California performance targets were no longer aligned with the data and benchmarks established in the first state performance plan in 2005. Many targets were unattainable for most districts and possibly counterproductive to improvement. For example, if a district was so far from these artificially high targets, then it may believe that it will never achieve the targets. This may cause district staff and stakeholders to ignore the targets or to believe that the results will never change.

Figure 1 below, an excerpt from the State Performance Summary Table, from the State Performance Plan (SPP) and Annual Performance Report (APR) for Part B of the Individuals with Disabilities Education Act (IDEA) of 2004 covering program year 2012−13, Executive Summary (Item 15, State Board of Education, November 7, 2013, agenda) shows the target and results discrepancy for two potential outcome indicators.

Indicator 3A, Statewide Assessment, is one example of this discrepancy. Indicator 5, Least Restrictive Environment (LRE), is another clear example.

Figure 1. Example of State Performance Targets and Data

Indicators	Target	Results	Met Target
3 Statewide Assessment			
3A AYP	58%	8.2%	No
5 Least Restrictive Environment			
5A Percent Removed from Regular Class Less Than 21% of the Day	76%	52.6%	No
5B Percent Removed from Regular Class More Than 60% of the Day	Less than 9%	22.1%	No

Stakeholders questioned why California had low rates of target attainment. California based its targets on data trends prior to 2005 and used the 2005 baseline as a place to begin modest gains. Staff indicated that California had initially set very high target levels that had further increased with time. This was supported by a state-by-state analysis performed to compare California's targets with those of other states and to prompt a discussion regarding the appropriateness of California's SPP targets. Figure 2 below, a state-by-state comparison of targets, shows the comparison of states similar to California (based on population size and demographics) and the performance targets set by those states. As can be seen in the analysis, California's targets are typically at the extreme edge of expected performance. This is particularly true for the bolded indicator values as shown: Indicator 1–Graduation, Indicator 3–Proficiency scores, Indicator 5–LRE, and Indicator 14–Postsecondary.

Figure 2. State-by-State Comparison of Annual Performance Report Targets for Federal Fiscal Year (FFY) 2011

State Targets	California	Florida	New York	Texas	Ohio	Illinois
Performance Indicators						
1 Graduation	90%	51%	53%	75%	87.50%	80%
2 Drop Out	<22.1%	<3.25%	<14%	<12%	<12.5%	<5.0%
3a AYP Objectives	58%	15%	31.00%	100.00%	84.00%	85.00%
3b ELA Participation	95%	99.00%	95.00%	95.00%	97.40%	95.00%
3b Math Participation	95%	99.00%	95.00%	95.00%	97.40%	95.00%
3c Elem ELA Proficiency	78.40%	40% ELA 45% Math	Improvement from previous year	80% ELA 75% Math	88% ELA 81.8% Math	42% ELA 40% Math
3c Elem Math Proficiency	79.00%					
3c High School ELA Prof.	77.80%					
3c High School Math Prof.	77.40%					
3c Unified/COE ELA Prof.	78.00%					
3c Unified/COE Math Prof.	78.20%					
4a Suspension/Expulsion	<10.1%	0.00%	<=2%	0.00%	<1.6%	<5%
5a LRE removed >21%	<76%	70.00%	57.00%	68.00%	61.50%	51.00%
5b LRE removed >60%	<9%	14.00%	22.00%	10.00%	11.60%	18.50%
5a LRE Separate School	<3.8%	3.00%	6.00%	1.00%	3.40%	3.90%
6a LRE Regular Preschool	32.10%	Data Not	42.20%	Data Not	Data Not	32.30%
6b Separate School or Class	40.80%	Available	26.80%	Available	Available	31.10%
7a-1 Preschool Assessment	72.70%	66.00%	84.50%	79.00%	66.00%	90.00%
7a-2 Preschool Assessment	82.10%	76.00%	55.50%	61.00%	49.00%	61.50%
7b-1 Preschool Assessment	70.00%	59.30%	86.00%	80.00%	68.00%	90.50%
7b-2 Preschool Assessment	82.50%	53.10%	54.40%	57.00%	47.00%	62.00%
7c-1 Preschool Assessment	75.00%	59.70%	83.50%	81.00%	67.00%	91.00%
7c-2 Preschool Assessment	79.00%	73.50%	63.30%	72.00%	60.00%	73.00%
8 Parent Reporting	>90%	94.00%	>90%	76.00%	>93.5%	>58%
14 Post Secondary	69.00%	51.00%	44.00%	24.00%	67.80%	69.50%

Based on understanding those previously established indicator targets that were chronically unattainable and/or were set extremely high as compared to other states, stakeholders and staff considered appropriately reestablishing targets for the FFY 2013 APR. The new targets were approved by the SBE at the November 2014 meeting.

Analysis of Disaggregated Data

During the reestablishing of indicators for the SPP, the data was disaggregated by district type and size. This highlighted the different ways that regions and district types were challenged by the performance indicators. This led to a discussion for selection of the SIMR. For the SIMR selection, the CDE began with a broad approach to selection, considering a variety of potential outcome measures with the goal of selecting the outcome measure(s) that would most likely ensure success for students with disabilities in California. The outcome data was disaggregated by LEA and region. This analysis

showed that regional disaggregation was less useful, but LEA type disaggregation provided considerable information for the stakeholders to discuss.

Figure 3 below provides an LEA level example of an initial LEA type target analysis for one indicator (Indicator 2–Dropout), which was presented to the CDE staff and stakeholders for discussion of current targets and consideration for reestablishing targets through FFY 2018. In this example, the group examined several target options, including setting one target for both statewide and district level data, establishing separate targets based on LEA type (high school, elementary, unified, county offices, and charter LEAs), or using a growth model that would also account for LEA size. A similar stakeholder process was used to scrutinize and obtain input on appropriate targets for each of the other federal indicators.

In addition to the target analysis, the stakeholder groups discussed current likely root causes based on the data analysis, and considered what actions might improve the performance of LEAs (For data on other federal performance indicators, see Appendix A -- Disaggregated Data Analysis for All Federal Performance Indicators, page 12).

Figure 3. Disaggregated Data Analysis Reviewed by Stakeholder Groups in spring 2014

Indicator 2-DROPOUT

NOTE: Targets for Dropout must Decrease over time

Method 1: Same Baseline for both the State and the LEA

	Baseline	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018	2018-2019
State Target	8.9%	7.9%	6.9%	5.9%	4.9%	3.9%	2.9%
Local Target	8.9%	7.9%	6.9%	5.9%	4.9%	3.9%	2.9%
Percent of Districts Meeting Target*	68	63	57	50	44	33	21

*Currently meet baseline. If nothing changes over the years, this is the percent meeting target.

Method 2: Separate Targets based on LEA Type

LEA Type	Baseline	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018	2018-2019
High School District	7%	6%	5%	4%	3%	2%	1%
Unified School District	9.6%	8.6%	7.6%	8.6%	6.6%	7.6%	3.6%
State *	8.9%	7.9%	6.9%	5.9%	4.9%	3.9%	2.9%

*COE and Elementary Districts are not included because counts are too low for these LEA types

Percent of Districts Meeting the LEA Target

LEA Type	Baseline	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018	2018-2019
High School District	51.5	48.5	39.4	30.3	21.2	9.1	3.6
Unified School District	72.8	66.3	60.1	53.5	47.3	39.5	27.4

Method 3: Growth Model – Each LEA has its own Target

District	Baseline	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018	2018-2019
Large Sized	6.1%	5.9%	5.7%	5.5%	5.3%	5.1%	4.9%
Medium Sized	16.6%	16.4%	16.2%	16.0%	15.8%	15.6%	15.4%
State Target	8.9%	7.9%	6.9%	5.9%	4.9%	3.9%	2.9%

The LEA type analysis was also applied to Indicator 5–LRE. It shows that elementary and high school LEAs had some differences in placements. California has approximately 1,500 LEAs; nearly 800 have fewer than 250 special education students. There are 550 elementary LEAs, and 300 high school LEAs. There are also approximately 400 charters that act as LEAs for the purposes of special education. It

was clear that any potential solution or plan would need to address the varied type and size of LEAs in California. In order to scale up a plan for all students in the state, any plan would need to have flexibility to allow LEAs to individualize their unique needs and features. Figure 4 is an LEA type analysis showing the differences in LRE placements.

Figure 4. Evaluation of District Type for Least Restrictive Environment (APR Indicator 5)

District of Accountability (DOA) Type	Least Restrictive Environment Indicator 5 - Breakout by District of Accountability - Children with IEPs, ages 6 through 21 only - **2012**									
	Inside Regular Class 80% of the time or more		Inside Regular Class 40% of the time or less		Separate Schools, Residential Facilities, or Homebound/ Hospital Placement		Inside Regular Class 41% through 79% of the time		DOA Type of the Total Students with IEPs and ages 6-21	
	%	N	%	N	%	N	%	N	%	N
Charter School as LEAs	88.06	7,813	4.20	373	1.56	138	6.18	548	1.46	8,872
County Office of Education	61.68	969	11.39	179	20.24	318	6.68	105	0.26	1,571
Elementary	58.39	63,368	23.88	25,920	1.83	1,986	15.90	17,256	17.88	108,530
High	40.77	25,741	27.88	17,599	4.73	2,983	26.62	16,807	10.40	63,130
Other	0.00	0	0.00	0	100.00	35	0.00	0	0.01	35
Unified	52.66	223,798	22.65	96,253	4.60	19,533	20.09	85,378	70.00	424,962

Data was further disaggregated by race/ethnicity, gender, disability category, placement, and discipline, and the results were presented with assessment data in several different cross tabulations to determine if there were any preliminary correlations that could be further examined. As exhibited in Figure 5, district level data was used with multiple variables to develop a correlational analysis.

Figure 5. Table of Crosstab Variables Reviewed by Stakeholders in Spring 2014

Indicators Examined for SSIP	
Enrollment	Disproportionate representation
Special Education enrollment	Race/ethnicity
In regular class less than 40% of the day	Gender
In regular class more than 80% of the day	English Language learning
Students in separate schools	Dropout rate
English Language arts proficiency	Graduation rate
Mathematics proficiency	60 day timeline compliance
Discipline events	C to B transition compliance
Discipline outcomes	Secondary transition compliance
Fiscal compliance	Region
Preschool assessment	Preschool LRE

The data in Figure 5 was used to test several hypotheses. The first hypothesis was that for those districts with high levels of suspension and expulsion, it was expected that assessment scores were negatively correlated. Overall, this hypothesis was supported by the first correlation analysis using a Pearson's R Correlation analysis (Pearson's r= -.86). The analysis was performed using assessment data from 2012–13, because there were no scores available for the field tests administered in 2013–14. Without the most recent assessment scores, additional data analysis will need to be performed with new baseline assessment data to establish more exact relationships. A hypothesis that placement, specifically placement in more restrictive settings, was negatively correlated with assessment scores was tested. A simple correlation analysis did not support this hypothesis (Pearson's r= -.31). Stakeholders and advocates encouraged an

examination of poverty (using free and reduced priced meals eligibility) and its relation to poor performance. Therefore, the correlative analysis was repeated with race/ethnicity and eligibility for free and reduced priced meals as potential variables. The findings revealed that free and reduced priced meals eligibility was a strong negative correlate with assessment proficiency (Pearson's r = -.71). A more stringent statistical analysis was not necessary because the CDE used census data and not sample data, thus, a simple analysis such as this produces clear evidence of a relationship. In addition, this type of analysis is easily understood by stakeholders who were able to engage and give their input on a variety of likely root causes and potential improvement strategies. In summary, the data support the hypothesis that high levels of disciplinary events and high levels of poverty negatively affected assessment scores.

Choosing a State Identified Measurable Result

Based on the extensive experience of the staff and stakeholders, those involved believed strongly that keeping a student in the classroom and increasing student participation in the curriculum would improve other outcomes. Stakeholders for both general education and special education students strongly advocate that students' presence in the classroom increases overall performance in all areas. As evidenced in both special education and general education data, LEAs in California have been reducing the number of suspensions and expulsions over the last several years based on the premise that more class time will improve student performance. The stakeholders in the SSIP group believed that this trend was something that should anchor the SSIP. However, in spite of strong stakeholder support, through interaction with the OSEP and their technical assistance centers over time, it was made clear to CDE staff that suspension and expulsion measures were not acceptable options to report for a SIMR, and that the CDE should consider alternatives. Based on information provided by the OSEP, and through a process of elimination, the CDE determined that the only options for a SIMR were graduation rates and assessment. Based on an analysis of the districts in California, approximately 500 districts serve elementary students only and thus do not have graduates. Therefore, scaling up of the SSIP with graduation rates as a SIMR would not be truly systemic. Based on OSEP's requirements, the CDE and stakeholders concluded that among potential possible SIMRs California considered, only assessment was a viable option. This was confirmed by the Frequently Asked Questions disseminated to the states by the IDEA Data Center on December 1, 2014:

> As discussed above, the SIMR must be a child-level, measurable result that improves child outcomes. The "compliance indicators" measure compliance but do not measure child outcomes. This includes the compliance indicators under Part C (1, 7, and 8) and Part B (9, 10, 11, 12, and 13). In addition, there are some "results indicators" that are not appropriate to use as a SIMR, since they do not measure improvement in child outcomes.
>
> Topics that would not be acceptable stand-alone SIMRs include those related to the following results indicators:

For Part C:
Indicator 2–natural environments
Indicators 5 and 6–child find
Indicators 9 and 10–resolution sessions and mediation

For Part B:
Indicator 2–dropout
Indicator 4–suspension/expulsion
Indicators 5 and 6–LRE
Indicator 8–parent involvement
Indicators 15 and 16–resolution sessions and mediation

Review of Compliance Data

The CDE examined compliance data, which indicated no barrier existed for the implementation of the SSIP. In all the district-level examinations, compliance factors had little influence on the final SIMR determination or the focus areas for improvement. As evidenced in Figure 5, the CDE examined compliance data from the indicators (4, 9, 10, 11, and 12) to identify any correlations or barriers. The data shows that nearly all districts are compliant yet variance in outcomes still exists, concluding that compliance was not an issue for implementation of the SSIP.

The data analysis was heavily focused on LRE, suspension/expulsions, and students who were eligible for free and reduced price meals. Feedback from stakeholders indicated that there were no data quality concerns, and that no additional data elements would need to be collected beyond those the CDE currently collects from LEAs, because the data necessary to measure performance and outcomes is already collected by the CDE.

Local Control Accountability Plan Analysis

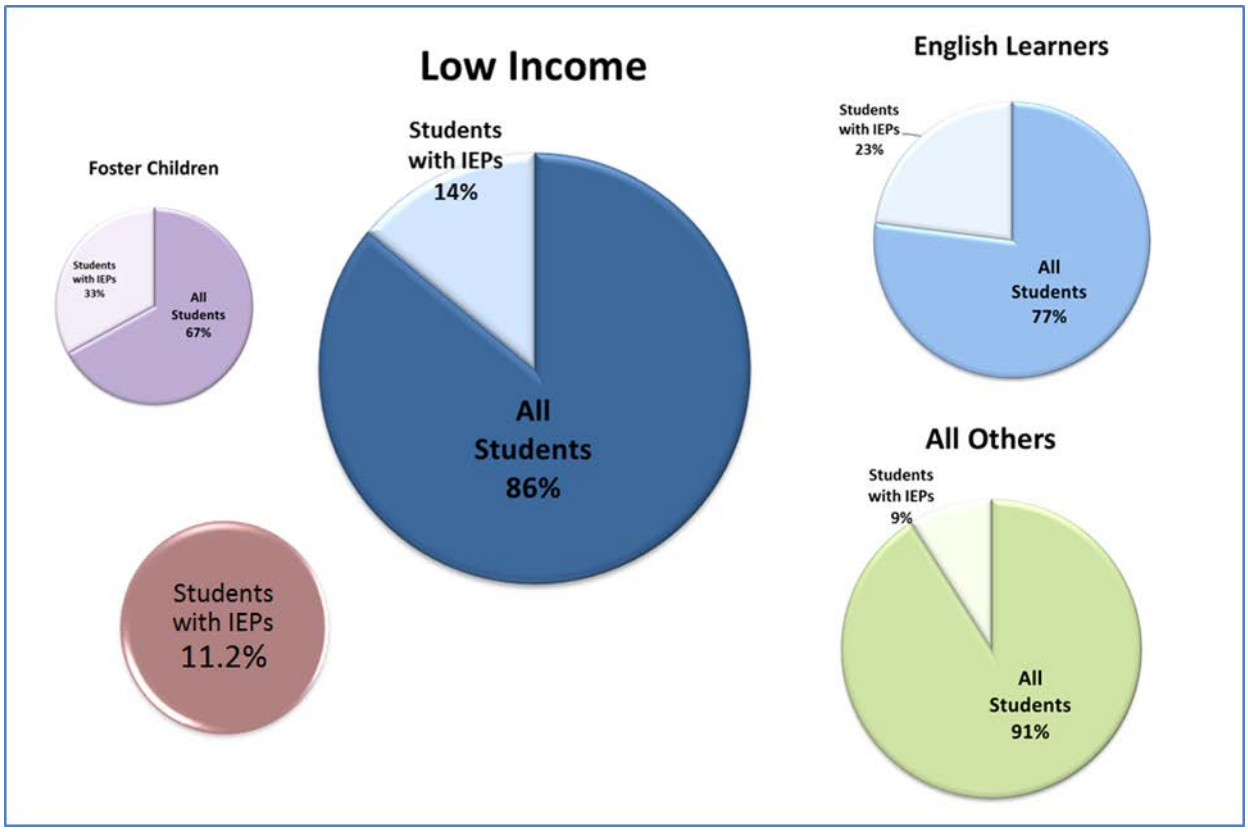
The CDE data analysis indicated that low assessment scores seem to have a similar root cause for both general and special education. Poverty was the strongest negative correlation with assessment scores in both populations. At the conclusion of this initial data analysis, staff and stakeholders conducted an environmental scan to determine the statewide initiatives that are being implemented in California.

An earlier general education analysis reached similar conclusions. It found that three specific groups of students in California had a high level of need: students that were identified as English learners, foster youth, or eligible for the free and reduced priced meals program. As a result, the Governor initiated a Local Control Funding Formula (LCFF) in the spring of 2014 that provided a redirection of funds to support intensive services and programs to be aimed at those populations. LEA funding formulas were recalculated using a base calculation of average daily attendance, and additional programmatic funding was given to LEAs that had students identified as English learners, foster youth, or eligible for the free and reduced priced meals program beginning in the 2014–15 school year. See the following CDE Web site at http://www.cde.ca.gov/fg/aa/pa/documents/lcffsnapshot13p2.xls. Under this new funding

formula, every district would need to create a Local Control Accountability Plan (LCAP). These plans were meant to set local goals to improve outcomes for these targeted groups and other subgroups, including students with disabilities. The stakeholders voiced strong opinions that the LCFF was an initiative that had significant statewide impact, and any plan which aligned with the LCFF would have a greater chance at success and scale up.

Seizing on this new statewide initiative that will affect all students, the CDE performed an additional analysis using those three subgroups to determine the makeup of special education students in this population. As evidenced in Figure 6 below that was presented to stakeholders, special education students make up 11.2 percent of the total population, but their proportions are greater in the identified subgroups. Students with disabilities represent 14 percent of all low income students, 23 percent of English learners, and 33 percent of foster youth. In addition, there are students who are in more than one of these categories; that overlap is not represented in the chart but was an important point made by the stakeholder groups. It was clear that student outcomes using the LCFF funding on those subgroups would also have a positive effect on students with disabilities. The CDE's Special Education Division could positively support LEAs to implement local improvement activities that support improved outcomes for all students including students with disabilities.

Figure 6. Students with Individual Education Programs in the LCAP World

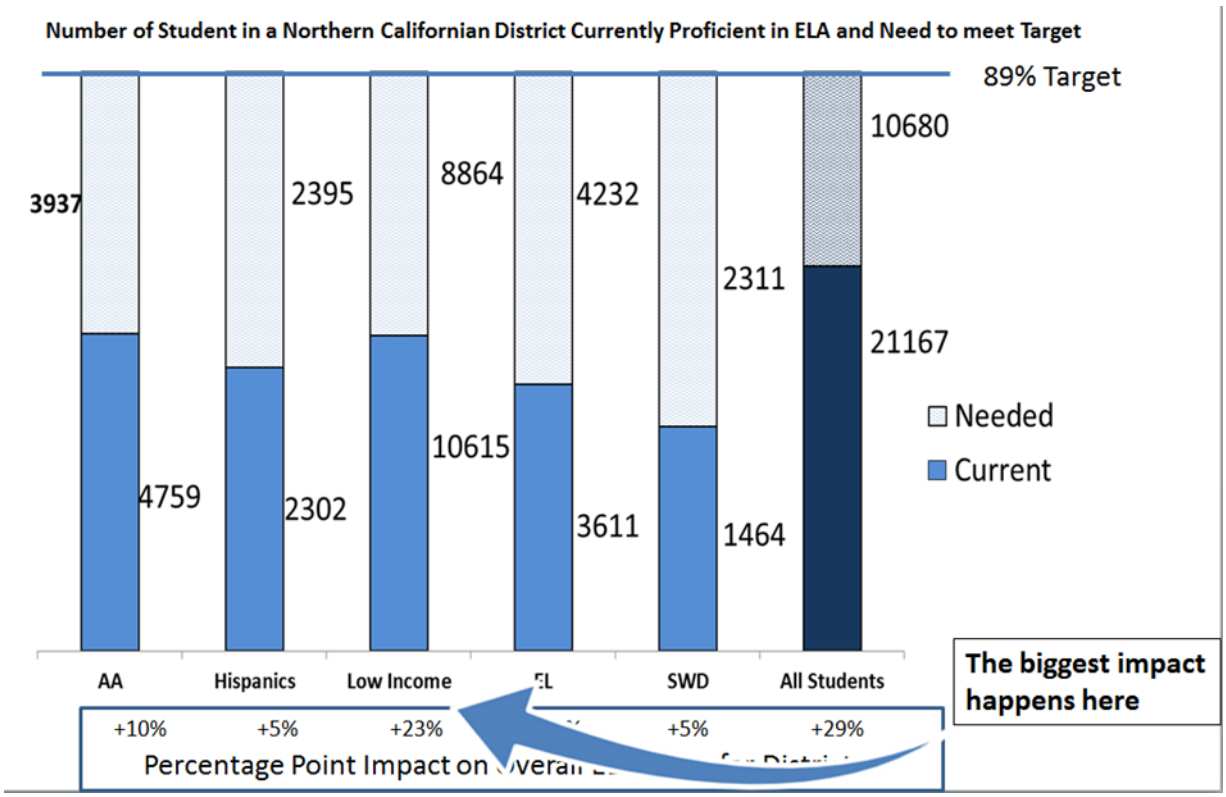


This enhanced representation of students with disabilities indicated that LEA implementation of LCAP goals would also significantly affect students with disabilities,

not as separate subgroup, but as students who also make up portions of those populations.

One key question posed by the stakeholder group was how a LEA could maximize its efforts, using the new funding under the LCFF and its LCAP, to effect change among the broadest group of students. The LEA example in Figure 7 below was produced to answer that question. The dark column shows the number of students currently proficient (21,167) and the number that will need to become proficient (10,680) to meet California's benchmark of 89 percent. The other columns show the effect that improving the performance of those subgroups would have on the overall proficiency rates. For example, based on their proportion within the LEA, increasing the African American subgroup to the benchmark would increase the overall LEA proficiency rate only 10 percent. Increasing the Hispanic subgroup to the target would only increase the overall district proficiency rate 5 percent. Because African Americans and Hispanics make up a small proportion of the overall LEA, focusing efforts on this subpopulation will have a small overall effect on the LEA's achievement. However, implementing programs and practices that would increase the students in poverty (as measured by free and reduced priced meal eligibility) to the target would increase the overall LEA proficiency rate 23 percent, due to the fact that students in poverty make up a large proportion of the overall student population in this LEA. The biggest impact for any initiative would be to focus on students in poverty.

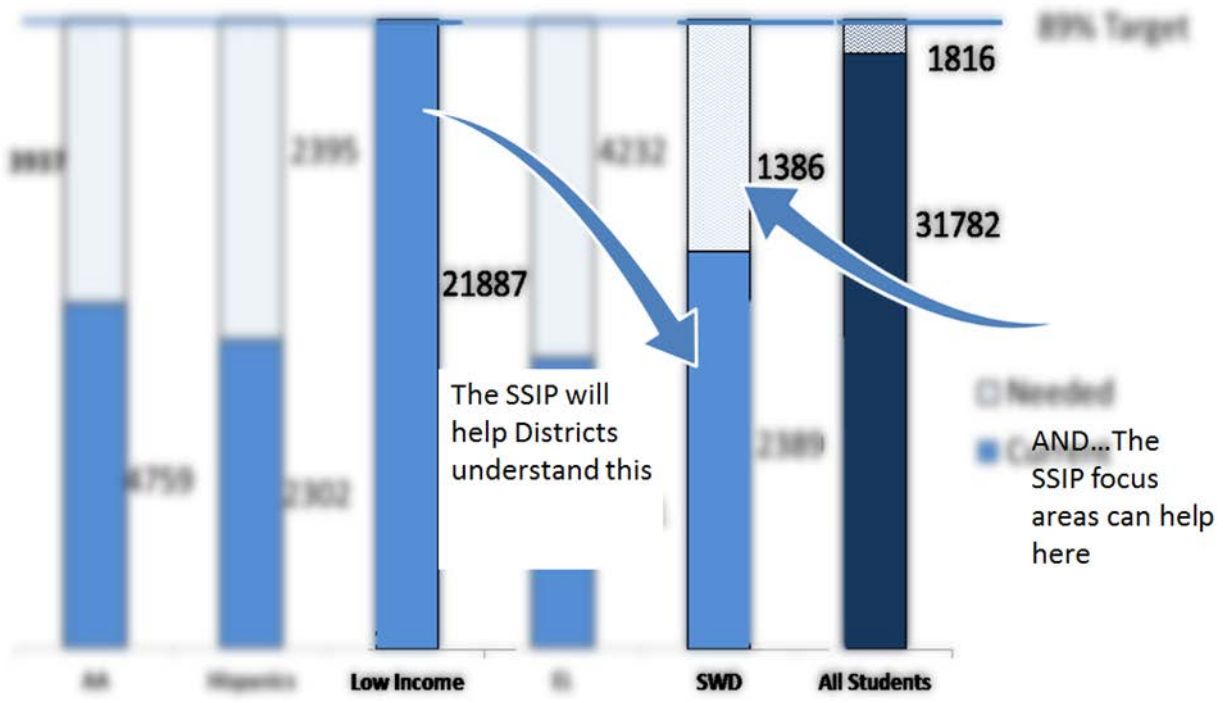
Figure 7. Eliminate the Achievement Gap by Increasing Student Achievement as Evidenced on Standardized Tests



The same holds true for SWD. If the LEA focused its efforts solely on SWD, the overall impact would only be 5 percent. However, practices effective in increasing outcomes for students in poverty, English Learners, and foster youth would also have a positive effect on SWD. Figure 8 below shows that by increasing its low income student population to the benchmark, a LEA would also have an enhanced positive impact on its SWD.

Capitalizing on this analysis, it is clear that by aligning the SSIP with this initiative will make direct and positive gains, and improve results for SWDs in California in terms of assessment. Figure 8 shows that if the achievement for students in poverty increases, so does the proficiency of SWDs, because the SWD group includes students in poverty. While there will be SWD in an LEA that are not affected by the initiatives because they are not in poverty, the SSIP can assist LEAs in understanding the role that local plans will play in improving outcomes for all students. In addition, the SSIP will support LEAs in targeting resources to assist students with disabilities as a distinct population.

Figure 8. SSIP Relationship Showing Target Support for LCFF Subgroups Results In Improvement for SWD.



Appendix A – Disaggregated Data Analysis for All Federal Performance Indicators

Indicator 2-DROPOUT
NOTE: Targets for Dropout must Decrease over time

Method 1: Same Baseline for both the State and the LEA

	Baseline	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018	2018-2019
State Target	**8.9%**	7.9%	6.9%	5.9%	4.9%	3.9%	2.9%
Local Target	**8.9%**	7.9%	6.9%	5.9%	4.9%	3.9%	2.9%
Percent of Districts Meeting Target*	**68**	63	57	50	44	33	21

*Currently meet baseline. If nothing changes over the years, this is the percent meeting target.

Method 2: Separate Targets based on LEA Type

LEA Type	**Baseline**	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018	2018-2019
High School District	**7%**	6%	5%	4%	3%	2%	1%
Unified School District	**9.6%**	8.6%	7.6%	8.6%	6.6%	7.6%	3.6%
State *	**8.9%**	7.9%	6.9%	5.9%	4.9%	3.9%	2.9%

*COE and Elementary Districts are not included because counts are too low for these LEA types

Percent of Districts Meeting the LEA Target

LEA Type	**Baseline**	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018	2018-2019
High School District	**51.5**	48.5	39.4	30.3	21.2	9.1	3.6
Unified School District	**72.8**	66.3	60.1	53.5	47.3	39.5	27.4

Method 3: Growth Model – Each LEA has its own Target

District	**Baseline**	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018	2018-2019
Large Sized	6.1%	5.9%	5.7%	5.5%	5.3%	5.1%	4.9%
Medium Sized	16.6%	16.4%	16.2%	16.0%	15.8%	15.6%	15.4%
State Target	**8.9%**	7.9%	6.9%	5.9%	4.9%	3.9%	2.9%

Indicator 4a-SUSPENSION/EXPULSION
NOTE: Targets for Discipline must Decrease over time

Method 1: Same Baseline for both the State and the LEA

	Baseline	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018	2018-2019
State Target	**2.6%**	2.4%	2.2%	2.0%	1.8%	1.6%	1.4
Local Target	**2.6%**	2.4%	2.2%	2.0%	1.8%	1.6%	1.4
Percent of Districts Meeting Target*	**98**	96	93	89	81	60	51

*Currently meet baseline. If nothing changes over the tears, this is the percent meeting target.

Method 2: Separate Targets based on LEA Type

LEA Type	**Baseline**	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018	2018-2019
County Office of Education	2.60%	2.40%	2.20%	2.0%	1.80%	1.60%	1.4%
Elementary School District	2.30%	2.10%	1.90%	1.70%	1.50%	1.30%	1.4%
High School District	2.80%	2.60%	2.40%	2.20%	2.00%	1.80%	1.6%
Unified School District	2.90%	2.70%	2.50%	2.30%	2.10%	1.90%	1.7%

Percent of Districts Meeting the LEA Target

LEA Type	**Baseline**	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018	2018-2019
County Office of Education	95	90	90	90	90	79	65
Elementary School District	99	98	97	94	90	85	77
High School District	90	87	81	75	69	55	46
Unified School District	91	90	86	80	76	61	54

Method 3: Growth Model – Each LEA has its own Target

District	**Baseline**	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018	2018-2019
Large District	1%	0.8%	0.6%	0.4%	0.2%	0.00%	0.00%
Medium District	0.1%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
State Target	**2.6%**	2.4%	2.2%	2.0%	1.8%	1.6%	1.4%

Indicator 5a PERCENT OF STUDENT IN REGULAR CLASS 80% OR MORE

Method 1: Same Baseline for both the State and the LEA

	Baseline	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018	2018-2019
State Target	52.7%	53.7%	54.7%	55.7%	56.7%	57.7%	58.7%
Local Target	52.7%	53.7%	54.7%	55.7%	56.7%	57.7%	58.7%
Percent of Districts Meeting Target*	60	58	54	50	46	44	60

*Currently meet baseline. If nothing changes over the tears, this is the percent meeting target.

Method 2: Separate Targets based on LEA Type

LEA Type	**Baseline**	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018	2018-2019
County Office of Education	66.2%	67.2%	68.2%	69.2%	70.2%	71.2%	1.4%
Elementary School District	58.2%	59.2%	60.2%	61.2%	62.2%	63.2%	1.4%
High School District	40.7%	41.7%	42.7%	43.7%	44.7%	45.7%	1.6%
Unified School District	52.9%	53.9%	54.9%	55.9%	56.9%	57.9%	1.7%
State Target	52.7%	53.7%	54.7%	55.7%	56.7%	57.7%	58.7%

Percent of Districts Meeting the LEA Target

LEA Type	**Baseline**	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018	2018-2019
County Office of Education	68	68	64	59	59	59	65
Elementary School District	61	59	56	52	48	46	77
High School District	59	59	55	51	45	44	46
Unified School District	57	54	50	46	41	38	54

Method 3: Growth Model – Each LEA has its own Target

District	**Baseline**	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018	2018-2019
Large District	54%	55%	56%	57%	58%	59%	0.00%
Medium District	47%	48%	49%	50%	51%	52%	0.00%
State Target	52.7%	53.7%	54.7%	55.7%	56.7%	57.7%	58.7%

5B—PERCENT OF STUDENTS IN REGULAR CLASS 40% OF DAY OR LESS

Method 1: Same Baseline for both the State and the LEA

	Baseline	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018
State Target	**22.3%**	21.3%	20.3%	19.3%	18.3%	17.3%
Local Target	**22.3%**	21.3%	20.3%	19.3%	18.3%	17.3%
Percent of Districts Meeting Target	64	62	58	55	51	47

*Currently meet baseline. If nothing changes over the tears, this is the percent meeting target.

Method 2: Separate Targets based on LEA Type

LEA Type	**Baseline**	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018
County Office of Education	8.3%	7.3%	6.3%	5.3%	4.3%	3.3%
Elementary School District	23.1%	22.1%	21.1%	20.1%	19.1%	18.1%
High School District	26.7%	25.7%	24.7%	23.7%	22.7%	21.7%
Unified School District	21.5%	20.5%	19.5%	18.5%	17.5%	16.5%
State Target	**22.3%**	21.3%	20.3%	19.3%	18.3%	17.3%

Percent of Districts Meeting the LEA Target

LEA Type	**Baseline**	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018
County Office of Education	64	59	55	46	41	32
Elementary School District	69	67	64	62	57	54
High School District	75	72	67	61	60	59
Unified School District	58	56	52	48	44	39

Method 3: Growth Model – Each LEA has its own Target

District	**Baseline**	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018
Elk Grove	18%	17%	16%	15%	14%	13%
Fairfield	21%	20%	19%	18%	17%	16%
State Target	22.3%	21.3%	20.3%	19.3%	18.3%	17.3%

5c—PERCENT IN SEPARATE SCHOOLS

Method 1: Same Baseline for both the State and the LEA

	Baseline	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018
State Target	**3.8%**	3.6%	3.4%	3.2%	3.0%	2.8%
Local Target	**3.8%**	3.6%	3.4%	3.2%	3.0%	2.8%
Percent of Districts Meeting Target*	**76%**	73%	72%	70%	67%	65%

*Currently meet baseline. If nothing changes over the tears, this is the percent meeting target.

Method 2: Separate Targets based on LEA Type

LEA Type	**Baseline**	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018
County Office of Education	14.3%	14.1%	13.9%	13.7%	13.5%	13.3%
Elementary School District	1.9%	1.7%	1.5%	1.3%	1.1%	0.9%
High School District	4.8%	4.6%	4.4%	4.2%	4.0%	3.8%
Unified School District	4.4%	4.2%	4.0%	3.8%	3.6%	3.4%
State Target	3.8%	3.6%	3.4%	3.2%	3.0%	2.8%

Percent of Districts Meeting the LEA Target

LEA Type	**Baseline**	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018
County Office of Education	77	77	76	76	76	75
Elementary School District	60	55	50	44	40	35
High School District	56	52	49	49	48	45
Unified School District	78	77	74	71	66	64

Method 3: Growth Model – Each LEA has its own Target

District	**Baseline**	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018
Large District	7.0%	6.8%	6.6%	6.4%	6.2%	6.0%
Medium District	5.8%	5.6%	5.4%	5.2%	5.0%	4.8%
State Target	3.8%	3.6%	3.4%	3.2%	3.0%	2.8%

14A–PERCENT ENROLLED IN HIGHER ED

Method 1: Same Baseline for both the State and the LEA

	Baseline	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018
State Target	**50%**	51%	52%	53%	54%	55%
Local Target	**50%**	51%	52%	53%	54%	55%
Percent of Districts Meeting Target*	**58%**	48%	48%	46%	45%	43%

*Currently meet baseline. If nothing changes over the tears, this is the percent meeting target.

Method 2: Separate Targets based on LEA Type

LEA Type	**Baseline**	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018
County Office of Education	8%	9%	10%	11%	12%	13%
Elementary School District	17%	18%	19%	20%	21%	22%
High School District	18%	19%	20%	21%	22%	23%
Unified School District	21%	22%	23%	24%	25%	26%
State Target	50%	51%	52%	53%	54%	55%

Percent of Districts Meeting the LEA Target

LEA Type*	**Baseline**	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018
County Office of Education	61	61	58	58	58	58
High School District	88	86	86	84	84	82
Unified School District	91	90	89	89	86	84

* Elementary Districts are not included because counts are too low for these LEA types

Method 3: Growth Model – Each LEA has its own Target

District	**Baseline**	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018
Large District	54%	55%	56%	57%	58%	59%
Medium District	3.6%	4.6%	5.6%	6.6%	7.6%	8.6%
State Target	50%	51%	52%	53%	54%	55%

14B—PERCENT ENROLLED IN HIGHER ED OR EMPLOYMENT

Method 1: Same Baseline for both the State and the LEA

	Baseline	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018
State Target	**65.0%**	66.0%	67.0%	68.0%	69.0%	70.0%
Local Target	**65.0%**	66.0%	67.0%	68.0%	69.0%	70.0%
Percent of Districts Meeting Target*	**21%**	21%	18%	18%	16%	16%

*Currently meet baseline. If nothing changes over the tears, this is the percent meeting target.

Method 2: Separate Targets based on LEA Type

LEA Type	**Baseline**	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018
County Office of Education	15%	16%	17%	18%	19%	20%
Elementary School District	25%	26%	27%	28%	29%	30%
High School District	26%	27%	28%	29%	30%	31%
Unified School District	28%	29%	30%	31%	32%	33%
State Target	65.0%	66.0%	67.0%	68.0%	69.0%	70.0%

Percent of Districts Meeting the LEA Target

LEA Type*	**Baseline**	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018
County Office of Education	55	49	48	53	45	41
High School District	77	75	75	74	71	71
Unified School District	60	59	59	59	59	58

Elementary Districts are not included because counts are too low for these LEA types

Method 3: Growth Model – Each LEA has its own Target

District	**Baseline**	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018
Large District	76%	77%	78%	79%	80%	81%
Medium District	12.0%	13%	14%	15%	16%	17%
State Target	65.0%	66.0%	67.0%	68.0%	69.0%	70.0%

14C—PERCENT ENROLLED IN HIGHER ED, OTHER POST-SEC ED, OR ANY EMPLOYMENT

Method 1: Same Baseline for both the State and the LEA

	Baseline	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018
State Target	**69.0%**	70.0%	71.0%	72.0%	73.0%	74.0%
Local Target	**69.0%**	70.0%	71.0%	72.0%	73.0%	74.0%
Percent of Districts Meeting Target	**38%**	37%	36%	35%	34%	34%

*Currently meet baseline. If nothing changes over the tears, this is the percent meeting target.

Method 2: Separate Targets based on LEA Type

LEA Type*	**Baseline**	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018
County Office of Education	34%	35%	36%	37%	38%	39%
Elementary School District	36%	37%	38%	39%	40%	41%
High School District	38%	39%	40%	41%	42%	43%
Unified School District	39%	40%	41%	42%	43%	44%
State Target	69.0%	70.0%	71.0%	72.0%	73.0%	74.0%

* Elementary Districts are not included because counts are too low for these LEA types

Percent of Districts Meeting the LEA Target

LEA Type	**Baseline**	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018
County Office of Education	55	52	52	52	52	52
High School District	82	82	80	80	79	78
Unified School District	65	65	63	62	60	60

Method 3: Growth Model – Each LEA has its own Target

District	**Baseline**	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018
Large District	96%	97%	98%	99%	100%	100%

Analysis of State Infrastructure to Support Improvement and Build Capacity

This document is the second of five sections that constitute Phase I of California's State Systemic Improvement Plan (SSIP). The SSIP is a new requirement of the U.S. Department of Education and serves as the centerpiece for implementation of the Office of Special Education Programs' (OSEP) initiative entitled "Results Driven Accountability," which is its effort to focus more on student performance in the overall system of the state's general supervision of local educational agencies (LEAs). Phase I is intended to provide a detailed analysis of data and state infrastructure that will guide the selection of coherent improvement strategies to increase the state's capacity to lead meaningful change in LEAs to improve measureable results for students with disabilities (SWD). While this section is being presented as an independent document in this item, it is meant to be considered in the context of OSEP's overall instructions and is best read in concert with the other SSIP sections presented in this item.

This Analysis of State Infrastructure to Support Improvement and Build Capacity section describes how the California Department of Education (CDE) analyzed its capacity to support LEA improvement and build LEA capacity to improve results for SWD. Areas reviewed include governance, fiscal elements, instructional standards, professional development, data elements, technical assistance, and accountability and monitoring. Also included is a review of strengths of the current system, coordination of system elements, and current state-level plans and initiatives. This section also addresses OSEP's requirement to identify recommendations for improvement of the state's infrastructure to better support improved student performance. Those recommendations are provided in bold type at the end of the topic they address.

In response to the OSEP's requirement that states move towards a system of general supervision that focuses on Results Driven Accountability (RDA), the CDE selected a subset from California's Improving Special Education Services (ISES) stakeholder group to conduct activities with staff of the Special Education Division (SED) to develop the SSIP. The subgroup included representatives of Special Education Local Plan Areas (SELPAs), Parent Training Information Centers (PTIs), Family Empowerment Centers (FECs), the California Advisory Commission on Special Education, and staff of the State Board of Education (SBE). (See Appendix A – State Systemic Improvement Plan Stakeholder Group, page 42).

The CDE staff and SSIP stakeholders met monthly between December 2013 and November 2014. Stakeholders participated in three types of infrastructure analysis:

1) Review and evaluation of current infrastructure related to providing services to students with disabilities; (December 2013, October 2014, and June 2014)

2) Review and evaluation of state level initiatives and local plans in general education that would facilitate improved results for children with disabilities (April 2014, May 2014, October 2014); and

3) Review of infrastructure elements as related to achieving the state identified measurable results. (May 2014, August 2014, October 2014)

Section 1: Review and Evaluation of Current Infrastructure Related to Serving Students with Disabilities (Generally)

Stakeholders examined the draft instructions for the SSIP in December 2013 and conducted an analysis of a number of infrastructure elements, including:

- Professional development system
- Technical assistance system
- Connection with other state improvement efforts
- General supervision system
- Infrastructure to support improvement and build LEA capacity

For each of the areas listed above, a small group reviewed the OSEP instructions, discussed the infrastructure element, and made recommendations regarding further analysis of the area. Specific recommendations may be found in State Systemic Improvement Plan Preliminary Infrastructure Analysis, December 2013, (see Appendix B -- Infrastructure Evaluation, page 44). Overall, the group recommended that a more detailed analysis be conducted. To complete this analysis, the group suggested that a matrix be constructed. The matrix would be used to summarize the infrastructure (at each level of the system) and develop the analysis to generate the elements needed for the SSIP description:

- Current strengths of the systems
- The extent to which systems are coordinated
- Areas for improvement of functioning within and across the systems

In a subsequent stakeholder meeting (October 2014), individual matrix descriptions were prepared by CDE staff in the following element areas:

- Governance
- Professional development
- Technical assistance
- Quality standards
- Data
- Statewide initiatives/focus areas for improvement
- Coordination of local plans

Each matrix provided a summary of the infrastructure for the organizational level being addressed. The levels of system review included:

- CDE (Special Education)
- CDE (General Education)

- SELPAs
- County Offices of Education (COE)
- LEAs
- Other (agencies, boards, and organizations having significant roles in the element being analyzed)

In addition, CDE staff included blank columns on each matrix form to record the results of the discussions related to:

- Strengths of the system
- Coordination of system(s)
- Areas for improvement

(For the infrastructure descriptions and a summary of discussions on each element, see Appendix C -- Infrastructure Descriptions and Recommendations, page 51.)

Section 2: Working with Other Divisions in the California Department of Education to Review and Evaluate State Level Initiatives and Local Plans as Applicable to Students with Disabilities

Review and Evaluation of Required Local Plans: Concurrent with the SSIP stakeholder process, the SED participated on a department-wide work group to assess the alignment of local plans. The need for alignment was created by the transition to a new statewide system of assessment (Smarter Balanced Assessment Consortium), the revision of a state accountability system, and the implementation of a new funding system: the Local Control Funding Formula and the Local Control Accountability Plan (LCFF/LCAP). The State Superintendent of Public Instruction (SSPI), the CDE, and the SBE recognized the need to review current state and federal plan requirements in June 2014 and initiated a project under the name of the Plan Alignment and Coordination Project (PACP). A memorandum describing this joint CDE and SBE effort can be found at ftp://ftp.cde.ca.gov/sp/se/ds/ssipattachments/Attachment3%20Plan%20Alignment%20Committee%20Memo.docx. The purpose of the PACP is to study the alignment of the LCAP to other mandated plans. The plans reviewed by the PACP included the following:

- LCAP
- LEA
- Single School District Plan (SSD)
- Single Plan for Student Achievement (SPSA)
- Safe Schools Plan
- Program Improvement Addendum or Plan (Title I)
- Title II Non-Compliant Teacher Action Plan
- Title III Improvement Plan

The Plan Alignment and Advisory work is ongoing and is performed by CDE staff representing program-specific expertise department wide, including the participation of the SED. The PACP includes representatives and staff from the following:

- SBE
- District, School, and Innovation Branch Office (CDE)
- California Comprehensive Center
- School Fiscal Services Division (CDE)
- Educational Data Management Division (CDE)
- Legal Division (CDE)
- English Learner Support Division (CDE)
- Special Education Division (CDE)
- Charter Schools Division (CDE)
- Assessment Development and Administration Division (CDE)
- Professional Learning Supports Division (CDE)
- Local Agency Systems Support Offices (CDE)
- Measurement and Accountability Reporting Division (CDE)

The task of the CDE staff represented in the PACP is to provide feedback and advisory consultation. Staff has relied on the federal LEA plan and additional federal requirements (e.g., Title II and Title III) as a frame of reference to determine the degree of alignment with required federal and state plans. Specific tasks were slated to include:

- Identifying and selecting federally and state mandated plans to research and compare and contrast

- Determining plan requirements pursuant to federal and state mandates

- Comparing and contrasting plans

- Completing a draft matrix that summarizes findings

- Comparing and contrasting plans and proposing recommendations

The work completed by the PACP was used by the SED as the basis for preparing an analysis specifically related to proposed SSIP activities. Discussion of the alignment of local plans to the SSIP was conducted in October 2014. As noted in the section on the Review and Analysis of Current Infrastructure, the SED prepared matrices for evaluation by the stakeholder group. Drawing on the work of the PACP, SED staff prepared a matrix to facilitate evaluation of the alignment of the local plans to the SSIP: ftp://ftp.cde.ca.gov/sp/se/ds/ssipattachments/Infrastructure%20Analysis%20-%20Plan%20Alignment%20Matrix%20101314.xlsx)

At this time, the PACP has recommended that the LCAP be used as a vehicle, when possible, to align the individual requirements found in other locally mandated state plans. The SSIP stakeholder group also determined that there is a high degree of alignment already in place between the components of the LCAP and what would be needed in the SSIP.

Review and Evaluation of State Level Initiatives: Another key part of the Infrastructure Analysis was to look at state level initiatives in both general and special education to evaluate the extent to which each initiative could contribute to improved results for SWD. The SED partnered with other divisions in the CDE to prepare and conduct these analyses. To do this, the CDE prepared summaries of other state education initiatives, including proposals for increased collaboration for supporting LEAs (See Appendix D -- State Initiative Summary and Discussion Guides, page 96). Stakeholders participated in one of the following state level initiatives:

- Project READ Web site at http://www.calstat.org/projectread.html
- Discipline and Truancy (PBIS) Web site at http://www.cde.ca.gov/ls/ss/se/behaviorialintervention.asp; http://www.cde.ca.gov/ls/ai/
- Common Core State Standards (CCSS) Implementation Web sites at http://www.cde.ca.gov/re/cc/; http://www.corestandards.org/
- Multi-Tiered System of Supports (MTSS) Web site at http://www.cde.ca.gov/ci/cr/ri/
- English Language Development Standards Web site at http://www.cde.ca.gov/sp/el/er/eldstandards.asp
- Family Engagement Framework Web site at http://www.wested.org/onlinepubs/cpei/family-engagement-framework.pdf

General education partners provided an overview of each area and led discussions to explore three questions in small stakeholder groups:

1) How does the CDE's support and current activities relate to the implementation of the initiative as a focus area for improvement to ensure that students with disabilities have access to the initiative and thereby increase academic achievement?

2) How would the SED proposal enhance CDE's efforts to improve student outcomes for students with disabilities?

3) What else should the SED do to increase academic achievement for students with disabilities through the initiative as the focus area for improvement?

After each SSIP stakeholder meeting, there was a debriefing between selected CDE staff and the SSIP stakeholders. The purpose of these debriefings was to: 1) summarize what was learned and capture key recommendations; and 2) begin planning for the next monthly meeting. As a result of the small group discussions, the debriefing group selected three of the six areas (initiatives) to continue discussions at the May meeting as potential focuses for improvement: Discipline, Multi-Tiered System of Supports, and Project READ.

For each of the areas discussed in the meetings, the SSIP stakeholder group considered the extent to which data was available and the potential that the initiative activities would produce improved performance. It should be noted that the activities related to implementation of the California Common Core State Standards (CA-CCSS) and the English Language Development Standards were identified as basic strategies for improvement, but did not need additional analysis or discussion. Similarly, Family Engagement was identified as a strategy that would be infused in all improvement strategies selected.

Lastly, the SSIP stakeholder group recommended that the elements of the SSIP be aligned to the LCFF and LCAP, the most sweeping initiatives affecting California education, including special education.

Based on the input from the SSIP stakeholders, the SED developed an agenda for the May 2014 SSIP stakeholder meeting to continue the analysis of data related to the remaining potential focus areas, and to begin to think about what a potential theory of action might be (i.e., if CDE does this, then LEAs will do this. If LEAs do this, then student results will improve in the following ways…) and how each improvement area might result in positive outcomes for students with disabilities. This agenda included an overview of the LCFF and LCAP, and a panel discussion of SELPA Directors to share their experiences with formulating an LCAP, including results for SWD. This was presented in general session for all participants at the meeting. Small groups also met in breakout sessions to review the discussions on the remaining focus areas for improvement from the April meeting. The breakout discussions were designed to have participants:

- Learn how data is collected related to each focus area for improvement
- Evaluate data collection and measurement for the particular improvement effort
- Rate how likely implementation of that particular focus area for improvement area is to result in positive student outcomes
- Begin to develop a theory of action related to that focus area

After the May meeting, the SSIP stakeholder debriefing group members were struck by how all-encompassing the LCFF and LCAP efforts are. The consensus was that whatever was done to develop an SSIP, it should align with the LCAP. Additional debriefing discussions focused on the information shared in each of the small SED

focus areas for improvement groups. These discussions were generally organized by the following questions:

- How do the initiatives (focus areas for improvement) align to the requirements of the SSIP?
- How do the initiatives (focus areas for improvement) diverge?
- How do the initiatives (focus areas for improvement) align with the LCAP priority areas?
- How are the LEAs including SWD and what metrics are they using to measure programs?
- Does this suggest any focus areas for improvement (initiatives) to prioritize for the SSIP?
- For each of these, what would be the measurable student level outcome (State Identified Measurable Result [SIMR])?
- How would these potential SIMRs align with the LCAP?

As a result of this work, SSIP stakeholder participants felt that the chosen SSIP and the required SIMR should be supportive of LCAP requirements for student progress. The stakeholder group came to the following conclusions by the end of the May 2014 meeting:

1. A statewide planning, implementation, and accountability infrastructure is being put in place based on the LCFF and LCAP requirements created by the Governor, Legislature, and the SBE.
2. The infrastructure created by the LCFF and LCAP requirements is inclusive of general education and special education.
3. The eight priority areas included in the LCAP template are compatible with both improved student outcomes and the selected SSIP strategies that lead to improved student performance (e.g., reduction of suspension and expulsion, multi-tiered system of support [MTSS], improved access to, and instruction in, the CA CCSS).
4. The potential SIMR was identified as student assessment results for SWD who are also English Learners, foster youth, and/or students who are eligible for free and reduced-price meals (FRPM).
5. The potential areas for improvement/coherent improvement strategies would be school climate/student discipline; student engagement/attendance; and access to, and instruction in, the CA CCSS.

The LCFF and the LCAP: The LCFF and LCAP provide a new state infrastructure for education in California (see http://www.cde.ca.gov/fg/aa/lc/). The LCFF is a statewide policy enacted by the Legislature, with the Governor's approval, and makes a sweeping change in funding of public education and accountability for student outcomes. The LCFF is being implemented by all districts and charter LEAs statewide. Components of the LCFF are intended to be scaled up over a period of three years. To date, all districts have developed and implemented an LCAP. The specifics of the accountability process and metrics are being developed and will be considered by the SBE in the fall of 2015.

Funds: The LCFF combines state (not federal) education funds, including funds that were previously devoted to categorical programs (except state special education funds). The funds include three components: 1) a base grant (funding based on average daily attendance); 2) a supplemental grant (based on the unduplicated number of students who are English Learners (ELs), low income and/or foster youth); and 3) a concentration grant (for districts with a high percentage of their total enrollment from the target groups).

Local Planning: In keeping with the emphasis on local control, state categorical program requirements were eliminated. The intended result is to give districts increased flexibility to respond to local conditions to their unique student populations. The LCFF places primary responsibility on the district to plan and implement programs that lead to improved student outcomes. While there are three student populations included in supplement funding allocations, it should be noted that all of the Elementary and Secondary Education Act (ESEA) disaggregated groups are included in the targets for the LCAP, including students with disabilities.

Local Plan Review: The LCAP is the vehicle that is used to summarize planning efforts and to document accountability. The SBE is responsible for creating and implementing the guidelines, templates, and evaluation criteria for the LCAP. LEA LCAPs have been initially prepared for a three year cycle. The first LEA LCAPs were submitted July 1, 2014, for approval by the governing board of the school district or COE after review by parent advisory committees and following public hearing. It is the responsibility of the COE, not the CDE, to review the LCAPs developed by all of the districts and charters within the county boundaries. The CDE is only responsible for reviewing LCAPs prepared by the COEs for students directly served by the COE.

LCAP Contents: The LEA LCAP goals and priorities apply to the LEA in general and individual schools within the LEA. LCAP template instructions require that the LEA LCAP must include:

Annual goals: All pupils (including ethnic subgroups, socioeconomically disadvantaged, ELs, students with disabilities, and foster youth) will have annual goals that address eight state priority areas:

1. Basic conditions of learning (teacher assignment and qualifications, standards aligned instructional materials, and well-maintained school facilities)

2. Implementation of academic content and performance standards

3. Parental involvement (including students with exceptional needs)

4. Pupil achievement (including assessment results)

5. Pupil engagement (attendance, graduation, and dropout rates)

6. School climate (suspension and expulsion rates)

7. Extent to which students are involved in a broad course of study

8. Pupil outcomes by subject area (e.g., math, English Language Arts [ELA), science, social science, arts, health, physical education and other State Board of Education prescribed subjects).

Evaluation Rubrics: As identified in the state LCFF legislation, the SBE is required adopt evaluation rubrics by October 2015. The rubrics are to be used to assist:

- A school district, county office of education, or charter school in evaluating its strengths, weaknesses, and areas that require improvement

- A county superintendent of schools in identifying school districts and charter schools in need of technical assistance, and the specific priorities upon which the technical assistance should be focused

- The SSPI in identifying school districts in need of intervention

The evaluation rubrics are intended to reflect a holistic, multidimensional assessment of school district and individual school site performance and must address all of the state priorities. As part of the evaluation rubrics, the SBE shall adopt standards for school district and individual school site performance, and expectations for improvement in regard to each of the state priorities.

Monitoring, Technical Assistance, and Accountability: The district is responsible for monitoring its performance using the rubrics as applied to its LCAP. The district is also responsible for using their resources to secure any technical assistance they identify as being needed.

The county superintendent of schools, however, has a primary role for providing technical assistance under any of the following conditions:

1. The governing board of a school district requests technical assistance

2. The county superintendent does not approve a local control and accountability plan or annual update; or

3. The school district that fails to improve pupil achievement across more than one state priority for one or more pupil subgroups (which includes SWD)

The technical assistance provided by the county superintendent of schools is intended to include one or more of the following:

1) Identification of the school district's strengths and weaknesses in regard to the state priorities, including a review of effective, evidence-based programs that apply to the school district's goals.

2) Assignment of an academic expert or team of academic experts to assist the school district in identifying and implementing effective programs that are designed to improve the outcomes for all pupil subgroups.

3) Request that the Superintendent assign the California Collaborative for Educational Excellence to provide advice and assistance to the school district.

The California Collaborative for Educational Excellence (CCEE): The CCEE is to advise and assist school districts, county superintendents of schools, and charter schools in achieving the goals in an LCAP. The membership of the CCEE is specified in law and its members include the SSPI, the President of the State Board of Education, and other local officials and stakeholders appointed by the governor and the Legislature.

A local educational agency, or consortium of local educational agencies, are contracted to serve as the fiscal agent for the CCEE. Funds appropriated for the CCEE are apportioned to the fiscal agent. At the direction of the governing board of the CCEE, the fiscal agent will contract with individuals, local educational agencies, or organizations with the expertise, experience, and a record of success in the following areas:

State priority areas:

- Improving the quality of teaching
- Improving the quality of school district and school site leadership
- Successfully addressing the needs of special pupil populations, including, but not limited to, English Learners, pupils eligible to receive a free or reduced-price meal, pupils in foster care, and individuals with exceptional needs.

The SSPI may direct the CCEE to advise and assist a school district, county superintendent of schools, or charter school in any of the following circumstances:

- If the school district, county board of education, or a charter school requests the advice and assistance of the CCEE

- If the county superintendent of schools of the county in which the school district or charter school is located determines, following the provision of technical assistance as applicable, that the advice and assistance of the CCEE is necessary to help the school district or charter school accomplish the goals described in their LCAP

- If the SSPI determines that the advice and assistance of the CCEE is necessary to help the school district, county superintendent of schools, or charter school accomplish the goals set forth in the LCAP.

The SSPI may identify school districts in need of intervention, with the approval of the SBE, if the district meets both of the following criteria:

1) The school district did not improve the outcomes for three or more pupil subgroups in more than one state or local priority in three out of four consecutive school years

2) The CCEE has provided advice and assistance to the school district and makes either of the following findings:

   a. That the school district has failed, or is unable, to implement the recommendations of the CCEE; or

   b. That the inadequate performance of the school district, based upon an evaluation rubric adopted pursuant to Section 52064.5, is either so persistent or acute as to require intervention.

For districts that need intervention, the SSPI may, with the approval of the SBE, do one or more of the following:

1) Make changes to a LCAP adopted by the governing board of the school district

2) Develop and impose a budget revision, in conjunction with revisions to the LCAP, that the SSPI determines would allow the school district to improve the outcomes for all pupil subgroups in regard to state and local priorities

3) Stay or rescind an action, if that action is not required by a local collective bargaining agreement, that would prevent the school district from improving outcomes for all pupil subgroups in regard to state or local priorities

4) Appoint an academic trustee to exercise the powers and authority specified in this section on his or her behalf.

Section 3: Infrastructure Analysis as it Relates to the Capacity for Achieving the SSIP in Conjunction with the LCFF and LCAP

As noted previously, SSIP stakeholders made a consensus recommendation to align the State Performance Plan (SPP) and SSIP activities, whenever possible, to the LEA LCAP requirements and LCFF. Because of the magnitude of the change represented by the LCFF and LCAPs, the SSIP stakeholder group overwhelmingly recommended aligning the SSIP to the structures being developed to implement the LCFF and LCAP. Specifically, the stakeholder group felt that this was an important opportunity to:

- Coordinate improvement efforts between special education and state and federal general education efforts
- Address a variety of activities (e.g. discipline, multi-tiered system of supports, instruction in the common core) that lead to improved outcomes (assessment results) for SWD
- Acknowledge that students who are English Learners, foster youth, and/or eligible for FRPM are significantly represented within special education programs

Governance

Local Educational Agency (LEA): The LEA is at the center of the LCAP. It is the LEA that is responsible for developing, implementing, and evaluating the goals and services provided to achieve necessary outcomes in the eight priority areas:

1) Basic conditions of learning (teacher assignment and qualifications, standards aligned instructional materials, and well maintained school facilities)
2) Implementation of academic content and performance standards
3) Parental involvement (including students with exceptional needs)
4) Pupil achievement (including assessment results)
5) Pupil engagement (attendance, graduation and dropout rates)
6) School climate (suspension and expulsion rates)
7) Extent to which students are involved in a broad course of study
8) Pupil outcomes by subject area (e.g., math, ELA, science, social science, arts, health, physical education, and other State Board of Education prescribed subjects)

The LEA is responsible for including students with disabilities in the LCAP in general if not explicitly.

The LEA and the SELPA of which it is a part is responsible for ensuring that all students with disabilities receive a free appropriate public education in the least restrictive environment as required by state and federal (Individuals with Disabilities Education Act) law and regulations.

If the LEA is a single district SELPA, then the LEA is responsible for establishing an annual budget and service plan that ensures that the LEA is prepared to address all of the special education and related service needs that may arise for students with all types of disabilities from birth to 22 years of age.

> **Stakeholder Recommendation: To improve LEA capacity to achieve the SIMR, the CDE should support all LEAs to develop goals and services for students with disabilities in LEA local plans.**

County Office of Education (COE): Under the LCAP, the COE is responsible for providing technical assistance and for approving the LCAP developed by each LEA in their county. The COE is also responsible for reviewing progress using state rubrics to determine if LEAs need assistance related to meeting progress goals and metrics.

If the COE provides direct services to students, including students with disabilities, then it would be responsible for developing, implementing, and evaluating an LCAP for its direct services. The COE LCAP is reviewed by the CDE and is subject to the same criteria used for evaluating LEA LCAPs.

Also, as a direct service provider to students with Individualized Education Program (IEPs), the COE is responsible for ensuring that all students served receive a free appropriate public education in the least restrictive environment and to implement the requirements of the IDEA as spelled out in state and federal law and regulations.

> **Stakeholder Recommendation: To improve LEA capacity to achieve the SIMR, the CDE should seek to disseminate any criteria adopted for the LCAP evaluation rubrics related to students with disabilities.**

Special Education Local Plan Areas (SELPAs): SELPAs have no specific role outlined in state LCFF and LCAP requirements. In a single district SELPA, the SELPA Director and staff may have a direct role in preparing and implementing the LCAP as it relates to students with disabilities. In multi-district SELPAs, the SELPA may play a number of supportive roles related to planning and implementing the LCAP such as provision of data, identification of evidence based practices and content experts, provision of staff development resources, etc.

Under the governance system in California, the SELPA is key to the development and implementation of local policies and practices, coordination of services within the SELPA and across SELPAs statewide, preparation of the local plans for special

education, provision of staff development and training, monitoring the implementation of the local plan, and correction of noncompliance.

> **Stakeholder Recommendation: To improve LEA capacity to achieve the SIMR, the CDE should encourage SELPAs to participate in LEA LCAP evaluation and planning activities.**

The California Department of Education (CDE) and the Special Education Division (SED): The CDE is administered by the SSPI. The SSPI is an elected official under the constitution of the State of California. As such, the SSPI is the chief state school officer for California, and also serves as the State Board of Education's (SBE) Executive Officer and Secretary. The CDE administers programs and services under the policy direction of the SBE.

Under the LCFF legislation, the SSPI is responsible for reviewing LCAPs prepared by COEs, for participation in and funding of the CCEE, and for intervening in districts only under specific circumstances with the approval of the SBE.

The SED has rigorous responsibilities for administration and monitoring of services for students with disabilities. The SED is responsible for ensuring that all students with disabilities are located, evaluated, and served. The SED is responsible for ensuring that all students with disabilities are provided a free appropriate public education in the least restrictive environment. The SED has broad responsibilities for administering IDEA funds and for general supervision of all requirements under the IDEA.

> **Stakeholder Recommendation: To improve LEA capacity to achieve the SIMR, the CDE should coordinate the work of all divisions within the CDE to ensure that support for LEAs and COEs provided under the LCFF and federal programs (Title I, Title II, Title III and IDEA, for example) is available as needed and as desired to promote positive outcomes for all students, including students with disabilities.**

The California State Board of Education (SBE): The SBE is the K – 12 policy making body for academic standards, curriculum, instructional materials, assessments and accountability. The SBE adopts instructional materials for use in grades kindergarten through eight. The SBE also adopts regulations (Title 5) to implement a wide variety of programs created by the Legislature, such as charter schools and special education. In addition, the SBE has the authority to grant LEA requests for waivers of certain provisions of the California *Education Code*.

Under the LCFF legislation, the SBE is specifically responsible for:

- Adopting LCAP templates for use by LEAs and COEs
- Adopting evaluation rubrics, including standards for school district and individual school site performance and expectation for improvement in regard to each of the state priorities

- Participating in the CCEE
- Approving LEA intervention proposals made by the SSPI

The SBE is considered the State Education Agency (SEA) under the meaning found in the IDEA. Under the IDEA, the SBE is responsible for making policies and procedures related to all aspects of special education, adopting regulations, and approving the SPP/APR including the SSIP.

> **Stakeholder Recommendation: To improve LEA capacity to achieve the SIMR, the CDE should support future SBE efforts to address students with disabilities in the LCAP templates and evaluation rubrics.**

Fiscal

State Budget Process: Expenditure of funds in California is authorized through the annual Budget Act. Allocations of both federal and state general funds are made in specific items and provisions each year. The budget is proposed by the Department of Finance on behalf of the Governor. The budget is introduced and reviewed by committees in both the Senate and Assembly. Typically, the budget specifies the amounts and the purposes for each item. Once the budget is passed and signed, various state agencies use those funds as directed. In California, the budget contains specific items for federal funds in special education and for state general funds in special education. In 2013–14, the budget for education went through a major change in the creation of the LCFF. Funding for a number of categorical education programs was eliminated and combined into the LCFF allocations. Several categorical programs were retained, including special education. While the program was retained in the budget, allocations within the special education items were swept into more generic funding to SELPAs, giving more “local control” to the use of funds than was in place previously. One rationale for retaining a separate identify for special education funding was to mark a clear line for local maintenance of effort and maintenance of state financial support. However, this has had the unintended impact of reducing the visibility and integration of services for students with disabilities within the LCAP process; it is mentioned as another target group, but funds are considered separate and flow to SELPAs and not to districts directly.

> **Stakeholder Recommendation: To improve LEA capacity to achieve the SIMR, the CDE should seek to clarify how state and federal special education funds can be used to benefit students with disabilities in the targeted LCFF subgroups.**

The California Department of Education (CDE) and the Special Education Division (SED): Based on the annual Budget Act, the CDE calculates three grant awards for

each LEA, COE, and charter school to meet the requirements of the LCFF: a base grant (funding based on average daily attendance); a supplemental grant (based on the unduplicated number of students who are EL, low income and/or foster youth); and a concentration grant (for districts with a high percentage of their total enrollment from the target groups). Funds are distributed through the Principal Apportionment Process (see http://www.cde.ca.gov/fg/aa/pa/). LEAs are expected to secure independent audits using the new audit guide, as updated to address the LCFF and LCAP.

The CDE also uses the Principal Apportionment Process to allocate state general funds for special education to SELPAs. Amounts for each SELPA are calculated based on the methodology contained in the Education Code and for the purposes identified in the Budget Act. Generally speaking, state general funds are allocated based on the collective K–12 Average Daily Attendance (ADA) of LEAs who are members of the SELPA. These calculations are made by the School Fiscal Services Division and funds are disseminated to current SELPA entities. Annually, the CDE identifies the list of SELPAs and their participating LEAs. (e.g., new SELPAs are formed, LEAs move from one SELPA to another).

The SED is responsible for administration of federal IDEA grant funds. Using methodologies specified in the IDEA, SED calculates and administers grant funds for Section 611 and 619 of the IDEA. Like state general funds, these funds are allocated to SELPAs that are responsible for submitting annual budget and service plans to the SED. Funds are distributed locally in accordance with a local allocation plan adopted through the SELPA governance structure.

> **Stakeholder Recommendation: To improve LEA capacity to achieve the SIMR, the CDE should convene a workgroup across state and federal programs (e.g., Title I, Title II, Title III and IDEA) to prepare a fiscal resource overview and technical assistance guide related to overlaps and uses of both state and federal funds that would assist LEAs to optimize the use of resources to achieve student outcomes.**

Special Education Local Plan Areas (SELPAs): As noted previously, SELPAs have no specific role related to the LCFF and LCAP. Funding for LCFF and LCAP flows directly to the LEA.

In order to receive state general funds for special education, a SELPA must have a local plan, approved by the SBE. All federal eligibility tests are conducted at the LEA level (e.g., maintenance of effort). Special education funds flow through SELPAs to LEAs. There are 39 single district SELPAs that are able to use all of the funds directly. The 90 multi-district SELPAs prepare an allocation plan each year that identifies how much will be retained at the SELPA level (for staffing, administration, and direct service programs) and how much will flow to each LEA (district, COE, and charter acting as an LEA). The allocation plan is reviewed and approved through the SELPA governance structure. Typically, it is the superintendents of the participating LEAs who, as a group, ratify the funding plan. The funding plan is not submitted to the state. There is no programmatic description of outcomes or services associated with the funding plan. State law does not

require discussion or consideration of LCFF or LCAP priorities in SELPA funding plan decisions.

> **Stakeholder Recommendation: To improve LEA capacity to achieve the SIMR, the CDE should make available technical assistance to SELPAs and LEAs to increase consideration of the use of local resources as a means to improve the outcomes of students with disabilities who are in the LCFF and LCAP target populations.**

County Offices of Education (COEs): Generally, the COE is responsible for reviewing and ensuring that all LEA member district A-133 audit findings have been corrected. COEs receive funds for two purposes under the LCFF: 1) as a LEA that provides direct services, and, 2) as a LCAP plan reviewer and technical assistance provider.

Most COEs receive special education funds for direct services. In special education, a COE may provide direct special education services when students with IEPs who are residents of LEAs in the county are referred to the COE by the LEA. Many COEs provide services for infants and toddlers, preschool school age children, juvenile court schools, low incidence, and severe and multiply-disabled students. In low population areas, the county office may take on additional direct service responsibilities on behalf of very small LEAs (e.g., provision of speech, occupational therapy, and physical therapy services).

A COE may also receive funds as the Administrative Unit (AU) of a multi-district SELPA. Of the 90 multi-district SELPAs, 68 are administered through COEs. Staff of these SELPAs are more likely to be involved in the COE LCAP process than staff of other multi-district SELPAs. They are also more likely to be able to advise districts on the use of funds to improve outcomes for students with disabilities.

> **Stakeholder Recommendation: To improve LEA capacity to achieve the SIMR, the CDE should encourage COE SELPAs to coordinate their work with COE LCAP reviewers and technical assistance providers.**

Local Educational Agency (LEA): The LEAs are the recipient of funds for both LCFF and special education. LEAs do not have to demonstrate fiscal eligibility to receive LCFF grants. They are responsible for developing and implementing the LCAP. Section 3: Actions, Services, and Expenditures of the LCAP requires that the LEA explain how funds will be used:

- Part A requires the LEA to complete a table that explains what actions will be performed to meet the goals for ALL pupils and to include planned expenditures for the three periods of the LCAP, the fund source and where these expenditures can be found in the LEA’s budget.

- Part B requires the LEA to complete a table that explains what actions will be performed to meet the goals for the targeted populations and to include planned expenditures for the three periods of the LCAP, the fund source, and where these expenditures can be found in the LEA’s budget.

- Part C requires the LEA to describe the increase in funds in the LCAP year and how the LEA is expending these increased funds in the LCAP year.

- Part D requires the LEA to demonstrate how the services provided in the LCAP year for low income pupils, foster youth, and English learners provide for increased or improved services for these pupils in proportion to the increase in funding provided for such pupils in that year.

Unless the LEA is a single district SELPA, special education funds are provided to LEAs through the SELPA. In order to be eligible to receive federal IDEA funds, the LEA must demonstrate that it has met two fiscal tests: 1) maintenance of effort (budgeted amount must exceed prior year actual expenditures), and, 2) excess cost (spent at least as much in state funds for students with disabilities as to non-disabled students). There is a requirement that LEAs adopt the policies and procedures contained in the SELPA local plan, the local plan is not descriptive in nature, and does not provide goals and activities related to student outcomes.

> **Stakeholder Recommendation: To improve LEA capacity to achieve the SIMR, the CDE should consider convening a workgroup to explore modification of the SELPA local budget and service plans to address student outcomes.**

Data Collection, Measurements, and Reporting

California Department of Education (CDE): The CDE collects data through two primary data sets related to students with disabilities: the California Longitudinal Pupil Achievement Data System (CALPADS) and the California Special Education Management Information System (CASEMIS). Data from both systems are used to report to the U.S. Department of Education. Data collection and reporting is coordinated across the CDE.

Data managers from:

- Analysis, Measurement, and Accountability Reporting Division
- Assessment Development and Administration Division
- Educational Data Management Division
- Special Education Division
- English Learner Support Division

Meet biweekly to:

- Review current data practices
- Address current department data concerns
- Discuss assessment implementation
- Discuss LEA issues with submission, inaccurate data

- Develop cross division work groups to address issues

LCAP funding is based on data collected through CALPADS regarding overall Average Daily Attendance (ADA) and the ADA of specific target groups. In addition, LCAP legislation refers to specific measures as defining certain priority areas. These include:

Pupil achievement:

- Statewide assessments
- The Academic Performance Index
- Successful completion of courses that satisfy entrance to the University of California and the California State University Systems
- Progress toward English proficiency as measured by the California English Language Development Test (CELDT)
- The English learner reclassification rate
- Passage of an advanced placement examination with a score of 3 or higher
- The percentage of pupils who participate in, and demonstrate college preparedness pursuant to, the Early Assessment Program.

Pupil engagement:

- School attendance rates
- Chronic absenteeism rates
- Middle school dropout rates
- High school dropout rates
- High school graduation rates

School climate:

- Pupil suspension rates
- Pupil expulsion rates
- Other local measures, including surveys of pupils, parents, and teachers on the sense of safety and school connectedness

Generally, data that may be included in the LCAP is also collected and reported as required by state and federal law to the CDE by the LEA. Of the measures listed above, some are calculated by the CDE (e.g., Annual Performance Index) using data reported by the LEA. Other measures may be the same as information calculated and reported by the CDE to the United States Department of Education (e.g., graduation rates,

dropout rates). However, districts may have additional data or calculation methods that they use for the purposes of local planning.

Some of the measures related to LCAP priorities are calculated separately for students with disabilities. The CDE also makes calculations for the annual LEA indicator report and for compliance determinations. These calculations correspond to some of the calculations for pupil achievement, pupil engagement, and school climate. Special education indicators are calculated for the accountable LEA. The district, county office, or charter acting as an LEA is responsible for ensuring that a student receives a free appropriate public education in the least restrictive environment. This may be at variance with calculations made for LCAP which is based on the LEA that serves the student. The CDE's SED validates data that has been submitted to the CDE during monitoring visits and as a follow-up to Special Education Self-reviews (SESRs).

> **Stakeholder Recommendation: To improve LEA capacity to achieve the SIMR, the CDE should make it a priority to prepare calculations for each of the measures identified for the LCAP and LCFF targeted subgroups as soon as possible to provide LEAs with information to help them gauge the impact of their improvement activities.**
>
> **Stakeholder Recommendation: To assist LEAs in identifying ways to improve LEA capacity to achieve the SIMR, the CDE could make calculations of measures included in the LCAP priorities of pupil achievement, pupil engagement, and school climate for students with disabilities who are also in the LCFF targeted subgroups.**

Special Education Local Plan Areas (SELPAs): SELPAs are the entity statutorily responsible for collecting data regarding students with disabilities from each LEA in the SELPA and for certifying that they are reporting valid and reliable data. Section 14 of 30 *California Education Code (EC)* 56205 (a)(14) requires that SELPAs have in place policies, procedures, and programs related to performance goals and indicators. Previously, this requirement has related to key performance indicators (prior to IDEA reauthorization in 2004) and SPP indicators (2005 to present). With the advent of the LCFF and SSIP, it is probable that SELPAs will need to realign the content of their local plans to address the SIMR and the priority areas in the LCFF and LCAP.

> **Stakeholder Recommendation: To improve LEA capacity to achieve the SIMR, the CDE should convene a workgroup of stakeholders to identify methods for updating SELPA local plans to meet the additional performance goals and indicators embodied in the SSIP and aligned with the LCFF and LCAP priority areas.**

Local Educational Agencies (LEAs): LEAs are the source of data for both CASEMIS and CALPADS. Some information about students with disabilities is reported in both data bases (e.g., suspension and expulsion). It is a challenge to keep both data bases

consistent, as data for CALPADS may be entered at the school site, while CASEMIS data is most often included in the IEP. With the proliferation of electronic IEP systems, data about students with disabilities is usually not part of the regular education data system. While this may pose problems in single district SELPAs, it is compounded in multi-district SELPAs. The CDE provides SELPAs with annual data evaluation reports to identify the extent to which data is consistent between CASEMIS and CALPADS and to correct inconsistencies. This split between data systems creates an additional challenge for districts who wish to review and use data related to students with disabilities in their district level planning.

> **Stakeholder Recommendation: To improve LEA capacity to achieve the SIMR, the CDE should work with the SBE, COEs, LEAs, and charters to clarify responsibilities and methods for including students with disabilities in data related to their local planning.**

Monitoring and Accountability

LCAP Evaluation Rubrics: As discussed previously in the infrastructure section, the SBE is required by the LCFF legislation to adopt evaluation rubrics for the LCAP by October 2015. As part of the evaluation rubrics, the SBE is to adopt standards for LEA and school site performance, as well as expectations for improvement in each of the state priorities. The rubrics are to assist:

- A school district, county office of education, or charter school in evaluating its strengths, weaknesses, and areas that require improvement
- A county superintendent of schools in identifying school districts and charter schools in need of technical assistance and the specific priorities upon which the technical assistance should be focused; and
- The state Superintendent in identifying school districts in need of intervention.

LCAP Monitoring: As mentioned previously, LEAs, COEs, the California Collaborative for Educational Excellence (CCEE), and the CDE all have specific responsibilities outlined in state law for monitoring:

> Local Educational Agency (LEA): At the most basic level, the LEA is responsible for monitoring its performance using the rubrics as applied to their LCAP and for making modifications each year.
>
> County Office of Education (COE): The COE is responsible for reviewing the initial and annual updates to the LCAPs. The COE monitors the LEA LCAPs to determine if they can be approved and is responsible to refer or provide technical

assistance if the LEA fails to improve pupil achievement across more than one state priority for one or more pupil subgroups.

The California Collaborative for Educational Excellence (CCEE): The purpose of the CCEE is to advise and assist school districts, county superintendents of schools, and charter schools in achieving the goals in an LCAP. The CCEE is designed to provide assistance to LEAs upon request, if the COE determines that the district needs help following assistance by the COE, or if the SSPI determines that an LEA needs help to accomplish the goals set forth in the LCAP. The CCEE may identify that the LEA needs intervention by the SSPI (following the provision of technical assistance) because the district has failed or is unable to implement CCEE recommendations, or that the LEA's inadequate performance is so persistent or acute as to require intervention by the SSPI.

State Superintendent of Public Instruction (SSPI): The SSPI is responsible for approving COE LCAPs, and for interacting with COEs concerning their responsibilities for oversight of LEA LCAPs.

Intervention by the Superintendent: For districts that need intervention, the SSPI may, with the approval of the SBE, do one or more of the following:

- Make changes to a LCAP adopted by the governing board of the school district.
- Develop and impose a budget revision, in conjunction with revisions to the LCAP, that the SSPI determines would allow the school district to improve the outcomes for all pupil subgroups in regard to state and local priorities.
- Stay or rescind an action, if that action is not required by a local collective bargaining agreement, that would prevent the school district from improving outcomes for all pupil subgroups in regard to state or local priorities.
- Appoint an academic trustee to exercise the powers and authority specified in this section on his or her behalf.

Monitoring in Special Education: The CDE has a system of general supervision in place that is incorporating changes due to Results Driven Accountability (RDA). Currently, the monitoring component of the general supervision system includes:

Annual Review Processes: Every year the CDE's SED conducts the following monitoring activities:

1. Review of APR Indicators. The CDE calculates and publishes values for each of the SPP indicators for each LEA. All of the compliance indicators are reviewed through either the Disproportionate Representation Review (Indicators 4b, 9, and 10) or through the Data Informed Noncompliance (Indicators 11, 12, 13). Additionally, any failure to meet compliance or performance targets by an LEA

requires that the Indicator be investigated if the district is subject to a Verification Review (VR) or is scheduled for a Special Education Self Review (SESR).

2. Disproportionate Representation Review. Districts identified as having disproportionate representation by race and ethnicity in four areas: discipline (Indicator 4b), placements, overall representation (Indicator 9), and representation by disability (Indicator 10). Districts found to have disproportionate representation in any of these areas must complete a review of their policies, procedures, and practices for each area found disproportionate. The CDE provides oversight, makes findings of noncompliance, and ensures correction of any noncompliance.

3. Data Informed Noncompliance Review. Districts report data to the CASEMIS twice each year. The CDE's SED identifies individual cases where dates or data indicate that there is noncompliance related to annual IEP dates, triennial assessments, transition at age three (Indicator 11), timely evaluation (Indicator 12), and the required elements of secondary transition (Indicator 13). Districts are required to review their data, provide correction, and provide a follow-up sample containing no noncompliance.

4. Compliance Determinations. Each year, the CDE's SED makes a compliance determination for each LEA as required by federal IDEA requirements. A LEA may be found to meet requirements, need assistance, need intervention, or need substantial intervention. Specific consequences for needs assistance, needs intervention, and needs substantial intervention are specified in federal regulations.

Fiscal Eligibility Determination and Monitoring: Fiscal eligibility is established every year using Maintenance of Effort (MOE) tests specified in federal regulations. Eligibility for funds is established when an LEA can demonstrate that they have budgeted at least as much state and local (or local only) funds for special education as they expended in the most immediate prior fiscal year.

Additional fiscal tests are conducted each year to establish that LEAs are using federal funds as required. LEAs are required to make excess cost calculations at the elementary and secondary levels to ensure that LEAs do not expend federal funds until they can demonstrate that they are spending at least as much in state and local funds on students with disabilities as they are on nondisabled students. Every year, each SELPA and LEA must report on Part B MOE and their entitlement to reduce MOE because of expenditure of funds for Coordinated Early Intervening Services. This data is reported to the CDE, reviewed, and the CDE requires correction as necessary.

Other fiscal tests are included in on-site reviews including appropriate use of funds for staffing, equipment and contracts. Each LEA is required to secure an independent (A-133) audit. The CDE and the COE ensure that every audit finding is tracked and corrected.

Local Plans for Special Education: As required in federal law, every LEA must provide assurances that they have policies, procedures, and programs in place that meet state policies that are established under federal IDEA requirements (see 34 CFR 300.201). These requirements are met through the SELPA Local Plan process (see 30 EC 56205[a]). A complete local plan submission was reviewed for each SELPA in 2007, prompted by the release of final regulations for the IDEA reauthorization of 2004. Additionally, SELPAs are required to submit revised policies, procedures, and assurances whenever there is a change to the local plan. These revisions are monitored and approved by CDE staff via a delegation of authority by the SBE. Policies and procedures related to specific SPP indicators or to address a compliance concern are reviewed whenever an LEA is monitored through an SESR or through a Verification Review (VR) process. Noncompliant policies and procedures result in findings of noncompliance and require correction.

Under state law, SELPAs are required to submit an Annual Budget Plan and an Annual Service Plan (30 EC 56205 [b] [1-2]). These are reviewed by CDE staff, each year, and corrections are made as required.

Verification Reviews (VR)*:* These are conducted annually for districts whose SPP indicators indicate that the district does not meet targets overall for either performance indicators or compliance indicators. The VR is based on a monitoring plan that is developed from parent input, SPP indicator data, and compliance history information. The four primary review activities are student record reviews (focusing on procedural compliance, educational benefit, and IEP implementation); policy and procedure reviews; interviews; and a SELPA governance review. Each VR is customized based on its monitoring plan through the use of the CDE-developed monitoring software that generates customized review protocols, compliance reports, and corrective action plans. The CDE staff, in partnership with district staff, conducts VRs. Follow-up visits of VRs are conducted to ensure 100 percent compliance in a subsequent sample of student records.

Special Education Self-reviews (SESRs): Roughly a quarter of the districts are required to conduct SESRs each year. Coordinated through the SELPA of which a district is a part, SESR is conducted primarily by district staff using the CDE-furnished software and directions. As is done for VR, each district prepares a monitoring plan based on parent input, SPP data, and its compliance history. The monitoring plan is submitted to the CDE for review and approval before the actual review begins. The CDE has provided SESR software that produces customized forms, compliance reports, and corrective action plans. Again, like the VR, SESR consists of multiple types of record reviews, a review of policies and procedures, and a SELPA governance review. Each district submits the data from its software, through the SELPA, to the CDE for review, evaluation, and follow-up. On-site follow-up reviews are conducted in 10 percent of the districts.

Specialty Reviews: In addition to SESRs and VRs, the CDE conducts other special reviews as needed.

1. Nonpublic School Reviews. Nonpublic schools and agencies are annually certified and continuously monitored by the CDE according to state and federal law. As required by California state law, on-site reviews are conducted once every three years or more frequently if necessary. The CDE involvement does not end until the nonpublic school is fully compliant, or when the nonpublic school loses its certification status

2. Significant Disproportionality. The CDE identifies a LEA as having significant disproportionality if it fails calculations related to significant over-identification. Calculations are made in four areas: overall identification by race and ethnicity, identification by disability, by placement, and by rates of suspension and expulsion. LEAs that fail the calculation are directed to use 15 percent of their IDEA funds to provide early intervening services to address the specific issues of disproportionality. Each district is required to assemble a stakeholder group from general and special education, and to conduct compliance and program self-reviews that assist the district to identify the root causes of the disproportionality, and to prepare a plan for review by the CDE.

3. Data Reviews. Data verification is a part of every VR and every follow-up to an SESR. When circumstances indicate that there is concern about the reliability or validity of data, a special team is assembled to examine information submitted to CASEMIS by reviewing student records and conducting interviews with key staff. This information is cross tabulated and compared with data also reported in CALPADS and through statewide assessments. These reviews may result in findings of noncompliance and corrective actions and/or provision of technical assistance.

4. Fiscal Reviews. Use of IDEA funds is a component in SESRs and VRs. Special fiscal reviews are conducted when there are persistent findings of fiscal issues in A-133 audits. As with data reviews, a special team is assembled to review fiscal information submitted by the district and to conduct an on-site inquiry into fiscal policies and practices. These reviews may result in findings of noncompliance and corrective actions and/or provision of technical assistance.

5. Critical Incident Reviews. These reviews are the result reports of serious incidents or circumstances at school districts that may be reported to the CDE or in the news media. As with the other special reviews, a special team is assembled to review the issue of concern, and to conduct an on-site inquiry into potential noncompliance. These reviews may result in findings of noncompliance and corrective actions and/or provision of technical assistance.

Increased Focus on Performance: The OSEP has initiated a new focus on performance and student outcomes called Results Driven Accountability. The OSEP is increasing use of performance indicators to identify states for monitoring and technical assistance; making state compliance determinations; and adding the SSIP the various

modifications to the SSP/APR. These changes come at the same time as the LCFF and LCAP bring a new focus on performance in the eight priority areas for all students, including students with disabilities. These changes also come at a time when the court in the Emma C. consent decree is in the process of evaluating the CDE's overall system of monitoring as it relates to the Ravenswood Elementary School District. To address the many changes and expectations resulting from these initiatives, the CDE has convened a workgroup consisting of CDE staff and SELPA Directors to reshape the way that LEAs are monitored for special education requirements. The workgroup is addressing the following potential additions and modifications:

1. Annual indicator review. Eliminate SESRs in favor of an annual CDE conducted review of compliance and performance indicators.

    a. Compliance indicators. Continue Data Informed Noncompliance and Disproportionality Indicator Reviews. Conduct needed record reviews through a desk audit of electronic or duplicated student records. Ensure timely correction within one year of identification, including review of a subsequent sample.

    b. Performance indicators. Conduct compliance reviews as appropriate to the indicator, as above. Provide LEAs a self-review guide to assist in the identification of root causes and to suggest evidence based practices. Provide technical assistance and track progress over three years.

    c. Policy and procedure reviews. Identify annualized process for review of policies and procedures. Review and revitalize the annual budget and service plans.

2. Reformulate Fiscal Reviews. Conduct annual fiscal reviews as described previously for all LEAs. Work with the State Controller's Office to require annual IDEA audits for all districts during the A-133 audits, and incorporate specific fiscal monitoring tests to align to the OSEP expectations and IDEA requirements.

3. Systemic reviews. Replace VRs with systemic reviews intended for districts with intensive and/or repeated needs for monitoring and intervention. The group would develop multiple pathways into systemic reviews:

    a. LEAs whose SPP indicators indicate that the district does not meet targets overall for either performance indicators or compliance indicators;

    b. LEAs whose annual indicator reviews indicate that they have persistent failure to improve multiple compliance or performance indicators;

c. LEAs identified through the LCAP monitoring process as needing intervention by the SSPI with SBE approval, at the request of the SSPI

Systemic reviews would be customized to the performance and compliance issues in the districts. Teams would be built using state and local special education and general education staff and experts.

4. Add new specialty reviews. The workgroup will consider new specialty reviews including: Infant and Preschool Programs, Provision of Mental Health Services; Individual Indicator Reviews (for LEAs with recurrent failure to improve performance indicators); State Operated Program reviews (e.g., Department of Juvenile Justice); and/or Statewide Program Reviews (e.g., Court and Community Schools).

5. Include Field Experts. Both COEs and SELPAs have existing requirements for monitoring. The workgroup will consider how to notice and train staff and consultants for participation in monitoring reviews.

Stakeholder Recommendation: To improve LEA capacity to achieve the SIMR, the CDE should convene a workgroup of state and local stakeholders representing LEAs, COEs, SELPAs, CCEE, the SBE and the CDE (general education and special education) to develop technical support resources that assist LEAs in maximizing the alignment of monitoring and accountability processes, which could include criteria for identifying needs for assistance; and providing sources of effective technical assistance and supports for improvement.

Technical Assistance

Sources of Technical Assistance (TA): The CDE's current TA system provides materials and training so that LEAs can meet the various reporting, monitoring, compliance, and performance results that are requirements associated with various programs for general education, and with the IDEA for special education. The two documents attached and noted below provide examples of the various resources that are available as part of the CDE's Technical Assistance system. These resource listings are not an exhaustive list:

- Improvement Activities Resources – Technical Assistance Contractors Table (See Appendix E, page 115).

- Best Practice Resources for Student Discipline and Behavior Intervention (See Appendix F, page 124).

The resources in these attachments identify different types of mechanisms for providing supportive information and links. Listed below are some examples of TA resources that are related to the SSIP and organized by the type of mechanism:

- CDE Web hosted links to programmatic materials:
  - California Common Core Standards (CA CCS) Web site at http://www.cde.ca.gov/re/cc/
  - LCFF/LCAP Web site at http://www.cde.ca.gov/fg/aa/lc/
  - Special Education Current Issues Web site at http://www.cde.ca.gov/sp/se/ac/
  - English Language Learners Web site at http://www.cde.ca.gov/sp/el/er/
  - CASEMIS Data Collection Web site at http://www.cde.ca.gov/sp/se/ds/casemis.asp
  - Statewide System of School Support (S4) Web site at http://www.cde.ca.gov/sp/se/ds/casemis.asp
- CDE Web hosted links to evidence based practices:
  - Universal Design for Learning Web site at http://lessonbuilder.cast.org/
  - Differentiated Instruction Web site at http://buildingrti.utexas.org/rti-presentations/differentiated-instruction-key-to-student-success/
- CDE Web hosted links to expert led presentations:
  - California Common Core State Standards Symposium for Special Educators Web site at http://cde.videossc.com/archives/120213/
  - Assessment and Service Level Determination Presentation Web site at Assessment and Service Determination Presentation, October 20, 2011 (WMV; 01:58:49) http://www3.cde.ca.gov/video/specialed/ab114oct2011assessservice.asx
- CDE Web hosted links to self-assessment materials:
  - Title III Toolkit Web site at ELSSA and Toolkit - Title III (CA Dept. of Education) http://www3.cde.ca.gov/scripts/texis.exe/webinator/search/redir.html?query=self+assessment&pr=wwwmainsite&prox=page&rorder=750&rprox=750&rdfreq=250&rwfreq=0&rlead=750&rdepth=0&sufs=1&order=r&cq=&u=http%3A//www.cde.ca.gov/sp/el/t3/documents/t3elssa2010.xls
  - Multi-Tiered System of Support (includes self-assessment tools/toolkits) Web site at

https://www.mydigitalchalkboard.org/portal/default/Content/Viewer/Content?action=2&scId=509627

In addition to the resources available for Technical Assistance (TA) on the CDE Web page; the staff at CDE is a resource for providing direct technical assistance. The TA provided by SED staff is organized by functions that live within specific units of the division as follows:

1. Focused Monitoring and Technical Assistance (FMTA) Units. CDE SED regional consultants provide direct TA to LEAs in assisting with compliance with monitoring requirements found in the IDEA. This can include providing training to LEA, SELPA, and COE staff. Parents are also provided with information regarding state and federal requirements for special education from FMTA units.

2. Assessment, Evaluation, and Support (AES). Staff in this unit provides TA to LEAs in fulfilling reporting requirements associated with state and federal special education law. Staff provides LEAs, SELPAs, and COEs with training and TA on the use of the Special Education Management Information System for reporting student level data.

3. Procedural Safeguards Referral Service (PSRS). Staff in this unit engage with parents, LEA staff, and other interested parties. This unit is responsible for responding to requests for information coming from the Parent Helpline. This unit is also responsible for providing TA to parties who look to file a formal complaint over an alleged lack of compliance with state and federal special education requirements. Additionally, staff assists interested parties in beginning the process of setting up a due process claim with the Office of Administrative Hearings.

4. Policy and Program Services (PPS). Staff in this unit provide technical assistance to contractors and grantees that provide oversight and create TA for LEAs and parents. PPS also provides direct TA to LEAs on low incidence issues, early childhood special education, and credentialing and highly qualified teacher requirements.

5. Complaints Resolution Unit (CRU). Staff provides direct interaction with parents, advocates, LEAs, and others who are actively involved in a complaint case filed with the state. Depending on the case, additional training and TA is assigned as a corrective action for an identified non-compliance finding for a state or federal special education requirement.

6. Additional sources for direct TA. As stated in the description of the PPS unit, CDE staff manages contracts with TA providers. These contractors are a resource for providing direct TA to LEAs, SELPAs, and COEs. Please see the attached list of grants available through the PPS unit. The following list is an example of contractors that can be used by LEAs.

    a. Aligning and Integrating Special Education Practices (AISEP). Provide TA for IEP development, contractor is developing training modules for California that LEAs can use to train staff, and have developed a Web site providing TA resources that are free to

LEAS. Other assistance includes aligning and integrating special education practices that are culturally and linguistically appropriate, and supporting access to, and instruction in, the standards and standards-based IEPs. Contract with WestEd.

b. California Services for Technical Assistance and Training (CalSTAT). LEAs can contact this provider directly for TA towards achieving improved educational results for special education students. TA approaches are specific to the outcomes that the contracting LEA desires, and can include training, facilitation, coaching, site visit, information, and referrals for expert trainers. TA topics include, but are not limited to, CA CCSS, family engagement, school climate.

c. Desired Results access Project (DR *access*). Contractor provides the development of the Desired Results Developmental Profile (DRDP) assessment instrument for assessing infants, toddlers, and preschoolers. They also provide professional development and technical assistance for assessors using the DRDP. This supports young children being included, and having access to the same statewide assessment as their same aged peers. Contract with Napa COE.

d. Family Empowerment and Disability Council (FEDC). There are 14 Family Empowerment Centers that provide direct TA to parents. These centers are funded through federal grants administered through the CDE. The FECs provide training and information that meets the needs of the parents and guardians of children with disabilities, and work with community-based organizations. FEC training and TA helps parents better understand the nature of their child's disability, how to communicate effectively with their IEP team, enhance parents' ability to participate in the IEP process, and advocate for their child in a manner that promotes alternative forms of dispute resolution.

e. Project Raising Educational Achievement for students with Disabilities (Project READ). Contract through a federal grant to reform and improve the system of personal preparation and professional development with the goal of increasing reading achievement and academic outcomes for middle school students in the state. TA provided to the 44 participating sites includes product development (curricular materials/software), training in effective instructional practices, and professional development activities, including coaching.

f. Supporting Inclusive Practices (SIP). Provide TA, resources, and supports so LEAs can use practices that will support a LEAs ability

to meet targets and to give students access to instruction in the CA CCSS. Contract with Santa Clara COE.

g. State Performance Plan Technical Assistance Project (SPP TAP). Available to identified Significantly Disproportionate LEAs who are given facilitated assistance in developing a program improvement plan to mitigate disproportionality. TA can consist of, but is not limited to, coaching, direct training, and resource materials.

Other divisions within the CDE provide supports to students with disabilities as well. Attached is a summary by division of supports they have identified for students with disabilities (See Appendix G: Divisions of CDE and How They Serve Students with Disabilities, page 128).

Multi-Tiered System of Supports (MTSS): During the August 2014 meeting, SSIP stakeholders studied and analyzed the potential for using tiered levels of intervention to assist LEAs to scale up their systems for bringing about improvements in student outcomes. In particular, they worked with the idea of a MTSS. In this case, it involves using three tiers, or different levels, of supports. The goal is to provide instruction and intervention supports that are designed and implemented through a team approach to data-based planning and problem solving, matched to the learning needs of students. The three tiers can be described as follows:

1. Tier 1. Universal Support/Instruction – Instruction and support designed and differentiated for all students in all settings to ensure mastery of academic standards and universal instructional goals/expectations (may include behavior).

2. Tier 2. Supplemental Intervention/Support – More focused, targeted support/instruction/intervention aligned with academic standards and universal instructional goals/expectations (may include behavior).

3. Tier 3. Intensive Intervention/Support – The most intense intervention based on individual need and aligned with universal curriculum, instruction, and supplemental supports.

Such a system can be adapted to provide increasingly more intense support to account for the increasing level of need to mitigate for a specific issue, such as lack of academic attainment, for a sub-group of a LEA’s student population, and it is widely regarded as an effective structure to organize systemic interventions.

In the case of the SSIP, there are abundant Web link resources (examples listed above) that would form a foundation for a Tier 1 level of a multi-tiered framework for intervention/support. There are also sources of direct TA to LEAs, both CDE staff and contractors, that could be utilized in Tiers 2 and 3 of a multi-tiered system of supports. However, it should be noted that there is a need to enhance the amount and level of resources that would be required in Tier 3.

The SSIP stakeholder group determined that a general education and special education partnership in the provision of technical assistance was also critical to the success of the SSIP. Further, the SSIP stakeholders identified the need to increase the availability of resources and experts to provide intensive, individualized supports to LEAs whose progress indicates the need for specialized supports and assistance.

> **Stakeholder Recommendation: To improve LEA capacity to achieve the SIMR, the CDE should convene a workgroup of state and local general and special education stakeholders to review technical assistance resources and identify ways to: 1) integrate support to LEAs; and, 2) build additional capacity for coordinated, intensive technical assistance.**

Summary of Infrastructure Analysis

The CDE has conducted extensive analysis of the infrastructure in place in California for serving students with disabilities. SSIP stakeholders were convened over a 14 month period to examine, among other things, the state infrastructure related to serving students with disabilities, including key state initiatives and plans in general education. They identified a number of strengths in the existing infrastructure supporting services for students with disabilities.

Strengths of the System

Governance: California's public education structure for special education involves multiple entities, each with specific responsibilities, supporting the effective provision of services to which SWDs are entitled, with an emphasis on local decision-making and system design, which is most effective and appropriate given the varied contexts and structures of California's LEAs. This approach is reflected by several system elements:

- SELPAs and their member LEAs develop local plans for the provision of instruction and related services for SWDs in their jurisdiction.

- Local control of plan development enables SELPAs and LEAs to be responsive to the unique needs/issues that are present in their local contexts.

- The SELPA structure creates a system for the provision of technical assistance, professional development, and monitoring to ensure that local issues are resolved and needs addressed, and students appropriately served.

- The state's educational governance structures provides for multiple levels of oversight through monitoring and support through training and technical

assistance, creating a multi-tiered system to ensure that IDEA requirements are met.

Fiscal: California's new LCFF structure balances the need for local decision-making concerning the use of education funding with public accountability, through the development of specific local plans concerning specific use of funds and identification of improvement activities to be implemented, created by local educational leaders with substantial input from the local community.

Quality Standards: California has adopted standards of high quality, including student academic standards (e.g., Common Core standards, Next Generation Science Standards); program standards related to Transition, Early Childhood Special Education, Behavior Intervention, School-Family-Community Partnerships, LRE, Response to Intervention, and others; and, teacher preparation and assignment standards to ensure students are served by qualified, well-prepared educators.

Professional Development: The state provides professional development resources to LEAs on a multitude of topics and subject areas, enabling LEAs to identify local professional development needs and drawing from those resources to address training requirements for their local contexts. LEAs, SELPAs, and COEs regularly coordinate professional development activities for efficient delivery of training resources.

Data: The CDE has developed effective data collection and reporting systems for compiling data reported from COEs, SELPAs, and LEAs; these systems include means to identify data irregularities, allowing for correction of initial data reports, and ensuring greater data quality.

Technical Assistance: The CDE provides effective technical assistance through a combination of direct interaction with COE's, SELPAs, and LEAs, and contracting of other entities that have substantial knowledge and ability to provide targeted technical assistance. To ensure that CDE-based technical assistance is current, efficient, and of high quality, CDE staff communicates within and among divisions on changing conditions, new initiatives, field needs, and new and developing technical assistance resources.

Accountability and Monitoring: California implements an accountability and monitoring structure that involves both state and local entities to ensure that SWD are receiving the instruction and related services to which they are entitled. Elements of this structure include:

- California's compliance monitoring system ensures identification and timely correction of noncompliance through data analysis, direct monitoring of LEA and SELPA practices, and systemic review and response to field inquiries and parent concerns.

- California's Educational Benefit process for reviewing student IEPs over multiple years ensures that IEP reviews exceed simple verification of

compliance with law, but that IEP revisions are effectively designed to support each student's educational progress.

- The CDE's ongoing communication with SELPA and LEA staff ensures clarification of current and changing law and policy, discussion and attention to emerging issues, and timely action to resolve concerns about delivery of instruction and services.

Coordination

The SSIP stakeholders also assessed how the components of the infrastructure are coordinated. The SSIP stakeholder group pointed out that the primary area in which there is a need to increase coordination is within the CDE. Many federal and state programs function independently, with limited cross consultation or collaboration. As the programmatic needs for data sharing, collaboration, and support increase; so too will the level of coordination between programs at CDE. One such example of this is the ongoing, cross-division work of the PACP. The following summarizes coordination practices discussed by the SSIP stakeholder group:

Governance: Currently, a variety of local plans are created by LEAs. Most are reviewed, and approved, by the CDE. There is also coordination between state agencies as regulations call for interagency agreements between CDE and other state agencies that have responsibilities for the provision of related services to students with disabilities.

Fiscal: SED currently coordinates with the Administrative, Finance, Technology and Infrastructure Branch in order to support LEAs with fiscal reporting requirements of IDEA and to allocate state and federal funds for the provision of special education and related services to SELPAs and LEAs.

Quality Standards: Quality standards are often a collaborative effort either across divisions and branches within the CDE; between CDE and outside experts/contractors; or between CDE and educational administration and professional organizations. Technical assistance and training in quality standards is most often collaborative as well.

Professional Development and Technical Assistance: The CDE provides professional development resources in several ways: through web pages hosted on the CDE web site; through contracts with colleges, universities and LEAs, and through opportunities to learn from CDE staff. The CDE also supports local collaboration in professional development through grants and facilitation of communities of practice.

Data: The current system allows for coordination by providing follow up analytics and coordination manuals. The SED coordinates with LEAs to crosscheck data CASEMIS and CALPADS. The CDE coordinates data collection and analysis across the department through a cross division Data Managers Data Coordination Meeting.

Accountability and Monitoring: Special Education Monitoring is coordinated from the CDE to SELPAs to COEs to LEAs. SELPAs play a key role in supporting districts and for working with CDE to assess and revise monitoring processes. While accountability data is coordinated across the CDE, monitoring processes are very often conducted by program areas.

Areas for Improvement

As the work of the stakeholder group narrowed, the group determined that the LCFF and LCAP is the most important organizational infrastructure change in education in California and that the SSIP should be aligned to the LCFF and the LCAP. CDE staff and SSIP stakeholders determined that in order to improve the capacity of LEAs to achieve the SIMR in the context of the LCFF and LCAP, the CDE should:

- Support all LEAs to develop goals and services for students with disabilities in LEA local plans
- Seek to disseminate any criteria adopted for the LCAP evaluation rubrics related to students with disabilities
- Encourage LEAs to include SELPAs as participants in LEA LCAP evaluation and planning activities
- Coordinate the work of all divisions within the CDE to ensure that support for LEAs and COEs provided under the LCFF and federal programs (Title I, Title II, Title III, and IDEA, for example) is available as needed and as desired to promote positive outcomes for all students, including students with disabilities.
- Work at the direction of the SBE to support SBE efforts to address students with disabilities in the LCAP templates and evaluation rubrics.
- Seek to clarify how state and federal special education funds can be used to benefit students with disabilities in the targeted LCFF subgroups.
- Convene a workgroup across state and federal programs (e.g., Title I, Title II, Title III, and IDEA) to prepare a fiscal resource overview and technical assistance guide related to overlaps and uses of both state and federal funds that would assist LEAs to optimize the use of resources to achieve student outcomes.
- Provide technical assistance to SELPAs and LEAs to increase consideration of the use of local resources as a means to improve the outcomes of students with disabilities who are in the LCFF and LCAP target populations.

- Encourage COE SELPAs to coordinate work with COE LCAP reviewers and technical assistance providers.

- To convene a workgroup to explore modification of the local, budget and service plans to address student outcomes in coordination with the LCAP.

- Make it a priority to prepare calculations for each of the measures identified for the LCAP and LCFF targeted subgroups as soon as possible to provide LEAs with information to help them gauge the impact of their improvement activities

- Make calculations of measures included in the LCAP priorities of pupil achievement, pupil engagement, and school climate for students with disabilities who are also in the LCFF targeted subgroups.

- Convene a workgroup of stakeholders to identify methods for updating SELPA local plans to meet the additional performance goals and indicators embodied in the SSIP.

- Work with the SBE, COEs, LEAs and charters to clarify responsibilities and methods for including students with disabilities in data related to local planning.

- Convene a workgroup of state and local stakeholders representing LEAs, COEs, SELPAs, CCEE, the SBE and the CDE (general education and special education) to maximize the alignment of monitoring and accountability processes, which could include criteria for identifying needs for assistance; and providing resources of effective technical assistance and supports for improvement.

- Convene a workgroup of state and local general and special education stakeholders to review technical assistance resources and identify ways to: 1) integrate support to LEAs; and, 2) build additional capacity for coordinated, intensive technical assistance.

Ongoing Collaboration and Partnerships: The SED will continue to sponsor regular SSIP stakeholder group meetings (SELPAs, Parent Training and Information Centers, Advisory Commission on Special Education, SBE staff, and SED staff). The CDE will invite additional representatives from COEs (some SELPA representatives are also COEs). The SED will continue to work in cross division groups for data coordination and for plan alignment. Lastly, the SED will offer to participate in any efforts sponsored by the SBE, SSPI, CCEE, or California County Superintendents' Education Services Association (CCSESA) to address the needs of students with disabilities.

In Phase II, the CDE will report on the results of efforts to improve alignment of the LCFF and special education, identify improvements that have and will continue to be

made to the state infrastructure to better support LEAs to implement and scale up evidence-based practices to improve the SIMR.

Appendix A—State Systemic Improvement Plan Stakeholder Group

Advisory Commission on Special Education
Gina Plate, Chair

California State Board of Education Staff
Beth Rice

Family Representatives
Jane Floethe-Ford, Parents Helping Parents
Kat Lowrance, Rowell Family Empowerment Center
Kelly Young, Warmline Family Resource Center
Marta Anchondo, Team of Advocates for Special Kids
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Sharon Holstege
Robin Ryan

CalSTAT, Napa County Office of Education
Marin Brown
LRE Project, Santa Clara County Office of Education
Janice Battaglia

CDE Staff

Professional staff members of the Special Education and State Special Schools Divisions of the California Department of Education, 131 in total.

Appendix B – Infrastructure Evaluation
State Systemic Improvement Plan (SSIP) – December 2013
Small Group Assignments and Notes

U. S. Department of Education, Office of Special Education Programs (OSEP)
Results Driven Accountability (RDA) initiative: Professional Development System

Purpose: To begin a year-long process to meet the new requirements of OSEPs RDA initiative.

Outcomes:

- Review and discuss OSEPs instructions for the 2013-18 State Performance Plan (SPP) and Annual Performance Review (APR)

- Examine the requirements and suggested approaches to completing the work over the next year.

I. Professional Development (FMTA I)

A. OSEP Requirements: Professional Development System:
The mechanisms the state has in place to ensure that service providers have the skills to effectively provide services that improve results for students with disabilities.

B. Goal: To increase capacity of the local educational agencies (LEAs) to implement, scale up, and sustain evidence based practices will result in improved student outcomes.

C. Existing Professional Development System:
See California Department of Education, Professional Development Web site at http://www.cde.ca.gov/pd/. Also see the State of California Department of Education, Digital Chalkboard Web site at http://www.cde.ca.gov/eo/in/dc.asp.The BOE is an interactive online environment that offers both easily searchable teaching resources and an online community of teaching professionals. The purpose of the BOE is to allow teachers to connect with colleagues to share a wealth of expertise and best practices.

1. Key Components, Activities, Content that Need to be Included or Considered:

   a. Best Practices communicated in a newsletter, such as Special EDge, at: http://www.calstat.org

   b. Effective collaboration between general education and special education

c. CDE Listservs at: http://www.cde.ca.gov/re/di/cd/listservs.asp

d. Model Programs and Mentors

e. "What Works" Clearinghouse Web site at: http://ies.ed.gov/ncee/wwc/

f. Question to research: What are existing evidence based practices in the area of professional development?

g. Question to research: What does existing research indicate?

h. Question to research: What are effective training/coaching models?

i. Question to research: What are existing data systems that support student achievement?

j. Teacher training programs, credentialing programs, and beginning teacher support and assessment (BTSA) Web site at: http://www.btsa.ca.gov/

k. Question to research: Should there be increased involvement in professional development, growth, and accountability?

2. Special Education Service Providers:
   a. Teachers (reference: 5 CCR 3064)
      i. General education
      ii. Special education
   b. Administrators
      i. Principals
      ii. Vice Principals
      iii. Other Administrators (Special Education Director)
   c. Paraprofessionals
   d. Other Staff
      i. Transportation
      ii. Curriculum, Instruction, and Assessment Specialists
      iii. Health Providers
   e. Related Service Providers (reference: 5 CCR 3051 and 3065)
      i. Licensed, credentialed, professional organizations (Recreation/Sign Language), Government Entity (Library of Congress-Braille)

3. Service Delivery Institutions
   a. Regional Center
   b. Juvenile Justice
   c. Developmental Centers

d. Mental Health (state/county)
e. Community Colleges
f. Nonpublic Schools and Agencies

D. Infrastructure to Support Improvement and Build Capacity for Professional Development
1. Selection of evidence-based practices
2. Provision of ongoing training and coaching
3. “FMTA in the Field” On-site visits to provide focused technical assistance in a specific content area and provide resources and references in addition to the site visit.
4. CDE sponsored online e-learning modules on specific content areas
5. Update of CDE Web site to provide content area specific resources and improve navigation
6. Assist with building and using data systems
7. Shift the paradigm to focus on “front-loading” with technical assistance identifying “what works” focus at the local level, identifying strengths rather that data collection at the back end, which focuses on non-compliance.
8. Provide technical support at District/site level implementing systems designed to provide real-time feedback on how students are meeting standards.
9. Provide technical support on how to analyze data and use data to improve outcomes.
10. Improve administrative support so that systems which support evidence based practices are in place
11. Identify program strengths and effective service delivery strategies

E. Recommendation on how to approach the completion of work associated with Professional Development:

1. CDE/SED Staff- Coordination with FMTA 3 (Technical Assistance System), FMTA 5 (General Supervision), and FMTA 2 (Stakeholder Involvement).
2. Other CDE staff coordination with Professional Development Division, State Special Schools, Title I, Data Systems and Collection Division, Finance Division. Curriculum and Instruction Division, Assessment Division, SSPI Educator Excellence Task Force, and SSPI STEM Task Force.
3. Stakeholders: Higher Education, Parents/Parent Organizations, Community Advisory Committee (CAC), Special Education Local Plan Area (SELPA)
4. Other: Advocacy groups, professional organizations, employee unions

II. Technical Assistance (FMTA III)

A. Current TA: Broad Process – Capacity:
1. Listserve (guidance)

2. PSRS Parent Help Line (rich source of data to identify areas of training needed for LEAs)
3. County Monitors
4. TA to field during VRs and subsequent monitoring visits
5. Training for SESR process
6. Web site
7. TA to districts regarding CASEMIS and data based noncompliance submissions
8. On-site LEA training
   a. SESR, CASEMIS data submission
   b. Compliance Complaint Investigation TA

B. Improvement:
1. Focus on communication (internal and external)
2. Need a searchable database for easy access to previous guidance letters and memos to the field for both internal and external use
3. Avoid developing underground regulations
4. Accessible database (internal and external)
   a. Repository of training materials and best practice guidance
5. CDE: more assertive, sponsor trainings and guidance to the field to provide focused technical assistance for the LEAs which have not met SPP targets
6. Areas of expertise identified and defined within the CDE
7. Attend LEA regional trainings
8. Define the specialty of monitoring consultants so the level of expertise is honed

C. Theory of Action:
1. Database available to internal and external stakeholders through a well-designed and easily accessible division Web site
2. Web based tutorials for various field related databases (CASEMIS, SESR, etc.)
3. Easy and timely access to information through a real time supported Web site
4. Consistent and coordinated messaging delivered to the field
5. Work with technical staff and consultants to develop Web site
   a. Possible IT unit to oversee all development and maintenance of new Web-based information and materials
6. Work groups with SELPAs
   a. Involvement and support of electronically posted information
7. Provide regionalized training to both consultants and LEAs
8. Conference calls for LEAs to answer questions (Frequently Asked Questions) held either bi-weekly or monthly with a primary facilitator
   a. LEAs to submit questions before hand for adequate preparation of responses
9. Internal Hot Topics discussed at Division meetings
   a. General information discussed at general session with all SED staff
   b. Provide more time during Division meetings for staff development specific to each unit's specific function and specialization

III. Connection with Other State Improvement Efforts (FMTA IV)

A. How has California aligned with other improvement initiatives within the state?
   1. Collect information on state initiatives and determine interface(s) with SPP indicator #17.
   2. Develop database to include research results and list resources.
   3. Communicate with other divisions and agencies to identify activities that interface with California initiatives.
   a. For example: General Education, Common Core (Smarter Balanced), English Learner, Title I, DOR initiative, Early Education, and DRDP.
   4. Create timelines for completion
   5. Implement activities and identify staff and other stakeholders. The activities will support the LEAs (TA, professional development).
   6. Measure progress and report outcomes (survey, data collection).

IV. General Supervision System (FMTA V)

1. What are the requirements and what do we do now?
   a. Each unit operates independently but fits into the whole division.
2. What do we do now?
   a. Data-Based Noncompliance, ABP, ASP, SESR, CASEMIS-valid, MOE
3. How can we streamline and integrate the requirements?
   a. Target the LEAs/SELPAs.
   b. Require most monitoring activities as part of an annual web based application in order to receive IDEA funds (e.g., DBNC, ABP, ASP, SESR).
   c. Include as SESR only key compliance issues related to the monitoring theme.
   d. Validate LEA submissions by on site monitoring.
   e. Provide targeted training for LRE, DAIT, SAIT.
   f. Establish a small group that includes SELPA director(s) to plan-out new general supervision system.
   g. Work smarter, leaner, and tighter in focus.

V. Infrastructure Support (FMTA II)

1. It's important to assess our stakeholder groups so as to monitor our relationship with them.
   a. Implementing
   b. Operationalizing

2. We need to focus on monitoring the:
   a. What
   b. How
   c. Why

3. More regular education participation will require all encompassing and ongoing professional development for all the different stakeholder groups:
    a. Administration
    b. Teaching staff
    c. Instructional aide staff
    d. Parents/community members
    e. Service providers

4. Community Advisory Committees (CACs) should be consulted since it's a requirement anyway

5. Current line of infrastructure – how do we monitor? Determine what kinds of information and data the CDE wishes to collect. Documentation should be reviewed to ensure it is following requirements:
    a. Minutes
    b. Surveys
    c. By-laws
    d. How selected
    e. How do documents line up? Single Plan for Student Achievement with LEA Plan with SELPA Plan…check agendas of meeting and policy making decisions and how they arrived at these decisions

6. Monitor credentials of staff (highly qualified)

7. Monitor corrective actions and their sticking power over time. Do LEAs have a pattern of repeated noncompliance that should be addressed?

8. Professional development needs to be verified: law states it needs to be of sufficient intensity and duration to have a lasting impact on student outcomes: documentation like grades, report cards, in addition to drop-out rates, suggest checking them at site levels for selected schools.

9. District staff should be part of creating its own monitoring and improvement plans – more engaged in process of SESR. We could find a meaningful way of incorporating pertinent Title 1 regulations as we monitor. We could form and use focus groups as a component of our stakeholder participation in the verification review. Consumers and representatives of incarceration; resident of a group home, etc. should be involved.

Appendix C – Infrastructure Descriptions and Recommendations

Include the following systems that make up the CA infrastructure; governance, fiscal, quality standards, professional development, data, technical assistance, and accountability monitoring, for each describe the current strengths of the system, the extent the system is coordinated, and the areas for improvement of functioning within and across the systems.

I. Governance

A. Infrastructure Elements

1. CDE (Special Education):

- The Special Education Division (SED) is responsible for administering the implementation of federal and state laws related to the education of students with disabilities who are 3 to 22 years of age.

- The SED receives advice and assistance from the Advisory Commission on Special Education (members are appointed by the Governor, the Legislature, and the SBE).

- Some students who are blind and/or deaf may be served in residential schools operated by the State's Special Schools Division.

- The SED monitors, provides updates to regulations as needed and required by changes in legislation and statute, provides TA to SELPA and LEAs, collects and monitors data, distributes federal and state IDEA funds.

- **State Special Schools Division** Some deaf/blind students are served by state residential special schools which provide oversight and monitoring for the provision of special education and related services.

2. CDE (General Education):

- The Governor is the Chief Executive Officer for the state of California

- The Governor, through the Department of Finance, develops and submits a proposed state budget, including outlays for public instruction, to the Legislature which includes fiscal directions for all funds affecting the education of students with disabilities.

- Fiscal and policy decisions are made by the Legislature and subject to approval from the Governor.

- The State Board of Education (SBE), as appointed by the Governor, serves as the State Education Agency and policy making body.

- The State Superintendent of Public Instruction is an elected Constitutional Officer who directs and administers the California Department of Education, the administrative arm of the SBE, and also acts as the Secretary to the SBE.

- The Special Education Division (SED) is in the Student Support and Special Services branch.

3. Special Education Local Plan Area (SELPA)

- A SELPA can either be a single district (LEA) or a combination of different types of LEAs which can include elementary districts, high school districts, unified districts, charter school LEAs, and County Offices of Education. These different entities join together to develop and submit a Local Plan for special education. A SELPA must meet minimum size and scope requirements (providing for a continuum of program options) and identify a member as the Administrative Unit (AU). The Local Plan is adopted by each member of the SELPA and must include, at a minimum, all the areas required by the IDEA for LEA programmatic and funding eligibility as required by *EC* 56205:

  i. Free appropriate public education

  ii. Full educational opportunity

  iii. Child find and referral

  iv. Development, implementation, review, and revision of the individualized education programs (including initial, annual, and triennial assessments)

  v. Least restrictive environment

  vi. Procedural Safeguards

  vii. Annual and Triennial Assessments

  viii. Confidentiality

  ix. Transition to Preschool Programs (Part C – Part B) – Transition from Subchapter III (commencing with Section 1431) of Title 20 of the *United States Code* to the preschool program.

  x. Children in Private Schools

xi. Compliance Assurances with IDEA, Section 504, and ADA

xii. Description of governance and administration of the plan *[EC 56205 (a)(12)(A - E)],* including identification of the governing body of a multi-district plan or the individual responsible for administration in a single district plan, and of the elected officials to whom the governing body or individual is responsible. A description of regionalized operations and services listed in EC 56836.23 and direct instructional support provided by program specialists in accordance with EC 56368 to be provided through the plan. Verification that a community advisory committee has been established per EC 56190. Multidistrict plans must (EC 56195.1) in part: a) specify the responsibilities of each participating county office and district governing board in the policymaking process, b) the responsibilities of superintendents of each participating district and county in the implementation of the plan, c) responsibilities of district and county administrators of special education in the coordination and administration of the plan, d) identify roles of the AU and administrator of SELPA and individual LEAs for hiring, supervision, evaluation, discipline; allocation from federal and state funds to SELPA AU and LEAs within SELPA; e) operation of special education programs; f) monitoring the appropriate use of federal, state, and local funds allocated for special education; g) preparation of program and fiscal reports for the SELPA as required by the state; h) copies of joint powers agreement (JPA) as stipulated in EC 56195.1

xiii. Ensure that personnel that provide related services are appropriately and adequately prepared and trained *[EC 56058 and 56070; 20 USC 1412(a)(14) and 1413 (a)(3)]*

xiv. Performance Goals and Indicators

xv. Participation in district and statewide assessments

xvi. Supplementation of state, local, and other federal funds

xvii. Maintenance of effort

xviii. Public Participation for adoption of policies and procedures

xix. Suspension and expulsion rates

xx. Access to instructional materials for blind students

xxi. Over identification and disproportionate representation by race and ethnicity *[20 USC 1412 (a)(24)]*

xxii. Prohibition against mandatory medication use *(EC 56040.5)*

xxiii. Each local plan must be submitted to the Superintendent and must contain: a) annual budget adopted through public hearing; b)annual service plan adopted through public hearing; c) description of programs for early childhood special education from birth to age 5 [*EC* 56205 (b)(3)]; d) description of method by which public can address questions and concerns to the governing body; e) dispute resolution process; f) verification that plan was reviewed by the CAC; g) process used to meet requirements of *EC* 56303; h) process to evaluate placements in nonpublic, nonsectarian schools and that all IEP requirements of students are being met, and description of evaluation to see if pupil is making appropriate educational progress; i) be written in a language that is understandable to the general public

- In addition to the provisions listed above, each SELPA shall have written agreements which shall cover, but not be limited to, the following (*EC* 56195.7):

  i. Coordinated identification, referral, and placement system

  ii. Procedural Safeguards

  iii. Regionalized services to local programs: a) program specialist services; b) personnel development/training for staff, parents, members of CAC; c) evaluation; d) data collection and development of management information systems; e) curriculum development; f) ongoing review of programs, procedures, and mechanism for correcting identified problems; g) process for coordinating services with other local public agencies funded to serve individuals with exceptional needs; h) process for coordinating and providing services to individuals with exceptional needs placed in licensed children's institutions and foster family homes (commencing with EC 56155); i) process for coordinating and providing services to individuals with exceptional needs placed in juvenile court schools or county community schools (*EC* 56150); j) budget for special education and related services maintained by SELPA that is open to the public; k) multidistrict SELPAs require a description of policymaking process including description of method used to distribute state and federal funds amongst the LEAs in the SELPA.

4. County Offices of Education

- County Offices of Education (COE) operate special education programs as appropriate to size and structural organization of the county. COEs also provide a review function and approve LEAs' Local

Control Accountability Plans (LCAP) per Local Control Funding Formula (LCFF) requirements. COEs also monitor teacher assignments and certification. COE must do the following (*EC* 5614):

1. Submit to the SSPI a countywide plan for special education demonstrating the coordination of all Local Plans and ensuring that all individuals with exceptional needs residing in the county (including those enrolled in alternative educational programs, alternative schools, charter schools, opportunity schools and classes, community day schools operated by school districts, community schools operated by COEs, and juvenile court schools) will have access to appropriate special education programs and related services.

2. Within 45 days, approve or disprove any proposed Local Plan submitted by a district or group of districts within the county or counties.

3. Participate in the state on-site review of the district's implementation of an approved local plan.

4. Join with districts in the county which elect to submit a plan or plans per *EC* 56195.19(c).

5. For each SELPA located within the jurisdiction of the COE that has submitted a revised Local Plan per EC 56836.03 (revised local plans/transition guidelines/division of SELPA areas), the COE must comply with *EC* 48850 (academic achievement of pupils in foster care, homeless children/youth) as it relates to individuals with exceptional needs, by making available to agencies that place children in licensed children's institutions a copy of the annual service plan adopted per *EC* 56205(b)(2).

5. Local Educational Agency (School District, COE, Charter LEAs):

- Develop LCAP addressing direct services. Provide and administer Special Education and Related Services per IDEA requirements as stipulated in Title 5 *California Code of Regulations*, Chapter 5.1 (Uniform Complaint Procedures), Article 3 (Sections 4620 – 4622):

  i. Each LEA shall ensure compliance with applicable state and federal laws and regulations.

  ii. Each LEA shall investigate complaints alleging failure to comply with applicable state and federal laws and regulations and/or alleging discrimination.

iii. Each LEA shall seek to resolve those complaints in accordance with the procedures set out in Title 5 of the *CCR* and in accordance with the policies and procedures of the governing board.

iv. Each LEA shall adopt policies and procedures consistent with 5 CCR 4600–4695 for the investigation and resolution of complaints.

v. Each LEA shall have policies that ensure complainants are protected from retaliation and that the identity of a complainant alleging discrimination remains confidential as appropriate.

vi. School districts and COEs shall submit policies and procedures to the local governing board for adoption.

vii. Each LEA shall include in its policies and procedures the person(s), employee(s), or agency position(s) or unit(s) responsible for receiving complaints, investigating complaints, and ensuring LEA compliance.

viii. Each LEA's policies shall ensure that the staff responsible for compliance and/or investigations shall be knowledgeable about the laws and programs that they are assigned to investigate.

ix. Each LEA may provide a complaint form for those wishing to file a complaint to fill out and file. The form shall be provided for complaints regarding instructional materials, emergency or urgent facilities conditions that pose a threat to the health and safety of pupils or staff, and teacher vacancies or misassignments. A person does not have to use the complaint form furnished by the LEA in order to file a complaint.

- Each LEA shall annually notify, in writing as applicable, its students, employees, parents or guardians of its students, the district advisory committee, school advisory committees, appropriate private school officials or representatives, and other interested parties of their LEA complaint procedures, including the opportunity to appeal to the CDE.

6. California Commission on Teacher Credentialing

- The California Commission on Teacher Credentialing is an agency in the Executive Branch of the California State Government. It was

created in 1970 by the Ryan Act and is the oldest of the autonomous state standards boards in the nation. The major purpose of the agency is to serve as a state standards board for educator preparation for the public schools of California, the licensing and credentialing of professional educators in the State, the enforcement of professional practices of educators, and the discipline of credential holders in the State of California. The California Commission on Teacher Credentialing consists of nineteen members, fifteen voting members and four ex-officio, non-voting members. The Governor appoints fourteen voting Commissioners and the State Superintendent of Public Instruction or his/her designee serves as the fifteenth voting Member. The four ex-officio Members are selected one each by the major elements of the California higher education constituency: Association of Independent California Colleges and Universities; Regents of the University of California; California Postsecondary Education Commission; and the California State University. The Governor-appointed Commissioners consist of six classroom teachers, one school administrator, one school board member, one school counselor or services credential holder, one higher education faculty member from an institution for teacher education, and four public members. Governor appointed Commissioners are typically appointed to four-year terms, and serve as volunteers in unpaid positions. The Commission works toward:

I. Educator Quality

- Maintain expectations for educator preparedness and performance that are responsive to the needs of California's diverse student population and promote 21st century teaching and learning.

- Develop, maintain, and promote high quality authentic, consistent educator assessments and examinations that support development and certification of educators who have demonstrated the capacity to be effective practitioners.

- Ensure that credential processing and assignment monitoring activities accurately, effectively, and efficiently identify educators who have met high and rigorous certification standards and who are appropriately assigned.

- Effectively, efficiently, and fairly monitor the fitness of all applicants and credential holders to work with California students.

- Continue to emphasize teaching as a profession and encourage highly talented individuals to enter the education profession.

II. Program Quality and Accountability

- Develop and maintain rigorous, meaningful, and relevant standards that drive program quality and effectiveness for the preparation of the education workforce and are responsive to the needs of California's diverse student population.

- Effectively and efficiently monitor program implementation and outcomes and hold all approved educator preparation programs to high standards and continuous improvement through the accreditation process.

- Establish and maintain educator preparation, development, and career pathways as a shared responsibility among institutions of higher education, local educational agencies, and state agencies.

- Track current trends and research in learning theory, educator preparation, and certification and disseminate information about high quality programs, models, and outcomes.

III. Communication and Engagement

- Maintain and strengthen working relationships with the Commission's diverse stakeholder community.

- Continue to refine the coordination between Commissioners and staff in carrying out the Commission's duties, roles, and responsibilities.

- Contribute to public discourse and inform public opinion about educator, program, and discipline quality and effectiveness.

- Partner with stakeholders in the development and implementation of policy that shapes preparation, certification, development, and discipline of the education workforce.

- Advise the Governor, Legislature, and other policy makers as appropriate regarding issues affecting the quality, preparation, certification, and discipline of the education workforce.

- Collaborate with other government agencies at the local, state, and national levels in support of coherent and effective education policy.

IV. Operational Effectiveness

- Maintain a workplace environment and culture that inspires, supports, and values employees.

- Align human and financial resources with Commission priorities and offer staff opportunities for development to maximize professional engagement and performance.

- Demonstrate professionalism and accountability for high standards of practice in all Commission operations.

- Maintain a clear and accessible Web presence that enables ease of access to information about requirements and best practices in certification, accreditation, educator discipline, and other areas of Commission responsibility.

- Maintain appropriate response times for processing applications, investigating allegations of misconduct, monitoring conditions of Settlement Agreements, and answering inquiries from the field.

- Maintain a culture of continuous improvement by periodically reviewing agency capacity to achieve Commission goals for educator workforce quality, preparation, certification, and discipline.

- Ensure that current regulations, procedures, and initiatives are appropriately streamlined and moving the Commission closer to meeting established goals

7. Charters Acting as LEAs

- Charter schools that are deemed to be a LEA must fulfill all requirements that LEAs are subjected to for the provision of special education and related services as stipulated in federal statutes and regulations *(EC 47640–46747).* A charter school deemed an LEA shall participate as an LEA in a special education plan approved by the SBE and shall be deemed an LEA for the purposes of compliance with federal law (IDEA). A charter school deemed an LEA for purposes of special education shall be permitted to participate in an approved SELPA per *EC* 56195.1(f).

B. Strengths of System

i. Strength of the system is the state approval of the local plans developed by each SELPA and their member LEAs. This also serves as an example of system coordination.

ii. SELPAs are regional organizations that provide technical assistance, professional development, and monitor local issues and needs.

iii. The state's current governance structures provides for multiple levels of oversight by monitoring, creating a multi-tiered system for ensuring that IDEA requirements are met.

iv. Local control allows for creativity so that there is responsiveness to the unique needs and issues that are present in some regions of the state that are individual in nature, and at times created by demographic differences.

C. Coordination of Systems

i. Local plans created and approved at the local level are also reviewed and approved by the CDE SED.

ii. Regulations call for the existence of interagency agreements between state agencies and the CDE, having responsibilities for the provision of related services to students with disabilities.

D. Areas of Improvement

i. The current governance system has a potential disconnect in that the entities responsible for funds do not have the authority to enforce corrective actions.

ii. How specific is the monitoring provided by SELPA and their ability to support implementation of a corrective action?

iii. Increase the support that is currently available to individual SELPAs ability to effectively monitor the implementation of the Local Plan vis-à-vis their member LEAs.

iv. Increase capacity, statewide, for the implementation of Local Plans in terms of specifying with greater clarity: common definitions, common expectations, integration of other governmental agencies having overlapping or common responsibilities to provide services to students with disabilities, such as law enforcement, courts, probation, homeless youth, foster youth, county health, behavioral health, mental health agencies.

v. Suggestion: CTC's decisions related to special education staff credentialing should be considered by the CDE or the SBE.

vi. Increase consistent coordinated communication between the SEA, special education, general education, and ensure that information is provided through all levels of the state system.

vii. Foster closer integration of CTC activities and responsibilities as it affects staffing and provision of quality services at the state and local level.

viii. Suggestion: Provide for either the SBE or the CDE to have interaction with the CTC as it relates to implementation of the IDEA.

II. Fiscal

A. Infrastructure Elements

I. Levels of system review

- LCAP – See discussion of LCAP in this document
- Maintenance of Effort – MOE is a requirement based on the amount that an LEA expended in the last year showing that the LEA *"Maintained the Effort."* Two sets of comparisons are completed for each fiscal year.
  - MOE compliance test
  - MOE eligibility
  - SELPAs, as an LEA, must also complete the MOE requirement
  - Excess Cost – Funds allocated to an LEA under Part B of the IDEA may only be used to pay the excess costs of providing special education and related services to SWD. Excess costs are those that are in excess of the average annual per student expenditure in an LEA during the preceding school year. An LEA must spend at least the average annual per student expenditure before funds under Part B of the Act are used to pay the excess cost of providing special education and related services.
  - Table 8 –IDEA Part B MOE Reduction and Coordinated Early Intervention Services (CEIS) Report
    - Allocation of IDEA 611 and 619 grant funds
    - MOE reduction calculation

- CEIS funds expended
- Number of students receiving CEIS funds

B. Strengths of the System

- The combination of LCAP requirements and the federal reporting requirements of IDEA provide a thorough programmatic view of how funds are being spent and how LEAs source funds in order to provide for special education and related services.

- LCAP and federal reporting requirements of IDEA cover both general education and SWDs.

C. Coordination of the Systems

- Up until this time, not much as LCAP is a new experience for LEAs in CA.

D. Areas for Improvement

- As SWD are included in more LCAPs the LCAPs themselves may begin to naturally align to the reporting requirements that are part of IDEA.

III. Quality Standards

A. Infrastructure Elements

- Levels of System Review:

  - CDE (Special Education): The CDE has a variety of program quality documents available related to Transition, Early Childhood Special Education, Behavior Intervention (Positive Environment Network of Trainers), CalStat Core Messages: Reading/Literacy, PBIS, Collaboration, Transition, School-Family-Community Partnerships, LRE, RtI, Closing the Achievement Gap.

  - CDE (General Education): The CDE has a number of quality standard documents in place that affect students with IEPs: (whatever the new version of the Essential Programs Components is), new EL guidelines, Safe Schools, Multi-Tiered System of Supports, Early Childhood Education, etc.

  - SELPA: (List of SELPA developed guidance docs, multicultural guidelines)

- COE: (List of COE special ed related guidelines, e.g., SEACO Curriculum)
- LEA: (LEA generated products)

- Other: Western Association of Schools and Colleges Accreditation Process

B. Strengths of the System:

- Identify **names** of the CDE documents
- Identify **locations** of the CDE documents
- Some documents are available on the CDE Web site
- Available contractor to provide TA in specific areas
- LRP daily updates (staff)

C. Coordination of the Systems:

- Collaboration with state agencies
- Departments- i.e. Western Regional Resource Center
- Updates provided timely
- Coordination efforts need to be monitored
- Identify resources assigning correct monitors to share information
- Ensure that all documents address and include all students (with or without disability)

D. Areas for Improvement:

- Increase collaboration with other departments and agencies
- Updates: Composite of Laws (searchable) (implemented 12/2014)
- Examples of quality standards from other states
- Share information about contractors
- Timelines of documents and information
- Structure format of document search (alpha, topic, timeliness, etc.)
- Web and document oversight
- **All** documents should reference special education population, general ed., etc.
- Remove old, irrelevant documents
- Navigate/user-friendly Web site – update **all**

IV. Professional Development

A. Infrastructure Elements

- **Levels of System Review:**

1. CDE (Special Education)

    - Provides professional development options through on-site training and compliance visits by the CDE SED staff.

- The CDE SED also contracts with outside agencies to provide intensive professional development and training around student discipline, instruction, and SPED compliance. These include: CalSTAT, West Ed, Santa Clara COE, PTI's, FECs and CEDD.

- Has also held symposiums on aligning annual IEP academic goals to the CCSS. Provides local grants to LEAs for projects that generate PD activities.

2. CDE (General Education)

   - Provides a variety of online resources related to professional growth for teachers, administrators, and school staff in all areas of education, school climate, finance, curriculum, and instruction. Additionally provides seminars and presentations for LEA's on: frameworks, standards, instructional materials, assessment, fiscal guidance, LCAP, and categorical programs.

3. SELPA

   - Can apply to receive grants from the CDE that generate PD activities. Some SELPAs provide extensive professional development options and workshops for LEAs, and parent education partnerships with CAC.

4. County Offices of Education

   - Some of the COEs provide professional development options focused on school improvement initiatives, curriculum, instruction, and student discipline.

5. Local Educational Agencies

   - May provide in-house professional development options for staff on a variety of education topics. Can apply to the CDE for grants that can provide Professional Development activities.

B. Strengths of the Systems (Professional Development)

1. So much independence: school district can determine "this is where we need to focus"; the CDE doesn't direct PD.

2. We do have COE's to help with PD delivery. In between the CDE and LEA's.

3. We are a VERY diverse state, attempting to address the unique and diverse needs of the state.

4. Attempt to ensure that all stakeholders are involved: ELD, Title I, parent support.

5. What kind of parent involvement do we have: varies by district, LEA, and district type; some state level parent training options and programs.

6. Strengths: many different options for diverse entities

7. Effective coordination on the general education side to work and coordinate with COEs and deliver to LEAs.

8. Transparency to contact general education staff at the CDE (Web site easier to use on general education side vs. SED); need quick connections to expertise at the CDE SED; not necessarily direct to FMTA consultant.

9. General education organized around easily understood silos; special education not so much.

10. How can FMTA consultants enhance their knowledge of unique issues related to the region they represent? Maybe need special training; expectations and procedures may vary by region.

C. Coordination of the Systems (Professional Development)

1. Challenges: how do you ensure and monitor that it is all working together and coordinated in the delivery process?

2. Microsoft grant in LBUSD to coordinate delivery of professional development.

3. Coordination of professional development for staff within the SED could be strengthened. Tapping into the expertise of the staff at SED.

4. Individuals within the CDE have a great deal of expertise that could be accessed more in PD for staff and LEAs.

5. Making training options and PD more clear on the CDE Web site.

6. Options to allow for cross-training: posting and making professional development calendars visible and available.

7. Providing more information and resource knowledge regarding PD delivery options in California: diagnostic centers; WestEd; CalSTAT; SPP-TAP; COEs (statewide expertise).

8. As we move forward with the SSIP, we need to be cognizant of the unique aspects of LEAs and regions in the state and the background involved in complaints and resolution (understanding the culture and the nature of the particular districts), honoring the relationships that have been built between SED staff and districts (insider and historical knowledge).

D. Areas for Improvement (Professional Development)

1. It would be a key system of support to reestablish a Composite of Laws. It's very difficult to ensure compliance when researching laws and regulations are so disparate and disjointed. The existing search engine on the CDE Website is difficult unless you already know the code you are seeking. This would help address a PD need for governance and compliance. (Addressed 12/2014)

2. More interactive approaches to the provision of PD.

3. How does LEA decide where and how to spend PD funds?

4. Groups sharing data together and built into PD plans.

5. Delivery systems of PD need to be effective and efficient.

6. The CDE SED could improve guidance to field by training staff and coordinating and expanding delivery of guidance and technical assistance.

7. Access expertise in Diagnostic Centers to provide cross training options for SED staff, and SED staff go with them to provide training options to LEAs.

8. Making grant information and RFP available for all LEAs, providing and disseminating information widely throughout the state

9. How does the field learn about grant and PD options that are available (internal CDE people and external LEAs)?

10. Ensuring that data collection and receivers of the grants share more. Better coordination of mini-grants to summarize what worked and what did not (e.g. CEIS; ADR; PD; LRE) by providing

and disseminating what works to other LEAs. Some way for districts to report out what worked and what did not.

11. Maybe assign FMTA, NPS, and CRU consultants to specific areas of expertise to receive PD and updates, and report back to SED staff: keep staff updated on changes in different areas.

12. Examining how SED staff interacts with and coordinates with COE to provide PD and technical assistance. Strength in providing training at a COE level vs. SELPA or LEA.

13. Within the CDE SED: We don't understand clearly how FMTAs and NPS work together for compliance and monitoring issues.

14. Training scheduling: Maybe have NPS and FMTA consultants visit LEAs and provide training together.

15. Have NPS, FMTA, and AES staff go on reviews together (verification reviews, SESR follow ups, training, NPS reviews).

16. This also applies to the coordination of the corrective actions across units within the SED.

17. Have the CDE SED staff go to ACSA, CASBO, and CAPSES conferences to provide PD options for these groups of administrators.

18. Have the CDE staff be more involved with professional organizations such as: ACSA, CASBO, ASCD, CAPSES, etc. (breaking down administrative silos).

19. Our group had a lot of discussion around the divisions between general education, special education, and nonpublic schools: all of these entities need to be coordinated well and work together to deliver improved outcomes for students: the CDE, COEs, SELPAs, LEAs, professional organizations still divided along general education, SPED, and NPS lines.

V. Data

A. Infrastructure Elements

- **Levels of System Review**

1. CDE: Collects special education student data submitted by LEAs/SELPAs. Data is stored and analyzed (for monitoring purposes and reporting requirements) into the CASEMIS system.

Provide training and materials so that LEAs and SELPAs can submit data twice per year.

2. CDE (General Education): Collects student data (including Title I and III data) including, but not limited to, assessment data for school accountability purposes. Data is searchable through the DATAQUEST system.

3. SELPA: Assists LEAs by providing TA and training so that data submitted is accurate. SELPA is responsible for certification and submission to the CDE concerns about data quality and compliance.

4. COE: Provide student level special education data when the COE is responsible for providing special education and related services. Also, provide teacher assignment monitoring data to the CTC.

5. LEA: Responsible for data entry at the school and district site. Responsible for working with software vendors to ensure that data extracts meet the CDE specifications. Must training first-level data entry personnel to ensure consistency and accuracy.

B. Strengths of the System

1. Own System; Flexibility; CASEMIS errors and warnings; DATA Quality; Snapshots; Certification requirements; Support and Technical Assistance; Stakeholders input

2. Data changes; Assessment data; DATAQUEST takes SE out of Silo; SSID; Accommodations

3. Focus on CASEMIS; Pull data can fix before submission; Data integration (when chosen) helps align data; Not all districts use same vendor

4. Can be easier if using a program manager model; Small districts use teacher as model

5. Engaged SELPA Directors; Webinar

6. Fiscal data report, a whole system

C. Coordination of the Systems

1. Follow-up Analytics; Manual Coordination

2. DATAQUEST; Assessment sorting subgroups; crosschecking data

3. Check services

4. Having a master trainer at a district.

D. Areas for Improvement

1. Variation from SELPA to SELPA; DATA governance; Trainings; Not same definitions; Not same data collection system; Discrepancies; Alignments; Clarification; Quality assistance; Data is old

2. Timelines for reporting; Removing duplicates for SSID; Getting understanding; Keeping up with Technology – TSD; Data two ways; Data in timely manner

3. Early release of software; Multi-District SELPAs vs. Single District; SELPAs based on leadership

4. Data quality; Data culture; Data Governance; Integrity; Quality of data

5. Knowledge of consequences; Graduation rates of CDE

6. Consistent language; consistent definitions; lots of new direction; more and more data points; need to decrease the number; lots of demands on teachers; staff turnover; SED and CALPADS do not talk.

VI. Technical Assistance

A. Infrastructure Elements

1. CDE (both general education and special education)

   - Provides materials, training and technical assistance so that LEAs can meet the various reporting and monitoring compliance and results requirements associated with the IDEA.

   - Provide technical assistance with recent changes in law as shown by workgroups created to ease transitions created by AB 114 (2011) and AB 86 (2013).

   - Provide technical assistance to assist LEAs fulfill reporting and monitoring compliance and results requirements mandated by federal laws and state *Education Code*.

- Provide technical assistance on state initiatives such as CCSS, LCAP, policy, preschool, Early Intervention, mental health, English learners, etc.

- Parent technical assistance and outreach through Procedural Safeguards and Parent Rights

- Data analysis, CASEMIS TA, monitoring,

2. SELPA

    - Provide member LEAs with training and technical assistance to assist LEAs in fulfilling monitoring compliance and results reporting requirements associated with IDEA.

3. County Offices of Education

    - Credentialing authorization, curriculum, fiscal, implement state initiatives, coordination of professional development, programs, classrooms and support for unique populations (i.e. court schools, severe disabilities, infant programs).

4. Local Educational Agencies

    - Provide local level with training and technical assistance to assist LEAs in fulfilling monitoring compliance and results reporting requirements associated with IDEA.

    - Implementation of initiatives, programs and services under IDEA

    - CAC parent

5. Others

    - Through contracts technical assistance is provided around parent engagement, assessment, disproportionality, professional development, early childhood, OAH.

B. Strengths of System

1. We communicate within the SED, sending consistent message to the field

2. More technical assistance given

3. Strengthening of field contacts and T

4. Support for districts with on-site visits by CDE staff

5. Commitment by administration to cross-train staff for the overall improvement of results for students and LEAs

6. Strong contractors providing technical assistance

7. Stakeholder input

8. Diversity of staff and partners adds perspective and expertise

9. Coordination across agencies, systems, and divisions

C. Coordination of System(s)

1. We communicate within the SED, sending consistent message to the field

2. More technical assistance given

3. Strengthening of field contacts and TA

4. Support for districts with onsite visits by the CDE staff

5. Commitment by administration to cross-train staff for the overall improvement of results for students and LEAs

6. Strong contractors providing technical assistance

7. Stakeholder input

8. Diversity of staff and partners adds perspective and expertise

9. Coordination across agencies, systems, and divisions

D. Areas for Improvement

1. Improve Statewide consistency

   - Through interpretation and implementation of law, initiatives, policy, and programs

   - By articulating a common vision of the SED work

   - Ensure integration of SED at the beginning of initiatives to promote collaboration and inclusive practices

   - Through uniform and timely communication overall

2. Increase Coordination

    - Coordinate with LCAP focus areas, including highlighting parents of children with disabilities

    - Coordinate with other divisions in the CDE

    - Ensure equitable services for children with disabilities

    - Greater exposure and involvement of the SED staff on initiatives and products being developed so we can be integrated into what is happening

3. Technical Assistance – build and strengthen avenues of communication by:

    - Providing multiple ways to present information and sharing back and forth, that is available to the field (different formats, Webinars posted, where to find)

    - Developing a subscription for the CDE listserv to get notices to multiple audiences; listservs by category or topic to match interests

    - Designing a forum for TA providers to share resources and knowledge (e.g. TTAC, state, local, organizations, contractors)

4. Technical Assistance – build capacity by:

    - Analyzing data and feedback from the field to address the needs of technical assistance

    - Developing a continuous improvement process that includes:

        i. A framework of planning, implementation, evaluation and reevaluation

        ii. State to local – multiple ways of communication – policy informed practice – practice informed policy

    - Updating SED technical assistance guides for different aspects of work in a timely way

    - Providing timely and complete training to staff

    - Developing and disseminating accurate materials and forms to the field in a timely way

VII. Accountability Monitoring

A. Infrastructure Elements

1. Levels of System Review – CDE, Special Education

- CASEMIS, coupled with CALPADS data collection, is the basis for IDEA reporting and accountability. APR indicators are used to fulfill most requirements of 34 CFR 300.600 for monitoring including: SPP and APR, annual compliance determinations, data identified non-compliance, Disproportionality, Significant Disproportionality. APR indicators are used to select districts for VRs and to form the nucleus of the compliance items reviewed in SESR and VR. The CDE reviews all compliance indicators with every district every year; conducts SESR every four years, and selects VRs each year using combination of indicators from the annual compliance determination. Monitoring includes review of student records, policies and procedures, fiscal, IEP implementation, Educational Benefit reviews, individualized items selected for each district and included in a monitoring plan.

- CRU (complaints)

- OAH (due process)

- CALSTAT

- NPS certification review

- SELPA governance

- Interviews (admin, parent, and staff)

- Data Validation Reviews (DVRs) (on-site visits)

- Infant and preschool records

- DRDP-preschool assessment

- Bureau of State Audits (BSA), reviews SESRs and VRs

- STAR assessment data and testing

- Ten percent SESR follow up

- CASEMIS validation (part of VR)

2. CDE General Education

- Assessment and CALPADS data collections and EdFacts reporting form the basis for statewide accountability. API and AYP are used to identify districts for program improvement. Monitoring is conducted annually in various categorical programs (e.g., English Learners)
    - DRDP
    - WEST ED
    - Smarter Balanced

3. SELPA

- Are required to have an agreement in place to review implementation of local plan and correct any deficiencies. May carry this out through a variety of means. Typically review APR and fiscal indicators with LEAs each year as well as DINC, disproportionate representation and significant disproportionality. Provide substantial guidance and assistance in planning and conducting SESRs. May participate in VR reviews.

    - CASEMIS (review and qualitative)
    - Data analysis (certification and submit to State)
    - Complaints and OAH
    - Must participate in VR reviews

4. County Offices of Education

- COE is required by code to participate in on-site reviews They are responsible for reviewing LCAPs, LEA budgets. May provide assistance through SAIT (School Assistance and Intervention Team) focused on improved student outcomes.

5. Local Educational Agencies

- LEAs participate in accountability through a variety of plans, e.g., Single Plan for Student Achievement; Safe Schools Plan; School Accountability Report Card; Program Improvement documents.

    - LCAP
    - CRU (complaints)
    - OAH (due process)
    - CALSTAT

- NPS certification review
- SELPA Governance
- Interviews (admin, parent, and staff)
- Data Validation Reviews (DVRs) (Onsite visits)
- Infant and preschool records
- DRDP-preschool assessment
- BSA reviews SESRs and VRs
- STAR assessment data and testing
- Ten percent SESR follow up
- CASEMIS validation (part of VR)

6. Other
   - Annual A-133 audits

B. Strengths of System

- Parent input
- Identifies and corrects noncompliance
- Identifies trends in data
- Ed Benefit gets results
- System enables timely submission of APR indicators and SSPI
- Timely completion of noncompliance
- Data collection and analysis
- Accountability
- Facilitates communication between the CDE and LEAs
- Provides resources
- Identifies and corrects noncompliance
- A plan for change
- Student level data

C. Coordination of System(s)

- Cross validation of systems (CASEMIS, CALPADS and IEPS)
- Data integration
- IDEA reporting
- Shares data for Part C lead agencies
- Bi-monthly Data Managers meeting (coordinates data sources)
- Smarter Balance workgroup
- Monthly SELPA meetings
- Certifying LEA student level data
- SEACO participation
- Student level data

D. Areas for Improvement

- Definitional issues (e.g., what is a suspension?)

- Standardizing data gathering systems e.g. CRU, FMTAs, NPS
- Use of SSID for all systems for accountability efficiencies
- Disseminate information to SELPAs and COEs
- Monitoring performance improvement and compliance
- Standardizing tools
- Communication
- Compliance
- DRDP data
- Timely submit accurate and complete data
- Correct data errors
- Increase participation on VRs
- Communication
- Correction of noncompliance
- Accurate data collection of student level data
- Audit plan to coordinate with CDE and OSEP requirements

Identify current state-level improvement plans and initiatives; including special and general education improvement plans and initiatives; and describe the extent that the initiatives are aligned and how they are, or could be, integrated with the SSIP.

A. Local Control and Accountability Plans

1. Required Elements - Eight State Priority Areas

A. Conditions of Learning:

i. Basic: degree to which teachers are appropriately assigned pursuant to *Education Code* section 44258.9, and fully credentialed in the subject areas and for the pupils they are teaching; pupils have access to standards-aligned instructional materials pursuant to *Education Code* section 60119; and school facilities are maintained in good repair pursuant to Education Code section 17002(d). (Priority 1)

ii. Implementation of state standards: implementation of academic content and performance standards adopted by the SBE for all pupils, including English learners. (Priority 2)

iii. Course access: pupil enrollment in a broad course of study that includes all of the subject areas described in *Education Code* section 51210 and subdivisions (a) to (i), inclusive, of Section 51220, as applicable. (Priority 7)

iv. Expelled pupils (for county offices of education only): coordination of instruction of expelled pupils pursuant to *Education Code* section 48926. (Priority 9)

v. Foster youth (for county offices of education only): coordination of services, including working with the county child welfare agency to share information, responding to the needs of the juvenile court system, and ensuring transfer of health and education records. (Priority 10)

B. Pupil Outcomes:

i. Pupil achievement: performance on standardized tests, score on Academic Performance Index, share of pupils that are college and career ready, share of English Learners that become English proficient, English Learner reclassification rate, share of pupils that pass Advanced Placement exams with 3 or higher, share of pupils determined prepared for college by the Early Assessment Program. (Priority 4)

ii. Other pupil outcomes: pupil outcomes in the subject areas described in Education Code section 51210 and subdivisions (a) to (i), inclusive, of *Education Code* section 51220, as applicable. (Priority 8)

C. Engagement:

i. Parent involvement: efforts to seek parent input in decision making, promotion of parent participation in programs for unduplicated pupils and special need subgroups. (Priority 3)

ii. Pupil engagement: school attendance rates, chronic absenteeism rates, middle school dropout rates, high school dropout rates, high school graduation rates. (Priority 5)

iii. School climate: pupil suspension rates, pupil expulsion rates, other local measures including surveys of pupils, parents and teachers on the sense of safety and school connectedness. (Priority 6)

2. Howthe LCAP is aligned to the SSIP

- High expectations, narrowing achievement gap for all student subgroups. All eight LCAP state priority areas align with possible SSIP elements (assessment results, discipline and truancy, graduation rates).

3. Extent to which the LCAP is aligned to SSIP 1-5

- All the efforts and activities to improve elements of the LCAP would improve all elements of the SSIP.

4. How alignment could be improved

- Be available to offer ways to align SSIP efforts to "Other Student Outcomes" in LCAP.

- Include students with disabilities as a student subgroup required to be focused on in LCAP. Align other plans with the LCAP, consolidate them, and ensure the SSIP is aligned with the resulting consolidated plan(s).

B. LEA Plan

1. Required Elements

- LEA plans describe the actions that LEAs will take to ensure that they meet certain programmatic requirements, including student academic services designed to increase student achievement and performance, coordination of services, needs assessments, consultations, school choice, supplemental services, and services to homeless students, and others as required. In addition, LEA plans summarize assessment data, school goals, and activities from the Single Plans for Student Achievement developed by the LEAs' schools.

- Needs Assessments:
  - Academic achievement
  - Professional development and hiring
  - School safety

- Descriptions – District Planning

  - District profile

  - Local measures of student performance

  - Performance Goal 1: Specific actions to improve education practice in reading and math

  - Performance Goal 2: All limited English proficient students will become proficient in English and reach high academic standards, at a minimum attaining proficiency or better in reading, language arts, and mathematics.

- Performance Goal 3: All students will be taught by highly qualified teachers.
- Performance Goal 4: All students will be educated in learning environments that are safe, drug-free, and conducive to learning.
- Performance Goal 5: Planned improvements for high school graduation rates, dropouts, and advanced placement access.

- Additional mandatory Title I descriptions

2. How the LEA Plan is aligned to the SSIP

   - Proficiency in reading and math is a large focus. Self-assessment, needs assessment is used.

3. Extent to which the LEA Plan is aligned to SSIP 1 -5

   - LEA Plan is less focused on accountability to continuous improvement and performance and outcomes, more focused on meeting requirements. The LEA Plan model is more focused on the categorical programs model and less on the block grants model. The LEA Plan does not seem to have as much potential to change practice as much as the LCAP does.

4. How alignment could be improved

   - Use LEA Plan Needs Assessments to inform SSIP efforts. Focus on students with disabilities as a subgroup for improvement. Focus less just on meeting IDEA requirements for students with disabilities. Facilitate and streamline coordination of resources and services for all students, including SWD.

C. Single Plan for Student Achievement (SPSA)

1. Required elements

   - Planned improvements in student performance
   - Centralized services for planned improvements in student performance
   - Programs included in this plan
   - School Site Council membership

- Recommendations and assurances
- Budget planning tool
- Single Plan for Student Achievement annual evaluation

2. How the SPSA is Aligned to the SSIP

   - The SPSA is the school site version of the LEA Plan.

3. Extent to which the SPSA is Aligned to SSIP 1-5

   - The SPSA is more specific than the LEAP. This plan and budget does not include special education expenditures.

4. How Alignment could be improved

   - Explicitly include students with disabilities and focus on students with disabilities as a subgroup to improve.

D. Single School District (SSD) Plan

1. Required Elements

   - Designed for use by single school districts, the SSD Plan template combines the elements of the LEA Plan and the SPSA into one single document.

2. How the SSD Plan is aligned to the SSIP

   - (See LEAP and SPSA information.)

3. Extent to which the SSD Plan is aligned to SSIP 1 -5

   - (See LEAP and SPSA information.)

4. How alignment could be improved

   - (See LEAP and SPSA information.)

E. Safe Schools Plan

1. Required Elements

a. Plan is written and developed by a school site council (SSC) or a safety planning committee.

b. SSC/Planning Committee consulted with a representative from a law enforcement agency in the writing and development of the Comprehensive School Safety Plan.

c. The Comprehensive School Safety Plan includes, but is not limited to:

    i. An assessment of the current status of school crime committed on the school campus and at school-related functions.
    ii. An identification of appropriate strategies and programs that provide/maintain a high level of school safety.

d. The SSC/Planning Committee reviewed and addressed, as needed, the school's procedures for complying with existing laws related to school safety.

e. Policies, procedures and rules regarding child abuse reporting, emergencies, suspension and expulsion, bullying, visitor access, etc.

f. The plan may include clear guidelines for the roles and responsibilities of mental health professionals, community intervention professionals, school counselors, school resource officers, and police officers on campus.

g. The plan may include procedures for responding to the release of a pesticide or other toxic substance from properties located within one-quarter mile of a school.

h. The plan should include verification that the school safety plan was evaluated at least once a year, and revised by March 1 every year.

i. The plan should include documentation that school safety plan was submitted for approval to either the district office or county office of education. Evidence of approval at the district or county level should be included.

j. The plan should include verification that the SSC Planning Committee communicated the school safety plan to the public at a public meeting at the school site.

2. How the Safe Schools Plan is aligned to the SSIP

    - It is not very aligned with SSIP. The focus is placed on policies and procedures rather than student performance.

3. Extent to which the Safe Schools Plan is aligned to SSIP 1-5

- None of the efforts/activities to improve elements of the Safe Schools Plan would improve any elements of the SSIP.

4. How alignment could be improved

   - Align Safe Schools Plan policies and procedures more with school climate improvement.

   - Consider bullying, suspension and expulsion, etc. impact on students with disabilities.

F. Program Improvement Addendum or Plan (Title 1)

1. Required elements

   a. According to provisions in ESEA, the LEA Plan Addendum is required to meet all requirements specified in ESEA Section 1116(c)(7)(A)(i) through (viii):

      i. Address the fundamental teaching and learning needs in the schools of the LEA and the specific academic problems of low-achieving students, including a determination of why the prior LEA Plan failed to bring about increased student achievement.

      ii. Identify actions that have the greatest likelihood of improving the achievement of students in meeting state standards.

      iii. Incorporate scientifically-based research strategies that strengthen the core academic program in schools served by the LEA.

      iv. Include specific, measurable achievement goals and targets for all students and subgroups, addressing all elements of Adequate Yearly Progress (AYP).

      v. Address the professional development needs of the instructional staff. Indicate that the LEA will dedicate not less than 10 percent of the LEA Title I allocation for high quality professional development.

      vi. Identify how technical assistance will be obtained to support implementation of the LEA Plan revisions (e.g., professional development for teachers and administrators, county office support, and work with such organizations as the California School Boards Association, California Teachers Association, Association of California School Administrators, California

Federation of Teachers, Parent Teacher Association, institutions of higher education, and public and private organizations).

vii. Incorporate, as appropriate, learning activities before school, after school, during the summer, and during an extension of the school year.

viii. Include strategies to promote effective parental involvement in the school.

2. How the Title 1 Plan is aligned to the SSIP

   - The plan is aligned with SIMRs including academic achievement, and parental involvement. This plan includes evidence-based practices.

3. Extent to which the Title I Plan is aligned to SSIP 1-5

   - Goals are mostly aligned, but discipline is not directly addressed by the Title I improvement plan.

4. How alignment can be Improved

   - This is a challenge in that the Title I improvement plan does not apply to all schools. It does, however, include targets for increasing graduation rates, specifically for students with disabilities. The Title I improvement plan also allows schools to seek technical assistance from external sources. This could provide an opportunity to improve alignment with SSIP by ensuring this TA addresses results for students with disabilities.

G. Title II Non-Compliant Teacher Action Plan (Title II Plan)

1. Required Elements

   - Plan lists each non-highly qualified teacher and which activities will occur to make each teacher highly qualified.

   - LEAs with less than 100 percent highly qualified teachers in ESEA core academic subjects for two consecutive years are required to submit an Equitable Distribution Plan (EDP) to the CDE by June 24 of each year.

   - LEAs with less than 100 percent highly qualified teachers in ESEA core academic subjects and that fail to make Adequate Yearly Progress (AYP) for three consecutive years shall enter into an agreement with the CDE per the provisions of Section 2141(c) of the ESEA. The agreement consists of a Memorandum of Understanding (MOU), Budget Agreement

and the Non-Compliant Teacher Action Plan. All three documents are required to be submitted to the CDE.

2. How the Title II Plan is aligned to SSIP

   - Highly qualified teachers are critical for students with disabilities. Teachers who are HQT have a direct impact on a LEAs ability to provide for FAPE in the LRE and assist secondary SWD in earning graduation credits.

3. Extent to which the Title II Plan is aligned to SSIP 1-5

   - This plan is aligned with statewide assessment results, discipline, and graduation rates for students with disabilities. This plan is not as broad as the SSIP.

4. How alignment can be Improved

   - By creating tighter linkages between HQT and LRE, and increasing graduation rates by increasing SWD ability to earn graduation credits. Provide ongoing professional development in addition to the required certificates.

H. Title III Improvement Plan

1. Required Elements

   LEAs that fail to meet their Annual Measurable Achievement Objectives (AMAO) submit plans as follows:

   - Year 2 LEA: missed one or more AMAOs for two consecutive years—addressed via Improvement Plan Addendum to LEA plan. The Improvement Plan consists of a goal, strategy, action steps, tasks, and budget items.

   - Year 4 LEA: missed one or more AMAOs for four consecutive years—addressed via Action Plan on California Accountability and Improvement System

2. How the TitleIII Improvement Plan is aligned to the SSIP

   - Population of students with disabilities exists within ELL population.

3. How alignment can be Improved

- Make data reporting for the SSIP for special education more similar to data reporting for Title III Plan (including students released from Special Education in the data pool for three years).

I. Truancy and Discipline https://www.pbis.org/

1. Description

    a. The California Department of Education continues to be a resource to Local Educational Agencies to help reduce the rate of truancy and discipline. Programs such as PBIS were established by the U.S. Department of Education's Office of Special Education Programs (OSEP) to define, develop, implement, and evaluate a multi-tiered approach to technical assistance that improves the capacity of states, districts and schools to establish, scale-up, and sustain the PBIS framework.

2. How are truancy and discipline programs aligned to the SSIP

    a. CAL-STAT and SPP-TAP contracts
    b. Reporting of discipline in current system
    c. WestEd workshops include discipline
    d. PBIS workshops
    e. Restorative justice
    f. Behavioral Intervention Plans within IEPs
    g. Race to the Top
    h. NPS/A
    i. Verification Reviews
        a. Monitoring plan focused on data for discipline (CASEMIS)
    j. After-school programs
    k. Family frameworks
    l. Title I
    m. SARB

3. Extent to which truancy and discipline programs are aligned with SSIP

    a. All mentioned deal with school climate and safe learning environment.

4. How alignment could be improved

    a. Increase professional development for all staff

        i. Behavior management
        ii. Effective IEP development
        iii. Behavioral Intervention Plan/Behavior Support Plan Development
        iv. Parent training on IEP process and behavior

b. Too many things exist and information is unknown divisionwide and statewide.

   i. Better Web site to address discipline.
   ii. Monitor the SPPI more frequently using data in a more proactive approach, have good data to assist in monitoring.
   iii. Create buy-in from LEA employees to implement research based programs.
   iv. Involve PTIs in training for assessment of students with behavior issues.

J. **Project READ** http://www.calstat.org/projectread.html

1. Description

   a. California's new State Personnel Development Grant focusing on improving reading achievement and academic performance for middle school students in 44 competitively selected middle school sites.

2. How Project READ is aligned with SSIP

   a. Grant for selected middle schools only; increased reading where implemented for pupil achievement

3. Extent to which Project READ is aligned with SSIP

   a. Improved academic performance

4. How alignment could be improved

   a. Fund statewide (if possible)

   b. Expand beyond middle schools application (if grant allows)

K. **Common Core State Standards (CCSS) Implementation**
http://www.cde.ca.gov/re/cc/ ; http://www.corestandards.org/

1. Description

   a. The Common Core is a set of standards in mathematics and English language arts/literacy.

   b. Learning goals outline what a student should know and be able to do at the end of each grade.

   c. The standards were created to ensure that all students graduate from high school with necessary skills to succeed in college, career, and life, regardless of where they live.

2. How are the CCSS aligned with the SSIP

    a. Focuses on student academic achievement

    b. Internal training for staff is provided by each LEA

3. Extent to which the CCSS are aligned with the SSIP

    a. Will provide a better understanding of a student's academic level

4. How alignment can be Improved

    a. Additional staff training in English-Language Arts and Math for implementation of standards through curriculum and class activities

    b. Professional development on effective instructional strategies and effective IEP academic goals

    c. Collection of integrated data

L. **Multi-Tiered System of Supports (MTSS)**
http://www.cde.ca.gov/ci/cr/ri/; http://ncld.org/disability-advocacy/where-we-stand-policies/multi-tier-system-supports-response-intervention

1. Description

    a. Framework aligns Response to Instruction and Intervention with the CCSS and the systems needed for academic, behavior, and social/emotional success for students.

2. How is MTSS aligned to the SSIP

    a. Districts independently create their own system of support

    b. WestEd trainings are available

3. Extent to which MTSS is aligned with SSIP

    a. Behavior

    b. Academic achievement

    c. Assessment for special education services and related services

    d. School climate

    e. All aspects of the SSIP

4. How alignment could be Improved

    a. Ensure that all LEAs have a system of support

    b. Legislatively mandated support

    c. Increase funding for staff training and professional development on tiered interventions

    d. Get California Commission on Teacher Credentialing on board and adjust the credentialing system to include experiences or instruction in MTSS

M. **Career Readiness Campaign** (http://www.cde.ca.gov/eo/in/cr/index.asp)

1. Description

    a. Through this California Career Readiness Initiative, SSPI Tom Torlakson has directed the CDE to proceed with 17 key objectives to support, sustain, and strengthen Career and Technical Education (CTE) in the state.
    b. This Initiative builds upon goals outlined in “A Blueprint for Great Schools”

    c. A program or study to career pathway and careers

2. How the Career Readiness Campaign is aligned to the SSIP

    a. A Framework for Great Schools

    b. Limited career technology programs already in existence

3. Extent to which the Career Readiness Campaign is aligned to SSIP

    a. Increased graduation

4. How alignment could be improved

    a. Expand for all students

    b. Create viable programs for transitional planning.

    c. Better tracking of post school outcomes with incentives.

d. More funding

e. Increase PTI/FEC role for transition and postsecondary school data

N. **Bullying and Hate Motivated Behavior Prevention**
(http://www.cde.ca.gov/ls/ss/se/bullyingprev.asp)

1. Description

   a. One of the CDE initiatives. The link provides resources for parents, administrators, and students on how bullying can be prevented and addressed. Resources include publications, sample policies, and frequently asked questions.

2. How Bullying Prevention is aligned to the SSIP

   a. School training is available statewide

3. Extent to which Bullying Prevention is aligned to the SSIP
   a. School climate and academic achievement

4. How alignment could be improved

   a. More bullying awareness in class

   b. Develop and make parent training available

   c. Increase funding for prevention programs

   d. Increase and/or develop on types and resources of bullying for staff, parents, and students

O. **Family Engagement Framework**
http://www.wested.org/online_pubs/cpei/family-engagement-framework.pdf

1. Description

   a. On April 10, 2012, the SSPI Tom Torlakson unveiled a new publication designed to help school districts engage families and communities in their children's education.

2. How the Family Engagement Framework is aligned to the SSIP

   a. WestEd training

   b. Family engagement networks

   c. PTIs to be responsible for parent input in the monitoring process

d. The CDE monitors PTIs

3. Extent to Which the Family Engagement Framework is Aligned to the SSIP

   a. School climate and academic achievement

4. How alignment could be improved

   a. SED should monitor and communicate effectively within divisions and SELPAs and LEAs that interact with PTIs and FECs

   b. More funding

   c. Departments and divisions to work more closely for data of PTIs and FECs. Analyze what PTI and FECs do

   d. Collect data, etc. to ensure monies are going to assist parents in supporting student achievement.

P. **Summer Matters Initiative** http://www.cde.ca.gov/eo/in/summerlearning.asp

1. Description

   a. The SSPI Tom Torlakson believes summer learning programs play an important role in helping all California children succeed in school and beyond. The goal of this initiative is to achieve one of the goals of the Blueprint for Great Schools:

      i. To ensure all California students have access to high quality summer learning opportunities that support year-round learning and well-being

   b. Statewide summer program for students supported by school leadership and community

2. How the Summer Matters Initiative is aligned to the SSIP

   a. Increase student achievement

   b. Keep students socially and emotionally connected to school and community over summer

3. Extent to which the Summer Matters Initiative aligned to the SSIP

   a. Student academic achievement

4. How Alignment Could be Improved

a. Additional marketing to:

    i. LEAs
    ii. School sites
    iii. Parents and students
    iv. PTIs and FECs
    v. community

b. Gather current data for California.

Appendix D – State Initiative Summary and Discussion Guides

Focus for Improvement: Project READ

Topic	Project READ – Raising Academic Achievement in English Language Arts and Literacy for Students with Disabilities
Description	California Department of Education (CDE), Special Education Division, has a number of activities designed to support districts in need of improvement (have not met state achievement targets) both overall as well as for specific subgroups such as students with disabilities. The CDE, through a grant from the United States Department of Education (USDOE), Office of Special Education Programs (OSEP) has received funding targeting middle school reading. In collaboration with the Napa County Office of Education, this project offers training and technical assistance on reading instruction and intervention to 44 middle schools.
Proposed Assistance to LEAs	Through support from the USDOE State Personnel Development Grant middle school sites are selected based on a statewide rank of “3” or below reflecting status in the lowest 30 percent of school in 2012 Base Academic Performance Index (API). The goals of this project are to increase the percentage of students scoring Proficient or Advanced in English language arts on statewide assessment, decrease the percentage of students scoring Below Basic or Far Below Basic, reach improved outcomes of all student for each significant subgroup including students with disabilities and English Language Learners; and to have at least 20 school staff participate in professional development to increase their skills in teaching struggling readers.
Rationale	2013-14 state assessment results for English Language Arts has illuminated the high numbers of middle school students with disabilities who are struggling readers. In order for students with disabilities to be college and career ready, it is imperative that students are able to read and write and be proficient at grade-level standards.
Discussion Questions	• How will this project increase reading proficiency and academic achievement in the Common Core State Standards for students with disabilities as well as increase graduation rates and post school outcomes? • How will Project Read support overall CDE efforts to increase student achievement and improve student outcomes? • What else should the CDE be doing to increase achievement in English Language Arts and Literacy for all students including students with disabilities?

Comments from April 14th Meeting	SPP Division Day – Morning Breakout
	April 14, 2014
	
	Discussion questions:
	
	• How will this project assist reading proficiency and academic achievement in the Common Core State Standards for students with disabilities, as well as increase graduation rates and post school outcomes?
	  o Can access CORE curriculum better if reading is improved
	  o Technical Manuals—can this begin at the middle school level?
	  o LRE encourages access — (related to first bullet)
	  o Offer Professional Development to staff
	  o We can attain assessment results by exit status
	  o Special Education and general education work together
	  o Provides students with more individual attention.
	
	• Do you think *Project Read* will enhance overall CDE efforts to improve student outcomes?
	  o Increased access to materials targeted to the needs of each district: local control, flexibility
	  o Support and enhance existing reading programs
	  o Provides evidence based resources for others
	  o Parent input
	  o Sustainable practices over a long period of time
	  o Access to additional supports result in improved outcomes
	
	• What else should the CDE be doing to obtain more specific data related to results for students?
	  o Determine what data are already collected by the CDE to increase more specific results for students and literacy for all students
	  o Understand data is key to everything
	  o Increase engagement with community and family groups.
	
	• Other

	o Discussion with CTC and local bargaining unit about varied delivery models o Consistent data (single source) SPP Division Day – Afternoon Breakout April 14, 2014 Discussion questions: • How will this project increase reading proficiency and academic achievement in the Common Core State Standards for students with disabilities, as well as increase graduation rates and post school outcomes? o By increasing reading skills, assessment results, graduation rates, and post school outcomes should increase CCSS o Staff development and collaboration that help students through intervention/prevention prior to middle school • How will Project Read support overall CDE efforts to increase student achievement improve student outcomes? o Multilevel approach to teaching/training o Individualized to unique local needs o Ongoing evaluation throughout local cycles o Include strategies and intervention o Modeling that helps other schools that want to adapt • What else should the CDE be doing to increase achievement in English Language Arts and Literacy for all students including students with disabilities? o Publicity of results o Target clients at an earlier age o Long term student tracking o Increase parental (guardian/relative/role model/tutor) involvement. o Compare results to non- Project READ participants.

Focus for Improvement: Discipline and Truancy

Topic	Discipline and Truancy: Increasing academic achievement, graduation rates and positive postsecondary outcomes by keeping students in school.
Description	Current CDE initiatives and supported activities seek to increase attendance and reduce absences due to truancy, suspension, and expulsion. These efforts also address dropout prevention and improving school climate.
Proposed Assistance to LEAs	The Special Education Division (SED) proposes to partner with the Coordinated Student Support and Adult Education Division to identify LEAs whose rates of drop out, truancy, and suspension and expulsion for students with disabilities significantly exceed the rates of general education population. These LEAs would be offered support to identify the root causes of these concerns through creation of LEA-wide teams that would develop a plan based on evidence-based practices. This will lead to increased student participation in school, and improved outcomes in academic achievement, graduation, and postsecondary employment and education.
Rationale	Research and achievement data support the assertion that chronic absenteeism negatively impacts academic achievement, graduation rates, and postsecondary outcomes. Data also points to students with disabilities having higher rates of suspension and expulsion in many LEAs throughout California.
Discussion Questions	• How could the SED's support of the CDE department-wide activities for addressing truancy and discipline issues, assist students with disabilities in increasing their academic achievement, graduation rates, and post school outcomes? • How would the SED proposal enhance the CDE's efforts to improve student outcomes? • What else could the SED do to keep more students with disabilities coming to and staying in school?

Comments from April 14 meeting	SPP Division Day – Morning Breakout
	April 14, 2014
	
	Discussion Questions:
	
	• How could the SED's support of the CDE department-wide activities for addressing truancy and discipline issues, assist students with disabilities in increasing their academic achievement, graduation rates, and post school outcomes?
	  o Law enforcement, courts, and social services should triage and collaborate with schools
	  o Plan analysis over the years that we do have of CASEMIS suspension/expulsion and general education data to target which districts need additional tech support, funding, and training for the neediest LEAs
	  o Work with Special Education Directors to identify solutions
	  o Develop assistance to IEP teams
	  o Significant Disproportionality—schools can analyze their data on suspension, truancy, chronic absenteeism. Refer to model SARCs, restorative justice Webinars
	  o Build more awareness of the issue which has largely been ignored, thus creating an opportunity to identify and develop for improvement
	  o Do not look only at SED's support of the CDE, but also how could the CDE department wide activities support SED's efforts to increase academic achievement of students with disabilities
	
	• How would the SED proposal enhance the CDE's efforts to improve student outcomes?
	  o By students being in the classroom more, they learn more, will enjoy going to school, and will perform better
	  o Helps reduce misunderstanding of behavioral issues which allows room for identifying true causes of suspension/expulsion and helps for solutions

	o Use of disaggregated data to identify and support students where there is a high number of absences/truancy for special education students • What else could the SED do to keep more students with disabilities coming to and staying in school? o More school work apprenticeship programs and ties to attendance: non-disciplined required to work. o Offer CCSS training to teachers in Special Education. Offer CCSS/SE training to general education teachers o Identify what issues are keeping students out of school and see if there are ways that some of the issues can be solved o Provide professional development to staff statewide focusing on issues related to students with disabilities, behavior intervention, and availability of resources for students and LEAs • Other o Data collection o Training o Identify resources and assistive devices to help students reach the opportunities of learning SPP Division Day – Afternoon Breakout April 14, 2014 Discussion Questions: • How could the SEDs support of the CDE department-wide activities for addressing truancy and discipline issues, assist students with disabilities in increasing their academic achievement, graduation rates, and post school outcomes? o SED should conduct collaborative meetings with the CDE o Not putting SWD in LRE and keeping them included in the school programs while meeting their needs. Also, keeping in mind—kids that attend NPSs should be treated and assisted in their academic goals just as much as those in the public

	o schools o Webinars, distribution lists, forums o Make sure that IEP teams are aware of any attendance or discipline issues, identify causes, and determine support solutions o Support schools in implementing school wide positive behavioral intervention systems. • How would the SED proposal enhance the CDE's efforts to improve student outcomes? o More accountability at the school/district level. Find out why the lack of attendance and come up with strategic plans to address those needs. o School wide positive behavior intervention systems are likely to improve academic outcomes for all students. • What else could the SED do to keep more students with disabilities coming to and staying in school? o Incorporate the SARB program and allot more attendance data to the different monitoring programs/technical assistance o Offer more programs for various disabling conditions—not cookie cutter/one size fits all programs o Interact, activities, and engage with peers o Locate as many services on the school site as possible; including health services, mental health services, and related services

Focus for Improvement: California Common Core State Standards

Topic	CA Common Core State Standards (CA CCSS): Increasing the fidelity of implementation of the CA CCSS leading to increased academic achievement for all students.
Description	The CA CCSS are kindergarten – 12th grade educational standards for English language arts (ELA) and math that describe what students should know and be able to do in each subject at each grade level. California is among 45 states to adopt the same ELA and math standards. The SED is currently engaged in efforts to provide resources and training materials to support districts in implementing the CA CCSS specifically related to ensuring access to and support for students with disabilities. SED activities are aligned to the Common Core State Standards Systems Implementation Plan for California. http://www.cde.ca.gov/re/cc/documents/ccsssysimpplanforcaapr13.doc As such, the SED is engaged in: • Providing Web-based resources and technical assistance to local education agencies (LEAs) in transitioning from California's previous academic standards to the CA CCSS including training in IEP academic goals to the CA CCSS. • Creating and facilitating a Community of Practice to assist LEAs in the training and professional development of staff related to instructing and supporting students with significant cognitive disabilities in the CA CCSS.
Proposed Assistance to LEAs	Once assessment and reporting data on CA CCSS aligned statewide assessments is available CDE,SED proposes to: • Identify LEAs needing improvement in meeting State Performance Plan (SPP) indicator targets for student achievement on ELA and math assessments • Develop an analysis tool that identified how LEAs would assess the degree and fidelity of their implementation of the CCSS related to educating SWD and the practices associated with supporting them. This would include IEP goal alignment to the CA CCSS, and professional development activities provided for staff related to IEP goal writing, and evidence based instructional practices for teaching the CA CCSS. • As a result of the self-assessment, LEAs would develop and implement an improvement plan leading to increased student access to, and achievement in, the CA CCSS for SWD.
Rationale	There is concern that the increased rigor of the CA CCSS will further widen the achievement SWD. Thus, it is imperative that teachers and educational staff in LEAs are prepared to meet the needs of diverse learners including SWD. There will be districts that will not meet either the academic performance indicators in the SPP, or graduation rates and postsecondary outcome targets for the state, and will benefit from access to additional resources, technical assistance, and training

Discussion Questions	• How does the CDE's support and current activities related to the implementation of the CA CCSS ensure SWD have access to the CCSS and increased academic achievement? • How would the SED proposal enhance CDE's efforts to improve student outcomes? • What else should the SED do to increase academic achievement for students with disabilities in the CA CCSS?
Comments from April 14 meeting	SPP Division Day – Morning Breakout April 14, 2014 Discussion Questions: • How does the CDE's support and current activities related to the implementation of the CA CCSS ensure SWD have access to the CA CCSS and increased academic achievement? o Information dissemination o Work with professors on the Higher Education system to ensure that they focus on current practices of special education o General Education teachers should have access to accommodations for each standard o The continuity of the CCSS would seem to cross the boundaries of Special Education which will help post school outcomes for our students o Webpage—this is a local LEA focus o A required plan would be a simple solution and also something both the parent and student can follow and/or take with them to other schools • How would the SED proposal enhance CDE's efforts to improve student outcomes? o We need to look at family issues—attendance, discipline, suspension/expulsion, violence—before we go on. o Aligning general education with special education to improve outcomes Field training on available resources to all educators—District, Charter, NPS

	o It seems like there is going to be a need for a lot of outreach or technical assistance to LEAs and more funding, of course, to provide it o I like the idea of the self-assessment—will help districts to focus on goals for special education students o If using achievement data aligned to AYP/NCLB benchmark, all districts “do not meet” target o Better to develop our improvement/growth process of identification • What else should the SED do to increase academic achievement for students with disabilities in the CA CCSS? o Support District and SELPA efforts o Field Test—Planning, implementation, assessment o Have more of a role in implementation and technical assistance that is meaningful to educators o Provide more direct professional development opportunities for the field o Make sure core is aligned for learning style of SWD o General education and special education should work collaboratively to ensure that special education students have the supports they need to succeed o Linkage with LCAP—this is already underway and focuses on eight areas state priorities. CCSS is a state priority. SPP Division Day – Afternoon Breakout April 14, 2014 Discussion Questions: • How does the CDE’s support and current activities related to the implementation of the CA CCSS ensure SWD have access to the CA CCSS and increased academic achievement? o Provide information at the trainings/parent and staff meetings as consultants go out on VR/SESRs o Develop assessment tool to ID areas of weakness that need improvement—close alignment with IEP goals

	o IT provides professional development, more accurate assessment, and more reliable data o Training material, Web site, guides, Community Of Practice work, and symposia o Increase activities in regards to transition of students from school to work o Provide avenue for Questions and Answers and provide a speaker forum to answer questions and give resources where they might seek assistance in this new effort o The appropriate definition of achievement would create success for both the student and the state. I would look at actual student attainment and get away from the vocabulary (i.e. “Community of practice”) o Reduce paperwork for more time to teach o Simplify/rework IEP format o Include SED staff on meetings/workgroups with the divisions that are included in implementing the common core. SED staff can then be a part of a group within the SED to see how the information can be tailored and disseminated to the SED population o UDL—teacher prep at Institutions of Higher Education • How would the SED proposal enhance the CDE’s efforts to improve student outcomes? o Build in the UDL principles o Use special education and regular education to come up with some MTSS o Webinars to assist staff implement practice testing for students o Follow-up and evaluation o Provide bridges to the CA CCSS and allow more access to things in the general education environment o Stop saying we are measuring assessments; Instead say we are measuring academic achievement as measured by assessment o Paradigm shift: along with graduation rates, dropout rates, and truancy. Start considering LRE (how much time students spend in the general education classroom),

	teacher observations, interim assessments, formative assessments, and other o Tracking data results in information gained to proceed with improvements o CDE would be pro-active in meeting the community's needs as well as student needs in more areas than just academic achievement (increase in graduation rates/decrease in suspension and expulsion) o Student outcome attainment needs to be aligned with BDA under item 17. Use the prior to measure the latter o Measure student outcomes after they leave school—that's what a post school outcome is o Align areas of CC with special education needs. • What else should the SED do to increase academic achievement for students with disabilities in the CCSS? o Ensure that all stakeholder groups, including parents, have some knowledge of standards and instruction in both regular education and special education. All need at least a cursory understanding of CCSS, etc. o Join with other divisions that use and collect follow-up surveys, particularly be surveying before graduation, especially Workability students, concerning what was/is helpful for them to be successful in the workplace and in Workability o More career skills training for employment o Ensure that modifications ad adaptors are carefully and rigorously adhered to o Keep discussions open with the field and stakeholders (to learn what is working and what is not) o Offer resources that can be used from the bottom up (teacher/parents) and the top down (administrators). o Include special education teachers in review and discussion of common core activities Define math and English language arts standards to be attainable by special education students—conjoin CTE and common core in workability

	o Write in general standard for flexibility in teaching o Emphasis on Universal Design to identify learning styles and supports o Develop a good marketing (PR) plan to reduce anxiety about how/why CCSS is a benefit not something to be feared and resisted

Focus for Improvement: Multi-Tiered System of Supports

Topic	California Multi-Tiered System of Supports (MTSS): A Framework for Supporting the Achievement of All Students in the CA Common Core State Standards.
Description	MTSS, an evolution of California's RTI², is a framework that utilizes a tiered systems approach to instruction by ensuring all students receive high quality instruction and academic and behavioral support in their Least Restrictive Environment (LRE). This approach relies on the assumption that general education will meet the needs of most students and through a data-driven and targeted system of supports, the exceptional needs of those students who require additional supports will be met.
Proposed Assistance to LEAs	The California Department of Education (CDE), Special Education Division (SED), would develop a menu of supports for Local Educational Agencies (LEAs) including tools and resources, for LEAs that do not meet the expected academic performance outcomes for students with disabilities and State Performance Plan indicators for Least Restrictive Environment. Some possible supports might include: in depth examination of LEA placement and performance data, review and evaluation of Individualized Education Program placement decision-making, promising models for instruction and support for students with disabilities in all types of educational service settings, and technical assistance provider partnerships. LEAs in need of improvement would be expected to assemble a district wide, multi-disciplinary team to assess and address LEA practices through development and implementation of an LEA-wide plan, which could include an MTSS framework.
Rationale	There are a high number of LEAs that do not meet either the expected academic performance or LRE indicators in the SPP. Research supports implementation of a tiered instructional framework of support has proven successful in increasing academic achievement for all students (Hughes and Dexter, 2011).
Discussion Questions	• How might the CDE's support for MTSS in California also assist students with disabilities in increasing their academic achievement, graduation rates and post- school outcomes? • How would the SED proposal support and enhance the CDE's Common Core implementation utilizing a MTSS framework? • What should the SED's role be in promoting MTSS?

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Comments from April 14 meeting	Considerations: ➢ Establish a common understanding of what MTSS is for the state, for districts and for schools ➢ Greater statewide support for PBIS ➢ Credentialing barriers must be addressed o Credentials not set up to support all kids o Pre-service training essential (Credentialing program alignment to pedagogy) ➢ Professional development needed for current teachers in the field ➢ Greater acceptance and training for Universal Design for Learning (UDL) o Connect importance to both instruction and assessment ➢ Public campaign/proper and wide spread messaging from the CDE o Importance of collaborative messaging from general education and special education o Connect to Common Core Standards and assessments ➢ Do not make it another “cart before the horse” initiative o Plan, adopt and develop resource materials before public campaign ➢ Make MTSS more tangible and less theoretical o Focus on real district/school examples ➢ Need broad teacher buy-in and training ➢ Create parent friendly messaging and get parent buy in before implementation ➢ Have a clear delineation between MTSS and RTI^2 ➢ Train CDE staff and provide them access to materials empowering them to be well versed in explaining MTSS for purposes of technical assistance to districts ➢ Create statewide professional development and tools

Focus for Improvement: English Language Development Standards

Topic	English Language Development (ELD) for dual-identified students (English Learners who have IEPs)
Description	CA ELD Standards align to the California Common Core State Standards for English Language Arts and address English language and literacy skills English learners need in key content areas. The goal of the CA ELD Standards is to ensure that English learners acquire full proficiency in English as rapidly and effectively as possible and attain parity with native speakers of English. English Learners who are also identified as students with special needs, no matter what their placement is, require ELD instruction **and** access to CA CCSS in such a way that they improve their English while gaining access to core subjects. The CDE, SED proposes to identify districts whose population of students with disabilities who are EL is a higher percentage rate than their general education EL population **and** whose percentage of students identified as Proficient and Advanced on statewide tests are below the statewide SPP target. These districts would be offered assistance to support a self-review of their policies, procedures, and practices for identifying EL students, for developing appropriate IEP goals and to analyze their instructional service delivery practices. The CDE, SED would partner with the EL Division to support district wide teams to plan and implement systemic changes, consistent with the EL standards to support improved outcomes for dually-identified students.
Rationale	With approximately 1.3 million English learners in California public schools and approximately 30 percent of them also with IEP. There are districts with as much as 77 percent of their special education population comprised of ELs. A large number of districts do not meet their Annual Measurable Objectives (AMOs) and Adequate Yearly Progress (AYP) for their EL population. This rate of achievement is even lower for dual-identified students. Coherent effort and collaboration is needed between EL and Special Ed staff at the state, LEA, and school level to ensure dual-identified students receive their ELD, Special Academic Instruction (SAI) concurrently from qualified staff.
Discussion Questions	• How would the CDE's support for English Learner services assist students with disabilities to increase their assessment results, graduation rates and/or post school outcomes? • How would the SED proposal enhance CDE's efforts to improve student outcomes? • What other things should the SED do to achieve more specific results?

Comments from April 14 meeting	SPP Division Day – Afternoon Breakout April 14, 2014 Discussion Questions: • How can the CDE SED support for ELD services assist students with disabilities in increasing academic achievement, graduation rates and post school outcomes? o Provide assistance to special education and EL staff and families o Not having silos in CDE and LEAs o Concern that we still use the CELDT and it has five levels vs. three that are proposed in the new ELD standards o Better assessments to distinguish students' needs due to being EL and/or due to disability o Common language and common thought o More cross-work and co-op between different departments • How might the California ELD Standards support students with disabilities in accessing Common Core State Standards in English Language Arts and Literacy? o A lot has been done with ELD development but a lot still needs to be done o All special education teachers need to be trained in Common Core State Standards o Local control funding and accountability program and duel- identified students need more attention o One participant's observation was that high school general education classes are not accessible to special education students due to student's limited English skills • Other (No comments noted)

Focus for Improvement: Family Engagement Framework

Topic	Family Engagement: Increasing student achievement through enhanced efforts to engage families.
Description	The CDE recognizes the important role family engagement plays in student achievement and positive post-school outcomes. These efforts include: • Family Engagement Framework • Parent/Family - Parents/Family and Community, Engaging Families in RTI^2, and others. The SED proposes to partner with Title 1 and Title 3 to develop guidance for family engagement across programs. The SED would utilize the parent involvement survey to identify districts whose rates of family engagement are significantly low and student outcomes are in need of improvement. These districts would be offered supports to identify the root causes of these concerns through a district-wide team and would develop a plan of evidence-based practices leading to increased parent school collaboration improved outcomes in assessment, graduation and post-secondary employment and education.
Rationale	There are a number of districts that do not meet Indictor 8 in the SPP and there are legal citations for parent involvement requirements across the CDE programs.
Discussion Questions	• How would the CDE's support for addressing family engagement issues assist students with disabilities to increase their assessment results, graduation rates and/or post school outcomes? • How would the SED proposal enhance CDE's efforts to improve student outcomes • What types of supports could the CDE provide districts to increase family engagement for students with disabilities? • How could the SED partner with other programs to support family engagement "across the rows"?

Appendix E – Improvement Activities Resources

CDE Resource or Initiative	Resource Description	Web link
Smarter Balanced Digital Library	Provides online, professional development learning opportunities relative to formative assessment strategies, practices, resources and tools, for educators to use in the classroom and tailor instruction to meet the education needs of students to achieve the CCSS in English Language Arts/Literacy and Mathematics	http://www.cde.ca.gov/ta/tg/sa/diglib.asp
Smarter Balanced Assessment System	Designed to measure all students' progress toward college and career readiness in English language arts and mathematics in grade 3 through nine and grade eleven. All students, including students with disabilities, English Language Learners (ELLs), and ELLs with disabilities, are held to the same expectations for participation and performance on state assessments. Specifically, all students enrolled in grades 3-8 and 11 are required to participate in the Smarter Balanced assessment	http://www.cde.ca.gov/ta/tg/sa/
Digital Chalkboard (formerly Brokers of Expertise)	Developed for LEAs to share online tools that are effective with the goal of providing a new level of online connectivity and cohesion across all educator categories and in all regions of California's education system. The desired outcome is to build educators' capacity level in using technology while at the same time students benefiting from evidenced-based practices that work in the classroom.	https://www.mydigitalchalkboard.org/
Early Start Personnel Development	Provides professional development training to those individuals teaching and working with infants and toddlers with disabilities and their families. The online courses provide the foundational knowledge and basic skills early intervention personnel need to serve SWD and their families. The content and learning outcomes are grounded in the comprehensive, evidence-based core curriculum.	http://www.ceitan-earlystart.org/training/
Professional Learning Opportunities Web site	The intention is to develop a statewide infrastructure for professional learning that supports educator/administrator communities and school improvement efforts.	http://www.cde.ca.gov/pd/te/ce/prodev07intro.asp
California Longitudinal Pupil Achievement Data System (CALPADS)	A longitudinal student-level data system used to maintain individual-level data including student demographics, course data, discipline, assessments, staff assignments, and other data for state and federal reporting. The Special Education Division (SED) uses the CALPADS data to make calculations related to disproportionality, graduation, and dropouts.	http://www.cde.ca.gov/ds/sp/cl/

CDE Resource or Initiative	Resource Description	Web link
Standardized Testing and Reporting (STAR)	The STAR database program looks at how well schools and students are performing. The STAR included four tests until 2013-14: the California Standards Tests, the California Modified Assessment, the California Alternate Performance Assessment, and the Standards-based Tests in Spanish. The SED uses the STAR data to make calculations related to the assessment benchmarks, accountability, and Adequate Yearly Progress. The STAR tests in English Language Arts and Mathematics have been replaced with the Smarter Balanced tests in 2014-2015.	http://www.cde.ca.gov/ta/tg/sr/
Adequate Yearly Progress (AYP) Accountability Progress Reporting System (APR)	A statewide accountability system mandated by the No Child Left Behind Act of 2001 which requires each state to ensure that all schools and districts make Adequate Yearly Progress. The SED uses the APR data reports, which includes the Academic Performance Index reports, the Adequate Yearly Progress (AYP) reports, and the Program Improvement reports, to determine educational benefit for students with disabilities.	http://www.cde.ca.gov/ta/ac/ar/
DataQuest	An online, dynamic system that provides reports about California's schools and school districts. It contains a wide variety of information including school performance indicators, student and staff demographics, expulsion, suspension, and truancy information, and a variety of test results. Data are presented so that users can easily compare schools, districts, and counties.	http://data1.cde.ca.gov/dataquest/
California Assessment of Student Performance and Progress (CAASPP)	The CAASPP is California's new statewide student assessment system established January 1, 2014. The Special Education Division in the CDE will use the CAASPP assessment reports to determine educational benefit for students with disabilities.	http://www.cde.ca.gov/ta/tg/ca/
California Services for Technical Assistance and Training (CalSTAT)	CalSTAT is a special project of the Special Education Division. CalSTAT supports and develops partnerships with schools and families by providing training, technical assistance, and resources to both special education and general education. Activities in this contract support special education improvement strategies including training in the Common Core and the transition to the new assessments.	http://www.calstat.org/spdgises.html

CDE Resource or Initiative	Resource Description	Web link
Improving Special Education Services	The California Department of Education combined the members of the two former planning groups and created the Improving Special Education Services (ISES) stakeholder group. Approximately two meetings are held per year for the ISES to learn about and discuss SPDG updates as well as the SSIP. Bi-annually this broad based, selected, stakeholder group meets to review progress on state indicators, initiatives, and activities while making recommendations to the CDE.	http://www.calstat.org/spdgises.html
State Personnel Development Grant (SPDG)	In 2012, California was awarded a five-year, $10,000,000 federal grant to improve outcomes for students. The new SPDG supports the teaching of reading by using evidence-based professional development for school staff of middle school students with disabilities. This support will take place in 44 competitively selected middle school sites in "high need" districts in California.	http://www.calstat.org/sig.html http://caspdg.org/
State Improvement Grant	The SIG supports improving special education services in numerous areas: •Quality and number of teachers and other personnel who work with students with disabilities •Coordination of services for students with disabilities •Behavioral supports available for students with disabilities •Academic outcomes, especially in the area of literacy •Participation of parents and family members •Collection and dissemination of data	http://www.calstat.org/sig.html
Project Read	The purpose of Project READ, a unique, collaborative, evidence-based project targeting personnel development (PD), is to increase the reading achievement and academic outcomes of middle school students with disabilities from low-performing middle schools throughout California.	http://www.calstat.org/projectread.html
Quality Assurance Process	Resources to improve educational outcomes for students with disabilities while ensuring compliance with state and federal laws and regulations.	http://www.cde.ca.gov/sp/se/qa/

CDE Resource or Initiative	Resource Description	Web link
CDE Services and Resources Website	This Web site contains information on programs and services available to students with disabilities, including publications, training and technical assistance opportunities, and recruitment resources and materials. It also constitutes public reporting, data awareness, and data utilization for best practice efforts and is part of the obligation for the general supervision system under IDEA.	http://www.cde.ca.gov/sp/se/sr/#srinf
Training and Technical Assistance Collaborative (TTAC)	Composed of members from the federal, state, and local levels that share information on training efforts to increase the capacity of early childhood educators working with the special needs of SWD in a variety of service systems. A key mission of the collaborative is to build relationships and nurturing trust among TTA leaders in support of coordination and collaboration in planning and implementing early childhood/early intervention training and technical assistance activities.	http://www.wested.org/project/training-and-technical-assistance-collaborative/
Working Together for Inclusion and Belonging	Collaboration among early childhood educator providers. The group combined efforts to offer technical assistance, professional development, other resources that address inclusive practice, promotion of healthy social-emotional development, and prevention of challenging behavior in early childhood, after-school, and in other education settings.	http://cainclusion.org/
Foster Youth Services Programs	Provide support services to foster children who suffer the traumatic effects of displacement from family and schools and multiple placements in foster care. Ensure that health and school records are obtained to establish appropriate placements and coordinate instruction, counseling, tutoring, mentoring, vocational training, emancipation services, training for independent living, and other related services. FYS programs increase the stability of placements for foster children and youth. These services are designed to improve the students' educational performance and personal achievement, directly benefiting them as well as providing long-range cost savings to the state.	http://www.cde.ca.gov/ls/pf/fy/

CDE Resource or Initiative	Resource Description	Web link
The Education Liaison Model **(Not CDE sponsored but referenced on the CDE FYS page) http://www.cde.ca.gov/ls/pf/fy/resources.asp**	The Education Liaison Model is a comprehensive interagency program to support social workers in obtaining appropriate educational services for children in the foster care system. It is a research-based program that is designed to support the goals of the California Child Welfare Redesign as well as AB 490 and: • Places education liaisons in the offices of County Departments of Children and Family Services • Provides ongoing training and support to social workers in identifying educational barriers to learning and fashioning effective solutions • Provides training and technical assistance to the education liaisons so they have expertise to resolve a wide-range of complex educational problems brought to them by social workers.	http://www.mhas-la.org/Ed%20Liaison%20Model-Main.pdf
CDE Resiliency and Youth Development Web Page	Resources supporting individual and community resilience including: • Fostering Resilience in Children • Resiliency: What We Have Learned • Resilience and Youth Development Module (RYDM) • Turning the Corner: From Risk to Resilience • Promoting Resilience in Children: What Parents Can Do: Information for Families	http://www.cde.ca.gov/ls/yd/rs/resiliencyandyd.asp
Homeless Children and Youth Education	Resources to assist youth who lack a fixed, regular, and adequate residence.	http://www.cde.ca.gov/sp/hs/cy/
Title III Language Instruction for Limited English Proficiency Students	Information and resources about the education of LEP students through the Title III federal program. The purpose of the program is to ensure that all LEP students, referred to as English learners in California, attain English proficiency, develop high levels of academic attainment in English, and meet the same challenging state academic standards as all other students.	http://www.cde.ca.gov/sp/el/t3/lep.asp

CDE Resource or Initiative	Resource Description	Web link
FRPM Data 2012-13 Unduplicated Student Poverty Data	Downloadable data files pertaining to students eligible for Free or Reduced Price Meals (FRPM). The certified data in this file reflect the unduplicated counts and percentages of students eligible for Free Meals under the National School Lunch Program (NSLP) and the unduplicated counts and percentages of students eligible for Free or Reduced Price Meals (FRPM) under the NSLP.	http://www.cde.ca.gov/ds/sd/sd/filessp1213.asp
English Learners and Foster Youth Under the LCFF - FAQ	Frequently asked questions and answers regarding the Local Control Funding Formula as it pertains to English Learners and Foster Youth.	http://www.cde.ca.gov/fg/aa/lc/lcfffaq.asp#EL
Title I, Part A Low Income Students	Title I, Part A federal funds help to meet the educational needs of low-achieving students in California's highest-poverty schools. Funds are used to support effective, research-based educational strategies that close the achievement gap between high- and low-performing students, and enable the students to meet the state's challenging academic standards. Title I-funded schools are either targeted assistance schools or school wide program schools.	http://www.cde.ca.gov/sp/sw/t1/titlepart a.asp
Title I School wide Programs per NCLB	In general, a Title I school may operate as a school wide program only if a minimum of 40 percent of the students in the school, or residing in the attendance area served by the school, are from low-income families. The emphasis in school wide program schools is on serving all students, improving all structures that support student learning, and combining all resources, as allowed, to achieve a common goal. School wide programs maximize the impact of Title I.	http://www.cde.ca.gov/sp/sw/rt/
CDE English Learners Web page	There are many programs and services to help students who do not speak, read, write, or understand English well. There are programs for students, parents, and immigrants. The overall goal of these programs is to improve the English language skills of students. The CDE helps to support EL programs in California.	http://www.cde.ca.gov/sp/el/
CDE External English Learner Information Sources	Links to English learner information outside the California Department of Education Web site.	http://www.cde.ca.gov/sp/el/er/outsidelinksel.asp

CDE Resource or Initiative	Resource Description	Web link
CDE FAQ for English Learners Resources	Frequently Asked Questions regarding English learners in California and appropriate teacher authorizations and links to Web sites with information about developing programs for linguistically and culturally diverse students.	http://www.cde.ca.gov/sp/el/er/
California English Language Development Test (CELDT)	Students in kindergarten through grade twelve whose home language is not English are required by law to be assessed in English language proficiency (ELP). In California, the ELP assessment is the CELDT.	http://www.cde.ca.gov/ta/tg/el/
English Language Development Standards	The CA ELD Standards Implementation Plan identifies major phases and activities in the implementation of the CA ELD Standards throughout California's educational system. The plan describes the philosophy of and strategies for the successful integration of the CA ELD Standards that align to the California Common Core State Standards for English Language Arts and literacy in History/Social Studies, Science and Technical Subjects (CA CCSS for ELA/Literacy) to address English language and literacy skills English learners need in key content areas. The goal is to serve as a guide of the major steps in the development, adoption, and implementation of the CA ELD Standards for local educational agencies and county offices of education.	http://www.cde.ca.gov/sp/el/er/eldstandards.asp
English Learner Compliance Monitoring	Provides evaluation and technical assistance to LEAs to ensure that English learners acquire full proficiency in English as rapidly and effectively as possible, and that English learners meet state standards for academic achievement.	http://www.cde.ca.gov/ta/cr/elmonthome.asp
Common Core State Standards	Educational standards describe what students should know and be able to do in each subject in each grade. In California, the State Board of Education decides on the standards for all students, from kindergarten through high school. Since 2010, a number of states across the nation have adopted the same standards for English and math. These standards are called the Common Core State Standards (CCSS). Having the same standards helps all students get a good education, even if they change schools or move to a different state. Teachers, parents, and education experts designed the standards to prepare students for success in college and the workplace.	http://www.cde.ca.gov/re/cc/index.asp

CDE Resource or Initiative	Resource Description	Web link
Common Core Resources for Special Education	This Web site offers resources and guidelines for administrators, teachers, parents, and stakeholders on what the CCSS and the new tests will mean for California students in the Special Education community.	http://www.cde.ca.gov/sp/se/cc/
Content Standards	Content standards were designed to encourage the highest achievement of every student, by defining the knowledge, concepts, and skills that students should acquire at each grade level.	http://www.cde.ca.gov/be/st/ss/index.asp
Instructional Quality Commission (formerly known as the Curriculum Development & Supplemental Materials Commission)	The Instructional Quality Commission (IQC), formerly called the Curriculum Development and Supplemental Materials Commission, is an advisory body to the California State Board of Education (SBE) on matters related to curriculum, instructional materials, and content standards in accordance with California *Education Code* Section 33530-33540.	http://www.cde.ca.gov/be/cc/cd/index.asp
Clearinghouse for Multilingual Documents	A secure database to assist local educational agency (LEA) staff in locating parental notification documents translated into non-English languages. State and federal laws place expectations upon schools to translate notices sent to the parents of English learners. Through the Clearinghouse, schools can download translated notices for free and modify them to suit local needs. This service helps schools to save time, money, and work efforts. The Clearinghouse is intended for use by schools and districts. If parents want to obtain translations of a school notification, they should contact their child's school.	http://www.cde.ca.gov/ls/pf/cm/
CDE SBAC Digital Library	The Smarter Balanced Assessment System has three components: the Summative Assessments, designed for accountability purposes; Interim Assessments, designed to support teaching and learning throughout the year; and the Digital Library, designed to support classroom-based formative assessment processes. The Smarter Balanced Assessment Graphic (PDF) displays the relationship between these components, the Common Core State Standards, and college and career readiness.	http://www.cde.ca.gov/ta/tg/sa/diglib.asp

CDE Resource or Initiative	Resource Description	Web link
CCSS Videos and Archived Presentations	Videos and archived presentations to support the implementation of the Common Core State Standards (CCSS).	http://www.cde.ca.gov/re/cc/presentationswebinars.asp
CDE Special Populations Web Page	This page discusses the special populations defined by the federal Carl D. Perkins Career and Technical Education Improvement Act of 2006 (Perkins IV). The CDE follows the Perkins IV mandates to serve special populations and document the achievement of each group to achieve established performance levels. Areas of achievement relate to Career Technical Education program completion, earning twelfth grade diplomas, placement of twelfth graders following program completion, nontraditional program enrollment, and nontraditional career program completion. Special Population includes: • Individuals with disabilities • Individuals from economically disadvantaged families, including foster children • Individuals preparing for nontraditional training and employment • Single parents, including single pregnant women • Displaced homemakers • Individuals with other barriers to educational achievement, including individuals with limited English proficiency	http://www.cde.ca.gov/ci/ct/pk/pops.asp
State Performance Plan Technical Assistance (SPP-TA) Project	The State Performance Plan Technical Assistance Project (SPP-TAP) is funded by the California Department of Education (CDE) through a contract with the Napa County Office of Education (NCOE). The overall purpose of the project is to provide a system of technical assistance for local educational agencies (LEAs) working to address performance and compliance problems relating to disproportionality and significant disproportionality.	https://spptap.org/

Appendix F – Best Practice Resources for Student Discipline and Behavior Intervention

CalSTAT
http://www.calstat.org/
California Services for Technical Assistance and Training is a special project of the California Department of Education, Special Education Division, located at Napa County Office of Education.

Positive Behavioral Interventions and Supports
https://www.pbis.org/
(OSEP TA Center)
This is a comprehensive site with several resources.

PBIS World
http://www.pbisworld.com/
This is an interactive site, that assumes you have a structure in place. What is neat is that it describes action based on specific behavior, recommending specific practices (interventions).

PBIS Apps
https://www.pbisapps.org/Pages/Default.aspx
Software to assist district in collecting, organizing, and analyzing student discipline data.

RTI Action Network
http://www.rtinetwork.org/learn/behavior-supports

RTI Action Network
http://www.rtinetwork.org/learn/behavior-supports/schoolwidebehavior
(from the National Center on Learning Disabilities)

Florida Department of Education
http://flpbs.fmhi.usf.edu/pdfs/Response%20to%20Intervention%20for%20Behavior%20a%20Technical%20Assistance_UPDATED_010509.pdf
Technical assistance paper on response to intervention for behavior.

Responsive Classrooms
http://www.responsiveclassroom.org

State of Washington: Office of Superintendent of Public Instruction
http://www.k12.wa.us/SpecialEd/Families/pubdocs/bestpractices.pdf

Harry K. Wong: Classroom Management Best Practices and Resources
http://www.effectiveteaching.com

Dignity in Schools Web site:
http://www.dignityinschools.org

Civil Rights Project: UCLA
http://civilrightsproject.ucla.edu

Why We Must Reform School Discipline in California
Instead of correcting students' behavior and making communities and schools safer, the quick removal methods, such as out-of-school suspension and expulsion, deprive students of the chance to receive the education and help that they need, making it more likely that they will drop out of school, enter the criminal justice system, and place their future options in jeopardy. There is a much better way to hold students accountable and keep schools safe.
http://www.cde.ca.gov/ls/ss/se/behaviorialintervention.asp

School Attendance Improvement Handbook (PDF)
The School Attendance Improvement Handbook provides strategies to improve school attendance for teachers and school principals.
http://www.cde.ca.gov/ls/ai/cw/documents/schoolattendance.pdf

Present, Engaged, and Accounted For
This document focuses on the critical importance of addressing chronic absence in the early grades.
http://www.nccp.org/publications/pub_837.html

2012 School Attendance Review Boards Handbook (PDF)
The handbook provides information on establishing a School Attendance Review Board (SARB); identifies behavioral patterns of problem students; gives helpful hints on how to work with students and their parents or guardians; suggests by-laws and standing rules; identifies effective factors for parent and pupil conferences; lists California compulsory attendance and other related laws; and provides sample letters and forms to petition the Probation Department, Office of the District Attorney, and the courts.
http://cascwa.org/wp-content/uploads/2014/04/SARBhandbook42012.pdf

In School + On Track – Attorney General's 2013 Report on California's Elementary School Truancy and Absenteeism Crisis
This document focuses on the critical importance of addressing truancy in the elementary grades.
https://oag.ca.gov/truancy

Chronic Absence Forum
Prepared remarks by State Superintendent of Public Instruction Tom Torlakson on May 19, 2011, during the Taking Attendance Seriously: Promoting School Success by Preventing Chronic Absence Forum in Sacramento.
http://www.cde.ca.gov/nr/sp/yr11/yr11sp0519.asp

Research Articles on Student Discipline:

Fabelo, T., Thompson, M., Plotkin, M., Carmichael, D., Marchbanks, M., & Booth, E. (2011).Breaking Schools' Rules: A Statewide Study of How School Discipline Relates to

Students' Success and Juvenile Justice Involvement. Lexington, KY: Council of State Governments Justice Center.

Fix School Discipline (2012). Retrieved from: http://www.fixschooldiscipline.org/

Greene, R. (2008). *Lost at School: Why Our Kids with Behavioral Challenges are Falling Through the Cracks and How We Can Help Them.* New York: Scribner.
http://www.livesinthebalance.org
http://www.lostatschool.org

Greene, R., Ablon, S., & Martin, A. (2006). Innovations: Child psychiatry: Use of collaborative problem solving to reduce seclusion and restraint in child and adolescent inpatient units. *Psychiatric Services, 57*(5), 610-616.

Kelm, J. L. & McIntosh, K. (2012). Effects of school-wide positive behavior support on teacher self-efficacy. *Psychology in the Schools, 49*(2), 137-147.

Morin, J. & Battalio, R. (2004). Construing misbehavior: The efficacy connection in responding to misbehavior. *Journal of Positive Behavior Interventions, 6*(4), 251-254.

Ross, S. W., Romer, N., & Horner, R. H. (2012). Teacher well-being and the implementation of school-wide positive behavior interventions and supports. *Journal of Positive Behavior Interventions, 14*(2), 118-128.

Skiba, R. (2000). Zero Tolerance, Zero Evidence: An Analysis of School Disciplinary Practice (pp. 1-20). Indiana: Indiana Education Policy Center.

Skiba, R., & Peterson, R. (1999). The dark side of zero tolerance: Can punishment lead to safe schools? *Phi Delta Kappan, 80*(5), 372-376, 381-382.

Skiba, R., Rausch, M. K., & Ritter, S. (2005). Discipline is Always Teaching: Effective Alternatives to Zero Tolerance in Schools. Indiana University: Center for Evaluation and Education Policy.

Sprague, J. & Golly, A. (2004). *Best Behavior: Building Positive Behavior Supports in Schools.* Texas: Sopris West.

Sugai, G. & Simonsen, B. (2012). Positive Behavioral Interventions and Supports: History, Defining Features, and Misconceptions. CT: Center for Positive Behavioral Interventions and Supports.

Appendix G: Divisions of the CDE and How They Serve Students with Disabilities

After School Division:

After School Programs Division (ASD) is committed to the inclusion of students with special needs in the programs they fund. To prepare staff to meet the requirements of the Individuals with Disabilities Education Act and Section 504 of the Vocational Rehabilitation Act, a multi-year project titled *The California Inclusion Project*, or CalServe, was conducted in conjunction with the Napa County Office of Education and concluded in August of 2011. The materials are available on the California After School Resource Center (CASRC) Web site and are available to download free of charge. The ASD supports staff in our programs to acquire the knowledge, skills, abilities, and attitudes to be successful in including **all** students in after school programs.

Nutrition Services Division:

The Nutrition Services Division (NSD) administers guidance to schools, child care programs, and other community programs to provide healthy meals and snacks to all students, which can include accommodating children with special dietary needs. Feeding students with special dietary needs can present program staff with many new challenges as well as rewards. The guidance put forth from U.S. Department of Agriculture (USDA) regulations in Title 7, *Code of Federal Regulations* (7 *CFR*), sections 15.3(b) and 210.10(g), require food substitutions or modifications in the National School Lunch Program and School Breakfast Program for students whose disabilities restrict their diets.

The NSD is responsible for ensuring that Child Nutrition Programs receive the needed technical assistance to interpret, educate, and implement a successful nutrition program. In response to increased inquiries, the California Department of Education (CDE), NSD, developed Management Bulletin USDA-CNP-03-2013, available on the CDE Guidelines for Accommodating Children with Special Dietary Needs in Child Nutrition Programs Web page at http://www.cde.ca.gov/ls/nu/sn/mbcnp072014.asp.

For further information, please contact Lori Porter, Child Nutrition Consultant, Southern School Nutrition Programs Unit, by e-mail at lporter@cde.ca.gov or by phone at 916-322-1454.

Services for Administration, Finance, Technology, and Infrastructure Branch

School Facilities and Transportation Services Division:

The School Facilities and Transportation Services Division advises and assists districts in ensuring that the design of school buildings supports the Least Restrictive Environment for students with special needs. *California Code of Regulations*, Title 5, requires special day classes be dispersed throughout the campus and have classrooms that are at least the same size as classrooms used for general education. CDE has worked closely with stakeholders to develop processes to encourage districts

to early in the planning process involve County Offices of Education and Special Education Local Planning Areas to consider the need for county run programs.

"A School for Everyone--School Design to Support the Inclusion of Students with Disabilities" provides a number of areas districts and school designers should look at in the design of new schools and the remodeling of existing schools. https://www.njcdd.org/initiatives/inclusive-education/127-school-is-for-everyone

The Office of School Transportation provides education to school bus trainers. These CDE certified trainers provide direct instruction to bus drivers and the CDE offers a specialized training class on transporting students with medical conditions and other special needs.

Instruction and Learning Support Branch

Career and College Transition Division:

The California Career Resource Network (CalCRN) program provides free online career exploration and planning resources for students with disabilities that are utilized for Workability and other special education programs to complete required career assessments, and help develop IEPs and Transition Plans. One key resource is the California CareerZone found at: http://www.cacareerzone.org. For further information on CalCRN, please contact John Merris-Coots by phone at (916) 324-8151, or by e-mail at jmerris@cde.ca.gov.

The Division also provides a "Disabilities" in the Challenges section of the CA Career Center at http://www.calcareercenter.org/Home/Content?contentID=243 . These resources help students with disabilities with career and college planning.

Lastly, the CCT Division receives $119 million of federal funds through the Carl D. Perkins Career and Technical Education Improvement Act which requires all LEAs to provide special accommodations to any special education student enrolled in a career technical education course with some type of physical or mental disability. For further information on this matter, please contact Dr. Mary Gallet by phone at (916) 445-5723, or by e-mail at mgallet@cde.ca.gov.

Child Development Division:

The Child Development Division (CDD) encourages the inclusion of children with disabilities or other special needs in early childhood classrooms. In 2009 CDD published a handbook called ***Inclusion Works***. The purpose of this 95 page publication is to help child care providers learn strategies that promote inclusion and a sense of belonging for all children including those with disabilities or other special needs.

The CDD quality improvement funded Web site called **MAP to Inclusion and Belonging** http://www.cainclusion.org/camap/index.html links to a wealth of resources

for educators and families with a focus on resources that support the development of persons with disabilities.

An additional CDD resource is the **California Inclusion and Behavioral Consultation Network** (CIBC) http://www.cibc-ca.org/. This is a network of experienced, local consultants who provide on-site consultation to build the capacity of programs and providers to respond effectively to students with special needs or challenging behaviors. Consultants have knowledge of relationship-based practices and community resources and are skilled in problem-solving issues around inclusion and challenging behaviors.

Professional Learning Support Division:

The Professional Learning and Support Division (PLSD) strengthens and deepens educators' abilities to increase the academic, social, and emotional growth of students with disabilities. The PLSD provides statewide professional learning opportunities, leadership training, and technical support to administrators and teachers through seminars, conferences, online courses, Web sites, publications, research, legislative action, and collaboration with outside agencies on the topics of Common Core State Standards (CCSS), Universal Design for Learning, Response to Instruction and Intervention, and differentiated learning. The CCSS Professional Learning Modules featured on the CDE's Brokers of Expertise Web site integrate instructional strategies for supporting students with disabilities throughout each of the nine modules.

English Learner Support Division:

The Language Policy and Leadership Office and The Migrant Education Program Office conduct on-site and on-line reviews of local educational agencies (LEAs) to ensure they receive a program of English language development and progress toward meeting their academic goals 1) by reviewing IEP, and 2) ensuring their teachers are prepared and authorized to provide the required services to these students. Part of the scope of the review also encompasses an analysis of practice to ensure that students who are identified in the IEP receive testing accommodations and modifications. Finally, dual identified English Learners with disabilities who met the LEA's reclassification process and criteria are reclassified in a timely manner.

Curriculum Frameworks and Instructional Materials Division:

Proudly provides specialized formats of instructional materials in braille, large print, audio, and various file formats.

Curriculum Frameworks contain a chapter on Universal Access.

Publishers of adopted instructional materials must provide digital files so that the state can provide accessible versions.

Repositories such as the National Instructional Materials Access Center (NIMAC) – publishers provide files to be used to convert to accessible digital version depending on the need of the qualified student,; LOUIS - the national repository of files created as braille, large print, and audio for students with vision disabilities; Bookshare; and Learning Ally provide qualified students with digital files needed for access.

District, School, and Innovation Branch

The District, School and Innovation Branch promotes programs which improve student achievement. Programs include the state-wide student assessment called the California Measurement of Academic Performance and Progress (CalMAPP), school and district interventions, federally funded educational programs, state and federal accountability, educational data collection and reporting, and charter schools.

The District, School and Innovation Branch is diligently working toward the implementation of the CalMAPP state-wide assessment system. The Smarter Balanced assessment, a CalMAPP assessment for students in grades 3 through 8 and grade 11, provides accessibility to students with disabilities by designing, from the beginning, universal tools, designated supports, and accommodations into the testing experience for all students. CalMAPP will provide computer based testing to allow students with disabilities, including English learner students with disabilities, greater accessibility to test items by providing a broader variety of accommodations and supports that were not previously available through pencil and paper tests.

Analysis, Measurement and Accountability Reporting Division:

The mission of Analysis, Measurement, and Accountability Reporting Division (AMARD) is to calculate and publicly report data for a variety of accountability purposes. These data reports are used for state accountability known as the Academic Performance Index (API) and federal accountability known as Adequate Yearly Progress (AYP). AMARD also produces data for parents and school communities within the School Accountability Report Card (SARC) and a new School Quality Snapshot (SQS) which highlights a select amount of data in an attractive, visual, two-page format. Data is also produced by AMARD for the general public through DataQuest, a Web page that features multiple types of data by school, district, county, and statewide reports.

School Quality Snapshots

In October, AMARD released its second annual release of a school report that will provide parents, teachers, administrators, board members, parent and teacher organizations, site council members, and other educational stakeholders with a snapshot of school data in a format that is easy to read and understand. This two-page report for each school highlights multiple years of data for schools in an attractive, visual format. The 2012–13 School Quality Snapshot (SQS) report graphically displays comparative school, local educational agency (LEA), and state data for various accountability, demographics, and school climate indicators. For those with special needs, the SQS displays the data in a tabular format via the CDE’s Web site that will

allow visual impaired users to utilize a screen reader which will read the data to the user.

State Identified Measurable Result

This document is the third of five sections that constitute Phase I of California's State Systemic Improvement Plan (SSIP). The SSIP is a new requirement of the U.S. Department of Education and serves as the centerpiece for implementation of the Office of Special Education Programs' (OSEP) initiative entitled "Results Driven Accountability," which is its effort to focus more on student performance in the overall system of the state's general supervision of local educational agencies (LEAs). Phase I is intended to provide a detailed analysis of data and state infrastructure that will guide the selection of coherent improvement strategies to increase the state's capacity to lead meaningful change in LEAs to improve measureable results for students with disabilities (SWD). While this section is being presented as an independent document in this item, it is meant to be considered in the context of OSEP's overall instructions and is best read in concert with the other SSIP sections presented in this item. This section describes the State Identified Measureable Result (SIMR) that California has selected to measure changes in student academic performance over time. Based on OSEP's instructions for this element, it is aligned to a State Performance Plan/Annual Performance Report (SPP/APR) indicator (Indicator 3), is clearly based on the Data and State Infrastructure Analyses, and is a child-level outcome.

As described in the Data Analysis and Infrastructure Analysis Sections, special education division (SED) staff met with stakeholders and staff from other program divisions within the California Department of Education (CDE) to review student and LEA performance data and the elements of California's education infrastructure to determine the most effective means to improve the academic performance of SWD. Additionally, due to the statewide emphasis on these subgroups, this performance data is considered the most appropriate data to be used to serve as California's SIMR, to measure current student performance, and changes in student performance over the years in which this SSIP is to be implemented. However, California considered several potential measures for its SIMR, including:

- The frequency of suspensions and expulsions: The state's goal would be to reduce the number of these discipline events, thereby increasing students' access to instruction in the core curriculum.

- Graduation rate: The state's goal would be to increase graduation rates, a student-level measure that would indicate improved outcomes for SWDs.

- Scores on statewide academic assessments: The state's goal would be to improve the performance of SWDs on these assessments over time, another measure that would clearly indicate improved outcomes for SWDs.

In analyzing the viability of each of these potential SIMRs, the CDE staff and stakeholders reached the following conclusions:

- Suspensions and Expulsions: As evidenced in both special education and general education data, LEAs in California have been reducing the number of suspensions and expulsions over the last several years based on the premise that more class time will improve student performance. The stakeholders in the SSIP group felt that this trend was something that should anchor the SSIP. However, over time and through interaction with the Office of Special Education Programs and their technical assistance centers, it was made clear that suspension and expulsions were not acceptable measures to report to OSEP for a SIMR, and that the CDE should consider alternatives. Based on information provided by OSEP, the CDE determined that the only options for a SIMR were graduation and assessment.

- Graduation rates: Based on an analysis of the LEAs in California, approximately 500 LEAs serve elementary students only and thus do not have graduates. Therefore scaling up of the SSIP with graduation as a SIMR would prove problematic.

- Scores on statewide assessments: Based on OSEP's requirements, the CDE staff and stakeholders concluded that among potential SIMRs California considered, only student statewide assessment results was a viable option. This was confirmed by the frequently asked questions (FAQs) disseminated to the states by the IDEA Data Center on December 1, 2014:

> As discussed above, the SIMR must be a child-level, measurable result that improves child outcomes. The "compliance indicators" measure compliance but do not measure child outcomes. This includes the compliance indicators under Part C (1, 7, and 8) and Part B (9, 10, 11, 12, and 13). In addition, there are some "results indicators" that are not appropriate to use as a SIMR, since the indicators do not measure improvement in child outcomes.
>
> Topics that would **not** be acceptable, stand-alone SIMRs include those related to the following results indicators:
>
> For Part C:
> Indicator 2–natural environments
> Indicators 5 and 6–child find
> Indicators 9 and 10–resolution sessions and mediation
>
> For Part B:
> Indicator 2–dropout
> Indicator 4–suspension/expulsion
> Indicators 5 and 6–least rRestrictive environment
> Indicator 8–parent involvement
> Indicators 15 and 16–resolution sessions and mediation

Therefore, California narrowed its selection of a SIMR for SWD to student results on statewide assessments, specifically, the number of students who score proficient or

above on those assessments. Further, based on the SSIP infrastructure analysis and California's selection of improvement strategies that focus on English Learners (ELs), students in poverty, and foster youth, California has selected its SIMR to be measured by proficiency results for the subgroups of special education students who are also ELs; low-income, defined by student's eligibility for free and reduced-price meals (FRPM); and foster youths. As noted in previous sections, these selected subgroups of students are also those used to generate the supplemental and concentration grants for LEA funding, and are the student subgroups that are the state's funding focus.

Because California has chosen to improve the assessment proficiency scores for the subgroups noted above, (thereby aligning the SSIP and the states funding focus), the SSIP federal fiscal year (FFY) 2013 baseline data and targets are different from the statewide baseline data and targets for Indicator 3 of the SPP/APR.

These selected subgroups include approximately 60 percent of the special education population in California. Also, the data analysis conducted by the CDE demonstrated that poverty seemed to be the strongest negative correlate with assessment scores. Similarly, assessment results for ELs and foster youth tend to fall below assessment outcomes for other students. Therefore, by targeting improvement strategies for this population, California can anticipate an increase in student proficiency on the statewide assessment represented in Indicator 3.

The specific formula California intends to use for its SIMR is as follows:

Number of EL SWD proficient or above on statewide assessments
+ number of SWD eligible for FRPM proficient or above on statewide assessments
<u>+ number of SWD in foster care proficient or above on statewide assessments</u>
(All EL SWD + All SWD eligible for FRPM + All SWD in foster care)

This single result is a child-level indicator that will likely have a strong impact on Indicator 3. The CDE staff and stakeholders involved in this process are confident that improved results for this subgroup of students will effectively influence improved proficiency levels on statewide assessments for all students with disabilities in California.

Selection of Coherent Improvement Strategies

This document is the fourth of five sections that constitute Phase I of California's State Systemic Improvement Plan (SSIP). The SSIP is a new requirement of the U.S. Department of Education and serves as the centerpiece for implementation of the Office of Special Education Programs' (OSEP) initiative entitled "Results Driven Accountability," which is its effort to focus more on student performance in the overall system of the state's general supervision of local educational agencies (LEAs). Phase I is intended to provide a detailed analysis of data and state infrastructure that will guide the selection of coherent improvement strategies to increase the State's capacity to lead meaningful change in LEAs to improve measureable results for students with disabilities. While this section is being presented as an independent document in this item, it is meant to be considered in the context of OSEP's overall instructions and is best read in concert with the other SSIP sections presented in this item. California's "Selection of Coherent Improvement Strategies" explains how the improvement strategies were selected, the logic and alignment with general education strategies, and how the strategies will improve the state infrastructure to support LEA implementation of effective, evidence-based practices to improve delivery of instruction and other supports, leading to the improved academic performance of their students.

Process for Selection of Strategies

The California Department of Education (CDE) completed its process for selecting coherent improvement strategies following a thorough data analysis, analysis of statewide infrastructure, and selection of the state identified measurable result (SIMR). This environmental scan began with current CDE level initiatives being implemented, then was expanded to include all the state level education initiatives. These CDE initiatives, described in the analysis of state infrastructure section, included middle school reading (Project READ); English Learner state standards; family engagement; implementation of the California Common Core State Standards (CA CCSS); suspension and expulsion; and improved implementation of least restrictive environment (LRE) placements. This expanded statewide scan incorporated a review of the local control funding formula (LCFF) and local control accountability plan (LCAP). The SSIP stakeholders examined these initiatives to determine the efficacy as improvement strategies. Through this analysis, the CDE staff and SSIP stakeholders determined that several of these initiatives were limited in potential to fully scale up as coherent improvement strategies. Therefore, the coherent improvement strategies selected to improve the state infrastructure, support LEA implementation, and ultimately increase the capacity of LEAs to improve performance on statewide assessments are:

- Student engagement (supported by increased time in class through reduced absences)
- Student discipline (decrease suspensions and expulsions)
- Access to, and instruction in, the CA CCSS.

The SSIP stakeholders selected these strategies because they were confident that these will be most effective in increasing the capacity of LEAs to support students with disabilities (SWD) in improving their academic performance. The SSIP stakeholders also noted that these strategies are most closely linked with the identified root causes for lower SWD performance: lack of attendance; overreliance on suspensions and expulsions; and inadequate access to the CA CCSS and effective instruction.

Moreover, the SSIP stakeholders advised the CDE, Special Education Division (SED), to pay special attention to the needs of students who, in addition to having individualized education programs (IEPs), are also students who are eligible for free and reduced price meals, students who are English Learners (ELs), and students who are foster youth. These student subgroups have historically underperformed relative to the general student population, and are targeted for additional funding support through the LCFF, and for additional instructional support and services through the LCAP. In light of the subgroup overlap that occurs between students with disabilities and ELs (23 percent of ELs are also students with disabilities), socioeconomically disadvantaged students (14 percent of students in poverty are also students with disabilities), and foster youth (33 percent of foster youth are also students with disabilities), it is important to recognize how supports and services might work in a complementary, coordinated manner to improve performance for all students, particularly these identified subgroups. While the selected coherent improvement strategies will provide supports to improve the performance of all students, implementation will include a specific focus on the three student subgroups targeted by the LCFF, and the SWDs that represent a large portion of these subgroups.(See additional references, page 15.)

Rationale Supporting the Coherent Improvement Strategies

Student Engagement: Improved Attendance.

The CDE selected student engagement supported by increased time in class through reduced absences as one of the coherent improvement strategies because research shows that increased time in class leads to student progress. In the 2008 report *Present, Engaged and Accounted For*, authors Chang and Romero concluded that chronic early absence adversely affects academic success for students showing the negative consequence of spending less time on task. The following quote from *Present, Engaged, and Accounted For: The Critical Importance of Addressing Chronic Absence in the Early Grades*, captures the intent of increasing student engagement as a coherent improvement strategy.

> Going to school regularly in the early years is especially critical for children from families living in poverty, who are less likely to have the resources to help children make up for lost time in the classroom. *(page 3, 2008)*

Student Discipline: Reduced Suspensions and Expulsions.

Student discipline (decreased suspensions and expulsions) was selected to address student behavior and student academic performance based on the data analysis that showed a strong negative correlation (Pearson’s r = -.86) between suspensions and

expulsions. In addition, new research in the December 2014 issue of the *American Sociological Review*, students attending schools with high suspension rates have lower test scores, even if they are not the students being suspended. This analysis and supporting research indicated that using other disciplinary methods besides suspension and expulsion for student misbehavior would be an intervention that would strengthen student success. This strategy is similar to student engagement; keeping students in school improves student outcomes. The SSIP stakeholder group believed that overuse of suspensions and expulsions is one of the critical areas to address as suspensions and expulsions directly affect student achievement. Focusing on student discipline as a coherent improvement strategy will include both raising awareness of the benefits of reducing these measures, and providing LEAs resources to address this issue.

Access to, and Instruction in, the California Common Core State Standards (CA CCSS):

The third selected coherent improvement strategy is improved access to, and instruction in, the CA CCSS. The implementation of the CA CCSS has statewide implications, based on public policy to approve these standards for use with all students, including SWD. There are two components to this strategy. The first component is access for SWD to the general education curriculum and education with their same-aged peers. Research indicates that ensuring access for SWD to the same standards and quality of instruction as their general education peers positively correlates with increased achievement for SWDs. By providing LEAs with resources and guidance to improve such access for SWDs, the CDE will provide effective assistance toward this end (See page 6). The second component is improving the quality of instruction that is provided to SWDs. The CDE will support this strategy by providing LEAs with guidance and resources on effective instructional strategies and structures such as Universal Design for Learning (UDL) and Multi-tiered System of Supports (MTSS). (See Evidence-Based Practices, Coherent Implementation Strategy: Access, pages 6–8.)

The SSIP stakeholders recommended the selection of these specific strategies because they strongly believed that focus on student engagement; discipline; and access to, and instruction in, the CA CCSS as coherent improvement strategies will lead to measureable improvement in academic performance and proficiency on statewide assessments for SWD. In addition, the SSIP stakeholders recommended that these comprehensive improvement strategies be deployed in a flexible, district-specific way. SSIP stakeholders had observed that California has a diverse population, system of local control, and differences in LEA sizes and grade ranges, thus a “one-size-fits-all” solution would not be appropriate. Any improvement strategies would need to be flexible enough to allow LEAs to implement local improvement plans to support achieving performance goals. The coherent improvement strategies selected provide the necessary flexibility to effectively apply to California LEAs’ diverse circumstances.

Evidence-Based Practices Supporting the Coherent Improvement Strategies

As part of the infrastructure analysis and the selection of the coherent improvement strategies, the SSIP stakeholders conducted a process of identifying evidence-based

practices that support the coherent improvement strategies. In selecting the improvement strategies, the CDE and its stakeholders identified evidence based practices that would be useful under each of the coherent improvement strategies selected to be part of the SSIP below:

- Student engagement
- Student discipline
- Access, to and instruction in, the CA State Standards and the CCSS

There are numerous views on what constitutes an "evidence-based practice." From the most conservative standpoint, an evidence-based practice is a strategy, intervention, or activity that has undergone randomized controlled trials or studies that are well-designed and implemented to show effectiveness in a school setting or classroom, and is peer-reviewed. The research supports that the activity was effective in producing positive outcomes for students. A more practical view of the term was espoused in *Identifying Educational Practices Supported by Rigorous Evidence*: *A Guide to the Selection of Evidence-Based Practices* (Regional Resource Center Program, 2015: http://www.rrcprogram.org/cms2/images/_rrcpdata/documents/EBP_RRCP16Apr14.pdf) In examining potential effective strategies, the SSIP stakeholders accessed this valuable resource, which provided the following definition:

> … evidence-based practices means delivering services to students (clients) in ways that integrate (a) best available evidence from data, research, and evaluation; (b) professional wisdom gained from experience; and (c) contextual knowledge of the particular classroom, school, district, or state that might impact the design or implementation.

While many of the practices considered and discussed below meet the more conservative definition of "evidence-based practice," all meet the more practical definition provided above.

Evidence-based Practices

The tables below contain examples of evidence-based practices supporting each of the coherent improvement strategies. The SSIP stakeholder group reviewed each of these practices, describing the alignment of the evidence-based practices to a coherent improvement strategy and providing a rationale for why the evidence-based practice was considered an evidence-based practice.

Evidence-based Practices	
Coherent Improvement Strategy **Student Engagement:** Pertains to issues such as: school attendance rates, chronic absenteeism rates, middle school dropout rates, high school dropout rates, and high school graduations rates.	
Resources and Links	**Rationale**
The ALAS study found potentially positive effects on both staying in school and on progressing in school at the end of the intervention (ninth grade). http://ies.ed.gov/ncee/wwc/interventionreport.aspx?sid=22	The ALAS met the What Works Clearinghouse (WWC) evidence standards. This study included 94 high-risk Latino students entering seventh grade in one urban junior high school in California. The study examined the program's effects on whether students stayed in school and progressed in school. These outcomes were measured at the end of the intervention (ninth grade) and two years after the intervention had ended (11th grade).
Present, Engaged, and Accounted For This document focuses on the critical importance of addressing chronic absence in the early grades. http://www.nccp.org/publications/pub_837.html	This applied research project, supported by the Annie E. Casey Foundation, sought to explore the prevalence, consequences, potential contributing factors, and possible responses to chronic absence in grades K–3. To deepen understanding of the issue, this project supported new analysis of national and local data on student attendance patterns, a review of relevant literature, and interviews with practitioners, researchers, and funders about promising practices and programs. This research is from the National Center for Children in Poverty (NCCP).
School Attendance Improvement Handbook *The School Attendance Improvement Handbook* provides strategies to improve school attendance for teachers and school principals. http://www.cde.ca.gov/ls/ai/cw/documents/schoolattendance.pdf	The purpose of this handbook is to provide resources and strategies that address approaches to improve student attendance for LEAs. This handbook contains activities that have been validated as having positive results. The authors provide data from the United States Department of Education, and studies conducted at the local level, to validate the inclusion of the practices and models selected to improve attendance.

Evidence-based Practices	
Coherent Improvement Strategy **Student Discipline:** Pertains to issues such as: Pupil suspension rates; pupil expulsion rates; other local measures including surveys of pupils, parents, and teachers on the sense of safety and school connectedness.	
Resources and Links	**Rationale**
Positive Behavioral Interventions and Supports (PBIS) OSEP Technical Assistance Center http://www.pbis.org/	Gives schools capacity-building information and technical assistance for identifying, adapting, and sustaining effective school-wide disciplinary practices. The site provides research-based information about PBIS in schools at the primary, secondary, and tertiary levels; within communities; and in families.
Reducing Behavior Problems in the Elementary School Classroom What Works Clearing House Webinar http://ies.ed.gov/ncee/wwc/multimedia.aspx?sid=1	The guide provides five recommended evidence-based practices (EBPs) to help elementary school educators and school and district administrators develop and implement effective prevention and intervention strategies, supported by research studies that promote positive student behavior. Produced by the National Center for Education Evaluation and Regional Assistance, Institute of Education Sciences, under contract with the What Works Clearinghouse.
How We Can Fix School Discipline Toolkit Community Toolkit http://fixschooldiscipline.org/community-toolkit/	The **How We Can Fix School Discipline Toolkit** is a step-by-step guide to working together to change harsh discipline rules. More than two decades of research has confirmed that out-of-school suspensions do not improve student behavior and, in fact, often exacerbate it. The Web site links a resource base to EBPs. (http://fixschooldiscipline.org/research/)

Evidence-based Practices	
Coherent Improvement Strategy **Access to, and instruction in, the California State Standards and the Common Core State Standards:** Pertains to issues such as: access to general education curriculum, education with same aged peers, participation in the school community, quality instruction in the state standards, and highly qualified teachers.	
Resources and Links	**Rationale**
Quality Schooling Framework (QSF) http://www.cde.ca.gov/qs/	The Quality Schooling Framework (QSF) is the California educator's destination for timely tools and practices that are EBPs, across ten priority areas, to guide effective planning and instructional decisions.
National Center on Universal Design For Learning, http://www.udlcenter.org/aboutudl/udlevidence	Universal Design for Learning (UDL) draws from a variety of research including the fields of neuroscience, the learning sciences, and cognitive psychology. It is deeply rooted in concepts such as the Zone of Proximal Development; scaffolding; mentors; and modeling; as well as the foundational works of Piaget, Vygotsky, Bruner, Ross, Wood, and Bloom, who espoused similar principles for understanding individual differences and the pedagogies required for addressing them. This Web page provides multiple EBPs, supported by research, to guide instructional practices.
Center for Applied Special Technology (CAST) UDL professional learning This Web site provides facilitated online courses to enhance participant's understanding of UDL and apply it to practice. http://castprofessionallearning.org/online-courses/	CAST's UDL professional learning services provide unique professional learning to enable educators to experience UDL and to apply it to their practice. These courses are built on research that supports the use of UDL as a means of providing effective instruction to students.
Multi-Tiered System of Supports (MTSS): A framework that aligns Response to Instruction and Intervention with the Common Core State Standards and the systems necessary for academic, behavior, and social success. http://www.cde.ca.gov/ci/cr/ri/	These resources, posted on the CDE Web site, include the following modules addressing MTSS, instructional practices, and interventions in kindergarten through twelfth grade contexts. Annotations help locate needed information quickly. MTSS Core Component Resources 1. MTSS Core Component 1: Differentiated classroom instruction http://www.cde.ca.gov/ci/cr/ri/mtssdiffinstr.asp 2. MTSS Core Component 2: Systemic and sustainable change http://www.cde.ca.gov/ci/cr/ri/mtssfocusres2syschange.asp

Evidence-based Practices	
Coherent Improvement Strategy **Access to, and instruction in, the California State Standards and the Common Core State Standards:** Pertains to issues such as: access to general education curriculum, education with same aged peers, participation in the school community, quality instruction in the state standards, and highly qualified teachers.	
Resources and Links	**Rationale**
	3. MTSS Professional Learning Module Web site https://www.mydigitalchalkboard.org/portal/default/Content/Viewer/Content?action=2&scId=509627 This work is supported by the following research based policy briefs: Averill, Orla Higgins and Claudia Rinaldi. Research Brief: Multi-tier System of Supports (MTSS) (PDF). The Collaborative. Urban Special Education Leadership Collaborative, 2011. http://www.urbancollaborative.org/files/mtss_brief_final.modified_0.pdf Kansas MTSS. The Integration of MTSS and RtI (PDF) The Kansas Multi-Tier System of Supports. September 2010. http://www.kansasmtss.org/pdf/briefs/The_Integration_of_MTSS_and_RtI.pdf
The CDE Web site offers resources for the California State Standards and the Common Core State Standards. This site offers resources and guidelines on what the CCSS and the new tests will mean for California students in the Special Education Community. http://www.cde.ca.gov/sp/se/cc/	Educational standards describe what students should know and be able to do in each subject in each grade. In California, the State Board of Education decides on the standards for all students, from kindergarten through high school. Since 2010, 45 states have adopted the same standards for English and math. These standards are called the Common Core State Standards (CCSS). Having the same standards helps all students receive a good education, even if they change schools or move to a different state. Teachers, parents, and education experts designed the standards to prepare students for success in college and the workplace. This Web site contains references to many EBPs.
Family Engagement Framework A CDE developed toolkit providing district activities, implementation rubrics, and tools for communicating with families. http://www.wested.org/online_pubs/cpei/family-	The *Family Engagement Framework* is intended to provide guidance to educators, districts, schools, families, and communities as they plan, implement, and evaluate strategies across multiple programs for

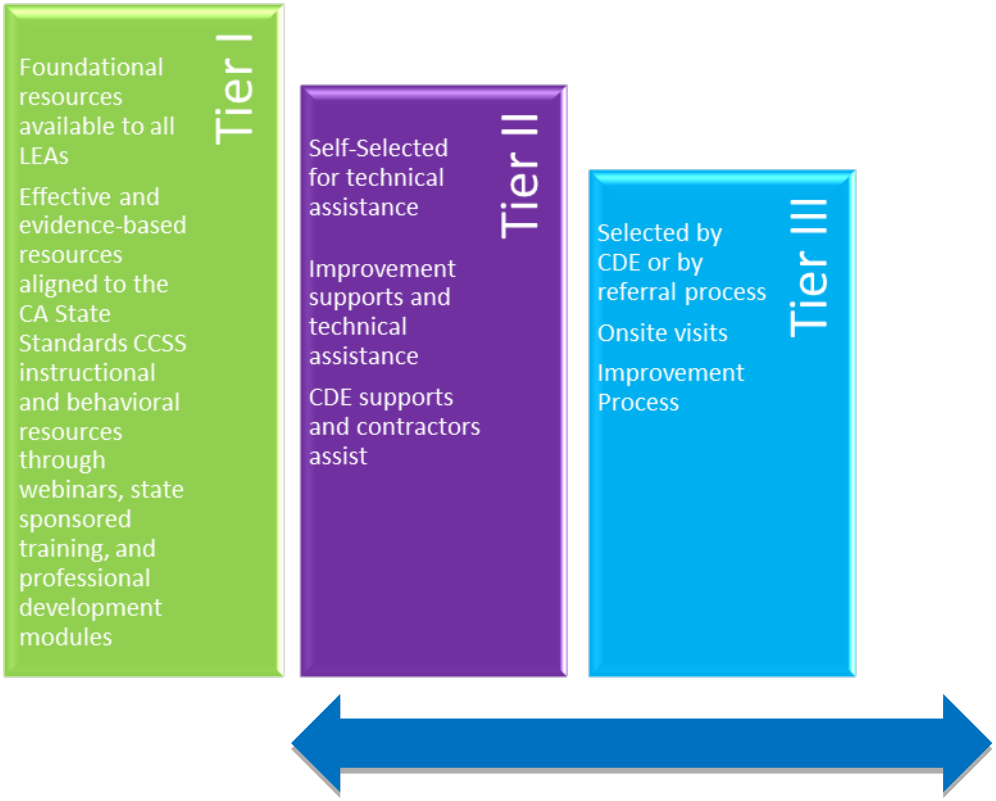
engagement-framework.pdf	effective family engagement to support student achievement and close the academic achievement gap. The toolkit contains a review of the literature that provides a research base for EBPs included in the toolkit.

Improvement of the State Infrastructure Through a Tiered System of Supports

The SSIP stakeholders recommended that a Multi-Tiered System of Supports (MTSS) be used as a framework for meeting the needs of all students. They also recommended that a tiered, MTSS model would serve as an effective framework for delivering improvement strategies to LEAs. In response to this recommendation and recognizing the need for a flexible delivery system, the SED is proposing the use of a tiered system of supports to implement the coherent improvement strategies (student engagement; discipline; and access to, and instruction in, the CA State Standards and the California CCSS) as a statewide structure for the SSIP.

Figure 1: Tiered System of Supports

Figure 1 is a graphic depicting the components of the tiered system of supports designed (based on a MTSS framework) to implement the coherent improvement strategies for the SSIP, at the same time supporting the LEAs in implementing local plans and goals.



The tiered system would focus on supports and resources for each of the coherent improvement strategies: student engagement (increased time in class through reduced absences); discipline (reduced discipline events); and access to, and instruction in, the CA State Standards and the CCSS, as described previously:

Tier I: Core Assistance. Foundational key effective and evidence-based resources are available for all LEAs to access to support meeting identified goals and priorities at the local level.

> **Selection of LEAs:** All LEAs may avail themselves of the resources available in Tier I. CDE staff and technical assistance facilitators can recommend resources and tools to LEAs.
>
> **Supports:** All resources of effective and evidence-based practices and resources for professional development, training, and technical assistance to inform LEAs practices are available.

Tier II: Enhanced Assistance: Provides resources for LEAs who self-select or are in need of technical assistance. At this tier, LEAs will be given technical assistance and resources for program improvement. They will also receive technical assistance from CDE staff, identified facilitators, and CDE contractors.

> **Selection of LEAs:** LEAs can self-refer to Tier II or be offered technical assistance by the SED due to multi-year failure to meet SIMR targets; or be referred for assistance by SELPAs or County Offices of Education (COEs).
>
> **Supports:** LEAs are offered technical assistance for improvement and tools to help identify effective remedies to local challenges. These are offered through technical assistance facilitators, contractors, and CDE staff. In addition, all effective and evidence-based practices, professional development, training, and technical assistance resources to inform LEA practices from Tier I are available.

Tier III: Focused Assistance: This activity provides assistance directly to LEAs who are identified as not meeting the APR targets and compliance items. Tier III requires an on-site visit from the CDE. LEAs in this tier will be assisted in a program improvement process which takes the LEA through a set of planned activities implemented for the purpose of resolving problems. The program improvement process entails a data and root cause analysis, identification of focus areas, an action plan, and a plan for implementation and sustainability.

> **Selection of LEAs:** LEAs are identified by the CDE due to continuing inability to meet targets after obtaining Tier II assistance; identified through SED compliance determinations as needing intervention or substantial intervention; or at the request of the State Superintendent of Public Instruction (SSPI).
>
> **Supports:** On-site visits by the CDE staff to conduct program improvement activities involving data and root cause analysis, identification of focus areas, development of action plans, and plans for implementation and sustainability. Some technical assistance facilitators or contractors may be used to support the process. In addition, all Tier I resources of effective and evidence-based practices and resources for professional development, training, and technical assistance to inform LEA practices continue to be available.

The flexibility of the SSIP through the tiered approach, based on a MTSS framework, supports LEAs in implementing the SSIP coherent improvement strategies as special education resources and supports match other initiatives LEAs are required to accomplish. As described in the Analysis of State Infrastructure section, these CDE initiatives seek to provide LEAs access to resources and supports for setting goals for improvement and implementation of SSIP strategies. This is a logical and prudent way of maximizing efforts to support the success of students, especially students with disabilities, and can be supported by the strategies identified for the SSIP.

Potential Alignment of the State Systemic Improvement Plan Coherent Improvement Strategies with Local Control Accountability Plan Priorities

The following table shows the potential alignment of the eight Local Control Accountability Plan (LCAP) priority areas with the selected coherent improvement strategies for the SSIP: student engagement; discipline; and access to, and quality instruction in, the CA State Standards and the CCSS. These strategies support LEAs in meeting goals and implementing the coherent improvement strategies. All students are more successful when interventions, supports, and services are in place and LEAs are implementing evidence-based practices to improve outcomes for students.

LCAP Priorities	SSIP Coherent Improvement Strategies
Priority 1: Basic The degree to which teachers are appropriately assigned and fully credentialed in the subject areas and for the pupils they are teaching; pupils have access to standards-aligned instructional materials **Priority 2: Implementation of State Standards** Implementation of academic content and performance standards adopted by the State Board of Education for all pupils, including English Learners	**Improvement Strategies:** Access to, and instruction in, the CA State Standards and the CCSS The SED will offer technical assistance, support, and monitor LEAs in hiring highly qualified teachers. In addition, recruitment of teachers is supported through the TEACH California Web site In partnership with other CDE divisions, the SED will provide professional development training, online modules, and Web resources to support LEAs in providing standards-aligned instructional materials, training on the development of standards-based IEPs, and aligning to the LCAP
Priority 3: Parent Involvement Efforts to seek parent input in decision-making and promotion of parent participation in programs for unduplicated pupils and special-needs subgroups	**Improvement Strategies:** • Access to, and instruction in, the CA State Standards and the CCSS; student engagement (increased time in class through reduced absences) • Student discipline (decreased suspensions and expulsions)

LCAP Priorities	SSIP Coherent Improvement Strategies
Priority 3: Parent Involvement (continued) Efforts to seek parent input in decision-making and promotion of parent participation in programs for unduplicated pupils and special-need subgroups	Because parents are critical to improved student outcomes, all improvement strategies will include a component of working with parents to support student success The SED will provide resources to support parents to assist their students in meeting common core standards through information resources such as *Ten Things Parents Need to Know About the Common Core to Support Their Children with Disabilities*, *Parent Guides to Student Success*, and *A Parent's Guide to the Common Core Standards* The SED will work with parents to address barriers to consistent student attendance and reduce truancy The CDE and LEAs will work with parents to address student discipline issues prior to the need to consider suspension or expulsion through resources such as the CDE's Behavioral Intervention Strategies and Supports Web page The SED will work in close partnership with Parent Training and Information Centers (PTIs) and Family Empowerment Centers (FECs) to support families of students with disabilities in participating in local decision-making at their LEA through inclusion of PTIs and FECs in statewide training, and will provide access to family friendly materials and information through the CDE Web site Parent Portal The SED will partner with the Title 1 family engagement team to ensure families of students with disabilities are purposely included in all statewide trainings, activities, and materials Generally, the CDE and partner agencies will provide parent resources to support family involvement in the success of students. Families are key partners in promoting student access to, and instruction in, the CA State Standards and the CCSS and student discipline through reduced absences and discipline events

LCAP Priorities	SSIP Coherent Improvement Strategies
Priority 4: Pupil Achievement Performance on standardized tests; score on Academic Performance Index; share of pupils who are college and career ready; share of English Learners that become English proficient; English Learner reclassification rate; share of pupils who pass Advanced Placement exams with a score of three or higher; share of pupils determined to be prepared for college by the Early Assessment Program	**Improvement Strategies:** Access to, and instruction in, the CA State Standards and the CCSS: • Student engagement (increased time in class through reduced absences) • Student discipline (decreased suspensions and expulsions) In partnership with other CDE divisions, the SED will provide professional development training, online modules, and Web resources to support LEAs in providing standards-aligned instructional materials, training on the development of standards-based IEPs, and aligning to the LCAP The SED will provide supports for increasing student attendance and decreasing suspensions and expulsions to assist LEAs in addressing these issues through behavior support systems
Priority 5: Pupil Engagement School attendance rates, chronic absenteeism rates, middle school dropout rates, high school dropout rates, high school graduation rates	**Improvement Strategies:** Access to, and instruction in, the CA State Standards and the CCSS: • Student engagement (increased time in class through reduced absences) and discipline (decreased discipline events)
Priority 6: School Climate Pupil suspension rates, pupil expulsion rates, other local measures including surveys of pupils, parents, and teachers on the sense of safety and school connectedness	In partnership with other CDE divisions, the SED will provide professional development and Web resources related to school attendance (pupil engagement) and suspension and expulsion rates (school climate). The SED will partner with other CDE divisions and state agencies to align SED activities with general education activities and initiatives aligned to the LCAP Resources and training addressing pupil engagement and school climate also supports student access to, and instruction in, the CA State Standards and the CCSS
Priority 7: Course Access Pupil enrollment in a broad course of study that includes all of the subject areas.	**Improvement Strategies:** Access to, and instruction in, the CA State Standards and the CCSS

LCAP Priorities	SSIP Coherent Improvement Strategies
Priority 8: Other Pupil Outcomes Pupil outcomes in the subject areas	In partnership with other CDE divisions, the SED will provide professional development training, online modules, and Web resources to support LEAs in providing standards-aligned instructional materials, training on the development of standards-based IEPs, and aligning to the LCAP The SED will also provide resources to support courses and subject matter frameworks, especially supports for LEAs addressing secondary transition and requiring a course of study for transitioning students

Implementation and Scale-up

In preparing for Phase II of the SSIP, the CDE is actively building the state's capacity to support LEAs in the implementation of evidence-based practices and resources that will lead to measureable improvement in the SIMR.

Phase I has addressed the data analysis; the analysis of state infrastructure to support improvement and build capacity; the SIMR; the selection of coherent improvement strategies; and the theory of action. Currently, the CDE is laying the foundation to build the state's capacity to support LEAs in implementing and scaling-up evidence-based practices. Phase II will detail steps that will align and leverage improvement plans and initiatives in the state. The Phase II submission will specify how California will support the LEAs in the use and implementation of evidence-based practices to support student success. Lastly, the CDE is developing the evaluation process specifically outlining short-term and long-term objectives to measure the implementation of the SSIP and its impact to assist LEAs in meeting the SIMR.

Additional References

The Invisible Achievement Gap, Education Outcomes of Students in Foster Care in California's Public Schools, PART ONE, by Vanessa X. Barrat, Center for the Future of Teaching and Learning at WestEd, located at http://www.stuartfoundation.org/docs/default-document-library/the-invisible-achievement-gap-report.pdf?sfvrsn=2

Academic Achievement for English Learners, *Data for the U.S. and Each State*, by David Murphey, Ph.D., located at http://www.childtrends.org/wp-content/uploads/2014/12/2014-62AcademicAchievementEnglish.pdf

The Effects of Poverty on Academic Achievement, by Misty Lacour and Laura D. Tissington, Educational Research and Reviews Vol. 6 (7), pp. 522-527, July 2011,Southern Arkansas University, located at http://www.academicjournals.org/article/article1379765941_Lacour%20and%20Tissington.pdf

Theory of Action

This document is the fifth of five sections that constitute Phase I of California's State Systemic Improvement Plan (SSIP). The SSIP is a new requirement of the U.S. Department of Education and serves as the centerpiece for implementation of the Office of Special Education Programs' (OSEP) initiative entitled "Results Driven Accountability," which is its effort to focus more on student performance in the overall system of the state's general supervision of local educational agencies (LEAs). Phase I is intended to provide a detailed analysis of data and state infrastructure that will guide the selection of coherent improvement strategies to increase the State's capacity to lead meaningful change in LEAs to improve measureable results for students with disabilities. While this section is being presented as an independent document in this item, it is meant to be considered in the context of OSEP's overall instructions and is best read in concert with the other SSIP sections presented in this item. California's *Theory of Action* section is a graphic representation of how the various elements of California's state and local education structures coordinate to implement an effective system that supports high-quality instruction and support for students with disabilities, and provide the means to increase the state's capacity to achieve improved teaching and learning in California's schools.

Note that the boxed section in the upper-left of the graphic indicates state activities related to the LCFF that are already being implemented.

The following acronyms are used in the *Theory of Action* graphic:

"SWD" means students with disabilities

"ELs" are English Learners

"LEAs" are local educational agencies

"RDA" is Results-driven Accountability, the new federal policy concerning special education

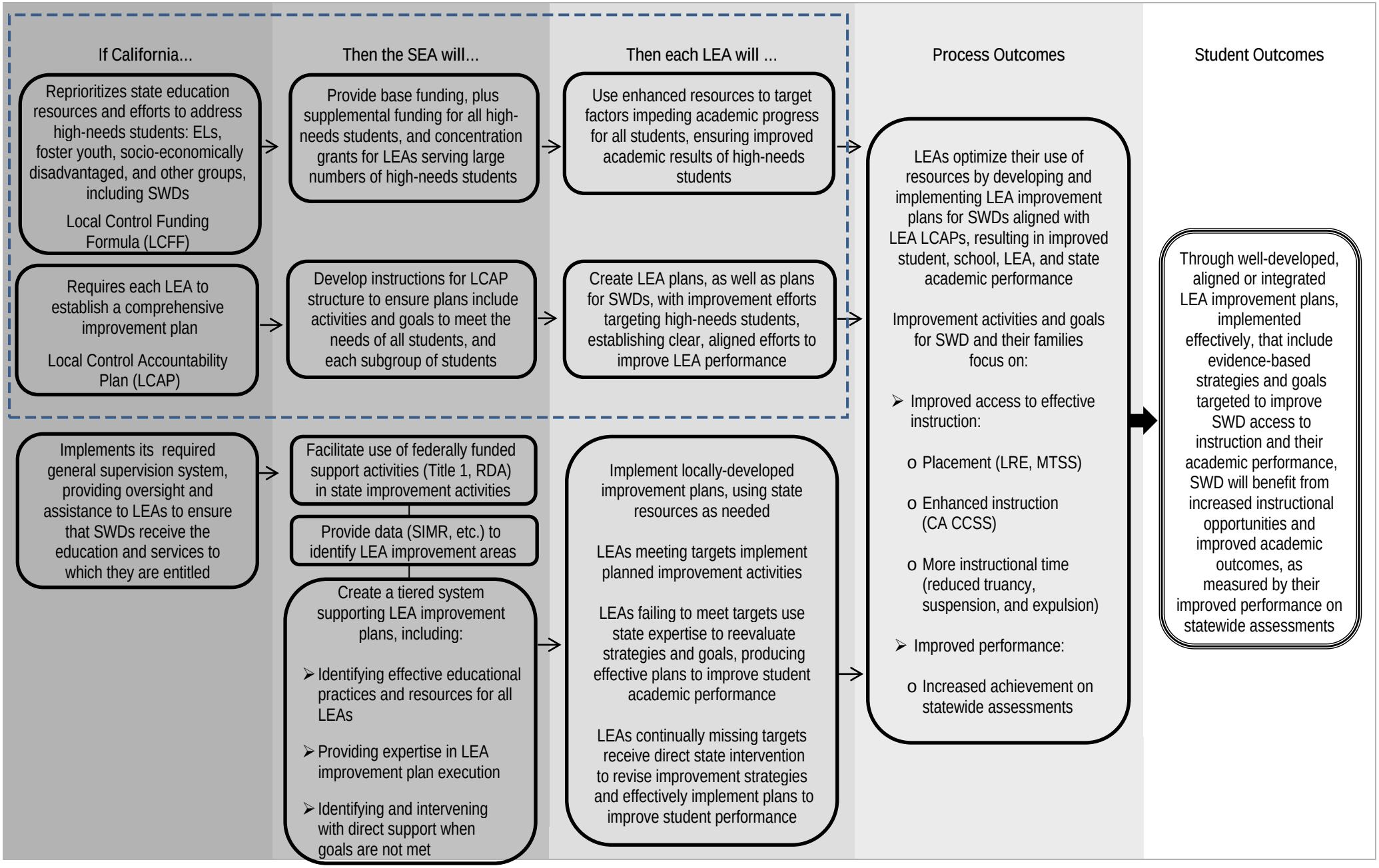
"SIMR" is State Identified Measureable Result, the federal measure for special education progress

"LRE" is Least Restrictive Environment, the federal requirement to serve students with disabilities in the most inclusive environment possible for meeting the student's academic needs

"MTSS" is Multi-tiered System of Supports, the concept of providing varying levels of service to meet the individual's or organization's support requirements

"CA CCSS" is California Common Core State Standards

California's State Systemic Improvement Plan – Theory of Action



California State Board of Education

Meeting Agenda Items for March 11-12, 2015

ITEM 02

ITEM #02

CALIFORNIA STATE BOARD OF EDUCATION

MARCH 2015 AGENDA

SUBJECT	
Special Education Task Force: Final Report and Recommendations.	☒ Action ☒ Information ☐ Public Hearing

SUMMARY OF THE ISSUE(S)

A statewide special education task force convened between December 2013 and January 2015 to examine California's complex system for serving students with disabilities (SWDs) and to develop recommendations for state policy and systems change to improve educational outcomes. The Task Force, originally called for by State Board of Education (SBE) President Michael Kirst and the Commission on Teacher Credentialing (CTC) Chair Linda Darling-Hammond, included more than 30 parents, advocates, teachers, administrators and other stakeholders. The Task Force received financial support from the Schwab Foundation and the Stuart Foundation.

This item will be presented by Co-Directors of the Task Force Vicki Barber and Maureen Burness and Task Force Chair and former SBE Member Carl Cohn.

The Task Force set out to identify the potential levers and existing barriers to greater educational success for SWDs. The following questions were considered:

1. What is the state's vision/mission for SWDs? Once articulated, how would the state's vision/mission be implemented on a broad scale? What systems of teacher training, school funding, and accountability are needed to ensure that all students receive a high-quality education that is appropriate to their needs and effective in supporting their learning?

2. With the implementation of California's new state-adopted content standards and assessments in English Language Arts (ELA), mathematics, and science, how is access to and success in the standards ensured -- and in other core academic subjects -- for SWDs, beginning with their earliest years in the educational system? In addition, how do we ensure all students are appropriately included in our new assessment system?

3. What types of changes in teacher preparation and credentialing are necessary to ensure all teachers are prepared to meet the array of learning needs of students in the least restrictive environment?

4. How should special education services be funded and organized? Specifically, with the new Local Control Funding Formula (LCFF), how do we/should we account for students who are eligible for more than one funding category under LCFF, who are also SWDs? What strategies would most support effective service delivery options?

5. What are current policy barriers to implementation of more inclusive school practices-- such as Multi-Tiered System of Supports (MTSS), Response to Intervention, and Response to Intervention and Instruction (RTI2) -- and how can these be overcome?

Task Force Members

An open call for membership was disseminated statewide using a number of state and local listserv mailings. Applications were accepted and membership was selected by Task Force leadership, based on criteria developed to ensure a wide range of vantage points and areas of education expertise. A complete list of members is available at the following link: http://www.smcoe.org/about-smcoe/statewide-special-education-task-force/task-force-members.html.

Task Force meetings, public forums, workgroups, and timelines

In order to gather input from a broad representation of stakeholders from throughout California, the Task Force held both public forums and Task Force meetings. Seven public forums held throughout the state resulted in significant input from the field, which helped to organize the work of Task Force committees focused on:

- Early Learning
- Evidence-based School and Classroom Practices
- Educator Preparation and Professional Learning
- Assessment
- Accountability
- Family and Student Engagement
- Special Education Financing

Task Force committees gathered, researched and honed recommendations specific to each committee content area, which were then presented and discussed with the broader group of Task Force members at Task Force meetings. This work culminated in committee reports and included final recommendations from each committee.

A full schedule of Task Force meetings and public forums, including agendas and minutes, is available at the following link: http://www.smcoe.org/about-smcoe/statewide-special-education-task-force/task-force-members.html.

Next Steps

The Task Force report includes recommendations in seven distinct yet interconnected areas within the educational system: early learning; evidence-based school and classroom practices; educator preparation and professional learning; assessment; accountability; family and student engagement; and special education financing. A number of the systemic changes proposed within these areas may require action by the Legislature, the SBE, and one or more state agencies.

RECOMMENDATION

SBE staff recommends that the SBE consider the Special Education Task Force recommendations in the attached report and direct SBE staff to work collaboratively with the California Department of Education and CTC staff to determine the specific policy changes that would be required to implement the Task Force recommendations and how any efforts currently underway, that are consistent within the Task Force's vision, may provide a foundation for next steps toward proposed short-term and long-term goals.

KEY ISSUES

California serves more than 600,000 SWDs making up roughly 11 percent of the total K-12 student population in California. According to the Task Force report:

- Approximately 60 percent of California's SWDs graduated from high school with a diploma, compared to a 78 percent graduation rate for students without Individualized Education Programs (IEPs) in 2012.

- The 2013 statewide test results for ELA on the Standardized Testing and Reporting (STAR) program showed that among SWDs in grade 3, 26 percent were proficient or advanced compared to 45 percent of all students in the same grade. The California Modified Assessment for ELA registered similar results for SWDs in grade 3, with 27 percent scoring at proficient or advanced levels on this test.

- The 2013 one-year dropout rate for SWDs was 15.7 percent, compared to 11.6 percent for all students in California.

- Of students who were tracked in CDE's Annual Performance Report for 2012–13, 32.8 percent of California SWDs were enrolled in higher education programs, even though the state goal was 50 percent. The report also noted that 41.3 percent of

SWDs were enrolled in higher education or competitive employment, while the state goal was 65 percent to meet either criterion.

The report recommends “one coherent education system” in which all children, including students with disabilities, are considered general education students first. The report provides a vision for integrating services and supports for students with disabilities within California’s education system.

The Task Force report describes the recommendations as “timely” as California implements substantial shifts in education policies, ranging from the distribution of education funding to decisions about instructional programs and educator preparation.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

None.

FISCAL ANALYSIS (AS APPROPRIATE)

None.

ATTACHMENT(S)

Web links to the Special Education Task Force Report and its Executive Summary will be available in an Item Addendum.

California State Board of Education

Meeting Agenda Items for March 11-12, 2015

ITEM 03

CALIFORNIA STATE BOARD OF EDUCATION

MARCH 2015 AGENDA

SUBJECT	
California Assessment of Student Performance and Progress: Update on Program Activities, including, but not limited to, Approval of Individual Student Reports, California Alternate Assessment Field Test, Development of the New Primary Language Development Test, Smarter Balanced Assessments, and Digital Library Resources.	☒ Action ☒ Information ☐ Public Hearing

SUMMARY OF THE ISSUE(S)

This item reflects the collaboration of the California Department of Education (CDE) Assessment Development and Administration Division (ADAD), the Educational Data Management Division (EDMD), the Special Education Division (SED), and the Analysis, Measurement, Accountability and Reporting Division (AMARD).

California Assessment of Student Performance and Progress

The California Assessment of Student Performance and Progress (CAASPP) System includes Smarter Balanced Assessment Consortium (Smarter Balanced) and the California Alternate Assessment (CAA) computer-based field test assessments that are aligned with the Common Core State Standards (CCSS) in English language arts/literacy (ELA) and mathematics, specified state-developed paper-pencil assessments that were previously administered through the Standardized Testing and Reporting (STAR) Program in science, the Standards-based Tests in Spanish (STS), and new assessments to be recommended by the CDE with stakeholder input and approved by the State Board of Education (SBE).

This item provides an update on the following topics: (1) individual student reports; (2) status of the CAA; (3) Primary Language Development Test (PLDT) Stakeholder meetings; (4) operational administration of Smarter Balanced Summative Assessments; (5) launch of Smarter Balanced Interim Assessments; (6) Smarter Balanced Digital Library; (7) technology , including the status of the Broadband Infrastructure Improvement Grant (BIIG) to support technology infrastructure; and (8) outreach activities.

Individual Student Reports

Incorporating feedback from the January 2015 SBE meeting and in consultation with SBE staff, the CDE revised its CAASPP Individual Student Reports (ISRs). Attachment 1 consists of the three ISR templates for SBE consideration: ISR for ELA, mathematics,

and science results; ISR for ELA and mathematics results, and ISR for ELA and mathematics results and Early Assessment Program (EAP) information. These ISRs more appropriately highlight the importance of the 2015 Smarter Balanced Summative Assessment results serving as a baseline for measuring future student academic progress and provide further information on the change in the assessment system. Given the Smarter Balanced vertical scale and the ability to report on growth for most students beginning in 2016, the CDE will continue to explore options for reporting in 2016 and beyond. The CDE is in the process of gathering feedback from parents/guardians, teachers, and stakeholders on the new ISR and will provide that feedback verbally at the SBE meeting.

California Alternate Assessment Field Test

Item development for the CAA concluded in early February with the completion of a second round of item reviews to yield 210 field test items. Teachers participated virtually to review field test items for ELA and mathematics. The test items were reviewed by a representative group of special education teachers and county office of education staff in preparation for a CAA spring 2015 field test. A CAA field test window is from April 15 through June 10, 2015. The CAA test administration Webcast will be conducted by Educational Testing Service (ETS) on March 11, 2015. The Webcast, the test administration manual, and the content and specific grade-level directions for administration will provide the necessary information for the CAASPP coordinators and test administrators to conduct the spring field test and an opportunity to answer questions from the Webcast participants.

The field test administration will be a one-to-one, computer-based test administration. Testing may occur at any time during the test window. The test system will allow test administrators to start and stop the administration as often as needed to meet students' needs and to ensure accessibility. The technology specifications and requirements will be the same as the Smarter Balanced testing system. CAASPP LEA coordinators will be expected to upload all information on eligible CAA students into the Test Operation Management System (TOMS) beginning in March.

Stakeholder Meetings for the Development of the New Primary Language Development Test

California *Education Code* (*EC*) Section 60640 (b)(2)(C) states that the SSPI shall consult with stakeholders and English learner experts "to determine the content and purpose of a stand-alone language arts summative assessment in primary languages other than English at aligns with the English language arts content standards." Additionally, the SSPI shall "consider the appropriate purpose for this assessment, including, but not necessarily limited to, support for the State Seal of Biliteracy and accountability." Two Stakeholder meetings were held in Sacramento in January 2015. Approximately 100 educators, administrators, parents/guardians, advocates, and stakeholders participated in the day-long meetings and their input will be incorporated into a final report along with the Superintendent recommendation(s).

Operational Administration of Smarter Balanced Summative Assessments

Smarter Balanced Summative Assessment testing for the 2014–15 school year will commence on March 10, 2015 for schools with the earliest testing window and will continue through August 31, 2015 for schools with the latest testing window. The CDE is supporting LEAs in their preparation for the administration of these assessments. CDE staff, in collaboration with CDE Senior Assessment Fellows, San Joaquin County Office of Education (SJCOE), and ETS, continues their outreach to prepare LEAs for the Smarter Balanced Summative Assessments. These efforts have included activities such as the following:

1. *California Online Test Administration Manual*

   The *California Online Test Administration Manual* (TAM) was made available to LEAs on January 23, 2015 on the ETS CAASPP Test Administration, Instructions and Manuals Web page at http://caaspp.org/administration/instructions/index.html. The TAM provides California LEA CAASPP coordinators and site coordinators with an overview of the online Smarter Balanced Summative Assessments, available resources for coordinators, and what LEAs must do before testing, during testing, and after testing. In addition, the TAM also covers topics on test security, technology requirements, and provides checklists by role (i.e., LEA coordinator, site coordinator and test administrator).

2. Two Resources: *California Test Administrator Reference Guide* and *Directions for Administration of the Smarter Balanced Online Summative Assessments*

   The CDE used feedback from LEAs about the TAM used during the Smarter Balanced Field Test to develop these two resources: 1.) *Test Administrator Reference Guide* and 2.) *Directions for Administration of the Smarter Balanced Online Summative Assessments,* specifically for LEA personnel administering the tests (i.e., test administrators). The *California Test Administrator Reference Guide* provides information that a test administrator can refer to prior to testing; whereas, the *Directions for Administration of the Smarter Balanced Online Summative Assessments* was designed for test administrators to use during testing. These two resources were made available to LEAs in February 2015 on the ETS CAASPP Test Administration, Instructions and Manuals Web page at http://caaspp.org/administration/instructions/index.html.

3. *Smarter Balanced Online Training Workshops*

   Throughout January and February 2015, ETS, on behalf of the CDE, conducted in-person regional workshops at 17 different sites and a live Webcast for LEA CAASPP coordinators and technology coordinators for the Smarter Balanced Summative Assessments. In addition, this training included an overview of the interim assessments and the Digital Library. (Refer to Attachment 2 for a list of outreach activities.)

Launch of Smarter Balanced Interim Assessments

California purchased the full suite of assessments offered by the Smarter Balanced Assessment Consortium, including the interim assessments. The interim assessments are voluntary for LEAs to use and are envisioned to assist with teaching and learning in classrooms across the state. On January 28, 2015, the Smarter Balanced Interim Assessments and the Interim Assessment Hand Scoring System were made available to California LEAs through the TOMS. Because the interim assessments were released by Smarter Balanced later than originally expected, Smarter Balanced will offer a credit to states that purchased this component of the assessment system.

Two types of interim assessments are available: interim comprehensive assessments (ICAs) and the interim assessment blocks (IABs). The ICAs are built on the same blueprints as the summative assessments. They assess the same range of standards, include the same item types and formats, including performance tasks, and yield results similar to those of the summative assessments. The IABs, in contrast, focus on smaller sets of standards and provide more detailed information for instructional purposes. The IABs yield overall information for each block which are based on a grouping of content standards. In early March, test administrators were provided with the ability to retrieve reports of individual student results for administered ICAs and IABs on the Smarter Balanced Administration and Registration Tools (ART) secure Web site. These reports are available to test administrators (TAs) within 24 hours after hand scoring has been completed.

To assist LEAs with the interim assessments for the 2014–15 school year, the CDE and its collaborators produced numerous communications to California educators, including:

- A two-part live Webcast presented on January 15 and 28 provided an overview and demonstration of the interim assessments, including recommended uses for the 2014–15 school year. In addition, the Webcast presented on January 28 introduced the Interim Assessment Hand Scoring System which was released that same day. This system is designed to help teachers complete the hand scoring process for all ICA and IAB assessments. An archive of this two-part Webcast can be viewed on the CDE Interim Assessments Web page at http://www.cde.ca.gov/ta/tg/sa/sbacinterimassess.asp.

- A video was released in late February to provide TAs with an overview of the Training Guides and Exemplars on using the interim assessment scoring rubrics and the Interim Assessment Hand Scoring System.

- Supporting documents were also added to the CDE CAASPP Web page, including tables that describe all ICAs, IABs, and a description of grade level availability for each of the interim assessments. These tables provide information about the number of hand scoring requirements for each of the ICAs and IABs, along with a table provided by Smarter Balanced that shows the estimated time required to score different item types. Additional information about the ICAs and IABs was posted to the CDE CAASPP Web page at

http://www.cde.ca.gov/ta/tg/sa/sbacinterimassess.asp that describes the availability of ICAs and IABs by content area (ELA and mathematics) and by grade level.

In response to early feedback received from LEAs that have used the interim assessment system, the CDE is exploring further enhancements including teacher-specific log-in to access items prior to administering and scoring and the ability for a TA to view student responses.

In addition to these enhancements, the CDE is communicating to LEAs the important differences between the interim assessments and the practice tests as they relate to preparing for the summative assessments. Specifically, the interim assessments provide an indication of how well students are learning the content standards. The items in the interim assessments are built using the same standards as the items in the summative assessments. The practice tests, on the other hand, are intended primarily to provide students and teachers with exposure to the technology and features that will be encountered on the summative assessments. To familiarize students with the assessment environment, the CDE is encouraging LEAs to use the practice tests. LEAs are encouraged to reserve the interim assessments to gauge, at specific times during the school year, student achievement. LEAs can access both the practice tests and interim assessments through the CAASPP Web site at http://caaspp.org/.

Smarter Balanced Digital Library of Formative Assessment Resources

Another resource that California has made available to LEAs to support ongoing teaching and learning activities for all students in grade kindergarten through twelve inclusive is the Digital Library. Access to the Smarter Balanced Digital Library has grown to include over 220,000 registered California educators. In early January, to meet the growing demand from LEA staff for information about the Digital Library, ETS added four representatives and one lead representative dedicated to providing technical assistance on the Digital Library for LEAs. In addition, a dedicated phone line for Digital Library support was established for providing direct assistance to LEAs.

From January 5 through January 27, ETS conducted a call campaign to the 630 LEAs that had yet to upload their schools and staff into the Digital Library system. All LEAs were offered assistance in completing their registration, if needed. The response was positive, with 621 LEAs planning to use the Digital Library this school year. Nine LEAs indicated that they do not plan to use the Digital Library this school year because their lesson plans for the 2014–15 school year are already completed. Each of these nine LEAs was contacted by one of the CDE Senior Assessment Fellows to encourage use of the Digital Library and offer training and support. To provide further assistance to the LEAs and schools implementing the use of the Digital Library, the CDE intends to produce a training video for release in the fall.

In early January, Smarter Balanced released two additional resources to support LEAs in understanding and communicating about the Digital Library. The Digital Library Fact Sheet provides an overview of the Digital Library, the formative assessment process,

and the features that allow teachers to search a multitude of options for instructional materials that will help inform teaching and learning. The Digital Library Overview and Sample Resources' slideshow is a recorded tour that is meant for anyone wanting to know more about the Digital Library's design features and professional learning resources. It includes three sample resources to demonstrate how to interact with the Digital Library. The CDE posted links to these resources to its Digital Library Web page and notified CAASSP listserv subscribers via a weekly e-mail update. Both the Digital Library Fact Sheet and Digital Library Overview are meant for educators, parents and guardians, school board members, and community representatives.

These, and other Digital Library resources, are located on the CDE Digital Library Web page at http://www.cde.ca.gov/ta/tg/sa/diglib.asp. In addition, a 15-minute interactive module titled "Using Interim Assessment Blocks to Support Teaching and Learning" was posted as a teacher resource in the Smarter Balanced Digital Library. To assist educators in using the Digital Library, a feature has been added to the log-in screen that offers tutorials about how to get started, find and navigate resources, and understand the formative assessment process.

Technology Update

In preparation for the Smarter Balanced Interim and Summative Assessments, the CDE continues to provide communication and resources to LEAs on how to prepare their technology for the computer-based assessments and ensure that their student information is up to date in the California Longitudinal Pupil Achievement Data System (CALPADS). Through regular Webinars and communications such as the CALPADS Flash (http://www.cde.ca.gov/ds/sp/cl/communications.asp) and Information Technology Coordinator Updates (http://www.cde.ca.gov/ta/tg/sa/itcltrs.asp), CALPADS LEA administrators and technology coordinators are provided information on topics such as upcoming key dates, the release of the Smarter Balanced Secure Browsers, and functionality included in TOMS, which LEAs use to access the online assessments.

As announced at the January SBE meeting, through the Broadband Infrastructure Improvement (BIIG) program, 227 sites received viable bids from service providers to improve broadband connections in preparation for the first administration of the Summative Assessment.

The K–12 High Speed Network (K12HSN) is working with these sites that are eligible to receive services to assemble a project team to assist in coordination and implementation of the solution consisting of the following members: (1) Service Provider, (2) K12HSN/Corporation for Education Network Initiatives in California (CENIC), (3) School District/School Site, and (4) County Office of Education representatives. Every site will have a unique timeline based on variables such as geography and complexity of special construction. The project will begin as soon as the implementation teams are assembled and the service orders have been placed with service providers. For the 64 remaining sites that did not receive bids from service providers, K12HSN is collaborating with the Corporation for Education Network Initiatives in California (CENIC) to actively seek alternate solutions. Over the past month, solutions for about 12 sites (of the 64 sites) have been found. For the remaining

sites, a different approach will need to occur which may include working the larger community where these sites are located to develop community-wide solutions or working the service providers to understand the challenges in these communities.
On February 27, 2015, the K12HSN released the Statewide Network Connectivity Report, titled "Connecting California's Children 2015: *Assessing and Improving Network Connectivity Infrastructure in California's K-12 Public Schools*." This report is available on the K12HSN Statewide Connectivity Report Web page at http://www.k12hsn.org/sb852/report.php. The report describes the online assessment and the broadband infrastructure requirements to conduct the Smarter Balanced Summative Assessments; an overview of education networking in California; provides an overview of the details of the BIIG program; outlines the framework and methodology of the Statewide Network Connectivity Infrastructure Needs Assessment; and offers lessons learned based on the BIIG program. A supplemental report, to be delivered on April 17, 2015, will address the full results of the Statewide Connectivity Infrastructure Needs Assessment and offer both short and long-term recommendations drawn from the BIIG and Statewide Connectivity Needs Assessment.

Outreach Activities

In addition to the resources described throughout this item, the CDE is involved in the following outreach activities to assist LEAs in preparing to administer and communicate with staff, parents and guardians, students, and other stakeholders about the CAASPP System:

- Weekly CAASPP updates for the CAASPP listserv: the CDE is issuing weekly updates on assessment activities through an e-mail that reaches over 14,000 subscribers. Recent topics have included announcements on upcoming Webcasts, posting of Digital Library resources, the launch of interim assessments, and information on registering school coordinators and test administrators in TOMS.

- Bi-monthly meetings with regional assessment liaisons: CDE staff continues to meet with regional assessment liaisons every other month to provide information on various assessment topics, including Smarter Balanced assessment activities. In addition, these meetings provide regional assessment liaisons an opportunity to share their resources for reaching out to schools, families, and community representatives.

- Communications toolkit: CDE staff is working with CDE Senior Assessment Fellows, San Joaquin County Office of Education, ETS staff, and SBE staff to develop a communications toolkit to assist in communicating about the upcoming Smarter Balanced Summative Assessment results with California LEAs, parents and guardians, school board members and community representatives. In February, LEA superintendents and administrators received resources to assist with communicating to various audiences on results from the Smarter Balanced Summative Assessments.

See Attachment 2 for a listing of CDE outreach activities during January and February 2015.

RECOMMENDATION

The CDE recommends the approval of the 2015 CAASPP Individual Student Results Reports and recommends the SBE Executive Director be granted the authority to approve technical changes to the reports as needed.

BRIEF HISTORY OF KEY ISSUES

California Assessment of Student Performance and Progress

Per *EC* Section 60640, the CAASPP System succeeded the STAR Program on January 1, 2014.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

In January 2015, the CDE provided the SBE with an update on the BIIG, the progress of the Smarter Balanced Interim Assessments, the Digital Library, the California Alternate Assessment and the plan for reporting the 2014–15 CAASPP results (http://www.cde.ca.gov/be/ag/ag/yr15/agenda201501.asp).

In November 2014, the CDE provided the SBE with an update on CAASPP activities, including Smarter Balanced, Achievement Level Setting, and Technology (http://www.cde.ca.gov/be/ag/ag/yr14/documents/nov14item02a2.pdf).

In November 2014, the SBE approved the CDE's recommendations for the full implementation of a technology-enabled assessment system and the administration of the Smarter Balanced Summative Assessments in 2014–15 (http://www.cde.ca.gov/be/ag/ag/yr14/documents/nov14item03.doc).

FISCAL ANALYSIS (AS APPROPRIATE)

A total of $26,689,000 in one-time funding was provided in the 2014–15 Budget Act to support the BIIG. The 2014–15 Budget Act includes a total of $89,081,000 for contracts related to the Smarter Balanced Assessments, part of the CAASPP System, as approved by the SBE and contingent upon Department of Finance review of the related contract during contract negotiations prior to its execution. The hosting of Smarter Balanced Interim Assessments, and the reporting of 2014–15 CAASPP results, including Smarter Balanced Summative Assessment results, are only a portion of the tasks included in the scope of work and budget for Amendment 12 to the ETS CAASPP contract approved by the SBE in July 2014 for the 2014–15 CAASPP test administration. The budget for Amendment 12 is approximately $84 million.

California educator access to both the interim assessments and the formative assessment tools housed in the Digital Library are included in the CDE contract with the University of California, Los Angeles (UCLA) for Smarter Balanced consortium services approved by the SBE in September 2013. The UCLA contract is capped at $9.55 million annually, which includes the operational costs of the Smarter Balanced Summative Assessments, Interim Assessments, and Digital Library.

ATTACHMENT(S)

Attachment 1: CAASPP Individual Student Results Report Templates. This attachment will be provided prior to the SBE meeting and posted on this site.

Attachment 2: CAASPP Outreach Activities (8 Pages)

California Assessment of Student Performance and Progress Outreach Activities

The California Department of Education (CDE), in coordination with its assessment contractor and CDE Senior Assessment Fellows, have provided a variety of outreach activities to prepare local educational agencies (LEAs) for the 2014–15 administration of California Assessment of Student Performance and Progress (CAASPP) System of assessments. Outreach efforts have included Webcasts, in-person test administration workshops, stakeholder meetings, and presentations for numerous LEAs throughout the state. The following table lists presentations during January and February 2015. In addition, the CDE continues to release information regarding the CAASPP System of assessments, including weekly updates, on its Web site and through e-mail listservs.

Webcasts				
Date	**Event Location**	**Assessment**	**Number of Attendees**	**Description**
1/15/2015	Webcast: 2015 Smarter Balanced Interim Assessments, Part 1	Smarter Balanced	822 viewers from LEAs	Part 1 of a 2-part Webcast focused on the Smarter Balanced Interim Assessments. This part provided an overview of the Smarter Balanced Interim Assessments, as well as information on how to use the interim assessments in 2014–15 and plan for use in 2015–16. This Webcast is archived on the California Assessment of Student Performance and Progress (CAASPP) Archived Webcast Web page at http://caaspp.org/rsc/videos/archived-webcast_011515.html.

Webcasts				
Date	**Event Location**	**Assessment**	**Number of Attendees**	**Description**
1/28/2015	Webcast: 2015 Smarter Balanced Interim Assessments, Part 2	• Smarter Balanced	865 viewers from LEAs	Part 2 of a 2-part Webcast focused on the Smarter Balanced Interim Assessments. This part provided information about how to administer the Interim Comprehensive Assessments and the Interim Assessment Blocks, as well as how to use the Interim Hand Scoring System. This Webcast is archived on the CAASPP Archived Webcast Web page at http://caaspp.org/rsc/videos/archived-webcast_012815-2.html.
1/28/2015	Webcast: Smarter Balanced Online Test Workshops	• Smarter Balanced	960 viewers from LEAs	Webcast to train LEA CAASPP coordinators on the administration of the online Smarter Balanced Summative Assessments and provide an overview of the Smarter Balanced Interim Assessments and the Digital Library. This Webcast is archived on the CAASPP Archived Webcast Web page at http://caaspp.org/rsc/videos/archived-webcast_012815.html.

Webcasts				
Date	**Event Location**	**Assessment**	**Number of Attendees**	**Description**
2/18/2015	Webcast: 2015 Test Security Guidelines	• Smarter Balanced • Science	548 viewers from LEAs	Webcast to provide training to LEA CAASPP coordinators so that they will be able to train their LEA staff on test security guidelines and procedures for the 2015 administration of paper-pencil tests as well as the computer-based tests. This Webcast is archived on the CAASPP Archived Webcast Web page at http://caaspp.org/rsc/videos/archived-webcast_021815.html.

Primary Language Development Test Stakeholder Meeting				
Date	**Event Location**	**Assessment**	**Number of Attendees**	**Description**
1/28/15	PLDT Stakeholder Meeting, Group 1	PLDT	50	As stipulated in *Education Code (EC)* Section 60640, the CDE, in collaboration with Educational Testing Service (ETS), gathered input from stakeholders regarding primary language assessments aligned to the English language arts (ELA) content standards. The input from stakeholders will be shared with State Superintendent of Public Instruction (SSPI) Tom Torlakson as he prepares recommendations for the State Board of Education (SBE) on the content and purpose of the new K–12 primary language assessments.
1/29/15	PLDT Stakeholder Meeting, Group 2	PLDT	50	As stipulated in *EC* Section 60640, the CDE, in collaboration with ETS, gathered input from stakeholders regarding primary language assessments aligned to the ELA content standards. The input from stakeholders will be shared with SSPI Tom Torlakson as he prepares recommendations for the SBE on the content and purpose of the new K–12 primary language assessments.

Smarter Balanced Online Test Administration Workshops			
Date	**Event Location**	**Number of Attendees**	**Description**
1/26/2015	Sacramento	110	In-person workshops conducted across the state to train LEA CAASPP coordinators on the administration of the online Smarter Balanced Summative Assessments and provide an overview of the Smarter Balanced Interim Assessments and the Digital Library. LEA CAASPP coordinators were offered the opportunity to invite one additional representative from their LEA to attend these workshops. Over 880 LEAs were represented in these workshops.
1/27/2015	Orange County Office of Education (COE)	61	
1/28/2015	Humboldt COE	47	
1/29/2015	Sonoma COE	107	
1/29/2015	San Joaquin COE	65	
1/30/2015	Los Angeles COE	153	
1/30/2015	Butte COE	53	
1/30/2015	Monterey COE	40	
2/2/2015	Shasta COE	54	
2/2/2015	Riverside COE	72	
2/4/2014	Santa Barbara COE	40*	
2/5/2015	San Diego COE	74*	
2/6/2015	Alameda COE	62*	
2/9/2015	Fresno Hotel & Conference Ctr.	57*	
2/11/2015	Santa Clara COE	60*	
2/13/2015	Kern COE	43*	

Smarter Balanced Online Test Administration Workshops			
Date	**Event Location**	**Number of Attendees**	**Description**
Late February	Imperial COE	~50	

Smarter Balanced Presentations by Senior Assessment Fellows				
Date	**Event Location**	**Number of Attendees**	**Target Audience**	**Topic**
1/7/2015	Kern County Superintendent of Schools (KCSOS)	45	LEA administrators	CAASPP Update
1/12/2015	KCSOS	35	LEA special education directors	Accessibility Interims, Alternate Assessments
1/13/2015	KCSOS	100	Curriculum administrators, testing administrators, teachers and site administrators	Achievement Levels
1/14/2015	Hayward	15	LEA CAASPP Coordinators	Interim Assessments
1/20/2015	Sacramento	20	Regional coordinators for the Regional System of District and School Support	Interim Assessments
1/21/2015	Los Angeles COE	32	Curriculum directors, principals, assessment coordinators, teacher coaches, and teacher leaders	Strategies for using performance tasks to support instruction and assessment
1/21/2015	KCSOS	35	LEA Superintendents	Achievement Levels

1/21/2015	Sacramento	15	Regional Assessment Network	Updates on CDE/Senior Assessment Fellows outreach activities, materials in development, recent presentations and resources
2/2/2015	Ventura COE	80	COE and LEA administrators	Claims, blueprints, achievement levels, interims and Digital Library

Presentations by CDE Senior Assessment Fellows

Dates	Event Location	Number of Attendees	Target Audience	Topic
2/3/2015	Santa Ynez Valley	15	LEA Superintendents	CAASPP Update
2/3/2015	Lompoc Unified School District	25	LEA and site administrators	CAASPP Update
2/4/2015	Kelseyville Elementary	30*	Elementary school teachers and principals	Digital Library training and interims overview and training
2/10/2015	Anaheim	60	Charter school personnel	Overview; practice and training tests; interims and Digital Library
2/12/2015	Anaheim	100	LEA Administrators and Teachers	Panel: Preparation for operational assessment
2/19/2015	Napa	30*	LEA Administrators	Digital Library and formative assessment
2/20/2015	Redwood City	15*	LEA CAASPP Coordinators	Smarter Balanced Update
2/20/2015	Sacramento	60*	Charter school personnel	Overview; practice and training tests; interims and Digital Library
2/23/15	Eureka	60*	LEA Special Education and Coordinators	Preparation for Operational Assessment; student accessibility supports

2/24/2015	Ukiah	50*	Teachers and LEA Administrators	Digital Library
2/25/2015	Monterey	50*	Teachers and LEA Administrators	Digital Library
2/26/2015	Hayward	40-60*	Teachers and Principals	Digital Library
2/27/2015	Sacramento	40*	LEA CAASPP Coordinators	Smarter Balanced Update

* Estimated attendees

California State Board of Education

Meeting Agenda Items for March 11-12, 2015

ITEM 04

CALIFORNIA STATE BOARD OF EDUCATION

MARCH 2015 AGENDA

SUBJECT	
California Assessment of Student Performance and Progress: Designation of the California Assessment of Student Performance and Progress Contractor.	☒ Action ☒ Information ☐ Public Hearing

SUMMARY OF THE ISSUE(S)

The State Board of Education (SBE) authorized the release of the Request for Submission (RFS) for the California Assessment of Student Performance and Progress (CAASPP) System at its November 2014 meeting. The California Department of Education (CDE) received submissions from CTB/McGraw-Hill (CTB), Educational Testing Service (ETS), and NCS Pearson (Pearson).

The RFS was released to potential bidders on November 19, 2014, and submissions were due to the CDE by January 14, 2015. The RFS specified issuance of a four-year contract (July 1, 2015 through December 31, 2018) contingent on the annual budget process for administering the CAASPP System for the 2015–16, 2016–17, and 2017–18 school years.

The RFS addressed assessments within the CAASPP System as well as additional assessments to be determined by the State Superintendent of Public Instruction (SSPI) and the SBE:

- Smarter Balanced Summative Assessments, English language-arts/literacy (ELA) and mathematics
- Smarter Balanced Interim Assessments, ELA and mathematics
- California Standardized Tests (CST)/California Modified Assessment (CMA)/California Alternate Performance Assessment (CAPA) for Science
- California Alternate Assessments (successor to CAPA) in ELA and mathematics
- Science Assessments (successor to CST/CMA/CAPA)
- Standards-based Tests in Spanish (STS) – Reading Language Arts (RLA) Assessments (optional for LEAs)
- Primary Language Assessments (successor to STS)

The work to be completed by the contractor in response to the RFS includes:

- Administration of the Common Core State Standards (CCSS)-aligned Smarter Balanced Summative Assessments for ELA/Literacy and mathematics for grades three through eight, inclusive, and grade eleven.

  Note:

  1. The contractor will not be required to conduct item development activities for the Smarter Balanced assessments.

  2. The contractor will be required to support the field testing of any new items within the testing sessions during an operational assessment. The contractor will not be responsible for scoring the Field Test items or Field Test performance tasks.

  3. The Smarter Balanced assessments for grade eleven will be utilized for the Early Assessment Program (EAP) beginning in 2014–15, as allowed by California *Education Code* (*EC*) Section 99301. The contractor selected through this RFS will be required to coordinate with the California State University (CSU) EAP contractor.

- Provision of CCSS-aligned Smarter Balanced Interim Assessments and formative assessment practices (hereafter referred to as the Digital Library) offered through the consortium membership.
- Administration of the CST, CMA, and CAPA for science in grades five, eight, and ten until replaced by successor California Next Generation Science Standards (NGSS)-aligned summative assessment(s).
- Development and administration of California NGSS-aligned science assessments as well as a science alternate assessment, which includes at least one assessment in each of the following three grade spans: three through five, six through nine, and ten through twelve.
- Continued development and administration of the California Alternate Assessments aligned with CCSS for ELA and mathematics for students with significant cognitive disabilities who are unable to participate in Smarter Balanced testing, even with accommodations.
- Administration of, at the option of the LEA, the STS for RLA to Spanish-speaking English learner students.
- Providing to LEAs, at their expense, the STS for RLA for students enrolled in a Spanish dual language immersion program who are either initially fluent English proficient, English only, or redesignated fluent English proficient, until a successor CCSS-aligned RLA primary language assessment is adopted by the SBE per *EC* Section 60640(j).
- Designation, development, and/or administration of a CCSS-aligned ELA summative assessment in primary languages other than English.

- Designation, development, and/or administration of additional assessments in subjects including, but not limited to, science, ELA, mathematics, history–social science, technology, visual and performing arts, and other subjects as determined by the SSPI and the SBE. The SSPI is required to submit recommendations on expanding the CAASPP System to include additional assessments no later than March 1, 2016. Work for implementing these additional assessments is not part of this RFS and will require legislative action and funding.
- Development of a three-year plan to support the continuous improvement of CAASPP assessments per *EC* Section 60649.

The review of the submissions, required by Section 3 of the RFP, was conducted in two parts using two separate panels to evaluate the following tasks.

Task	Item
Task 1	Comprehensive Plan and Schedule of Deliverables
Task 2	Program Support Services
Task 3	Technology Services
Task 4	Test Security
Task 5	Accessibility and Accommodations
Task 6	Assessment Development
Task 7	Test Administration
Task 8	Scoring and Analysis
Task 9	Reporting Results

- Section 3 of the RFS, Task 3: Technology Services was evaluated January 20–23, 2015, by a panel of five local educational agency (LEA) staff (representing small, medium and large LEAs and both rural and urban LEAs) and three CDE staff.

- All other tasks were evaluated January 20–23, 2015 and January 26–28, 2015, by a separate panel of five LEA staff (representing small, medium and large LEAs and both rural and urban LEAs) and six CDE staff.

- Section 3 of the RFS, Task 3: Technology Services was evaluated February 2–3, 2015, by the independent verification and validation (IV&V) consultant, Sabot Consulting. This review does not impact the scoring of the proposals, though the evaluation will be considered as part of the SSPI's recommendation. Sabot Consulting provided the SSPI with an independent review of the technology components of the proposals. Independent review of technology services is a requirement of the California Department of Technology.

- CDE staff, with technical assistance from UCLA, reviewed the final Smarter Balanced Implementation Readiness Package evidence submitted by

February 24, 2015, for compliance with the requirements outlined in Section 3.3.2.B.2 of the Scope of Work and Section 5.4 of the RFS. The evidence produced by the Implementation Readiness Package evaluated that items and applicable tools, supports and accommodations rendered correctly; items and tests were scored correctly; and results were correctly delivered to the data warehouse.

RECOMMENDATION

The CDE recommends that the SBE adopt the SSPI recommendation regarding the designation of a CAASPP Contractor.

BRIEF HISTORY OF KEY ISSUES

California adopted the Common Core State Standards (CCSS) for ELA and mathematics in August 2010 and joined the Smarter Balanced Assessment Consortium as a governing state in June 2011. The SBE adopted California NGSS in September 2013.

Assembly Bill (AB) 484 *EC* sections 60600–60649), introduced by Assembly Member Bonilla in February 2013, and sponsored by SSPI Torlakson, was signed into law by Governor Brown on October 2, 2013. This law removed provisions for the Standardized Testing and Reporting (STAR) Program and established the CAASPP System, commencing with the 2013–14 school year. The 2015–16 through 2017–18 test administrations addressed in this RFS, as stipulated in *EC* Section 60640, includes consortium-developed computer-based assessments that are aligned with the CCSS, specified state-developed paper-pencil assessments that were previously administered through the STAR Program, and new assessments to be recommended by the CDE with stakeholder input and approved by the SBE.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

In November 2014, the SBE approved the release of the CAASPP System RFS in accordance with the scope, schedule and process described in the item. (http://www.cde.ca.gov/be/ag/ag/yr14/documents/nov14item02.doc)

In September 2014, the SBE authorized SBE President Michael Kirst or his designee to sign the Memorandum of Understanding (MOU) for the Smarter Balanced Consortium Managed Services Contract that provides California access to the Smarter Balanced Summative and Interim Assessments, formative/Digital Library tools, and continuing item refreshment and validity studies of the Smarter Balanced assessments. The current and future CAASPP assessment administration and development contractors will host and administer the Smarter Balanced summative and interim assessments. (http://www.cde.ca.gov/be/ag/ag/yr14/documents/sep14item03.doc)

In July 2014, the SBE approved an amendment to the current CAASPP contract with ETS and directed CDE and SBE staff to work with ETS in the modification of the scope of work, timeline, and budget for the 2015 administration of the CAASPP System. (http://www.cde.ca.gov/be/ag/ag/yr14/documents/jul14item05.doc)

In November 2013, the SBE heard discussion and approved agreed-upon amendments to the STAR contract per *EC* Section 60640(f)(2) for the 2014 test administration of the CAASPP System, including the Smarter Balanced Field Test. (http://www.cde.ca.gov/be/ag/ag/yr13/documents/nov13item09.doc)

FISCAL ANALYSIS (AS APPROPRIATE)

Funding for this RFS contract was requested as a part of the legislative budget change proposal (BCP) for AB 484 for estimated CAASPP System costs. It is anticipated that approximately $76 million will be available for the RFS contract work in fiscal year 2015–16, with approximately $84 million available annually thereafter. However, the final budget for the RFS contract is to be negotiated and approved by the CDE, SBE, and Department of Finance. Funding for 2015–16 and beyond will be contingent upon an appropriation being made available from the Legislature in ongoing fiscal years.

The ongoing annual funding of $9.55 million for the MOU for the Smarter Balanced Assessment Consortium services was also requested in the AB 484 BCP and has been included in the 2014–15 CAASPP System funding included in the 2014 Budget Act. Funding for 2015–16 and beyond will be contingent upon an appropriation being made available from the Legislature in ongoing fiscal years.

ATTACHMENT(S)

The SSPI's recommendation, along with a summary of the panel findings, will be provided as an Item Addendum.

California State Board of Education

Meeting Agenda Items for March 11-12, 2015

ITEM 05

CALIFORNIA STATE BOARD OF EDUCATION

MARCH 2015 AGENDA

SUBJECT	
Update on Issues Related to California's Implementation of the Elementary and Secondary Education Act (ESEA) and Other Federal Programs, Including but Not Limited to, Reauthorization of ESEA, California's 2014 Individuals with Disabilities Education Act Compliance Determination Appeal (IDEA), and Action in Response to a United States Department of Education (ED) Accountability System letter to Title I Directors.	☒ Action ☒ Information ☐ Public Hearing

SUMMARY OF THE ISSUE(S)

This standing item allows the California Department of Education (CDE) to brief the State Board of Education (SBE) on timely topics related to the Elementary and Secondary Education Act (ESEA) and other federal programs.

ESEA Reauthorization

On February 20, 2015, a joint letter from State Superintendent Torlakson and Board President Mike Kirst was delivered to Senators Alexander and Murray, Chair and Ranking Member of the U.S. Senate Health, Education, Labor and Pensions Committee, regarding the California State Educational Agency (SEA) comments and guidance on the proposed draft bill Reauthorizing the ESEA. A current draft of the bill can be found at http://www.help.senate.gov/imo/media/AEG15033.pdf.

IDEA Appeal

On September 15, 2014, staff from the CDE, the SBE, and 11 members of a California Coalition for Adequate Special Education Funding met with Michael K. Yudin, Acting Assistant Secretary, Office of Special Education and Rehabilitative Services; and Office of Special Education Program (OSEP) staff to appeal the OSEP determination of "Needs Intervention" for California's special education programs. The CDE followed up with a formal Public Records Act request and have contacted ED several times for follow-up; to date no response has been given to California by ED.

ED Accountability System

California received a letter from ED on February 27, 2015 that allows states administering new college- and career-ready aligned assessments to not assign schools new ratings based on those assessments. States interested in taking advantage of this opportunity must submit a request to ED by March 31, 2015 with several documents to

outline California's plan. The CDE will provide a verbal update at the Board meeting. The letter from ED is Attachment 2.

RECOMMENDATION

The CDE recommends that the SBE delegate to President Kirst and State Superintendent Torlakson to submit a request to ED by March 31, 2015 to not assign schools a new rating based on the new assessments being administered in the 2014-15 school year.

BRIEF HISTORY OF KEY ISSUES

ESEA Reauthorization

The Elementary and Secondary Education Act of 1965 (ESEA), championed and signed into law by President Lyndon B. Johnson, sets forth a blueprint for the federal government's funding of elementary and secondary education with the intent of providing equal access to quality education. In 2001, President Bush reauthorized ESEA making some fundamental policy changes and renaming ESEA to the No Child Left Behind Act (NCLB). ESEA was scheduled for reauthorization in 2007; however federal policymakers have yet to agree on what will be a major revision of the NCLB version of ESEA. There is consensus in the education community on the need for ESEA reauthorization to avoid the continued use of waivers as a substitute for new law.

There is momentum in Congress for reauthorization with bipartisan effort moving in the Senate as well as a bill in the House. The SSPI and the SBE submitted a joint letter to the Senate Health, Education, Labor and Pensions Committee providing the state's thoughts and guidance on draft bill language currently being discussed by Committee Chair Alexander and Ranking Member Murray.

Attachment 1 provides a copy of the letter from California.

IDEA Appeal

On September 15, 2014, staff from the CDE, the SBE, and 11 members of a California Coalition for Adequate Special Education Funding met with Michael K. Yudin, Acting Assistant Secretary, Office of Special Education and Rehabilitative Services; and OSEP staff Melody Musgrove, Director; Ruth Ryder, Deputy Director; Gregg Corr, Director, Division of Monitoring and State Improvement Planning; Larry Ringer, Associate Director, Division of Monitoring and State Improvement Planning; and Nancy Deutsch, Office of the General Counsel, to appeal the OSEP determination of "Needs Intervention" for California's special education programs. In support of our appeal, we had letters from California's Senators and from the Council of Chief State School Officers.

California asserted that OSEP had not used the "totality of the State's data and information" for students with disabilities in measuring their progress. The results portion of the determination was based solely on two broad measures: statewide assessment

data and the National Assessment of Educational Progress (NAEP). Thus, California challenged the use of these items based on problems with the methodology employed by OSEP. Further information regarding the California appeal is located at http://www.cde.ca.gov/be/pn/im/infomemodec2014.asp.

ED Accountability System

On November 21, 2013, the CDE and SBE submitted a waiver request to the ED for flexibility in assessment administration aligned with college- and career-ready standards for the 2013–14 school year. In addition, the waiver request sought to allow participating schools to retain their federal accountability designations for an additional year. The one year Title I waiver pertained to California students who participated in the Smarter Balanced field tests. This waiver was granted in March 2014.

California is beginning its first operational college- and career-ready standards aligned operational assessments on March 10, 2015 and its field test for California Alternative Assessment (CAA) for all eligible students with severe cognitive disabilities beginning on April 15, 2015.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

In December 2014 – the SBE received an Information Memorandum regarding the IDEA appeal. (See http://www.cde.ca.gov/be/pn/im/infomemodec2014.asp.)

At the July 2014 SBE Meeting, an Federal Update Item on California's Request to Waive Title I, Part A Requirements of ESEA Under Section 9401 was presented. (See http://www.cde.ca.gov/be/ag/ag/yr14/agenda201407.asp.)

At the March 2014 SBE meeting, Deputy Superintendent of Public Instruction, Deborah V.H. Sigman, presented information about the U.S. Secretary of Education's March 7, 2014, approval of California's waiver request. (See http://www.cde.ca.gov/be/ag/ag/yr14/documents/mar14item14.doc.)

ATTACHMENT(S)

Attachment 1: Joint SSPI/SBE Letter to Senators Alexander and Murray Regarding the Draft Bill to Reauthorize ESEA (4 pages)

Attachment 2: Letter from Monique M. Chism, Ph.D., Director of Office of State Support, United States Department of Education (7 pages)

This is the official scanned version of Item 05 Attachment 1 from the California State Board of Education (SBE) Meeting Agenda for March 2015 posted at http://www.cde.ca.gov/be/ag/ag/yr15/agenda201503.asp

An accessible version of the contents of this document is located at http://www.cde.ca.gov/be/ag/ag/yr15/mar15item05a1aav.asp

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

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

1430 N Street Sacramento, CA 95814-5901

February 20, 2015

The Honorable Lamar Alexander
Chairman
Committee on Health, Education, Labor and Pensions
455 Dirksen Senate Office Building
United States Senate
Washington, DC 20510

The Honorable Patty Murray
Ranking Member
Committee on Health, Education, Labor and Pensions
154 Russell Senate Office Building
United States Senate
Washington, DC 20510

Dear Chairman Alexander and Ranking Member Murray:

As State Superintendent of Public Instruction and President of the State Board of Education, we have reviewed the most recent draft of the Every Child Ready for College and Career Act and are providing some comments for your consideration. California has recently made substantial statutory changes to our assessment, funding, and local accountability systems and we believe many of the proposed changes in the discussion draft would complement our state's policies. Overall, we support providing more flexibility to states and local communities as proposed in your discussion draft bill; however, we also have some concerns about specific proposals, as delineated below.

Limiting Appropriations for all Titles until 2021

California understands the need to balance a budget, but freezing authorized appropriations for six years does not take future budgets or needs into consideration. Poverty populations, State and local funding and revenues, federal budgets, and other factors can all lead to the need for changes to federal spending. Locking in certain appropriation levels now is short-sighted, especially when additional resources will be needed for successful implementation of the state-adopted content standards, including professional development, assessments, technology, and supports to English learners.

Assessment Frequency

We fully support the policy shift to provide states with the most flexibility to develop an assessment system that works best to fit each state's needs. California made the decision in 2014 to administer the Smarter Balanced Assessment Consortium assessments and the state is still developing the remainder of our assessment system. We believe that states should have the flexibility to balance the needs of parents and teachers to receive important information about students' performance on assessments, while considering the amount of time schools dedicate to assessing students.

Accountability Systems

While California believes that it is appropriate for the federal government to require that states and local educational agencies develop an accountability framework, we strongly support allowing states and local educational agencies the use their own accountability systems to ensure schools are making progress. California is currently in the process of revising the state accountability system to align it with the specified state priorities under the Local Control Funding Formula. For more than a decade, California has had accountability systems that only reflect student assessments and graduation rates. We believe that the narrow concentration on English language arts and mathematics assessments has negatively impacted schools' decisions to provide a broad-based education to students.

Title I Portability

California does not support extending Title I portability for eligible students to private schools. This proposal essentially allows Title I dollars to be used as vouchers and this is not a policy that we support. Moreover, Title I dollars are not intended to be student-by-student funding, as whole schools benefit from the resources provided by the Elementary and Secondary Education Act.

Prohibition on Requirements Regarding Teacher Evaluation

Because of California's diversity with over 2,000 local educational agencies, a student population comprised of nearly 25 percent English learners and 59 percent of pupils who are eligible for free or reduced-price meals, we strongly agree with the discussion draft's policy shift that would remove teacher and principal evaluation from being prescribed by Washington, D.C.

Elementary and Secondary Education Act Waivers

California agrees with proposed changes limiting the use of federal waivers. Major reforms in education policy should go through the legislative process where the public, including states and local educational agencies, have the opportunity to provide input. Waivers are an important part of our system; however, they should only be utilized as a tool to address exceptions and unusual circumstances, not as a means to create entirely new policy.

California Context

In 2013, California adopted the Local Control Funding Formula that creates base State funding with adjustments for grades kindergarten through three, four through six, seven and eight, and a smaller adjustment for grades nine through twelve. Supplemental grants equal to 20 percent of the adjusted base grant for targeted disadvantaged students who are classified as English learners, eligible to receive a free or reduced-price meal, foster youth, or any combination of these factors (unduplicated count). Finally, concentration grants equal to 50 percent of the adjusted base grant for targeted students exceeding 55 percent of a local educational agency's enrollment are also available.

As part of the Local Control Funding Formula, local educational agencies are required to develop, adopt, and annually update a three-year Local Control and Accountability Plan, beginning on July 1, 2014, based on documented input from stakeholders. The Plan's template was adopted by the California State Board of Education in November 2014. In addition, the State Board of Education is required to adopt evaluation rubrics to assist local educational agencies and oversight entities in evaluating strengths, weaknesses, and areas that require improvement, technical assistance, and interventions where warranted, on or before October 1, 2015. The State identified eight state priorities that local educational agencies must address in their template, including: implementation of academic content and performance standards, parental involvement, pupil achievement, pupil engagement, school climate, student access to a broad course of study, and pupil outcomes in a broad course of study.

California took these steps because they are the best course of action for California and our students, and we remain hopeful that the current discussion draft could support and complement our state's policy direction. Please consider the California Department of Education and State Board of Education as a resource should you have any questions about California's current initiatives. If there are any data or other information that could inform your work, please do not hesitate to contact us, or have your staff contact John Hooper, Federal Policy Liaison, by telephone at 916-319-0821 or by e-mail at jhooper@cde.ca.gov.

Sincerely,

Tom Torlakson

Michael W. Kirst

Tom Torlakson
State Superintendent of Public Instruction
California Department of Education

Michael W. Kirst
President
California State Board of Education

TT/MK:jh

cc: Members, California Congressional Delegation

AAV of Item 05 Attachment 1

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

CALIFORNIA STATE BOARD OF EDUCATION
MICHAEL W. KIRST, President
916-319-0827
1430 N Street Sacramento, CA 95814-5901

February 20, 2015

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Assessment Frequency

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Sincerely,

TOM TORLAKSON
State Superintendent of Public Instruction
California Department of Education

MICHAEL W. KIRST
President
California State Board of Education

TT/MK:jh

cc: Members, California Congressional Delegation

This is the official scanned version of Item 05 Attachment 2 from the California State Board of Education (SBE) Meeting Agenda for March 2015 posted at http://www.cde.ca.gov/be/ag/ag/yr15/agenda201503.asp

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UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY
EDUCATION

Dear Title I Directors:

As we start 2015, I would like to take this opportunity to applaud the hard work going on in States, local educational agencies (LEAs), and schools across the nation to implement college- and career-ready content standards. I know the work you are doing will help to provide the academic foundation students need to succeed in college and the workforce. Many of you are preparing to administer new assessments aligned to those college- and career-ready standards to your students for the first time this spring. These new assessments will provide better and more useful information about what students know and can do. I appreciate the hard work you have put in to create thoughtful plans to implement innovative, locally appropriate strategies that address your State's most pressing education challenges and enhance the support to educators and students.

As the majority of States begin implementing new assessments this spring, I want to provide guidance on a few important transition issues related to your assessment and accountability systems. The new assessments will likely impact your State's annual measurable objectives (AMOs) and other accountability measures, such as calculations for safe harbor and student growth. I know many of you have already started planning for how the State accountability system will account for these changes.

As part of our guidance to States regarding the ESEA flexibility renewal process, the U.S. Department of Education (ED) recently announced that, due to the significant change in assessment systems in so many States implementing ESEA flexibility and the importance of moving to assessments aligned to college- and career-ready standards, ED is permitting any State administering new college- and career-ready-aligned assessments in the 2014-2015 school year
to not assign schools new ratings based on those assessments. A State would still be required to publicly report the results of the assessments, including against AMOs, but the State may assign the same school ratings and permit its schools and LEAs to continue the same interventions that are being used in the 2014-2015 school year. The State would resume annually assigning schools a new rating based on the 2015-2016 assessments. A State that would like to take advantage of this opportunity should amend its ESEA flexibility request through the renewal process.

I want to make clear that this opportunity is available to all States that are administering new assessments aligned to college- and career-ready standards in the 2014-2015 school year, even States that are not implementing ESEA flexibility. A State without ESEA flexibility that would like to take advantage of this opportunity may submit a request to ED no later than **March 31, 2015,** for a waiver to permit the State to continue in 2015-2016 the improvement status that a school or LEA has for the 2014-2015 school year and permit the school or LEA to continue implementing the same interventions that it is using this year if the reason for missing adequate

yearly progress (AYP) based on 2014-2015 assessments is due to achievement in reading/language arts or mathematics in the school or LEA. The State would still need to calculate AYP based on assessments administered in the 2014-2015 school year and report this information publicly, in addition to reporting the results of the assessments.

In addition, there are several technical aspects of a State's accountability system that are likely to be impacted by the new assessments being administered in many States. To assist you in this transition, we want to remind you of several opportunities that are available to you.

1. Option to Reset AMOs for States with ESEA Flexibility

   A State with an approved ESEA flexibility request may reset its AMOs upon administering new assessments or adopting new achievement standards. To support this work, ED has revised the options for States to set AMOs by extending the end points originally established in section B of *ESEA Flexibility Frequently Asked Questions* (available at: www2.ed.gov/policy/elsec/guid/esea-flexibility/flex-renewal/index.html). That is, an eligible State that would like to reset its AMOs may choose one of three options:

   - Option A: Cutting the gap in half. The State may set AMOs in annual equal increments toward a goal of reducing the percentage of students who are not proficient by half within six years from 2014-2015 for the "all students" group and each subgroup.

   - Option B: 100 percent proficiency. The State may set AMOs that increase in annual equal increments and result in 100 percent of students achieving proficiency no later than the end of the 2022-2023 school year.

   - Option C: Another method. Use another method that is educationally sound and results in ambitious but achievable AMOs for all LEAs, schools, and subgroups.

   Attachment A provides more details and examples regarding the timelines for resetting AMOs under Options A and B. An eligible State that would like to reset its AMOs based on new assessments administered in the 2014-2015 school year should submit the proposal as soon as possible but not later than January 31, 2016.

2. Timely AYP and accountability determinations

   The transition to new assessments may also impact how and when a State identifies schools under its accountability system. Due to the timeline for State adoption (or confirmation) of new achievement standards, I am aware that many States will be unable to provide accountability determinations based on new assessment data before the start of the 2015-2016 school year. If this is true for your State, ED will work with you regarding your timeline for setting and adopting academic achievement standards, providing assessment results to LEAs schools, parents, and the public, and making accountability determinations.

   For States with ESEA flexibility
   As noted above, a State with ESEA flexibility has the option to request to "pause" its school rating system based on assessments administered in the 2014-2015 school year. For a State that does not choose to exercise this option, we understand that school accountability

determinations may be delayed. Additional information about school identification and renewal requirements can be found in the ESEA flexibility renewal guidance and FAQs at: www2.ed.gov/policy/elsec/guid/esea-flexibility/flex -renewal/index.html.

For States without ESEAjl.exibility

As a result of the implementation of new assessments, we understand that AYP determinations will be delayed until the results become available. As noted above, a State may request to waive accountability determinations based on achievement results for assessments administered in the 2014-2015 school year. Schools and LEAs that do not make AYP based on participation rate, graduation rate, or the other academic indicator in elementary and middle schools would advance to offer the next level of interventions. A State requesting this waiver must, no later than March 31, 2015, provide the plan and timeline for publicly reporting AYP designations and the results of the assessments, including achievement against AMOs, and an assurance that the State will resume annual accountability determinations in the 2016-2017 school year based on the assessments administered in the 2015-2016 school year. Although we understand that notification will likely occur after the start of the school year, I want to underscore the importance of providing information to parents and the public as soon as possible, particularly so that parents have a meaningful opportunity to take advantage of any interventions that flow from accountability determinations.

A State not seeking to waive accountability determinations based on achievement results from the 2014-2015 assessments must submit a plan by **March 31,2015,** outlining the timeline and steps for making AYP determinations and providing information to LEAs and schools, including:

- At the beginning of the 2015-2016 school year, all schools and LEAs in the State retain the same AYP status as during the 2014-2015 school year.
- All schools and LEAs that cannot exit improvement status must implement the appropriate interventions prior to the start of the school year. If these schools and LEAs do not make AYP based upon the 2014-2015 assessment data, they must begin offering the next level of services.
- Schools and LEAs on the "watch list" (i.e., schools and LEAs that did not make AYP for the first time based upon 2013-2014 (or the most recent available) assessment data should be notified to plan for the possibility of offering services (e.g., public school choice) and must act immediately when the 2014-2015 data become available.
- Schools and LEAs previously identified as in need of improvement that make AYP for the first time based on 2014-2015 assessment data may continue to offer the same level of services as in 2014-2015. A school or LEA that makes AYP for the second consecutive year based on 2014-2015 assessment data, once it is available, will no longer be identified for improvement.

In short, in all cases, all schools and LEAs previously identified for improvement must continue to implement interventions consistent with Section 1116 of the ESEA.

3. Measuring safe harbor and individual student growth

A State may continue to calculate safe harbor and approved measures of individual student growth in its accountability system during this transition, provided it can determine a

statistically valid method for so doing. States without data from the 2013-2014 school year may make safe harbor and growth decisions based on the change in student achievement between the 2012-2013 and 2014-2015 school years. States have previously identified ways to calculate safe harbor during the transition to new assessments. Appendix B provides one example of how to calculate safe harbor for a State to consider. A State with ESEA flexibility should include in its ESEA flexibility renewal request if and how the State proposes to calculate safe harbor or individual student growth, as applicable. A State without ESEA flexibility should identify how the State proposes to calculate safe harbor or individual student growth, as applicable, as part of the plan provided by **March** 31, **2015.** A State that does not have a statistically valid method to determine growth between different assessments may not make safe harbor or growth determinations.

Thank you again for your commitment to improving educational outcomes for all students. I look forward to our continued partnership in this critical work. If you have any questions, please contact your OSS program officers.

Sincerely,

Monique M. Chism

Monique M. Chism, Ph.D. Director
Office of State Support

Enclosures

Attachment A: Annual Measurable Objectives

An eligible SEA that would like to reset its AMOs can choose one of three options:

- Option A: Cutting the gap in half. The State may set AMOs in annual equal increments toward a goal of reducing the percentage of students who are not proficient by half within six years for the "all students" group and each subgroup.

- Option B: 100 percent proficiency. The State may set AMOs that increase in annual equal increments and result in 100 percent of students achieving proficiency no later than the end of the 2022-2023 school year.

- Option C: Another method. Use another method that is educationally sound and results in ambitious but achievable AMOs for all LEAs, schools, and subgroups.

Under any of the three methods, the State may set statewide AMOs or AMOs that differ by LEA, school, or subgroup so long as the LEAs, schools, or subgroups with lower proficiency levels are required to achieve greater rates of annual progress than their peers with higher levels of performance. The AMOs must be ambitious but achievable and provide meaningful goals that are used to guide support and improvement efforts for the State, LEAs, schools, and student subgroups. The State must submit targets to be reported against based on the assessments administered in the 2014-2015 school year (and not just using the data as a baseline for future years). A State that would like to reset its AMOs based on new assessments administered in the 20I4-2015 school year should submit the proposal as soon as possible
but not later than January 31, 2016.

Resetting AMOs is only permissible following the administration of a new assessment system or when the State has set new achievement standards. Transition or bridge assessments (e.g., modified versions of existing assessments designed for short-term use during a transition to new content standards) are not a sufficient cause for a State to reset its AMOs.

Examples for Setting AMOs
Option A -Cutting the gap in half

Under the State's original ESEA Flex plan.

Subgroup	Baseline	Year 1	Year2	Year3	Year4	Year 5	Year6
	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17
All Students	40	45	50	55	60	65	70

Note: States then apply the same method by subgroup.

Resetting AMOs following administration of new assessments in 2014-2015.

Subgroup	Baseline	Year 1	Year2	Year3	Year4	Year 5	Year6
	2014-15	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20
All Students	40	45	50	55	60	65	70

Notes: States then applied the same method by subgroup. 2014-15 acts as both the baseline and the first year incremental targets.

Option B - 100 percent proficiency

Under the State's original ESEA flex plan

Subgroup	Baseline 2010-11	Year 1 2011-12	Year2 2012-13	Year3 2013-14	Year4 2014-15	Year 5 2015-16	Year 6 2016-17	Year7 2017-18	Year8 2018-19	Year9 2019-20
All Students	40	46.7	53.4	60.1	66.8	73.5	80.2	86.9	93.6	100

Note: States then apply the same method by subgroup.

Resetting AMO's following administration of new assessments in 2014-2015.

Subgroup	Baseline 2014-15	Year I 2014-15	Year2 2015-16	Year3 2016-17	Year4 2017-18	Year5 2018-19	Year 6 2019-20	Year7 2020-21	Year8 2021-22	Year9 2022-23
All Students	40	46.7	53.4	60.1	66.8	73.5	80.2	86.9	93.6	100

Notes: States then apply the same method by subgroup. 2014-15 acts as both the baseline and the first year of incremental targets.

District, school, and subgroup AMOs

This requires the 2014-2015 to act as both the baseline and the first year of incremental targets. In either option above, if the State is establishing targets for each district, school, and subgroup, the State needs a method to establish targets for 2014-2015. For example, for reporting against 2014-2015 assessment results, the State could use the LEA average to establish school-level targets and use the State average to establish LEA-level targets. States may also propose other methods to establish targets for 2014-2015 for review by ED.

Attachment B: Calculating Safe Harbor

Safe harbor equipercentile calculation example

- The percentage of3rd-grade students proficient or above statewide on the new assessments in 2014-2015 is 60 percent.
- The State determines the scale score on the previous assessment (either 2013-2014 or the most recent available data) at which 60 percent of the students scored. For this example, 60 percent of 3rd graders scored a 250 or higher.
- The State uses this information to calculate safe harbor for any district, school, or subgroup.
- For School A:
  - Percentage of 3rd grade students scoring a 250 or higher in 2013-2014: 45 percent.
  - Percentage of non-proficient in 2013-2014: 55 percent.
  - 10 percent reduction in the percentage non-proficient= (55 * .1) = *5.5* percent.
  - Safe harbor target for 2014-2015 = 45 + *5.5* = *50.5* percent
  - Percentage of students scoring proficient or above in 2014-2015 = 52 percent
  - School A made AYP via safe harbor

AAV of Item 05 Attachment 2

Accessible Alternative Version (AAV) of Item 05 Attachment 2 for the March 2015 SBE Meeting Agenda.

This page is the Accessible Alternative Version (AAV) of Item 05 Attachment 2 from the California State Board of Education (SBE) Meeting Agenda for March 2015. The scanned Item 05 Attachment 2 version is considered to be the official version of the document.

UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

Dear Title I Directors:

As we start 2015, I would like to take this opportunity to applaud the hard work going on in States, local educational agencies (LEAs), and schools across the nation to implement college- and career- ready content standards. I know the work you are doing will help to provide the academic foundation students need to succeed in college and the workforce. Many of you are preparing to administer new assessments aligned to those college- and career-ready standards to your students for the first time this spring. These new assessments will provide better and more useful information about what students know and can do. I appreciate the hard work you have put in to create thoughtful plans to implement innovative, locally appropriate strategies that address your State's most pressing education challenges and enhance the support to educators and students.

As the majority of States begin implementing new assessments this spring, I want to provide guidance on a few important transition issues related to your assessment and accountability systems. The new assessments will likely impact your State's annual measurable objectives (AMOs) and other accountability measures, such as calculations for safe harbor and student growth. I know many of you have already started planning for how the State accountability system will account for these changes.

As part of our guidance to States regarding the ESEA flexibility renewal process, the U.S. Department of Education (ED) recently announced that, due to the significant change in assessment systems in so many States implementing ESEA flexibility and the importance of moving to assessments aligned to college- and career-ready standards, ED is permitting any State administering new college- and career-ready-aligned assessments in the 2014-2015 school year to not assign schools new ratings based on those assessments. A State would still be required to publicly report the results of the assessments, including against AMOs, but the State may assign the same school ratings and permit its schools and LEAs to continue the same interventions that are being used in the 2014-2015 school year. The State would resume annually assigning schools a new rating based on the 2015-2016 assessments. A State that would like to take advantage of this opportunity should amend its ESEA flexibility request through the renewal process.

I want to make clear that this opportunity is available to all States that are administering new assessments aligned to college- and career-ready standards in the 2014-2015 school year, even States that are not implementing ESEA flexibility. A State without ESEA flexibility that would like to take advantage of this opportunity may submit a request to ED no later than **March 31, 2015**, for a waiver to permit the State to continue in 2015-2016 the improvement status that a school or LEA has for the 2014-2015 school year and permit the school or LEA to continue implementing the same interventions that it is using this year if the reason for missing adequate yearly progress (AYP) based on 2014-2015 assessments is due to achievement in reading/language arts or mathematics in the school or LEA. The State would still need to calculate AYP based on assessments administered in the 2014-2015 school year and report this information publicly, in addition to reporting the results of the assessments.

In addition, there are several technical aspects of a State's accountability system that are likely to be impacted by the new assessments being administered in many States. To assist you in this transition, we want to remind you of several opportunities that are available to you.

1. Option to Reset AMOs for States with ESEA Flexibility
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- **Option A: Cutting the gap in half.** The State may set AMOs in annual equal increments toward a goal of reducing the percentage of students who are not proficient by half within six years from 2014-2015 for the "all students" group and each subgroup.
- **Option B: 100 percent proficiency.** The State may set AMOs that increase in annual equal increments and result in 100 percent of students achieving proficiency no later than the end of the 2022-2023 school year.
- **Option C: Another method.** Use another method that is educationally sound and results in ambitious but achievable AMOs for

all LEAs, schools, and subgroups.

Attachment A provides more details and examples regarding the timelines for resetting AMOs under Options A and B. An eligible State that would like to reset its AMOs based on new assessments administered in the 2014-2015 school year should submit the proposal as soon as possible but not later than January 31, 2016.

2. Timely AYP and accountability determinations

The transition to new assessments may also impact how and when a State identifies schools under its accountability system. Due to the timeline for State adoption (or confirmation) of new achievement standards, I am aware that many States will be unable to provide accountability determinations based on new assessment data before the start of the 2015- 2016 school year. If this is true for your State, ED will work with you regarding your timeline for setting and adopting academic achievement standards, providing assessment results to LEAs schools, parents, and the public, and making accountability determinations.

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As noted above, a State with ESEA flexibility has the option to request to "pause" its school rating system based on assessments administered in the 2014-2015 school year. For a State that does not choose to exercise this option, we understand that school accountability determinations may be delayed . Additional information about school identification and renewal requirements can be found in the ESEA flexibility renewal guidance and FAQs at: http://www2.ed.gov/policy/elsec/guid/esea-flexibility/flex-renewal/index.html.

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In short, in all cases, all schools and LEAs previously identified for improvement must continue to implement interventions consistent with Section 1116 of the ESEA.

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flexibility renewal request if and how the State proposes to calculate safe harbor or individual student growth, as applicable. A State without ESEA flexibility should identify how the State proposes to calculate safe harbor or individual student growth, as applicable, as part of the plan provided by **March 31, 2015**. A State that does not have a statistically valid method to determine growth between different assessments may not make safe harbor or growth determinations.

Thank you again for your commitment to improving educational outcomes for all students. I look forward to our continued partnership in this critical work. If you have any questions, please contact your OSS program officers.

Sincerely,

Monique M. Chism, Ph.D. Director
Office of State Support

Enclosures

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Examples for Setting AMOs

Option A - Cutting the gap in half

Under the State's original ESEA Flex plan.

Subgroup	Baseline 2010-11	Year 1 2011-12	Year 2 2012-13	Year 3 2013-14	Year 4 2014-15	Year 5 2015-16	Year 6 2016-17
All Students	40	45	50	55	60	65	70

Note: States then apply the same method by subgroup.

Resetting AMOs following administration of new assessments in 2014-2015.

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Notes: States then applied the same method by subgroup. 2014-15 acts as both the baseline and the first year incremental targets.

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Under the State's original ESEA flex plan

Subgroup	Baseline 2010-11	Year 1 2011-12	Year 2 2012-13	Year 3 2013-14	Year 4 2014-15	Year 5 2015-16	Year 6 2016-17	Year 7 2017-18	Year 8 2018-19	Year 9 2019-20
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District, school, and subgroup AMOs

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Safe harbor equipercentile calculation example

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  - Percentageof students scoring proficient or above in 2014-2015 = 52 percent
  - School A made AYP via safe harbor

The Department of Education's mission is topromote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

California State Board of Education

Meeting Agenda Items for March 11-12, 2015

ITEM 06

CALIFORNIA STATE BOARD OF EDUCATION

MARCH 2015 AGENDA

SUBJECT	
Developing a New Accountability System: Report and Recommendations from the Public Schools Accountability Act (PSAA) Advisory Committee for Using Multiple Measures and Suspending the Academic Performance Index for the 2014-15 School Year; and Update on the Transition to a New Accountability System, including the Development of the Local Control Funding Formula Evaluation Rubrics, and Timeline for Public Stakeholder Input and Outreach on Accountability System Planning.	☒ Action ☒ Information ☐ Public Hearing

SUMMARY OF THE ISSUE(S)

On July 1, 2013, the Governor signed Assembly Bill (AB) 97 (Chapter 47, Statutes of 2013) to enact the Local Control Funding Formula (LCFF). The adoption of LCFF provides a significant opportunity for transformational improvements in California's accountability system. This update features the report and recommendations of the Public Schools and Accountability Act (PSAA) Advisory Committee related to multiple measures (Attachment 1), as specified in California *Education Code* (*EC*) sections 52052 through 52052.9, and provides information on the development of the LCFF evaluation rubrics per *EC* Section 52064.5.

This agenda item is the first of several in a series of regular updates to demonstrate progress on the development of a new accountability system to the State Board of Education (SBE) and to the public.

RECOMMENDATION

The California Department of Education (CDE) recommends that the SBE approve the PSAA Advisory Committee report and recommendations on the following: (1) options for moving the state accountability system from a single index to multiple measures, and (2) suspension of the Academic Performance Index (API) for the 2014-15 school year.

BRIEF HISTORY OF KEY ISSUES

With the adoption of new state content standards, the transition to a new statewide system of assessments, and the implementation of the LCFF, California is on the path to developing a new accountability system that will focus on a broader set of outcomes

than in the past and will differentiate the performance of schools and districts in reliable and meaningful ways so they receive appropriate support and technical assistance needed for their continual improvement to assist the teaching and learning in classrooms across the state.

At its January 2015 meeting, the SBE received an update on the work of the PSAA Advisory Committee with regard to moving toward a multiple measures' approach to accountability. Since its adoption in 1999, the API represents a single composite score that reflects the quality of schools based on student performance on statewide standardized tests in English-language arts, mathematics, history/social science, and science. In 2012, the PSAA was charged to implement the components of *EC* sections 52052 through 52052.9 (as amended by Senate Bill 1458, Chapter 577, Statutes of 2012) by researching indicators such as graduation data and student preparedness for college and career for possible inclusion into the API. The SBE acknowledges that the PSAA's report provides an important contribution to the transition to a new accountability system and recognizes that a holistic approach to accountability that includes the LCFF state priorities that were subsequently adopted in 2013 is now necessary. Because the API is one component of the LCFF state priorities, it is important to move beyond the API to a broader set of measures that capture the basic conditions of learning, pupil outcomes, and engagement.

President Kirst summarized the complexity of the API and the requirement to integrate a college and career readiness index into the API as the state is transitioning to a new accountability system. Pursuant to *EC* Section 52052 (as amended by AB 484, Chapter 489, Statutes of 2013), the Superintendent, with the approval of the SBE, is authorized to suspend the API for the 2013–14 and 2014–15 school years. Furthermore, as the state adopts new standards-based assessments (please see March 2015 SBE meeting Item 3), there is an opportunity for these test results to measure actual student growth in future years. To develop a system that measures student growth will take time and may make comparability across schools or school districts a challenge.

Therefore, President Kirst further outlined the following activities as a way to guide the transition to a new accountability system:

1. Given that the transition will be a long-term process, the SBE will receive regular updates regarding the progress;

2. Suspension of the API in the 2014-15 school year will enable deliberations of the potential revision of the API relative to the transition to a new accountability system;

3. Specifically, inclusion of multiple measures for accountability purposes calls for the need to revise the API because it is currently structured as a single composite score;

4. Adoption of a multiple measures' accountability system will require legislation. (Because the API is deeply embedded in many sections of the California *EC* and impacts other programs, such as, open enrollment, charter revocation, and

parent empowerment, the transition to a multiple measures accountability system will require subsequent changes in *EC)*; and

5. The SBE will initiate a robust discussion on guiding principles for the larger accountability system. (The report and recommendations provided by the PSAA Advisory Committee and its Technical Design Group (TDG) provides important information for this discussion).

In another item at the January 2015 meeting, the SBE received an update on the development of the evaluation rubrics as part of the implementation of the LCFF. In response to this update, the SBE identified the need to receive information on the evaluation rubrics in relation to the larger context of California's transition to a new accountability system. The SBE requested an opportunity to support forward thinking conversations regarding the development of a new accountability system based on the state priorities and inclusive of local and state measures of progress.

Thus, the SBE envisions a new accountability system that supports continuous improvement with all of the components of that future system completely integrated, considered, and further developed in a coherent and comprehensive way. In particular, the development of this system must afford the public with the opportunity to comment on the system as it evolves so stakeholders may weigh in on key questions for the SBE's consideration. For example, would the state embrace a combination of locally defined standards with state adopted standards? If so, how could the state approach this option?

Attachment 1 presents the report from the PSAA Advisory Committee on the recommendations for multiple measures and timing of the next accountability report.

Attachment 2 provides a comparative table that displays the current aspects of accountability in relation to the proposed future elements of a new accountability system. This table display does not provide an exhaustive account of the historical elements of previous accountability system elements and the implications of the API, but can be used as a basis for future conversations regarding the development of this new accountability system.

Attachment 3 presents an update on the development of the evaluation rubrics. An early draft example of the evaluation rubrics was distributed to the evaluation rubrics design group comprised of educational leaders and practitioners, and presented at regional sessions to solicit broad public stakeholder input. These sessions were scheduled in September 2014 and January/February 2015. Based on the feedback provided, the most recent draft is presented with information on how these rubrics can be used in a comprehensive planning process. A table of LCFF data metrics and data availability is included to delineate the metrics collected at the state level with the state priority metrics that are currently collected at the local level. This table is intended to inform the discussion on establishing the standards for the LCFF priorities.

The item concludes with a timeline for accountability system planning (Attachment 4). This timeline includes the topics that will be presented and discussed at future SBE

meetings to establish the statewide accountability processes and elements that will support comparability, fairness, and trend analysis across multiple metrics.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

In January 2015, the SBE requested that the TDG and the PSAA Advisory Committee provide the SBE with recommendations on two issues: (1) developing a new state accountability system based on multiple measures rather than a single index, and (2) timing for the release of the next state accountability report. The SBE requested that the PSAA provide a report on these recommendations at the March 2015 SBE meeting. http://www.cde.ca.gov/be/ag/ag/yr15/documents/jan15item03.doc

In a separate January 2015 item that provided an update on the LCFF, the SBE received information on the development of the evaluation rubrics, including implications for the Statewide Accountability System. http://www.cde.ca.gov/be/ag/ag/yr15/documents/jan15item04.doc

FISCAL ANALYSIS (AS APPROPRIATE)

PSAA: The 2013 State Budget Act provided the CDE with two positions to support the implementation of SB 1458 and the redesign of the API. The Analysis, Measurement, and Accountability Reporting Division began work associated with implementing SB 1458 recommendations (e.g., researching college and career measures, and running simulations).

LCFF: The proposed 2015 State Budget Act provides an increase of $4 billion to support the continued implementation of LCFF and build upon the investment of almost $6.8 billion provided over the last two years.

ATTACHMENT(S)

Attachment 1: Recommendations from the Public Schools Accountability Act (PSAA) Advisory Committee for Using Multiple Measures and Release of the Next Accountability Report (3 pages)

Attachment 2: Comparative Table of Old Versus New Accountability System (1 page)

Attachment 3: Evaluation Rubrics Update (15 pages)

Attachment 4: Timeline for Accountability System Planning (3 pages)

Recommendations from the Public Schools Accountability Act (PSAA) Advisory Committee for Using Multiple Measures and Release of the Next Accountability Report

Overview

This update regarding the development of a new State Accountability System includes two recommendations from the Public Schools Accountability Act (PSAA) Advisory Committee, which the State Board of Education (SBE) requested at the January 2015 SBE meeting. The Department is requesting that the SBE take action on both recommendations.

Brief History

The Technical Design Group (TDG) and the PSAA Advisory Committee have been working on implementing legislative changes which require, by 2016, that assessment results comprise no more than 60 percent of a high school's Academic Performance Index (API). The remaining 40 percent must represent other areas of educational importance, such as high school graduation data and college and career preparedness.

As a result, the TDG and PSAA Advisory Committee developed a methodology to incorporate graduation data in the API, and have been working on developing a college and career indicator (CCI). During this process, the Department held six regional meetings and one Webcast, and conducted a statewide survey. These forums were used to present and obtain feedback on the methodology for incorporating graduation data in the API and to present and obtain feedback on a working model for the development of the CCI. Approximately 500 people attended the regional meetings and 146 attendees provided public comment. The Department received 1,768 responses to the statewide survey.

In July 2013, the Local Control Funding Formula (LCFF) was passed in the Budget Bill. LCFF established state priorities for local educational agencies (LEAs) along with a requirement for LEAs to develop local control accountability plans (LCAPs). These plans are designed to inform parents/guardians and the community of the LEA's progress with implementing the state priorities. Because the LCAP requires the reporting of multiple measures, it provides a more comprehensive picture of LEAs than the current state and federal accountability systems.

With the establishment of state priorities and the LCAP, the SBE requested that the TDG and the PSAA Advisory Committee provide recommendations for developing a new state accountability system based on multiple measures rather than a single index. In addition, the SBE requested a recommendation on the most appropriate timing for the release of the next State accountability report.

Recommendation on Multiple Measures

At the February 3, 2015 PSAA Advisory Committee Meeting, the Committee approved the TDG's recommendation for developing a new state accountability system that reports multiple measures in a way that allows comparability across schools and LEAs for the following reasons:

- Provides finer distinctions about student performance and progress across various measures
- Aligns with expectations that schools and LEAs are multi-dimensional
- Aligns better with the LCAP requirements and the state priorities
- Provides more focused information for parental, school and district decision-making
- Groups "similar measures" together rather than combining items that are conceptually different from each other
- Provides more flexibility for designing an accountability system for alternative schools
- Provides more flexibility for allowing schools to show their contribution to student achievement, especially given the types of schools throughout the state with different missions
- Enables a school to focus on individual student performance or achievement and preparation for success rather than focusing on the collective student population

In the following months, the TDG and the PSAA Advisory Committee will finalize a methodology for implementing a CCI as one component of a multiple measures accountability system that aligns with the state priorities and the LCFF/LCAP. Once the CCI has been developed, the TDG and PSAA Advisory Committee will explore the development of an individual student-level growth model using the Smarter Balanced assessments as another component of the multiple measures system.

The Department recommends that the SBE approve the PSAA Advisory Committee recommendation to develop an accountability system using multiple measures in a way that allows comparability across schools and LEAs, beginning with the development of a CCI.

Because California *Education Code* Section 52052 requires the Department to produce a single index, which includes a variety of indicators, legislation will be required to implement an accountability system that reports multiple measures.

Recommendation on Release of the Next Accountability Report

Currently, there are a variety of new initiatives that must be considered in the development of a new state accountability system, such as the: (1) recent revisions to the LCAP template, (2) development of the LCFF evaluation rubrics, (3) establishment of the California Collaborative for Educational Excellence, and (4) administration of the first operational Smarter Balanced assessments. In consideration of these initiatives, the PSSA Advisory Committee members approved the TDG's recommendation that the earliest a new state accountability report could be released is fall of 2016 for the following reasons:

- Allows time for the development of a new State Accountability System in a meaningful manner, including future results from the Smarter Balanced assessments

- Allows for the completion of LCFF evaluation rubrics, which can inform the new accountability system

- Allows for the use of two data points needed to incorporate a student-level growth model into the new system

- Allows time for the Department to perform data simulations using results from the Smarter Balanced assessments and share the results and analyses with the TDG

    - Similarly, this would also allow the TDG and the PSAA Advisory Committee time to review, analyze, and make recommendations

- Allows time to develop measures that are more appropriate for alternative schools

- Allows time to communicate and obtain feedback on the new State Accountability System from LEAs, schools, parents/guardians, stakeholders, and the public

Assembly Bill (AB) 484 amended California *Education Code* (*EC*) sections 52052(e)(2)(F) and 52052(e)(4) and authorizes the Superintendent, with the approval of the SBE, to suspend the API for the 2013–14 and 2014–15 school years. Therefore, the Department recommends that the SBE approve the suspension of the API for the 2014-15 school year and the PSAA Advisory Committee's recommendation that a new accountability report be produced no earlier than the fall of 2016.

2-27-15 [California Department of Education]

Comparative Table of Current Versus Proposed New Accountability System

Current Accountability System		
Components/Metrics	**Reports/Scoring**	**Consequences for LEAs**
Test scores: • CST/CMA/CAPA in ELA, Grades 2-8 • CST/CMA/CAPA in Mathematics, Grades 2-8 • CST/CMA/CAPA in Science, Grades 5 and 8 • CST in History-Social Science, Grade 8 • Assignment of 200, CST in Mathematics, Grade 8 • CST/CAPA in ELA, Grades 9-11 • CST/CAPA in Mathematics, Grades 9-11 • CST in Science, Grades 9-11 • CST/CAPA in Life Science, Grade 10 • CST in History-Social Science, Grades 9-11 • CAHSEE ELA, Grades 10-12 • CAHSEE Mathematics, Grades 10-12 • Assignment of 200, CST in Mathematics, Grades 9-11 • Assignment of 200, CST in Science, Grades 9-11	Aggregated Academic Performance Index (API) • Base • Growth	• Public Ranking/Comparisons (suspended) • High Priority Schools Grant Program (HPSG) (suspended) • Immediate Intervention/Underperforming Schools Program (II/USP) (suspended) • Replace principal, change staff at schools, takeovers by charters or other operators • Quality Education Investment Act (QEIA) (final year 2014-15) • Williams Act • Open Enrollment List • Parent Empowerment • Charter Renewal and Revocation
Proposed New Accountability System		
Components/Metrics	**Reports/Scoring**	**Consequences for LEAs**
Local Control Funding Formula (LCFF) State priorities: ***Conditions of Learning*** Basic (Priority 1) Implementation of State Standards (Priority 2) Course Access (Priority 7) ***Pupil Outcomes*** Pupil Achievement (Priority 4) Other Pupil Outcomes (Priority 8) ***Engagement*** Parental Involvement (Priority 3) Pupil Engagement (Priority 5) School Climate (Priority 6) Other components/metrics to be determined.	• Local Control and Accountability Plans (LCAPs) • Evaluation Rubrics that reflect state and local reference points • Data Dashboards that are color coded to report growth and progressive improvement on multiple measures Other reports/scoring to be determined.	• Technical Assistance by County Office of Education (COEs) • Referral to the California Collaborative for Educational Excellence (CCEE) • Peer to Peer Assistance • LEA self-selection of technical assistance provider • Superintendent of Public Instruction Intervention Other consequences for LEAs to be determined.

Note: California Standards Test = CST; California Modified Assessment = CMA; California Alternate Performance Assessment = CAPA; California High School Exit Examination= CAHSEE. This table does not provide an all-inclusive account of the current state accountability system and proposed new accountability system and is intended for discussion purposes only.

2-27-15 [State Board of Education]

Timeline for Accountability System Planning

The vision of Local Control Funding Formula (LCFF) is to refocus the educational system on improving instructional outcomes. LCFF works to align local budgets and resource allocations with local goals and state priorities to improve student learning, and allows the state to provide the support needed to drive continuous improvement. The system is intended to be simple, transparent and easily understood by educators, parents/guardians, and the public.

The changes being made through LCFF represent a major overhaul in the way the state provides meaningful and sustained support to improve outcomes for all students. The law links transparency and accountability directly to the local budgeting process by requiring county offices of education, school districts, and charter schools to adopt Local Control and Accountability Plans (LCAPs). Properly implemented, LCFF and LCAP can drive continuous improvement in all schools and for all students.

The recommendations by the Public Schools and Accountability Act (PSAA) Advisory Committee with the support of its Technical Design Group (TDG) provide valuable information for the transition to the new accountability system (Attachment 1). As noted in Dr. Conley's presentation at the December 2014 PSAA meeting on the Educational Policy Improvement Center (EPIC) final report on college and career readiness, "Any accountability system that incorporates multiple measures needs to consider the interaction among measures, their relative importance to educators, and their likely effects on practice, both intended and unintended." The California Department of Education (CDE) will support the PSAA and TDG so that they may continue to lend their expertise on the use of college and career readiness metrics that are aligned with the LCFF priorities. This work will support the transition to the new accountability system and function as a safeguard against unintended consequences as the state pursues a multiple measures approach that is comprehensive, coherent, and provides meaningful and reliable information to support continuous learning. For example, the PSAA Advisory Committee will serve as a valuable resource on emerging topics such as the use of course taking behavior as a measure of college and career readiness and the integration of the Career and Technical Education (CTE) pathways (e.g., participants, concentrators, and completers) in a manner that is aligned with the LCFF priorities.

In addition to the work of the PSAA, the LCAPs, Annual Updates, evaluation rubrics and the California Collaborative for Educational Excellence (CCEE) are intended to be components of a coherent educational system that helps drive the focus on continuous improvement. As a result, California's new, developing accountability system will build on the foundations of all these components. The new system will provide transparency of decision-making processes in support of student achievement and outcomes. It will focus on a broader set of outcomes than in the past and it will differentiate the performance of schools and districts in reliable and meaningful ways so they receive appropriate support and technical assistance.

During the next eight months (March – November 2015) the State Board of Education (SBE) and CDE staff will work with researchers, practitioners, and stakeholders to

engage in a design process that results in a blueprint for a comprehensive and coherent accountability system. The design process aims to create a system that includes:

- Statewide accountability processes and elements that support fairness, comparability, and trend analysis across multiple metrics.
- Local accountability processes and elements that include LCFF, evaluation rubrics, and LCAPs and Annual Updates.
- Well-timed, accessible, and actionable data for use by educators, parents/guardians, community members and policymakers.
- Reliable and meaningful ways for the state to differentiate the performance of districts and schools in need of support and technical assistance.

Following is an outline of anticipated topics for future SBE meetings. The SBE and CDE will work with the California Comprehensive Center to convene informational meetings to gather information and insights to help inform the presentations and public discussions at each upcoming SBE meeting. The information that is shared will culminate in the creation of a basic architecture for California's accountability system, including any recommendations for needed legislation.

SBE Meeting	**Focus Area**
March 11-12, 2015	System Elements – Updates regarding the evaluation rubrics and determination of multiple measures with discussion of the relationship between statewide and local measures and processes that combine to form the emerging state accountability system.
May 6-7, 2015	System Coherence – Review and reflections of research related to designing accountability systems that provide measurements and feedback to support college and career readiness. Basic design specifications will be described as part of the research.
July 8-9, 2015	Examples – Review and reflections of emerging systems from states and districts that provide learning and evidence that can inform the design of California's system.
September 2-3, 2015	Feedback and Input – Public input will be sought during the spring and summer to gather information and ideas for the accountability design. A summary of this input and considerations for design will be synthesized and shared.
November 4-5, 2015	Blueprint and Specifications – Comprehensive design architecture with specifications reflecting information and input from prior meetings will be presented.

Each part of the emerging system will support the overall objective to measure student performance for all California students. The state priorities provide the foundation for an innovative accountability system that includes multiple measures of student, school, and district success. As more system components are developed and become operational over the next several years, the goals of the system will continue to focus on increasing district and school capacity and drive continuous improvement in the long-term.

2-27-15 [State Board of Education]

Evaluation Rubrics Update

Overview

WestEd continues to facilitate a process for developing evaluation rubrics that reflects a design process consistent with the overall LCFF design principles of transparency, student performance, engagement, and equity.

Based on stakeholder input gathered from September through November 2014 a conceptual example of the evaluation rubrics was developed and shared in January 2015. The feedback gathered from the regional input sessions informed the design of a draft of the evaluation rubrics, which are included within this attachment.

Stakeholder Input

Following the release of the conceptual example of the evaluation rubrics in January 2015, WestEd organized five regional input sessions to gather feedback from educational leaders, teachers, parents, and students; a policy stakeholder session; and presentations at various statewide organization conferences and meetings. Approximately 75 individuals participated in one of the regional input sessions and 58 individuals, representing over 40 organizations, participated in the policy input session. Input from such sessions was used by the Evaluation Rubrics Design Group (RDG) to inform the development of draft evaluation rubrics. The RDG is comprised of educational leaders from school districts, county offices of education (COEs), and charter schools; California Department of Education (CDE) staff with responsibility for monitoring COEs; and SBE representatives and staff.

Summaries of comments shared at the input sessions can be found at http://www.wested.org/.

What are the Evaluation Rubrics?

The evaluation rubrics assist local educational agencies (LEA – districts, county offices of education, and charter schools), and those providing technical assistance to LEAs, to consider state and locally identified priorities based on evidenced outcomes for students, including all significant subgroups of students. They provide a structure and process to guide reflection, planning, and actions to making improvements for LEAs and their schools that leads to equitable and improved outcomes for their students. Specifically, pursuant to *Education Code* Section 52064.5 the evaluation rubrics:

- Allow LEAs to evaluate their strengths, weaknesses, and areas that require improvement;
- Assist county superintendents of schools to identify needs and focus technical assistance; and
- Assist the Superintendent of Public Instruction to direct interventions when warranted.

The evaluation rubrics also provide standards for school district and individual school site performance and expectations for improvement in regard to each of the identified Local Control Funding Formula (LCFF) priorities.

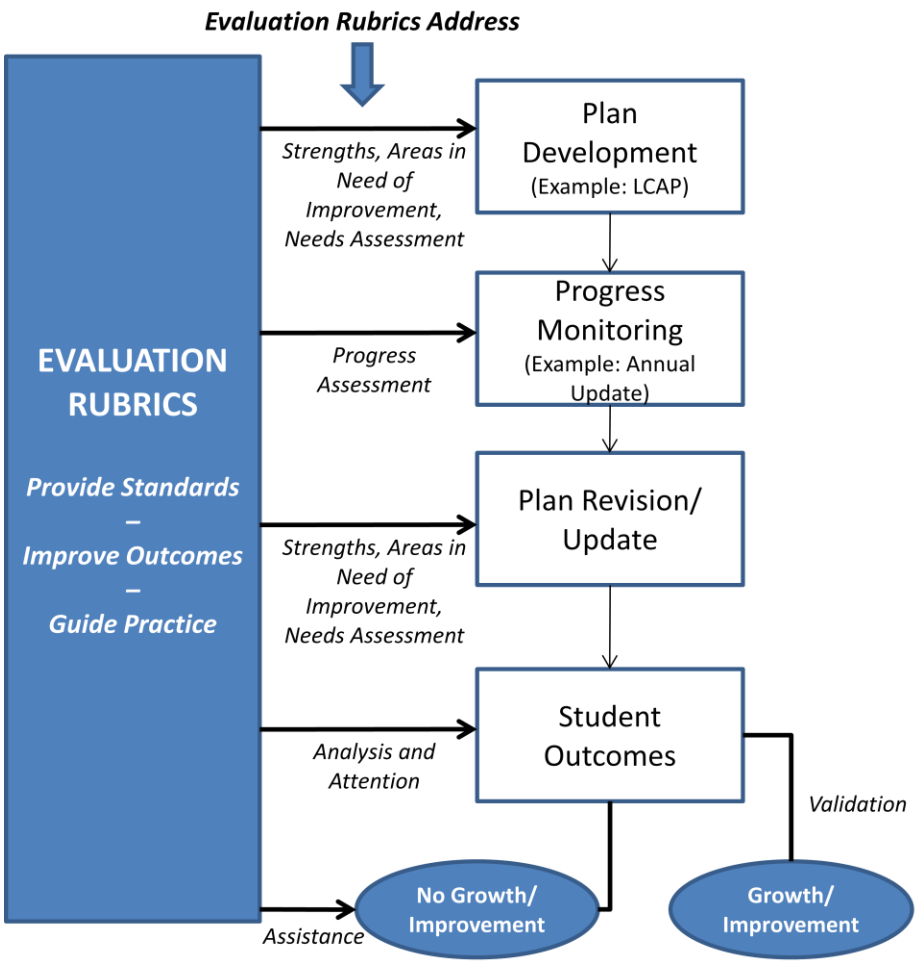
The evaluation rubrics are comprised of a three part analysis with complementary tools and resources:

- ***Data Analysis*** – The evaluation rubrics include the metrics specified under the LCFF state priorities plus locally selected metrics organized by LEA, student subgroup, and school level data. Data in the initial year of the evaluation rubrics reflects currently available indicators with more to be added as state-level data becomes available. The evaluation rubrics provide growth standards for state priorities. They include statewide reference points, for metrics with common statewide definitions and data sets, and locally determined reference points for locally determined metrics. The standards and reference points will apply to the data analysis at the LEA, student subgroup, and school levels.
- ***Outcome Analysis*** – This section of the evaluation rubrics complements the data analysis, by providing reflection and further analysis of factors that contribute to or serve as barriers to improved outcomes at the LEA, student subgroup, and school levels.
- ***Practice Analysis*** – Further reflection regarding efforts to support improvement in outcomes is the final component of the evaluation rubrics. This analysis will help LEAs identify, practices needed to reach state and local outcome expectations.

An LEA will be able to use the data analysis section of the evaluation rubrics to assess performance in each priority area at the LEA, student subgroup, and school level. Growth and improved outcomes, as gauged by the applicable metrics, will be clearly identified, along with areas in need of attention due to a lack of growth or performance below reference points tied to state and local metrics. LEAs may then utilize the outcome analysis section of the rubrics, possibly in combination with their LCAP Annual Update development process, to determine if particular actions, services, or instructional practices have contributed toward progress, been ineffectual, or have hindered progress. The final section of the rubrics builds on the outcomes analysis to provide priority-specific resources that may be helpful in implementing changes in practices to improve student-level outcomes. The evaluation rubrics are an integral part of the LCFF performance and accountability system. The rubrics serve as tools to ensure LEAs are able to align resources to implement strategies that result in meaningful improvement in student-level outcomes.

What is the Relationship between the Evaluation Rubrics, Local Control and Accountability Plan, and Annual Update?

The evaluation rubrics support any LEA-level strategic planning process, including the development, implementation, and ongoing progress monitoring related to Local Control and Accountability Plans (LCAPs) and Annual Updates. The evaluation rubrics, like the LCAP and Annual Update, explicitly support consideration and attention to needs, goals, actions, and outcomes related to state and locally identified priorities. The evaluation rubrics and related tools are used as part of the analysis process, but LEAs may also use them as part of formative review and planning (see below for further details).



Who Uses the Evaluation Rubrics?
The evaluation rubrics allow LEAs to evaluate their strengths and weaknesses and develop plans that are responsive to needs and evidenced by outcomes for students. Following are examples of how different types of LEAs are envisioned to use and benefit from the evaluation rubrics.

Districts, Charter Schools, and County Offices of Education When Developing Plans– As part of the development of local strategic and improvement-oriented plans, such as the LCAP, districts, charter schools, and county offices of education may use the evaluation rubrics and related tools and resources to evaluate their strengths and areas in need of improvement based on outcomes and results for ALL students. There is specific attention to equity of outcomes for students in distinct and overlapping significant student subgroups, including English learners, students with disabilities, foster youth, students from low-income families, and racial and ethnic subgroups.

County Offices of Education, Chartering Authorities, and California Department of Education as Technical Assistance Providers – As part of routine consultation with LEAs, the evaluation rubrics support diagnosis of strengths and areas in need of improvement through the review of outcome metrics at the LEA, student subgroup, and school levels. The evaluation rubrics also provide a tool to engage in dialogue with

LEAs regarding ways to improve linkages among planning processes, implementation strategies, and outcomes for students. The resources and tools related to the evaluation rubrics can help with the identification and implementation of new strategies that have an evidence or research base to support improvements in student outcomes.

The evaluation rubrics are used by county superintendents, the State Superintendent of Public Instruction and chartering authorities to respectively identify districts, county offices of education, and charter schools in need of technical assistance based on a lack of improved outcomes for students and to identify the specific priorities upon which the technical assistance should be focused. (*Education Code* Sections 52071, 52071.5, and 47607.3.)

Furthermore, in cases where a COE or CDE does not approve an LEA's LCAP, and/or the LEA requests technical assistance from the COE, CDE, or California Collaborative for Educational Excellence (CCEE), the evaluation rubrics may be used to assess strengths and weaknesses in regard to the state priorities. (*Education Code* Sections 52071, 52071.5, and 47607.3.)

In addition to identifying strengths and weaknesses in conjunction with a review of effective evidence-based programs that apply to district/COE's goals, county superintendents and the State Superintendent may provide technical assistance that includes, among other things, (1) assignment of an academic expert or team of experts to assist the LEA in identifying and implementing effective programs designed to improve outcomes for all students; and (2) solicitation of another district or COE to partner with the LEA in need of assistance. (*Education Code* Sections 52071 and 52071.5.)

State Superintendent of Public Instruction and California Collaborative for Educational Excellence (CCEE) Possible Intervention or Revocation –The State Superintendent of Public Instruction may, with the approval of the State Board of Education, identify a district or county office of education in need of intervention <u>ONLY IF</u>:

- The district or county office of education did not improve outcomes under the evaluation rubrics for three or more student subgroups in more than one state or local priority in three out of four consecutive school years; <u>AND</u>
- The CCEE provided assistance to the LEA and found either that the LEA failed or is unable to implement the CCEE's recommendations or that the LEA's inadequate performance, based on the evaluation rubrics, is either so persistent or acute as to require intervention by the State Superintendent. (*Education Code* Sections 52072 and 52072.5.)

A parallel set of conditions is set forth for possible revocation of a charter school. (*Education Code* Section 47607.3.)

For districts and county offices of education identified through this process, the State Superintendent may, with the approval of the State Board of Education, do one or more of the following:

- Make changes to an adopted LCAP.
- Develop and impose a budget revision, in conjunction with revisions to the related LCAP, that the Superintendent determines will allow the LEA to improve the outcomes for all student subgroups in regard to state and local priorities.
- Stay or rescind an action, if that action is not required by a local collective bargaining agreement, that would prevent the LEA from improving the outcomes for all student subgroups in regard to state and local priorities.
- Appoint an academic trustee to take one or more of the preceding three actions.

Will there be Changes to the Evaluation Rubrics?
The current evaluation rubrics are complete, but will evolve and improve over time to ensure they align with developments in California's accountability system, accommodate state and local data availability, and reflect learning from implementation experiences under LCFF. Following are proposed phases for the improvement and maturation of the evaluation rubrics:

	Phase 1 (Fall 2015)	Phase 2 (Fall 2016, est.)	Phase 3 (Fall 2017, est.)
Data Analysis	• Basic data display with all available state maintained data for metrics at the LEA, student subgroup, and school levels with ability to add local metrics to supplement available state data. LEAs must include metrics for all state priorities. • Data metric selection tool to facilitate section of local data metrics to fully address state priorities and locally identified priorities. •	• Improve data display to add visual references for growth and performance relative to state and locally determined metrics, in cases where such data is available. • If needed, update data metric selection tool to include expansion and/or refined criteria for suggestions. • If needed, update data display to align with state accountability metrics (e.g., add or highlight metrics).	• If needed, update data metric selection tool to include expansion and/or refined criteria for suggestions. • If needed, update data display for changes in state-level data availability and/or changes needed to align with state accountability processes.
Outcome Analysis	• Assess areas of strength and in need of improvement based on considering metrics for state and local priorities relative to state and local reference points. • Outcome and reflection analysis component. • Basic practice guides provided.	• If needed, update growth standards. • If needed, update practice guides to reflect state accountability alignment and focus on growth assessment.	• If needed, update practice guides to reflect state accountability alignment and further support for growth assessment.
Practice Analysis	• Practice improvement reflection rubric. • Basic practice guides provided.	• If needed, update or expand practice guides to reflect state accountability alignment, focus on growth assessment, and promising practices from LCFF implementation.	• If needed, update or expand practice guides to reflect state accountability alignment, focus on growth assessment, and promising practices from LCFF implementation.

Draft Evaluation Rubrics-February 2015

General Instructions

Pursuant to *Education Code* Section 52064.5, the State Board of Education adopted the evaluation rubrics that districts, charter schools, and county offices of education can use to evaluate strengths and weaknesses to inform planning and implementation. In addition, , the State Superintendent of Public Instruction and Collaborative for Educational Excellence , in specific instances, may refer to the evaluation rubrics as part of seeking or being directed to technical assistance. The evaluation rubrics are organized into three separate, but related sections.

- ***Data Analysis*** – The evaluation rubrics include the required metrics under the LCFF state priorities and are adaptable for inclusion of additional locally selected metrics, organized by LEA, student subgroup, and school level data.
- ***Outcome Analysis*** – This section of the evaluation rubrics complements the data analysis by providing reflection and further analysis of factors that contribute to or serve as barriers to outcomes at the LEA, student subgroup, and school levels.
- ***Practice Analysis*** – Further reflection regarding efforts to support improvements in outcomes is the final component of the evaluation rubrics. This analysis will help LEAs identify practices, actions and services needed to reach state and local outcomes expectations.

The evaluation rubrics are accessible online at: _____ to support their use and sharing of information that emerges from using the evaluation rubrics. An online handbook for the evaluation rubrics is available at: _____.

Explanation and Comments

An introduction to provide basic background for the use of the Data Analysis component of the evaluation rubrics.

Hyperlinks (shown in blue, underline throughout the document) will be included to support access to materials.

The Data Metric Selection Tool will offer suggestions for potential local metrics that take into account local data availability, specific subgroups, and state and/or local priority areas.

Evaluation Rubric Content

Evaluation Rubrics Data Analysis

California's Local Control Funding Formula is designed to provide local educational agencies with information and decision making control to align resources to meet the needs of all students, with a particular focus on improving outcomes for low-income, English Learners, and foster youth. The state has identified a broad range of priorities and related metrics that aim to bring attention to areas of strengths and possible growth to attain locally defined goals and positive outcomes for all students.

Data Analysis Instructions:

The data analysis rubric component includes data related to the state priorities in a simple and shareable display. The evaluation rubrics support identification of an LEA's strengths and areas in need of improvement using a combination of state-defined metrics (e.g., graduation rates) and locally-determined metrics (e.g., local survey results regarding parental involvement). State-defined metrics are referenced to the extent they are set forth in specific priority areas and common statewide data definitions exist. In cases where the state has data for specific metrics, these data are prepopulated. For those areas without such metrics, LEAs will establish and include locally-defined metrics. The State

Explanation and Comments

The data analysis component of the Evaluation Rubrics will be online and allow for an at a glance view of data. The first version will be a simple display with features added in subsequent years.

There are three basic screen displays: LEA, Subgroup, and Schools. The analysis tool provides colors/codes defined to emphasize growth and sustainability of improvement (green, yellow, and red).

The data analysis component emphasizes growth relative to reference points for metrics in areas where statewide data is available and locally determined metrics when statewide data is not available. Appendix A provides an overview of the data currently available on a statewide basis. Please note that explicit feedback will be sought regarding the approach to establishing reference points and how they will apply.

Draft Evaluation Rubrics-February 2015

Board of Education has available a Data Metric Selection Tool to aid in selecting locally available data metrics.

Data Analysis

- Meets or Exceeds State and Local Reference Points
- Growth from Prior Year AND Progressive Improvement over 2 or More Years
- Growth from Prior Year OR Progressive Improvement over 2 or More Years
- Limited or No Growth from Prior Year NOR Progressive Improvement over 2 or More Years
- Metric Does Not Apply

LEA | Subgroup | Schools

Add/Edit Local Metric

Meets or Exceeds State and Local Reference Points | Growth from Prior Year AND Progressive Improvement over 2 or more years | Growth from Prior Year OR Progressive Improvement over 2 or more years | Limited or No Growth from Prior Year NOR Progressive Improvement over 2 or more years | Metric Does Not Apply

	Metric	State Priority	2011-12	2012-13	2013-14	2014-15 (Est.)	Local Reference Point	State Reference Point	Status
Basic	Teacher Misassignment	1							
	Access to Instructional Materials	1							
	Adequate Facilities	1							
Implementation of State Standards	*[Locally Determined]*	2							
Course Access	*[Locally Determined]*	7							
Pupil Achievement	Standardized Test Performance *[Locally Determined for 2013-14]*	4							
	College and Career Readiness *[Locally Determined]*	4							
	English Proficiency	4							
	English Learner Reclassification	4							
	Advanced Placement Passage	4							
	Early Assessment Program	4							
Other Pupil Outcomes	*[Locally Determined]*	8							
Parental Involvement	*[Locally Determined]*	3							
Pupil Engagement	Attendance rate	5							
	Chronic absenteeism rate	5							
	Middle school dropout rate	5							
	High school dropout rate	5							
	High school graduation rate	5							
School Climate	Suspension	6							
	Expulsion	6							
	Other Local Measures *[Locally Determined]*	6							

Draft Evaluation Rubrics-February 2015

Explanation and Comments

The Subgroup and Schools data analysis components of the rubric will be similar to the LEA-level data with added functionality to enter and view data at the subgroup or school level.
[Note the Schools Display is not included in this draft as it is similar to the Subgroup display, with a pull down menu listing schools.]

LEA | Subgroup | Schools

Low-Income | English Learners | Foster Youth | Students w/Disabilities | Race/ Ethnicity | Add/Edit Local Metric

Meets or Exceeds State and Local Reference Points | Growth from Prior Year AND Progressive Improvement over 2 or more years | Growth from Prior Year OR Progressive Improvement over 2 or more years | Limited or No Growth from Prior Year NOR Progressive Improvement over 2 or more years | Metric Does Not Apply

	Metric	State Priority	2011-12	2012-13	2013-14	2014-15 (Est.)	Local Reference Point	State Reference Point	Status
Basic	Teacher Misassignment	1							
	Access to Instructional Materials	1							
	Adequate Facilities	1							
Implementation of State Standards	*[Locally Determined]*	2							
Course Access	*[Locally Determined]*	7							
Pupil Achievement	Standardized Test Performance *[Locally Determined for 2013-14]*	4							
	College and Career Readiness *[Locally Determined]*	4							
	English Proficiency	4							
	English Learner Reclassification	4							
	Advanced Placement Passage	4							
	Early Assessment Program	4							
Other Pupil Outcomes	*[Locally Determined]*	8							
Parental Involvement	*[Locally Determined]*	3							
Pupil Engagement	Attendance rate	5							
	Chronic absenteeism rate	5							
	Middle school dropout rate	5							
	High school dropout rate	5							
	High school graduation rate	5							
School Climate	Suspension	6							
	Expulsion	6							
	Other Local Measures *[Locally Determined]*	6							

Draft Evaluation Rubrics-February 2015

Explanation and Comments

The Outcome Analysis is a standalone part of the evaluation rubrics, but requires data related to state and local priorities for the LEA, equity, and school level. The Data Analysis part of the evaluation rubrics is ideal for this.

Hyperlinks will be included to support access to practice guides. The practice guides will be organized by groupings of state priorities (Pupil Outcomes, Conditions for Learning, and Engagement). They are drawn from information published by the Institute of Education Science (IES). The practice guides include definitions and options for data metrics, research-based practices/strategies for all students and specific attention to significant subgroups, and promising practices.

Evaluation Rubrics Outcome Analysis

California's Local Control Funding Formula is designed to provide local educational agencies with information and decision making control to align resources to meet the needs of all students, with a particular focus on improving outcomes for low-income students, English learners, and foster youth. The state has identified a broad range of priorities and related metrics that aim to bring attention to areas of strength and possible growth to attain locally meaningful outcomes for all students.

The Evaluation Rubrics Outcome Analysis component is designed to be used in coordination with the Data Analysis component. The Outcome Analysis component supports reflection and identification of factors contributing to or detracting from progress in growth in identified outcome areas at the LEA, student subgroup, and school levels. It provides a yardstick for measuring the LEA's improvement efforts through the lens of outcomes.

Outcome Analysis Instructions:

The evaluation rubrics provide a resource to facilitate the identification of strengths, areas of improvement, practices that may result in improvement in student-level outcomes for all students. In conjuction with, or following review of the Data Analysis rubric, LEAs should use the Outcome Analysis rubric to assess if practices have contributed to progress towards outcome goals, made no discernable impact, or have hindered progress. [Please note, the Outcome Analysis cannot be completed without having data related to state and local priorities for the LEA, student subgroup, and schools.] The Outcome Analysis provides a summary from the Data Analysis followed by areas for reflection and comment. Practice guides are available that provide a resource to consider specific strategies that may be helpful to implement changes in practices to realize improvements in student-level outcomes.

Draft Evaluation Rubrics-February 2015

Evaluation Rubrics Outcome Analysis

Explanation and Comments

The Outcome Analysis results will be populated based a summary –level view of outcomes organized by metrics that meet or exceed defined state and/or local reference points and those that are below state and/or reference points. There will be links from the information back to the Outcome Analysis views. Please note that explicit feedback will be sought regarding the approach to establishing state and local standards.

Definitions to key terms will be included in a glossary, but also available through "hover" or "pop-up" box functionality.

Each section will have guiding questions that are designed to prompt consideration of the area for reflection. The guiding questions will display in a separate window from links for each area of reflection.

The reflections may assist with the analysis for LCAP and Annual Update, Single Plans for Student Achievement, and other local plan creation/revisions.

Outcome Analysis Summary

Outcomes →	***At or Above State and/or Local Reference Point***		***Below Defined State and/or Local Reference Point***	
	LEA	Student Subgroup	LEA	Student Subgroup
Pupil Outcomes				
Conditions for Learning				
Engagement				

Reflect and Assess

Review the LEA's outcome data and consider the following:

What are the areas where the LEA has demonstrated progress?	What are areas where the LEA needs to improve?

Review the Student Subgroup outcome data and consider the following:

What are the areas where the LEA has demonstrated progress?	What are areas where the LEA needs to improve?

Review the Schools outcome data and consider the following:

What are the areas where the LEA has demonstrated progress?	What are areas where the LEA needs to improve?

Draft Evaluation Rubrics-February 2015

Evaluation Rubrics Practice Analysis

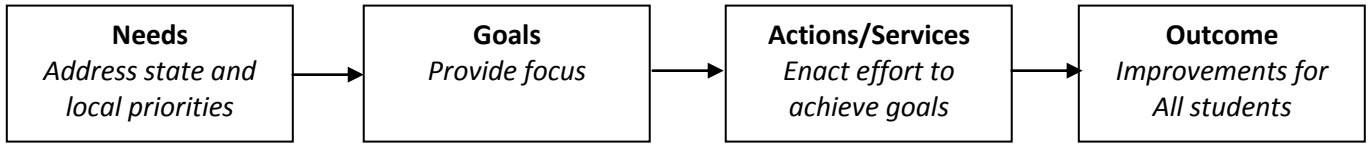
Explanation and Comments

The focus of the evaluation rubrics is on the LEA planning practices that support student outcomes. The practice guides that accompany the rubrics provide examples of specific practices organized by outcome domains (Pupil Outcomes, Conditions for Learning, and Engagement)

A description and research references will be provided as a hyperlink to support clarity.

California's Local Control Funding Formula is designed to provide local educational agencies with information and decision making control to align resources to meet the needs of all students with a particular focus on improving outcomes for low-income, English Learners, and foster youth. The state has identified a broad range of priorities and related metrics that aim to bring attention to areas of strengths and possible growth to attain locally meaningful outcomes for all students.

The Evaluation Rubrics Practice Analysis component complements the Data Analysis and Outcome components by focusing attention on effective organizational practices. The practices are based on the theory of action that underlies the creation of plans to realize outcomes for ALL students as set forth in LCFF.



2015 Practice Analysis Instructions:

The Practice Analysis rubric complements the Data Analysis and Outcome Analysis components of the Evaluation Rubrics. However, it may be used as a standalone tool to assess improvement efforts. It can be used to inform the development and or revision of an LEA or school site streategic plan such as, but not limited to, a Local Control and Accountability Plan or Annual Update. The Practice Analysis rubrics are best completed by LEA and/or site leadership as part of a routine continuous improvement cycle focused on student-level outcomes. In addition, practice guides are available that provide specific strategies that may be helpful to implement changes and monitor progress. The Practice Analysis rubric rating system provides basic descriptors for practices classified as "developing", "emerging" and "sustaining."

Draft Evaluation Rubrics-February 2015

PRACTICE ANALYSIS RUBRIC

1. Data is used routinely to assess needs, progress, and student outcomes for all state and local priorities.			
Developing	**Emerging**	**Sustaining**	**Reflections about Practice**
• Data related to state priorities was reviewed with some analysis at the subgroup and school level, but such analysis was not conducted for all subgroups or schools, when developing or updating the plan.	• Data related to state priorities was reviewed and discussed, including consideration of subgroup and school level data, when developing or updating the plan. • The Evaluation Rubrics Data Analysis component, or equivalent process, was used to review data. • Data analysis includes trend analysis over a period of three or more years. • Data is used to support progress monitoring of key activities included in the plan.	• Staff at the LEA and school sites routinely use data, including consideration of subgroup and school level, to inform decisions related to instructional decisions as reflected in plans, progress monitoring, and outcomes. • Communication occurs with staff, parents, and students about data related to state and local priorities in an appropriate and accessible manner. • Review and use of multiyear data to inform strategies and improvement decisions is a routine approach to decision making.	*Allows LEAs to add comments based their reflections related to each described practice.*
2. The goal(s) identified in the plan provide focused attention to address needs identified for improving student outcomes, with attention to the needs of student subgroups.			
Developing	**Emerging**	**Sustaining**	**Reflections about Practice**
• The LEA's plan includes goals that address state and local priorities. • There are goals identified in the LEA's plan, but they are unique to individual plans (e.g., LCAP, LEAP, strategic plan).	• The LEA's goals align to the results from its needs assessment with consideration of student subgroups and schools. • The LEA's plan includes outcome measures for each goal that are aligned to the identified areas of need with consideration of student subgroups and schools. • LEA goals are referenced in other plans on occasion.	• The LEA's plan includes goals that align to its needs assessment with clear outcomes measure that also align to the needs assessment. • The plan includes goals that explicitly addressed gaps between subgroups and/or schools. • The LEA's goals are well understood and evidenced in LEA routines (e.g., included in updates, budget adoption/updates, progress updates) • The goals included in the plan are consistent with those included in other plans (e.g., LEAP, SPSA, strategic plan)	

Draft Evaluation Rubrics-February 2015

3. The actions and services identified in the plan are based on sound research and/or evidence, which increases the likelihood of yielding improvements in student outcomes.			
Developing	**Emerging**	**Sustaining**	**Reflections about Practice**
• The actions and services identified in the plan reflect some new thinking, but largely continue historical practices. • Actions and services tend to be changed when new resources are available, but rarely are actions and services phased out.	• There is a research or evidence base to support the plan's actions and services. • The LEA has some procedures in place to monitor for outcome, but these tend to apply to new actions and services, rarely mature actions and services.	• The plan's actions and services are selected based on evidence of effectiveness at the LEA from prior experience and/or evidence of success in an LEA similar in characteristics. • The LEA has a process in place to monitor for outcomes and make adjustments to the implementation as needed. • The LEA ensures that when new actions and services are introduced that high-quality professional learning opportunities are available and assessed for effectiveness.	

4. The plan identified realistic expectations for the amount of time, staff, and funds needed to successful implement planned actions and services to achieve desired outcomes.			
Developing	**Emerging**	**Sustaining**	**Reflections about Practice**
• The plan identifies expectations for time, staff, and funds to implement the identified actions and services.	• The plan identifies expectations for time, staff, and funds to implement identified actions and services with evidence of implementation (e.g., Annual Update). • There is a process for implementation management and monitoring that includes consideration of time, staff, and funds.	• The LEA's budget and staffing align with the plan with a process for updates that maintain alignment over the course of the year. • There is a process for implementation management and monitoring that includes reallocation of resources to ensure that resources are maximized to achieve desired outcomes.	

Draft Evaluation Rubrics-February 2015

APPENDIX A

Local Control Funding Formula State Priorities: Data Metrics and Data Availability

Data Metrics and Data Availability (E.C. 52060(d))

		Input	Process	Outcome	State Data Availability = CDE has data		
Conditions of Learning					**LEA**	**Subgroup**	**School**
Basic (Priority 1)	Teacher misassignment	X					
	Access to instructional materials	X					
	Adequate facilities	X					
Implementation of State Standards (Priority 2)	Implementation of state standards		X				
Course access (Priority 7)	Course access in core academic areas		X				
Pupil Outcomes							
Pupil achievement (Priority 4)	Standardized test performance			X			
	Academic Performance Index, or equivalency			X			
	College and career readiness			X			
	English proficiency			X		N/A	
	English Learner reclassification			X		N/A	
	Advanced Placement passage			X			
	Early Assessment Program			X	CSU	Available	Data
Other pupil outcomes (Priority 8)	Pupil outcomes in core subject areas			X			
Engagement							
Parental involvement (Priority 3)	Parental input/involvement efforts		X				
Pupil Engagement (Priority 5)	Attendance		X				
	Chronic absenteeism		X				
	Middle school dropout			X			
	High school dropout			X			
	High school graduation			X			
School Climate (Priority 6)	Suspensions		X				
	Expulsions		X				
	Other local measures (e.g., school climate surveys of pupils, parents, teachers)		X				

California State Board of Education

Meeting Agenda Items for March 11-12, 2015

WAIVER ITEM W-01

ITEM #W-01

CALIFORNIA STATE BOARD OF EDUCATION

MARCH 2015 AGENDA

☒ **Federal Waiver**

SUBJECT	
Request by three school districts for a waiver of Section 131(c)(1) of the Carl D. Perkins Career and Technical Education Improvement Act of 2006 (Public Law 109-270).	☒ **Action**
Waiver Numbers: Chawanakee Unified School District Fed-14-2014 Fall River Joint Unified School District Fed-13-2014 Los Molinos Unified School District Fed-1-2015	☒ **Consent**

SUMMARY OF THE ISSUES

The California Department of Education recommends approval to waive the Carl D. Perkins Career and Technical Education Improvement Act of 2006 (Perkins Act), Public Law 109-270 Section 131(c)(1) which requires local educational agencies (LEAs) whose allocations are less than $15,000 to enter into a consortium with other agencies. If they are unable to do so, under Section 131(c)(2), they may waive the consortium requirement if the LEA is in a rural, sparsely populated area, thus allowing the districts to meet the needs of their students.

Authority for Waiver: Federal Waiver Authority (Public Law 109-270) Section 131(c)(2).

RECOMMENDATION

☒ Approval ☐ Approval with conditions ☐ Denial

SUMMARY OF KEY ISSUES

The criterion for qualifying for this waiver is demonstration that the LEAs cannot form or join a consortium that handles the Perkins funds. There are no other districts in the local area willing to join in a consortium. Districts are located in various rural counties and have student populations ranging from 576 to 1,142. Districts are seeking waivers to function independently in order to meet the needs of the students in the district.

Local board approval date(s): Various

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Section 131(c)(1) of the Perkins Act requires LEAs whose allocations are less than $15,000 to enter into a consortium with other LEAs for the purpose of meeting the $15,000 minimum grant requirement. Section 131(c)(2) of the Perkins Act permits states to waive the consortium agreement if the LEA is in a rural, sparsely populated area or is a public charter school operating secondary vocational and technical education programs, and is unable to join a consortium.

The State Board of Education (SBE) Waiver Policy #01-01: Carl D. Perkins Career and Technology Education Improvement Act: Consortium Requirement for Minimum Allocation, available at http://www.cde.ca.gov/re/lr/wr/documents/perkinspolicyr.doc, has criteria defining rural that are specifically tied to the National Center for Education Statistics (NCES) Locale Codes numbers 23, 31, 32, 33, 41, 42, or 43.

The SBE has approved all waivers of this statute that have been presented to it to date.

Demographic Information:

Chawanakee Unified School District has a student population of 1,045 and is located in a Rural: Distant (42) area in Madera County.

Fall River Joint Unified School District has a student population of 1,142 and is located in a Town: Remote (33) area in Shasta County.

Los Molinos Unified School District has a student population of 576 and is located in a Rural: Fringe (41) area in Tehama County.

FISCAL ANALYSIS (AS APPROPRIATE)

Approval will enable these districts to receive an annual Perkins Act allocation that is listed on Attachment 1. The waivers have no significant effect on the distribution of Perkins Act funds statewide.

ATTACHMENT(S)

Attachment 1: Districts Requesting Carl D. Perkins Career and Technical Education Waivers (1 page)

Attachment 2: Chawanakee Unified School District Federal Waiver Request Fed-14-2014 for Minarets High School (1 page) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: Fall River Joint Unified School District Federal Waiver Request Fed-13-2014 for Burney and Fall River Junior-Senior High Schools (1 page) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 4: Los Molinos Unified School District Federal Waiver Request Fed-1-2015 for Los Molinos High School (1 page) (Original waiver request is signed and on file in the Waiver Office.)

Districts Requesting Carl D. Perkins Career and Technical Education Waivers

Waiver Number	District	Period of Request	Local Board Approval Date	NCES Locale Code	Demographic Information	Perkins Act Allocation
Fed-14-2014	Chawanakee Unified School District for Minarets High School	**Requested:** July 1, 2014 to June 30, 2018 **Recommended:** July 1, 2014 to June 30, 2018	November 18, 2014	42	Student population of 1,045 located in Madera County	$7,896.00
Fed-13-2014	Fall River Joint Unified School District for Burney and Fall River Junior-Senior High Schools	**Requested:** July 1, 2014 to June 30, 2018 **Recommended:** July 1, 2014 to June 30, 2018	November 12, 2014	33	Student population of 1,142 located in Shasta County	$6,408.00
Fed-01-2015	Los Molinos Unified School District for Los Molinos High School	**Requested:** July 1, 2014 to June 30, 2018 **Recommended:** July 1, 2014 to June 30, 2018	November 20, 2014	41	Student population of 576 located in Tehama County	$6,418.00

Created by California Department of Education
January 12, 2015

California Department of Education
WAIVER SUBMISSION - Federal

CD Code: 2075606 Waiver Number: Fed-14-2014 Active Year: 2014

Date In: 11/19/2014 9:03:06 AM

Local Education Agency: Chawanakee Unified School District
Address: 33030 Road 228
North Fork, CA 93643

Start: 7/1/2014 End: 6/30/2018

Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: Federal Program Waiver
Ed Code Title: Carl D. Perkins Voc and Tech Ed Act
Ed Code Section: PL 109-270 Section 131(c)(1)
Ed Code Authority: PL 109-270 Section 131(c)(2)

Ed Code or *CCR* to Waive: [a local education agency shall not receive an allocation under subsection (a) unless the amount allocated to such agency under subsection (a) is greater than $15,000.]

Outcome Rationale: The waiver will allow Chawanakee Unified to improve our already robust CTE program at Minarets High School. These additional funds will allow much needed expansion of our regular CTE Agriculture Department in addition to welding and horticulture offerings.

Student Population: 1075

City Type: Rural

NCES Code: 23

Local Board Approval Date: 11/18/2014

Submitted by: Mr. Gabriel Halls
Position: Business Manager
E-mail: ghalls@mychawanakee.org
Telephone: 559-877-6209 x211
Fax: 559-877-2065

California Department of Education
WAIVER SUBMISSION - Federal

CD Code: 4569989 Waiver Number: Fed-13-2014 Active Year: 2014

Date In: 11/13/2014 10:12:35 AM

Local Education Agency: Fall River Joint Unified School District
Address: 20375 Tamarack Ave.
Burney, CA 96013

Start: 7/1/2014 End: 6/30/2018

Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: Federal Program Waiver
Ed Code Title: Carl D. Perkins Voc and Tech Ed Act
Ed Code Section: PL 109-270 Section 131(c)(1)
Ed Code Authority: PL 109-270 Section 131(c)(2)

Ed Code or *CCR* to Waive: The District continues to meet the waiver criteria and requests a waiver in order to receive its allocated funds for the 2014-2015 through 2017-2018 program years.

Outcome Rationale: Requested by CDE for Carl D. Perkins Voc and Tech Ed Act

Student Population: 250

City Type: Rural

NCES Code: 43

Local Board Approval Date: 11/12/2014

Submitted by: Ms. Maggie Torres
Position: Administrative Secretary
E-mail: mtorres@frjusd.org
Telephone: 530-336-5515
Fax:

California Department of Education
WAIVER SUBMISSION - Federal

CD Code: 5271571 Waiver Number: Fed-1-2015 Active Year: 2015

Date In: 1/8/2015 3:24:50 PM

Local Education Agency: Los Molinos Unified School District
Address: 7851 Highway 99-E
Los Molinos, CA 96055

Start: 7/1/2014 End: 6/30/2018

Waiver Renewal: Y
Previous Waiver Number: Fed-2-2010-WC-13 Previous SBE Approval Date: 5/6/2010

Waiver Topic: Federal Program Waiver
Ed Code Title: Carl D. Perkins Voc and Tech Ed Act
Ed Code Section: PL 109-270 Section 131(c)(1)
Ed Code Authority: PL 109-270 Section 131(c)(2)

Ed Code or *CCR* to Waive: PL 109-270 Section 131(c)(1)

Outcome Rationale: Given the rural nature of our district, and the high needs students it serves, we are seeking a waiver as allowed under the listed sections.

"The eligible agency shall waive the application of paragraph (1) in any case in which the local educational agency --
(A)(i) is located in a rural, sparsely populated area,"

Student Population: 178

City Type: Rural

NCES Code: 41

Local Board Approval Date: 11/20/2014

Submitted by: Mr. Cliff Curry
Position: Principal
E-mail: ccurry@lmusd.net
Telephone: 530-384-7900
Fax:

California State Board of Education

Meeting Agenda Items for March 11-12, 2015

WAIVER ITEM W-02

ITEM #W-02

CALIFORNIA STATE BOARD OF EDUCATION

MARCH 2015 AGENDA

☒ **General Waiver**

SUBJECT Request by **Middletown Unified School District** to waive portions of California *Education Code* Section 51745.6, and *California Code of Regulations*, Title 5, Section 11704, and portions of Section 11963.4(a)(3). The waiver is related to the charter school independent study pupil-to-teacher ratio to allow an increase from 25:1 to 27.5:1. Waiver Number: 9-10-2014	☒ **Action** ☒ **Consent**

SUMMARY OF THE ISSUES

Middletown Unified School District (USD) submitted a waiver request to the State Board of Education (SBE) to authorize the increased independent study pupil-to-teacher ratio from 25:1 to 27.5:1 at the California Connections Academy at North Bay (CalCAN) charter school. The CalCAN states that an increase in the pupil-to-teacher ratio will allow cost savings while maximizing the resources that a virtual school can offer to students.

Authority for Waiver: *Education Code (EC)* Section 33050

RECOMMENDATION

☐ **Approval** ☒ **Approval with conditions** ☐ **Denial**

The California Department of Education (CDE) recommends approval of this waiver request with conditions for a period of two years less one day. Therefore, *EC* Section 33051(b) will not apply, and the district and county office will need to reapply if they wish to renew the waiver. The conditions include that (1) CalCAN will spend all additional funds generated by the increased pupil-to-teacher ratio on students enrolled in CalCAN; and (2) CalCAN will provide an annual assurance report that includes average daily attendance (ADA)-to-teacher ratios, revenues, and expenditures generated at this school to the CDE.

SUMMARY OF KEY ISSUES

EC Section 51745.6 and *California Code of Regulations*, Title 5, Section 11704, and portions of Section 11963.4(A)(3), establish minimum requirements for ADA-to-teacher ratios in independent study that apply to non-classroom-based charter schools and

county offices. In essence, these sections require that the ratio meet the following criteria:

- The pupil-to-teacher ratio cannot exceed the equivalent ratio of ADA-to-full-time certificated employees for all other educational programs operated by the high school or unified school district with the largest ADA of pupils in that county.

- In a charter school, the pupil-to-teacher ratio may be calculated by using a fixed ADA-to-certificated-employee ratio of 25:1, or by a ratio of less than 25 pupils per certificated employee.

The CalCAN is an existing virtual charter school in the Middletown USD. The school does not have a 2013 Base Academic Performance Index (API) or 2013 Growth API target because 2014–15 is their first year of operation.

The rationale provided by CalCAN for raising the ADA ratio is as follows:

- All revenues will be used to support student services such as enhanced curricular offerings, increased test preparation services, increased remediation and interventions for struggling students, and increased access to technology tools.

- An increase in the pupil-to-teacher ratio will allow cost savings while maximizing the resources that this virtual school can offer to students.

Middletown USD's CalCAN has a student population of 70 and is located in a rural community in Lake County.

Because this is a general waiver, if the SBE decides to deny the waiver, it must cite one of the seven reasons in *EC* 33051(a), available at http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC&sectionNum=33051.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SBE has approved similar waiver requests for other California Connections Academy schools for the same requested period of two years less one day.

The conditions included in the terms for this waiver are identical to those approved in May 2014 for a waiver for the Ripon USD.

This waiver request falls within the SBE Independent Study ADA-to-teacher ratio policy 01-03 (http://www.cde.ca.gov/be/ms/po/policy01-03-apr2001.asp). This SBE policy provides requirements and guidelines for waiver requests of the entire *EC* Section 51745.6.

FISCAL ANALYSIS (AS APPROPRIATE)

The increased pupil-to-teacher ratio would result in cost savings for the charter school, and minor increased ADA claims from the state.

ATTACHMENT(S)

Attachment 1: Summary Table of Independent Study State Board of Education Waiver (1 page)

Attachment 2: Middletown Unified School District General Waiver Request 9-10-2014 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Summary Table of Independent Study State Board of Education Waiver

Waiver Number	County Office of Education/ District Name, Size of District Public Hearing and Local Board Approval Date Public Hearing Advertisement	Pupil-to-Teacher Ratio Requested (if waiver of California *Education Code [EC]* Section 51745.6 and *California Code of Regulations*, Title 5, Section 11704 and portions of Section 11963.4(a)(3)	Period of Request	Renewal Waiver?	Bargaining Unit Name and Representative, Date of Action, and Position	Advisory Committee/ Schoolsite Council Name, Date of Review, and any Objections
9-10-2014	Middletown Unified School District 70 Total Students October 8, 2014 Notice posted at each school	Increase from 25:1 to 27.5:1 Independent Study Charter; No Teacher Will Experience 27.5:1 At Any Given Time	**Requested:** July 1, 2014 through June 29, 2016 **Recommended:** July 1, 2014 through June 29, 2016	No	No Bargaining Unit	Charter School Board of Directors September 23, 2014 **No Objections**
Conditions: (1) California Connections Academy at North Bay (CalCAN) will spend all additional funds generated by the increased pupil-to-teacher ratio on students enrolled in CalCAN; and (2) CalCAN will provide an annual assurance report that includes average daily attendance-to-teacher ratios, revenues, and expenditures generated at this school to the California Department of Education.						

Created by California Department of Education
January 22, 2015

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1764055 Waiver Number: 9-10-2014 Active Year: 2014

Date In: 10/13/2014 2:50:35 PM

Local Education Agency: Middletown Unified School District
Address: 20932 Big Canyon Rd.
Middletown, CA 95461

Start: 7/1/2014 End: 6/29/2016

Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: Independent Study Program
Ed Code Title: Pupil Teacher Ratio
Ed Code Section: EC 51745.6 and CCR Title 5, Sections 11704 and portions of 11963.4(a)(3)
Ed Code Authority: 33050-33053

Ed Code or CCR to Waive: California Education Code Section 51745.6, and California Code of Regulations, Title 5, sections 11704 and portions of 11963.4(a)(3) as follows:

…and the ratio of average daily attendance for independent study pupils to full-time certificated employees responsible for independent study does not exceed a pupil-teacher ratio of [25:1] 27.5:1

Outcome Rationale: California Connections Academy @North Bay (CalCAN) will provide a high quality virtual education to students in the Northern Bay area of California. Teachers work either from home or from one of the school office locations in California, and serve students in a large geographic area using a variety of technological tools. An increase in the pupil to teacher ratio will allow cost savings while maximizing the resources that a virtual school can offer to students. Given the budget constraints caused by the state financial crisis, as well as the small size of the school, CalCAN proposes to address budget challenges by fully utilizing such efficiencies offered by on-line education. Despite fiscal challenges, if any additional revenue results from the increased ratio, it will be directed back to services which support student learning in the virtual environment, such as enhanced curricular offerings, increased test preparation services, increased remediation and intervention services for struggling students, and/or increased access to technology tools, with the ultimate goal of improving efficiency of operations while enhancing student academic performance.

Student Population: 70

City Type: Rural

Public Hearing Date: 10/8/2014
Public Hearing Advertised: Notice posted at each school

Local Board Approval Date: 10/8/2014

Community Council Reviewed By: Charter School Board of Directors
Community Council Reviewed Date: 9/23/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Dr. Frances Sassin
Position: Director of Business Services
E-mail: fsassin@connectionseducation.com
Telephone: 949-306-8498
Fax: 949-240-7895

California State Board of Education

Meeting Agenda Items for March 11-12, 2015

WAIVER ITEM W-03

ITEM #W-03

CALIFORNIA STATE BOARD OF EDUCATION

MARCH 2015 AGENDA

☒ **General Waiver**

SUBJECT Request by four school districts to waive California *Education Code* Section 48352(a) and *California Code of Regulations,* Title 5, Section 4701, to remove four schools from the Open Enrollment List of "low-achieving schools" for the 2015–16 school year. Waiver Numbers: Atwater Elementary School District 20-11-2014 Conejo Valley Unified School District 13-12-2014 Covina-Valley Unified School District 10-12-2014 Savanna Elementary School District 8-12-2014	☒ **Action** ☒ **Consent**

SUMMARY OF THE ISSUES

Requests from four school districts to remove four schools from the 2015–16 Open Enrollment List. The State Board of Education (SBE) must take action to approve or deny removal of a school from the Open Enrollment List.

Authority for Waiver: *Education Code (EC)* Section 33050

RECOMMENDATION

☐ **Approval** ☒ **Approval with conditions** ☐ **Denial**

The California Department of Education (CDE) recommends approval of four waiver requests for schools on the 2015–16 Open Enrollment List (Attachment 1) that meet the criteria for the SBE Streamlined Waiver Policy (available at http://www.cde.ca.gov/re/lr/wr/documents/sbestreamlined.doc). These waivers are recommended for approval on the condition that the local educational agencies (LEAs) granted these waivers must honor any transfer requests pursuant to the Open Enrollment Act. Granting these waivers would allow the schools to have their names removed from the 2015–16 Open Enrollment List as requested by the district. These waivers do not affect the standing of any other schools on the list, as these waivers are specific to the individual schools named in the attached waivers.

SUMMARY OF KEY ISSUES

The methodology used in creating the list of 1,000 lowest achieving schools, per the statute, resulted in some higher achieving schools being placed on the list while at the same time some schools with a lower Academic Performance Index (API) were not included on the list. This was primarily due to the statutory provision that an LEA can have no more than 10 percent of its schools on the list.

Identification as a "low-achieving" school can have a significant educational, economic, and political impact on the school community. The label of "low-achieving" does not take into account the API scores for schools whose scores have risen or are maintained closer to the higher levels of achievement. The perception that the school is "low-achieving" may cause unwarranted flight from the school community and may negatively impact fiscal issues.

Demographic Information:

Atwater Elementary School District has a 2013–14 student population of 4,738 and is located in a small city area in Merced County.

Conejo Valley Unified School District has a 2013–14 student population of 20,142 and is located in a suburban area in Ventura County.

Covina-Valley Unified School District has a 2013–14 student population of 12,558 and is located in a suburban area in Los Angeles County.

Savanna Elementary School District has a 2013–14 student population of 2,433 and is located in a suburban area in Orange County.

Because this is a general waiver, if the SBE decides to deny the waiver, it must cite one of the seven reasons in *EC* 33051(a), available at http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC&sectionNum=33051.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

This is the first SBE meeting at which an LEA has requested a waiver for a school on the 2015–16 Open Enrollment List.

FISCAL ANALYSIS (AS APPROPRIATE)

There is no statewide fiscal impact of waiver approval or denial.

ATTACHMENT(S)

Attachment 1: School Districts Requesting a General Waiver from the 2015–16 Open Enrollment List (1 page).

Attachment 2: Atwater Elementary School District General Waiver Request 20-11-2014 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: Conejo Valley Unified School District General Waiver Request 13-12-2014 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 4: Covina-Valley Unified School District General Waiver Request 10-12-2014 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 5: Savanna Elementary School District General Waiver Request 8-12-2014 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

School Districts Requesting a General Waiver from the 2015–16 Open Enrollment List

Waiver #	County District School	2013 District Growth API	2013 School Growth API*	2013 API Target Met?	Met API Growth Targets (3 of last 5 yrs)	Meets SBE Waiver Policy (Yes/No)	Decile, Similar Schools Rank	Current PI Status	Position of Bargaining Unit/Date Consulted	Period of Request	Recommend for Approval (Yes/No)
20-11-2014	Merced Atwater Elementary Aileen Colburn Elementary	820	Schoolwide 771 Hispanic or Latino 767 SED 767	No No No	No	Yes	3, 9	Year 5	**Support** 11/17/14	**Requested:** 07/01/2015 to 06/30/2016 **Recommended:** 07/01/2015 to 06/30/2016	Yes
13-12-2014	Ventura Conejo Valley Unified Glenwood Elementary	884	Schoolwide 808 Hispanic or Latino 796 SED 795 English Learners 787	Yes Yes Yes Yes	No	Yes	5, 7	Year 3	**Support** 11/19/14 and 11/21/14	**Requested:** 07/01/2015 to 06/30/2016 **Recommended:** 07/01/2015 to 06/30/2016	Yes
10-12-2014	Los Angeles Covina-Valley Unified Cypress Elementary	800	Schoolwide 779 Hispanic or Latino 780 SED 759 English Learners 747	No No No No	Yes	Yes	4, 2	Year 4	**Support** 12/01/14	**Requested:** 07/01/2015 to 06/30/2016 **Recommended:** 07/01/2015 to 06/30/2016	Yes
8-12-2014	Orange Savanna Elementary Twila Reid Elementary	819	Schoolwide 803 Asian 923 Hispanic or Latino 750 SED 784 English Learners 799	Yes Yes Yes Yes No	No	Yes	5, 8	Not in PI	**Support** 11/06/14	**Requested:** 07/01/2015 to 06/30/2016 **Recommended:** 07/01/2015 to 06/30/2016	Yes

*Only student groups that are numerically significant are included in this column.
SED – Socioeconomically Disadvantaged
Prepared by the California Department of Education
January 27, 2015

California Department of Education
WAIVER SUBMISSION - General

CD Code: 2465631 Waiver Number: 20-11-2014 Active Year: 2014

Date In: 11/24/2014 12:42:24 PM

Local Education Agency: Atwater Elementary School District
Address: 1401 Broadway Ave.
Atwater, CA 95301

Start: 7/1/2015 End: 6/30/2016

Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: Open Enrollment
Ed Code Title: Removal From the List of LEAs
Ed Code Section: 48352(a) and *CCR* Title 5 Section 4701
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: 48354(a) and (b) 1. *CCR* Title 5 Section 4701

To be removed from the list, a school needs to improve its API score. Without the state providing an opportunity for this, we feel we should not be penalized and are requesting to be removed from the list for the 2015-16 school year.
Thank you.

Outcome Rationale: Aileen Colburn was first added to the open enrollment list for the school year 2013-14 (current year). Last year, after the letters went home to parents, the state testing and accountability system was suspended for the year and there was no opportunity for the school to increase its API to be removed from the list. Again this school year, 2014-15, there will be no API. Again, there will be no opportunity to increase the school's API in order for it to be removed from the list. We would like to request a waiver on behalf of Aileen Colburn Elementary School to be removed from the Open Enrollment list until the situation with the API is resolved and the school may prove that it should not be on the list.

FYI, the SPI for Aileen Colburn had an API increase of over 60 points in 2011 to reach 800. The following 2 years, the district made the decision to house 50% of all Special Education students at Aileen Colburn and the school saw decreases of 11 and 18 points. The district has reversed its former decision and now Aileen Colburn only serves the SPED students residing within its boundaries. We have modified curriculum and put in reading interventions at all levels, K-6th grade. We truly expect that, given an opportunity to have an API, it would definitely grow back over 800. Even on the latest report available, the similar schools ranking was a 9 which definitely does not reflect one of the lower-performing schools. The perception that the school is “low-achieving” may cause unwarranted flight from the school community and may negatively impact fiscal issues. Placing Aileen Colburn Elementary School on a list, when they are not one of the 1,000 Lowest Performing Schools in the state, negatively impacts the students, staff and community morale.

We ask that you approve the waiver request to remove Aileen Colburn Elementary School from the Open Enrollment List.

Please consider our request. We would very much appreciate it.
Thank you.

Student Population: 4750

City Type: Small

Public Hearing Date: 11/18/2014
Public Hearing Advertised: Meeting notices were posted at 8 school sites and the district office. Meeting notices were also posted on site and district websites.

Local Board Approval Date: 11/18/2014

Community Council Reviewed By: Superintendent's Cabinet, Atwater ESD Leadership Team, School Site Leadership Team
Community Council Reviewed Date: 11/12/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Dr. Lynn Lysko
Position: Assistant Superintendent Education Services
E-mail: llysko@aesd.edu
Telephone: 209-357-6100 x320
Fax:

Bargaining Unit Date: November 17, 2014
Name: Atwater Elementary Teachers Association (AETA)
Representative: Brad Pickle
Title: President
Position: Extremely positive

Comments: They reflected upon the former Superintendent's decision to move 50% of the Special Education population to Aileen Colburn and stated that doing so was a contributing factor to the decrease in API. They are extremely happy that the current administration has seen to implementing a more equitable model and they don't want Aileen Colburn to be punished by losing students through the open enrolment process.

California Department of Education
WAIVER SUBMISSION - General

CD Code: 5673759 Waiver Number: 13-12-2014 Active Year: 2014

Date In: 12/17/2014 10:05:57 AM

Local Education Agency: Conejo Valley Unified School District
Address: 1400 East Janss Rd.
Thousand Oaks, CA 91362

Start: 7/1/2015 End: 6/30/2016

Waiver Renewal: Y
Previous Waiver Number: 29-12-2013-W-03 Previous SBE Approval Date: 3/12/2014

Waiver Topic: Open Enrollment
Ed Code Title: Removal From the List of LEAs
Ed Code Section: 48352(a) and *CCR* Title 5 Section 4701
Ed Code Authority: 33050

Ed Code or *CCR* to Waive:
48350. This article shall be known, and may be cited, as the Open Enrollment Act.

48351. The purpose of this article is to improve pupil achievement, in accordance with the regulations and guidelines for the federal Race to the Top Fund, authorized under the federal American Recovery and Reinvestment Act of 2009 (Public Law 111-5), and to enhance parental choice in education by providing additional options to pupils to enroll in public schools throughout the state without regard to the residence of their parents.

48352. For purposes of this article, the following definitions apply:
(a) ["Low-achieving school" means any school identified by the Superintendent pursuant to the following:
(1) Excluding the schools, and taking into account the impact of the criteria in paragraph (2), the Superintendent annually shall create a list of 1,000 schools ranked by increasing API with the same ratio of elementary, middle, and high schools as existed in decile 1 in the 2008-09 school year.
(2) In constructing the list of 1,000 schools each year, the Superintendent shall ensure each of the following:
(A) A local educational agency shall not have more than 10 percent of its schools on the list. However, if the number of schools in a local educational agency is not evenly divisible by 10, the Superintendent shall round up to the next whole number of schools.
(B) Court, community, or community day schools shall not be included on the list.
(C) Charter schools shall not be included on the list.]
(b) "Parent" means the natural or adoptive parent or guardian of a dependent child.
(c) "School district of enrollment" means a school district other than the school district in which the parent of a pupil resides, but in which the parent of the pupil nevertheless intends to enroll the pupil pursuant to this article.
(d) "School district of residence" means a school district in which the parent of a pupil resides and in which the pupil would otherwise be required to enroll pursuant to Section 48200.

48353. The state board shall adopt emergency regulations to implement this article.

Outcome Rationale: The Open Enrollment formula that was used to create the 1000 school list is flawed and does not represent the lowest performing schools in the state. In fact, there are many schools just in our county of Ventura with far greater deficits that are not named in the list of 1000. Glenwood Elementary continues to achieve at high levels, and this year met the California Academic Performance Index target with a score of 808. API scores increased in major subgroups in 2013; Hispanic 779-796, Econ. Disadvantaged 777-795 and English Learners 774-788. Likewise, AYP percentage proficiency rates increased from 2011-2013; Hispanic 42.2%-46.6%, Econ. Disadvantaged 40.4%-47.3% and English Learners 39.1% - 44.4%. Glenwood has consistently outperformed most Title 1 schools in our county and continues to demonstrate high levels of success in advancing students through CST performance bands. It should be noted Glenwood continues to experience demographic shifts. For two consecutive years, Glenwood did not qualify with a significant White/non-Hispanic subgroup. The number of ELL students has increased as native English speakers have significantly decreased since 2008 from 35% to 14%.

Glenwood has a strong tradition of serving all students as evidenced by the outstanding, sustained achievement. See attached longitudinal data; API / AYP 2008-2013 (school wide with pertinent subgroups). The data will show that Glenwood out performs most schools in the state with similar demographics.

Student Population: 382

City Type: Suburban

Public Hearing Date: 12/9/2014
Public Hearing Advertised: Notice was posted at each school

Local Board Approval Date: 12/9/2014

Community Council Reviewed By: Glenwood School Site Council
Community Council Reviewed Date: 11/19/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Jeanne Valentine
Position: Director of Elementary Education, Title I Program
E-mail: jvalentine@conejousd.org
Telephone: 805-497-9511 x245
Fax: 805-379-5756

Bargaining Unit Date: 11/19/2014
Name: Conejo Valley Pupil Personnel Association
Representative: Susan Kunz
Title: President
Position: Support
Comments:

Bargaining Unit Date: 11/21/2014
Name: United Association of Conejo Teachers
Representative: Colleen Briner-Schmidt
Title: President
Position: Support
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1964436 Waiver Number: 10-12-2014 Active Year: 2014

Date In: 12/16/2014 6:08:31 PM

Local Education Agency: Covina-Valley Unified School District
Address: 519 East Badillo St.
Covina, CA 91723

Start: 7/1/2015 End: 6/30/2016

Waiver Renewal: Y
Previous Waiver Number: 41-1-2014 Previous SBE Approval Date: 5/8/2014

Waiver Topic: Open Enrollment
Ed Code Title: Removal From the List of LEAs
Ed Code Section: 48352(a) and *CCR* Title 5 Section 4701
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: A0 "Low-achieving school" means any school identified by the Superintendent pursuant to the following:
1. Excluding the schools, and taking into account the impact of the criteria in the paragraph.
2. The Superintendent annually shall create a list of 1,000 schools ranked by the increasing API with the same ratio of elementary, middle, and high schools as existed in decile 1 in the 2008-2009 school year.
3. In constructing the list of 1,000 schools each year, the Superintendent shall ensure each of the following:
a) A local education agency shall not have more than 10% of its schools on the list. b) Court, community , or community day schools shall not be included on the list. c) Charter schools shall not be included on the list.

Outcome Rationale: Covina-Valley Unified School District is requesting the removal of Cypress Elementary School from the 2015-2016 Open Enrollment-Low Achieving Schools List. The inclusion of Cypress on this list is inappropriate because the students have made remarkable academic growth. The school has displayed an overall 63 point gain i the API since 2009. For the 2013-2014 the weighted 3 year average API is 792, only 8 points from the statewide target for high achieving schools. During the past 5 years, Cypress has experienced dramatic growth in all subgroup in ELA and mathematics. The EL subgroup has grown 8% in ELA during this time. Overall the school has increased their AYP proficiency in mathematics by 15% and in ELA by 7%. Cypress continues to close the achievement gap and increase school-wide achievement levels on local measures.

Student Population: 646

City Type: Suburban

Public Hearing Date: 12/15/2014
Public Hearing Advertised: Posted in the public places including the school site, district office

and on the District website for the required timeline

Local Board Approval Date: 12/15/2014

Community Council Reviewed By: School Site Council
Community Council Reviewed Date: 12/5/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Dr. Mary Suzuki
Position: Director
E-mail: msuzuki@cvusd.k12.ca.us
Telephone: 626-974-7000 x2072
Fax: 626-974-7061

Bargaining Unit Date: 12/01/2014
Name: California Schools Employees' Association
Representative: Shannon Medrano
Title: President
Position: Support
Comments:

Bargaining Unit Date: 12/01/2014
Name: Covina Unified Education Association
Representative: Adam Hampton
Title: President
Position: Support
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 3066696 Waiver Number: 8-12-2014 Active Year: 2014

Date In: 12/16/2014 9:41:33 AM

Local Education Agency: Savanna Elementary School District
Address: 1330 South Knott Ave.
Anaheim, CA 92804

Start: 7/1/2015 End: 6/30/2016

Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: Open Enrollment
Ed Code Title: Removal From the List of LEAs
Ed Code Section: 48352(a) and *CCR* Title 5 Section 4701
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: • *Education Code* 48352. For purposes of this article, the following definitions apply: (a) "Low-achieving school" means any school identified by the Superintendent pursuant to the following: (1) Excluding the schools, and taking into account the impact of the criteria in paragraph (2), the Superintendent annually shall create a list of 1,000 schools ranked by increasing API with the same ratio of elementary, middle, and high schools as existed in decile 1in the 2008-09 school year. (2) In constructing the list of 1,000 schools each year, the Superintendent shall ensure each of the following: (A) A local educational agency shall not have more than 10 percent of its schools on the list. However, if the number of schools in a local educational agency is not evenly divisible by 10, the Superintendent shall round up to the next whole number of schools. (B) Court, community, or community day schools shall not be included on the list. (C) Charter schools shall not be included on the list.

• Title 5 *CCR* 4701. Identification of Open Enrollment Schools. a) The State Superintendent of Public Instruction (SSPI) shall annually construct a list of 1,000 schools for the Open Enrollment Act that maintains the same ratio of elementary, middle, and high schools as existed in decile 1 of the 2009 Base Academic Performance Index (API) file and retains only “10 percent” of a local educational agency's (LEA's) schools pursuant to the following methodology: (1) the list of 1,000 schools shall include 687 elementary schools, 165 middle schools, and 148 high schools; (2) the list of 1,000 schools shall exclude the following: (A) schools that are court, community, or community day schools; (B) schools that are charter schools; (C) schools that are closed; and (D) schools that have fewer than 100 valid test scores. 3) an LEA shall have on the list no more than 10 percent of its total number of schools that are not closed. However, when that total number of schools is not evenly divisible by 10, the 10 percent number of the LEA's schools shall be rounded up to the next whole number; and (4) to produce the final list of 1,000 schools, the SSPI shall apply the following process: (A) create a pool of schools: 1. for the purpose of constructing the Open Enrollment Schools List for transfer during the 2010-2011 school year, this pool shall be created by selecting all schools from the 2009 Base API file.

Outcome Rationale: Reid School received a 2013 API score of 803. It does not make sense for the State to deem Reid School successful using one criteria and “low-achieving” using another criteria.

Student Population: 2369

City Type: Suburban

Public Hearing Date: 12/10/2014
Public Hearing Advertised: Publically posted at each school site and on the District's website as part of the Board Agenda.

Local Board Approval Date: 12/10/2014

Community Council Reviewed By: Reid School's School Site Council
Community Council Reviewed Date: 12/4/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Dr. Sue Johnson
Position: Superintendent
E-mail: superintendent@savsd.org
Telephone: 714-236-3805
Fax:

Bargaining Unit Date: 11/06/2014
Name: Savanna District Teachers Association
Representative: Barbara McIsaac
Title: President
Position: Support
Comments:

California State Board of Education

Meeting Agenda Items for March 11-12, 2015

WAIVER ITEM W-04

ITEM #W-04

CALIFORNIA STATE BOARD OF EDUCATION

MARCH 2015 AGENDA

☒ **General Waiver**

SUBJECT Request by **Conejo Valley Unified School District** for a renewal to waive California *Education Code* Section 48352(a) and *California Code of Regulations,* Title 5, Section 4701, to remove Conejo Elementary School from the Open Enrollment List of "low-achieving schools" for the 2015–16 school year. Waiver Number: 12-12-2014	☒ **Action** ☒ **Consent**

SUMMARY OF THE ISSUES

Request from Conejo Valley School District to remove Conejo Elementary School from the 2015–16 Open Enrollment List. The State Board of Education (SBE) must take action to approve or deny removal of a school from the Open Enrollment List.

Authority for Waiver: *Education Code* (*EC*) Section 33050

RECOMMENDATION

☐ **Approval** ☐ **Approval with conditions** ☒ **Denial**

The California Department of Education (CDE) recommends denial of one waiver request for a school on the 2015–16 Open Enrollment List (Attachment 2). This waiver is recommended for denial because the educational needs of the pupils are not adequately addressed as required under *EC* 33051(a)(1).

SUMMARY OF KEY ISSUES

Based on the downward trend in Academic Performance Index (API) scores and not meeting its growth targets, the CDE recommends that Conejo Elementary School remain on the Open Enrollment List.

Conejo Elementary School has a 2013 Growth API score of 744 (a reduction of 17 points from their 2012 base API score of 761) and failed to meet all 2013 API student group growth targets. In addition, Conejo Elementary School has failed to meet their schoolwide and/or student group API Growth targets in three of the previous five years. Conejo Elementary's 2013 results produced a decile rank of 2, and a similar schools rank of 1. It is in year 5 of Program Improvement.

The methodology used in creating the list of 1,000 lowest achieving schools, per the statute, resulted in some higher achieving schools being placed on the list while at the same time some schools with lower APIs were not included on the list. This was primarily due to the statutory provision that a local educational agency (LEA) can have no more than 10 percent of its schools on the list.

Demographic Information:

Conejo Valley School District has a 2013–14 student population of 20,142 and is located in a suburban area in Ventura County.

Because this is a general waiver, if the SBE decides to deny the waiver, it must cite one of the seven reasons in *EC* 33051(a), available at http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC&sectionNum=33051.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

This is the first SBE meeting at which an LEA has requested a waiver for a school on the 2015–16 Open Enrollment List.

FISCAL ANALYSIS (AS APPROPRIATE)

There is no statewide fiscal impact of waiver approval or denial.

ATTACHMENT(S)

Attachment 1: School Districts Requesting a General Waiver from the 2015–16 Open Enrollment List (1 page).

Attachment 2: Conejo Valley Unified School District General Waiver Request 12-12-2014 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)

School Districts Requesting a General Waiver from the 2015–16 Open Enrollment List

Waiver #	County District School	2013 District Growth API	2013 School Growth API*	2013 API Target Met?	Met API Growth Targets (3 of last 5 yrs)	Meets SBE Waiver Policy (Yes/No)	Decile, Similar Schools Rank	Current PI Status	Position of Bargaining Unit/Date Consulted	Period of Request	Recommend for Approval (Yes/No)
12-12-2014	Ventura Conejo Valley Unified Conejo Elementary	884	Schoolwide 744 Hispanic or Latino 713 SED 714 English Learners 706	No No No No	No	Yes	2, 1	Year 5	**Support** 11/19/14 and 11/21/14	**Requested:** 07/01/2015 to 06/30/2016 **Recommended:** 07/01/2015 to 06/30/2016	No

*Only student groups that are numerically significant are included in this column.
SED – Socioeconomically Disadvantaged
Prepared by the California Department of Education
January 27, 2015

California Department of Education
WAIVER SUBMISSION - General

CD Code: 5673759 Waiver Number: 12-12-2014 Active Year: 2014

Date In: 12/17/2014 9:47:51 AM

Local Education Agency: Conejo Valley Unified School District
Address: 1400 East Janss Rd.
Thousand Oaks, CA 91362

Start: 7/1/2015 End: 6/30/2016

Waiver Renewal: Y
Previous Waiver Number: 28-12-2013-W-03 Previous SBE Approval Date: 3/12/2014

Waiver Topic: Open Enrollment
Ed Code Title: Removal From the List of LEAs
Ed Code Section: 48352(a) and *CCR* Title 5 Section 4701
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: SECTION 48350-48361

48350. This article shall be known, and may be cited, as the Open Enrollment Act.

48351. The purpose of this article is to improve pupil achievement, in accordance with the regulations and guidelines for the federal Race to the Top Fund, authorized under the federal American Recovery and Reinvestment Act of 2009 (Public Law 111-5), and to enhance parental choice in education by providing additional options to pupils to enroll in public schools throughout the state without regard to the residence of their parents.

48352. For purposes of this article, the following definitions apply:
[(a) "Low-achieving school" means any school identified by the Superintendent pursuant to the following:
(1) Excluding the schools, and taking into account the impact of the criteria in paragraph (2), the Superintendent annually shall create a list of 1,000 schools ranked by increasing API with the same ratio of elementary, middle, and high schools as existed in decile 1 in the 2008-09 school year.
(2) In constructing the list of 1,000 schools each year, the Superintendent shall ensure each of the following:
(A) A local educational agency shall not have more than 10 percent of its schools on the list. However, if the number of schools in a local educational agency is not evenly divisible by 10, the Superintendent shall round up to the next whole number of schools.
(B) Court, community, or community day schools shall not be included on the list.
(C) Charter schools shall not be included on the list]
(b) "Parent" means the natural or adoptive parent or guardian of a dependent child.
(c) "School district of enrollment" means a school district other than the school district in which the parent of a pupil resides, but in which the parent of the pupil nevertheless intends to enroll the pupil pursuant to this article.

(d) "School district of residence" means a school district in which the parent of a pupil resides and in which the pupil would otherwise be required to enroll pursuant to Section 48200.

48353. The state board shall adopt emergency regulations to implement this article.

48354. (a) The parent of a pupil enrolled in a low-achieving school may submit an application for the pupil to attend a school in a school district of enrollment pursuant to this article.

Outcome Rationale:
The Open Enrollment formula that was used to create the 1000 school list is flawed and does not represent the lowest performing schools in the state. In fact, there are many schools just in our county of Ventura with far greater deficits that are not named in the list of 1000. Conejo Elementary has demonstrated a solid performance with a strong 2013 Academic Performance Index of 745. This past year, Conejo staff received professional development in the areas of Reading/Language Arts and Math. Additionally, a new ELA series was adopted. Despite taking a dip in the API score, many changes took place in the 2013-14 school year to improve the instructional focus at Conejo Elementary, including a school wide LEAD time targeting at risk students. Additionally, Conejo Elementary participated in a Federal Program Monitoring review in October, 2014. The team from the California Department of Education found no findings in their visit to Conejo and praised the staff and parents for their joint efforts in engaging students and parents.

Conejo has a durable tradition of serving all students as evidenced by sustained student achievement over time. See attached longitudinal data; API / AYP– 2008-2013 (school wide with pertinent subgroups). The data will show that Conejo has and will continue to outperform most schools in the state with similar demographics.

Student Population: 410

City Type: Suburban

Public Hearing Date: 12/9/2014
Public Hearing Advertised: Notice was posted at each school

Local Board Approval Date: 12/9/2014

Community Council Reviewed By: Conejo School Site Council
Community Council Reviewed Date: 11/18/2014
Community Council Objection: N
Community Council Objection Explanation:
Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Jeanne Valentine
Position: Director of Elementary Education, Title I Program
E-mail: jvalentine@conejousd.org
Telephone: 805-497-9511 x245
Fax: 805-379-5756

Bargaining Unit Date: 11/19/2014
Name: Conejo Valley Pupil Personnel Association
Representative: Susan Kunz
Title: President
Position: Support
Comments:

Bargaining Unit Date: 11/21/2014
Name: United Association of Conejo Teachers
Representative: Coleen Briner-Schmidt
Title: President
Position: Support
Comments:

California State Board of Education

Meeting Agenda Items for March 11-12, 2015

WAIVER ITEM W-05

ITEM #W-05

CALIFORNIA STATE BOARD OF EDUCATION

MARCH 2015 AGENDA

☒ **General Waiver**

SUBJECT Request by **Covina-Valley Unified School District** for a renewal to waive California *Education Code* Section 48352(a) and *California Code of Regulations,* Title 5, Section 4701, to remove Manzanita Elementary School from the Open Enrollment List of "low-achieving schools" for the 2015–16 school year. Waiver Number: 9-12-2014	☒ **Action** ☒ **Consent**

SUMMARY OF THE ISSUES

Request from Covina-Valley School District to remove Manzanita Elementary School from the 2015–16 Open Enrollment List. The State Board of Education (SBE) must take action to approve or deny removal of a school from the Open Enrollment List.

Authority for Waiver: *Education Code* (*EC*) Section 33050

RECOMMENDATION

☐ **Approval** ☐ **Approval with conditions** ☒ **Denial**

The California Department of Education (CDE) recommends denial of one waiver request for a school on the 2015–16 Open Enrollment List (Attachment 2). This waiver is recommended for denial because the educational needs of the pupils are not adequately addressed as required under *EC* 33051(a)(1).

SUMMARY OF KEY ISSUES

Based on the downward trend in Academic Performance Index (API) scores and not meeting its growth targets, the CDE recommends that Manzanita Elementary School remain on the Open Enrollment List.

Manzanita Elementary School has a 2013 Growth API score of 739 (a reduction of 3 points from their 2012 base API score of 742) and failed to meet three out of four 2013 API student group growth targets. In addition, Manzanita Elementary School has failed to meet their schoolwide and/or student group API Growth targets in four of the previous five years. Manzanita Elementary's 2013 results produced a decile rank of 2, and a similar schools rank of 2. It is in year 4 of Program Improvement.

The methodology used in creating the list of 1,000 lowest achieving schools, per the statute, resulted in some higher achieving schools being placed on the list while at the same time some schools with lower APIs were not included on the list. This was primarily due to the statutory provision that a local educational agency (LEA) can have no more than 10 percent of its schools on the list.

Demographic Information:

Covina-Valley Unified School District has a 2013–14 student population of 12,558 and is located in a suburban area in Los Angeles County.

Because this is a general waiver, if the SBE decides to deny the waiver, it must cite one of the seven reasons in *EC* 33051(a), available at http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC&sectionNum=33051.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

This is the first SBE meeting at which an LEA has requested a waiver for a school on the 2015–16 Open Enrollment List.

FISCAL ANALYSIS (AS APPROPRIATE)

There is no statewide fiscal impact of waiver approval or denial.

ATTACHMENT(S)

Attachment 1: School Districts Requesting a General Waiver from the 2015–16 Open Enrollment List (1 page).

Attachment 2: Covina-Valley Unified School District General Waiver Request 9-12-2014 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

School Districts Requesting a General Waiver from the 2015–16 Open Enrollment List

Waiver #	County District School	2013 District Growth API	2013 School Growth API*	2013 API Target Met?	Met API Growth Targets (3 of last 5 yrs)	Meets SBE Waiver Policy (Yes/No)	Decile, Similar Schools Rank	Current PI Status	Position of Bargaining Unit/Date Consulted	Period of Request	Recommend for Approval (Yes/No)
9-12-2014	Los Angeles Covina-Valley Unified Manzanita Elementary	800	Schoolwide 739 Hispanic or Latino 742 SED 724 English Learners 739	No Yes No No	No	Yes	2, 2	Year 4	**Support** 12/01/14	**Requested:** 07/01/2015 to 07/01/2016 **Recommended:** 07/01/2015 to 06/30/2016	No

*Only student groups that are numerically significant are included in this column.
SED – Socioeconomically Disadvantaged
Prepared by the California Department of Education
January 27, 2015

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1964436 Waiver Number: 9-12-2014 Active Year: 2014

Date In: 12/16/2014 3:14:17 PM

Local Education Agency: Covina-Valley Unified School District
Address: 519 East Badillo St.
Covina, CA 91723

Start: 7/1/2015 End: 7/1/2016

Waiver Renewal: Y
Previous Waiver Number: 40-1-2014 Previous SBE Approval Date: 5/8/2014

Waiver Topic: Open Enrollment
Ed Code Title: Removal From the List of LEAs
Ed Code Section: 48352(a) and *CCR* Title 5 Section 4701
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: A0 "Low-achieving school" means any school identified by the Superintendent pursuant to the following:
1. Excluding the schools, and taking into account the impact of the criteria in the paragraph.
2. The Superintendent annually shall create a list of 1,000 schools ranked by the increasing API with the same ratio of elementary, middle, and high schools as existed in decile 1 in the 2008-2009 school year.
3. In constructing the list of 1,000 schools each year, the Superintendent shall ensure each of the following:
a) A local education agency shall not have more than 10% of its schools on the list. b) Court, community , or community day schools shall not be included on the list. c) Charter schools shall not be included on the list.

Outcome Rationale: Covina-Valley Unified School District is requesting the removal of Manzanita Elementary School from the 2014-2015 Open Enrollment-Low Achieving Schools List. The school displayed an 87 point gain in API since 2006. The 2013-2014 weighted 3-year average API is 746, only 54 points from the 800 high achieving schools' target. The most recent CST (2012-2013) API growth occurred in the Hispanic and Students with Disabilities subgroups. Manzanita exhibited AYP growth within the White, Socio-economically disadvantaged, English Learners sub-groups and Students with Disabilities subgroups. Safe Harbor targets were reached in English Language Arts for the EL subgroup and in math for the Hispanic subgroup on the most recent CST available.

Student Population: 256

City Type: Suburban

Public Hearing Date: 12/15/2014

Public Hearing Advertised: Posted in public locations and on District website for required period of time at the school sites and at the district office in public places.

Local Board Approval Date: 12/15/2014

Community Council Reviewed By: School Site Council
Community Council Reviewed Date: 12/4/2014
Community Council Objection: N
Community Council Objection Explanation:
Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Dr. Mary Suzuki
Position: Director
E-mail: msuzuki@cvusd.k12.ca.us
Telephone: 626-974-7000 x2072
Fax: 626-974-7061

Bargaining Unit Date: 12/01/2014
Name: California Schools Employees Association
Representative: Shannon Medrano
Title: President
Position: Support
Comments:

Bargaining Unit Date: 12/01/2014
Name: Covina Unified Education Association
Representative: Adam Hampton
Title: President
Position: Support
Comments:

California State Board of Education

Meeting Agenda Items for March 11-12, 2015

WAIVER ITEM W-06

ITEM #W-06

CALIFORNIA STATE BOARD OF EDUCATION

MARCH 2015 AGENDA

☒ **General Waiver**

SUBJECT Request by **Jamestown Elementary School District** for a renewal to waive California *Education Code* Section 48352(a) and *California Code of Regulations,* Title 5, Section 4701, to remove Jamestown Elementary School from the Open Enrollment List of "low-achieving schools" for the 2014–15 school year. Waiver Number: 26-10-2014	☒ **Action** ☒ **Consent**

SUMMARY OF THE ISSUES

Request from Jamestown Elementary School District to remove Jamestown Elementary School from the 2014–15 Open Enrollment List. The State Board of Education (SBE) must take action to approve or deny removal of a school from the Open Enrollment List.

Authority for Waiver: *Education Code* (*EC*) Section 33050

RECOMMENDATION

☐ **Approval** ☐ **Approval with conditions** ☒ **Denial**

The California Department of Education (CDE) recommends denial of one waiver request for a school on the 2014–15 Open Enrollment List (Attachment 2). This waiver is recommended for denial because the educational needs of the pupils are not adequately addressed as required under *EC* 33051(a)(1).

SUMMARY OF KEY ISSUES

Based on the downward trend in Academic Performance Index (API) scores and not meeting its growth targets,, the CDE recommends that Jamestown Elementary School remain on the Open Enrollment List.

Jamestown Elementary School has a 2013 Growth API score of 761 (a reduction of 22 points from their 2012 base API score of 783) and failed to meet all 2013 API student group growth targets. In addition, Jamestown Elementary School has failed to meet their schoolwide and/or student group API Growth targets in four of the previous five years. Jamestown Elementary's 2012 base API produced a decile rank of 4, and a similar schools rank of 6. It is in year 2 of Program Improvement.

The methodology used in creating the list of 1,000 lowest achieving schools, per the statute, resulted in some higher achieving schools being placed on the list while at the same time some schools with lower APIs were not included on the list. This was primarily due to the statutory provision that a local educational agency (LEA) can have no more than 10 percent of its schools on the list.

Demographic Information:

Jamestown Elementary School District has a 2012–13 student population of 534 and is located in a rural area in Tuolumne County.

Because this is a general waiver, if the SBE decides to deny the waiver, it must cite one of the seven reasons in *EC* 33051(a), available at http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC&sectionNum=33051.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

This is the third SBE meeting at which an LEA has requested a waiver for a school on the 2014–15 Open Enrollment List.

FISCAL ANALYSIS (AS APPROPRIATE)

There is no statewide fiscal impact of waiver approval or denial.

ATTACHMENT(S)

Attachment 1: School Districts Requesting a General Waiver from the 2014–15 Open Enrollment List (1 page).

Attachment 2: Jamestown Elementary School District General Waiver Request 26-10-2014 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

School Districts Requesting a General Waiver from the 2014–15 Open Enrollment List

Waiver #	County District School	2013 District Growth API	2013 School Growth API*	2013 API Target Met?	Met API Growth Targets (3 of last 5 yrs)	Meets SBE Waiver Policy (Yes/No)	Decile, Similar Schools Rank	Current PI Status	Position of Bargaining Unit/Date Consulted	Period of Request	Recommend for Approval (Yes/No)
26-10-2014	Tuolumne Jamestown Elementary Jamestown Elementary	758	Schoolwide 761 White 771 SED 737	No No No	No	No	4, 6	Year 2	**Support** 10/02/14	**Requested:** 07/01/2014 to 06/30/2016 **Recommended:** 07/01/2014 to 06/30/2015	No

*Only student groups that are numerically significant are included in this column.
SED – Socioeconomically Disadvantaged
Prepared by the California Department of Education
January 27, 2015

California Department of Education
WAIVER SUBMISSION - General

CD Code: 5572363 Waiver Number: 26-10-2014 Active Year: 2014

Date In: 10/31/2014 10:42:19 AM

Local Education Agency: Jamestown Elementary School District
Address: 18299 Fifth Ave.
Jamestown, CA 95327

Start: 7/1/2014 End: 6/30/2016

Waiver Renewal: Y
Previous Waiver Number: 28-10-2012-W-05 Previous SBE Approval Date: 1/16/2013

Waiver Topic: Open Enrollment
Ed Code Title: Removal From the List of LEAs
Ed Code Section: 48352(a) and *CCR* Title 5 Section 4701
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: [(a)"Low-achieving school" means any school identified by the Superintendent pursuant to the following:
(1) Excluding the schools, and taking into account the impact of the criteria in paragraph (2), the Superintendent annually shall create a list of 1,000 schools ranked by increasing API with the same ratio of Elementary, middle, and high schools as existed in docile 1 in the 2008-09 school year.
(2) In constructing the list of 1,000 schools each year, the Superintendent shall ensure each of the following:
(A) A local educational agency shall not have more than 10 percent of its schools on the list. However, if the number of schools in a local educational agency is not evenly divisible by 10, the Superintendent shall round up to the next whole number of schools.
(B) Court, community, or community day schools shall not be included on the list.
(C) Charter Schools shall not be included on the list.]

(b) "Parent" means the natural or adoptive parent or guardian of a dependent child.

(c) "School district of enrollment" means a school district other than the school district in which the parent of a pupil resides, but in which the parent of the pupil nevertheless intends to enroll the pupil pursuant to this article.

(d) "School district of residence" means a school district in which the parent of a pupil resides and in which the pupil would otherwise be required to enroll pursuant to Section 48200.

Title 5 *CCR* 4701:
[(a) The State Superintendent of Public Instruction (SSPI) shall annually construct a list of 1,000 schools for the Open Enrollment Act that maintains the same ratio of elementary, middle, and high schools as existed in docile 1 of the 2011 Base Academic Performance Index (API) file and retains only "10 percent" of a local educational agency's (LEA's) schools pursuant to the following methodology:

(1) The list of 1,000 schools shall include 687 elementary schools, 165 middle schools, and 148 high schools;
(2) The list of 1,000 schools shall exclude the following:
(A) Schools that are court, community or community day schools;
(B) Schools that are charter schools;
(C) Schools that are closed; and
(D) Schools that have fewer than 100 valid test scores
(3) An LEA shall have on the list no more than 10 percent of its total number of schools that are not closed. However, when that total number of schools is not evenly divisible by 10, the 10 percent number of the LEA's schools shall be rounded up to the next whole number; and
(4) To produce the final list of 1,000 schools, the SSPI shall apply the following process;
(A) Create a pool of schools: 1. For the purpose of constructing the Open Enrollment Schools List for transfer during the 2012-2013 school year, this pool shall be created by selecting all schools from the 2011 Base API file.]

Outcome Rationale: The Open Enrollment Act places limits in the number of schools from any one district that can be identified, some schools with high Academic Performance Indexes have been included in the list. Jamestown School is one of those since the 2013 Growth Academic Performance Index is 762.

Student Population: 324

City Type: Rural

Public Hearing Date: 10/8/2014
Public Hearing Advertised: Posted at school sites, JFRC, Post Office and District Office

Local Board Approval Date: 10/8/2014

Community Council Reviewed By: School Site Council and Jamestown School District Board of Trustees
Community Council Reviewed Date: 10/1/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Dr. Brenda Chapman
Position: Superintendent
E-mail: bchapman@jamestown.k12.ca.us
Telephone: 209-984-4058 x154
Fax: 209-984-0434

Bargaining Unit Date: 10/02/2014
Name: Jamestown Teacher Association
Representative: Greg Haney
Title: President
Position: Support
Comments:

California State Board of Education

Meeting Agenda Items for March 11-12, 2015

WAIVER ITEM W-07

ITEM #W-07

CALIFORNIA STATE BOARD OF EDUCATION

MARCH 2015 AGENDA

☒ **General Waiver**

SUBJECT Request by **Jamestown Elementary School District** for a renewal to waive California *Education Code* Section 48352(a) and *California Code of Regulations,* Title 5, Section 4701, to remove Jamestown Elementary School from the Open Enrollment List of "low-achieving schools" for the 2015–16 school year. Waiver Number: 14-11-2014	☒ **Action** ☒ **Consent**

SUMMARY OF THE ISSUES

Request from Jamestown Elementary School District to remove Jamestown Elementary School from the 2015–16 Open Enrollment List. The State Board of Education (SBE) must take action to approve or deny removal of a school from the Open Enrollment List.

Authority for Waiver: *Education Code* (*EC*) Section 33050

RECOMMENDATION

☐ **Approval** ☐ **Approval with conditions** ☒ **Denial**

The California Department of Education (CDE) recommends denial of one waiver request for a school on the 2015–16 Open Enrollment List (Attachment 2). This waiver is recommended for denial because the educational needs of the pupils are not adequately addressed as required under *EC* 33051(a)(1).

SUMMARY OF KEY ISSUES

Based on the downward trend in Academic Performance Index (API) scores and not meeting its growth targets, the CDE recommends that Jamestown Elementary School remain on the Open Enrollment List.

Jamestown Elementary School has a 2013 Growth API score of 761 (a reduction of 22 points from their 2012 base API score of 783) and failed to meet all 2013 API student group growth targets. In addition, Jamestown Elementary School has failed to meet their schoolwide and/or student group API Growth targets in four of the previous five years. Jamestown Elementary's 2013 results produced a decile rank of 3, and a similar schools rank of 5. It is in year 2 of Program Improvement.

The methodology used in creating the list of 1,000 lowest achieving schools, per the statute, resulted in some higher achieving schools being placed on the list while at the same time some schools with lower APIs were not included on the list. This was primarily due to the statutory provision that a local educational agency (LEA) can have no more than 10 percent of its schools on the list.

Demographic Information:

Jamestown Elementary School District has a 2013–14 student population of 503 and is located in a rural area in Tuolumne County.

Because this is a general waiver, if the SBE decides to deny the waiver, it must cite one of the seven reasons in *EC* 33051(a), available at http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC&sectionNum=33051.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

This is the first SBE meeting at which an LEA has requested a waiver for a school on the 2015–16 Open Enrollment List.

FISCAL ANALYSIS (AS APPROPRIATE)

There is no statewide fiscal impact of waiver approval or denial.

ATTACHMENT(S)

Attachment 1: School Districts Requesting a General Waiver from the 2015–16 Open Enrollment List (1 page).

Attachment 2: Jamestown Elementary School District General Waiver Request 14-11-2014 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

School Districts Requesting a General Waiver from the 2015–16 Open Enrollment List

Waiver #	County District School	2013 District Growth API	2013 School Growth API*	2013 API Target Met?	Met API Growth Targets (3 of last 5 yrs)	Meets SBE Waiver Policy (Yes/No)	Decile, Similar Schools Rank	Current PI Status	Position of Bargaining Unit/Date Consulted	Period of Request	Recommend for Approval (Yes/No)
14-11-2014	Tuolumne Jamestown Elementary Jamestown Elementary	758	Schoolwide 761 White 771 SED 737	No No No	No	No	3, 5	Year 2	**Support** 10/02/14	**Requested:** 07/01/2014 to 06/30/2016 **Recommended:** 07/01/2014 to 06/30/2015	No

*Only student groups that are numerically significant are included in this column.
SED – Socioeconomically Disadvantaged
Prepared by the California Department of Education
January 27, 2015

California Department of Education
WAIVER SUBMISSION - General

CD Code: 5572363 Waiver Number: 14-11-2014 Active Year: 2014

Date In: 11/14/2014 11:41:54 AM

Local Education Agency: Jamestown Elementary School District
Address: 18299 Fifth Ave.
Jamestown, CA 95327

Start: 7/1/2015 End: 6/30/2016

Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: Open Enrollment
Ed Code Title: Removal From the List of LEAs
Ed Code Section: 48352(a) and *CCR* Title 5 Section 4701
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: [(a)"Low-achieving school" means any school identified by the Superintendent pursuant to the following:
(1) Excluding the schools, and taking into account the impact of the criteria in paragraph (2), the Superintendent annually shall create a list of 1,000 schools ranked by increasing API with the same ratio of Elementary, middle, and high schools as existed in docile 1 in the 2008-09 school year.
(2) In constructing the list of 1,000 schools each year, the Superintendent shall ensure each of the following:
(A) A local educational agency shall not have more than 10 percent of its schools on the list. However, if the number of schools in a local educational agency is not evenly divisible by 10, the Superintendent shall round up to the next whole number of schools.
(B) Court, community, or community day schools shall not be included on the list.
(C) Charter Schools shall not be included on the list.]

(b) "Parent" means the natural or adoptive parent or guardian of a dependent child.

(c) "School district of enrollment" means a school district other than the school district in which the parent of a pupil resides, but in which the parent of the pupil nevertheless intends to enroll the pupil pursuant to this article.

(d) "School district of residence" means a school district in which the parent of a pupil resides and in which the pupil would otherwise be required to enroll pursuant to Section 48200.

Title 5 *CCR* 4701:
[(a) The State Superintendent of Public Instruction (SSPI) shall annually construct a list of 1,000 schools for the Open Enrollment Act that maintains the same ratio of elementary, middle, and high schools as existed in docile 1 of the 2011 Base Academic Performance Index (API) file and retains only "10 percent" of a local educational agency's (LEA's) schools pursuant to the following methodology:

(1) The list of 1,000 schools shall include 687 elementary schools, 165 middle schools, and 148 high schools;
(2) The list of 1,000 schools shall exclude the following:
(A) Schools that are court, community or community day schools;
(B) Schools that are charter schools;
(C) Schools that are closed; and
(D) Schools that have fewer than 100 valid test scores
(3) An LEA shall have on the list no more than 10 percent of its total number of schools that are not closed. However, when that total number of schools is not evenly divisible by 10, the 10 percent number of the LEA's schools shall be rounded up to the next whole number; and
(4) To produce the final list of 1,000 schools, the SSPI shall apply the following process;
(A) Create a pool of schools: 1. For the purpose of constructing the Open Enrollment Schools List for transfer during the 2012-2013 school year, this pool shall be created by selecting all schools from the 2011 Base API file.]

Outcome Rationale: The Open Enrollment Act places limits in the number of schools from any one district that can be identified; some schools with high Academic Performance Indexes have been included in the list. Jamestown School is one of those since the 2013 Growth Academic Performance index is 762.

Student Population: 324

City Type: Rural

Public Hearing Date: 11/12/2014
Public Hearing Advertised: Posted at school sites, JFRC, Post Office and District Office

Local Board Approval Date: 11/12/2014

Community Council Reviewed By: School Site Council and Jamestown School District Board of Trustees
Community Council Reviewed Date: 11/5/2014
Community Council Objection: N
Community Council Objection Explanation:
Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Dr. Brenda Chapman
Position: Superintendent
E-mail: bchapman@jamestown.k12.ca.us
Telephone: 209-984-4058 x154
Fax: 209-984-0434

Bargaining Unit Date: 11/05/2014
Name: Jamestown Teachers Association
Representative: Greg Haney
Title: President
Position: Support
Comments:

California State Board of Education

Meeting Agenda Items for March 11-12, 2015

WAIVER ITEM W-08

ITEM #W-08

CALIFORNIA STATE BOARD OF EDUCATION

MARCH 2015 AGENDA

☒ **General Waiver**

SUBJECT Request by four local educational agencies to waive *California Code of Regulations,* Title 5, Section 3043(d), which requires a minimum of 20 school days of attendance of four hours each for an extended school year (summer school) for special education students. Waiver Numbers: Anderson Union High School District 16-11-2014 Paradise Unified School District 19-11-2014 Shasta County Office of Education Excel Academy 18-11-2014 Tehama County Office of Education 1-12-2014	☒ **Action** ☒ **Consent**

SUMMARY OF THE ISSUES

Four local educational agencies (LEAs) request to be allowed to provide instruction in fewer than the 20 days required by law for extended school year (ESY). Each LEA proposes an alternate schedule that will allow them to provide the minimum number of hours required, but in fewer days.

Authority for Waiver: *Education Code (EC)* Section 33050

RECOMMENDATION

☐ **Approval** ☒ **Approval with conditions** ☐ **Denial**

The California Department of Education recommends that the State Board of Education (SBE) approve the request from four LEAs to provide ESY services for fewer than 20 days with the condition that 60 instructional hours or more be provided to the preschool program, and 80 instructional hours or more be provided to the K-Adult program. A minimum of 76 hours of instruction may be provided to K-Adult if a holiday is included. Also, special education and related services offered during the extended year period must be comparable in standards, scope, and quality to the special education program offered during the regular academic year as required by *California Code of Regulations,* Title 5, (5 *CCR*), Section 3043(d).

SUMMARY OF KEY ISSUES

The Anderson School District proposes to provide ESY services utilizing a 15-day model of five and one-half hours of instruction per day. This proposal aligns the district

schedule with the school's regular school year schedule thus maintaining consistency for the students served. Students will receive the same number of instructional minutes. Fewer ESY days will result in substantial savings in transportation, utilities, janitorial, food services, administration, and clerical costs.

The Shasta County Office of Education Excel Academy proposes to provide ESY services utilizing a 15-day model of five hours and 33 minutes of instruction per day. Students will receive the required amount of instructional time. Fewer ESY days will result in substantial savings in transportation, utilities, janitorial, food services, administration, and clerical costs.

The Paradise Unified School District proposes to provide ESY services to identified special education students utilizing a 15-day model of five and one half hours of instruction per day. Students will receive the same, or greater, number of instructional minutes. Parents of students are supportive of longer and more intense instructional days. The proposed schedule aligns better with the Butte County Office of Education ESY program, which also serves students in the LEA. Additionally, fewer ESY days will result in substantial savings for transportation, utilities, janitorial, food services, administration, and clerical costs. This waiver request is a renewal of the District's previous ESY waiver. The conditions of the original waiver were met.

The Tehama County Office of Education proposes to provide ESY services utilizing a 15-day model. The preschool program will operate four instructional hours per day vs. three hours, and the K-Adult program will operate five and one-half instructional hours per day vs. four hours. The hours per day, per program, will increase the ESY minutes of instruction and will align better with the typical school day for all grade levels served. Fewer ESY instructional days will provide substantial savings in transportation, utilities, janitorial, food service, administration, and clerical costs. This request is a renewal of the District's previous ESY waiver. The conditions of the original waiver were met.

For the purposes of reimbursement for average daily attendance, an ESY program:

- Must provide instruction of at least as many minutes over the shorter period as would have been provided during a typical 20-day program;

- Must be the same length of time as the school day for pupils of the same age level attending summer school in the district in which the extended year program is provided, but not less than the minimum school day for that age unless otherwise specified in the IEP to meet a pupil's unique needs; and

- Must offer special education and related services during the extended year period that are comparable in standards, scope, and quality to the special education program offered during the regular academic year

Because this is a general waiver, if the SBE decides to deny the waiver, it must cite one of the seven reasons in *EC* 33051(a), available at http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC&sectionNum=33051.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

In the past, the SBE approved waivers to allow school districts to provide the required minimum amount of instruction in fewer days during the ESY for special education students.

Extended school year is the term for the education of special education students "between the close of one academic year and the beginning of the next," similar to a summer school. It must be provided for each individual with exceptional needs whose individualized education program (IEP) requires it. Local educational agencies may request a waiver to provide an ESY program for fewer days than the traditional model.

FISCAL ANALYSIS (AS APPROPRIATE)

There is no statewide fiscal impact of waiver approval.

ATTACHMENT(S)

Attachment 1: Extended School Year Summary Table (2 pages)

Attachment 2: Anderson Union High School District General Waiver Request 16-11-2014 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: Paradise Unified School District General Waiver Request 19-11-2014 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 4: Shasta County Office of Education General Waiver Request 18-11-2014 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 5: Tehama County Office of Education General Waiver Request 1-12-2014(2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Extended School Year Summary Table

Waiver Number	District	Period of Request	Demographics	Local Board and Public Hearing Approval Date	Bargaining Unit, Representative Consulted, Date, and Position	Public Hearing Advertised	Advisory Committee or Site Council Consulted/ Date
16-11-2014	Anderson Union School District	**Requested:** 6/10/2015 to 6/30/2015 **Recommended:** 6/10/2015 to 6/30/2015	**Student population:** 1976 **Area:** Rural **County:** Shasta	11/18/2014	California School Employees Association, Brian Moore, President, 11/19/2014 **Support**	Posted at District office and each school, District Web site	District does not have an Advisory Committee or Site Council
19-11-2014	Paradise Unified School District	**Requested:** 11/18/2014 to 7/31/2015 **Recommended:** 6/8/2015 to 6/26/2015	**Student population:** 589 **Area:** Rural **County:** Shasta	11/18/2014	Paradise Classified Employee Association, Kristin Mundy, President, 11/10/2014 **Support** Teachers Association of Paradise, Joe Pratt, President, 11/17/2014 **Support**	Posted at District office and each school site, public library, Pearson Center, District Web site	Community Advisory Committee, 1/14/2015 **No objection**

Waiver Number	District	Period of Request	Demographics	Local Board and Public Hearing Approval Date	Bargaining Unit, Representative Consulted, Date, and Position	Public Hearing Advertised	Advisory Committee or Site Council Consulted/ Date
18-11-2014	Shasta County Office of Education Excel Academy	**Requested:** 6/10/14 to 6/30/2014 **Recommended:** 6/10/15 to 6/30/2015	**Student population:** 45 **Area:** Rural **County:** Shasta	**Local Board:** 10/8/2014 **Public Hearing**: 11/20/2014	Shasta County Certificated Employees Association, Jamie Patton, President, 9/15/2014 **Support**	Public calendar, Web site, Special Education Local Plan Area calendar and agenda, e-mailed to Listserv for Program Advisory Committee (PAC)	Shasta County Office of Education Board of Education, 10/8/2014 **No objection**
1-12-2014	Tehama County Office of Education	**Requested:** 6/15/15 to 7/3/2015 **Recommended:** 6/15/15 to 7/3/2015	**Student population:** 70 **Area:** Rural **County:** Tehama	11/19/2014	California School Employees Association, Dawn Retzlaff, President 10/28/2014 **Support**	Newspaper	Tehama County Department of Education Board 11/19/2014 **No Objection**

California Department of Education
WAIVER SUBMISSION - General

CD Code: 4569856 Waiver Number: 16-11-2014 Active Year: 2014

Date In: 11/19/2014 2:59:14 PM

Local Education Agency: Anderson Union High School District
Address: 1469 Ferry St.
Anderson, CA 96007

Start: 6/10/2015 End: 6/30/2015

Waiver Renewal: Y
Previous Waiver Number: 1-1-2014-W-04 Previous SBE Approval Date: 5/8/2014

Waiver Topic: Special Education Program
Ed Code Title: Extended School Year (Summer School)
Ed Code Section: 5 *CCR* 3043
Ed Code Authority: 33050-33053

Ed Code or *CCR* to Waive: 5 *CCR* 3043 – Extended School Year. Extended school year services shall be provided for each individual with exceptional needs who has unique needs and requires special education and related services in excess of the regular academic year. . . . (d) [An extended year program shall be provided for a minimum of 20 instructional days, including holidays.]

Outcome Rationale: Due to the current fiscal crisis in California, the Anderson Union High School District proposes to provide Extended School Year (ESY) services to identified special education students utilizing a fifteen (15) day, five and one half (5 ½) hours of instructional model rather than the traditional model of twenty (20) days with four (4) hours of instruction. Students will receive the same number of instructional minutes. The longer school day for ESY will align better with the regular school year providing more consistency for the students served. Fewer ESY days will result in substantial savings in transportation, utilities, janitorial, food services, administration, and clerical costs.

Student Population: 1901

City Type: Rural

Public Hearing Date: 11/18/2014
Public Hearing Advertised: At all District sites, at the District Office, and on the District website

Local Board Approval Date: 11/18/2014

Community Council Reviewed By: AUHSD School Board
Community Council Reviewed Date: 11/18/2014
Community Council Objection: N
Community Council Objection Explanation:
Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Charlie Kennedy
Position: Director of Special Education
E-mail: ckennedy@auhsd.net
Telephone: 530-378-0568 x10014
Fax: 530-378-0834

Bargaining Unit Date: 11/19/2014
Name: California School Employees Association #382
Representative: Brian Moore
Title: CSEA Chapter President
Position: Support
Comments:

California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 0461531 Waiver Number: 19-11-2014 Active Year: 2014

Date In: 11/22/2014 2:13:45 PM

Local Education Agency: Paradise Unified School District
Address: 6696 Clark Rd
Paradise, CA 95969

Start: 11/18/2014 End: 7/31/2015

Waiver Renewal: Y
Previous Waiver Number: 19-12-2013-W-15 Previous SBE Approval Date: 3/12/2014

Waiver Topic: Special Education Program
Ed Code Title: Extended School Year (Summer School)
Ed Code Section: 5 *CCR* 3043
Ed Code Authority: 33050-33053

Ed Code or *CCR* to Waive: 5 *CCR* 3043 – Extended School Year. Extended school year services shall be provided for each individual with exceptional needs who has unique needs and requires special education and related services in excess of the regular academic year. Such individuals shall have handicaps which are likely to continue indefinitely or for a prolonged period, and interruption of the pupil's educational programming may cause regression, when coupled with limited recoupment capacity, rendering it impossible or unlikely that the pupil will attain the level of self-sufficiency and independence that would otherwise be expected in view of his or her handicapping condition. The lack of clear evidence of such factors may not be used to deny an individual an extended school year program if the individualized education program team determines the need for such a program and includes extended school year in the individualized education program pursuant to subsection [(f). (d) An extended year program shall be provided for a minimum of 20 instructional days, including holidays.]

Outcome Rationale: Due to the fiscal crisis in California, the Paradise Unified School District proposes to provide Extended School Year (ESY) services to identified special education students utilizing a fifteen (15) day, five and one half (5.5) hours of instructional model rather than the traditional model of twenty (20) day with four (4) hours of instruction. Students would receive the same or greater number of instructional minutes. Parents, students and staff supported the longer more intense instructional days last year. Butte County Office of Education has applied for the waiver which supports accessing the services we receive from them for our students. Fewer ESY days will result in substantial savings in transportation, utilities, janitorial, food services, administration and clerical costs. Lastly, the proposed model of providing 15 days of service will allow for all the expenses to be accounted for in one fiscal year, rather than two.

Student Population: 589

City Type: Rural

Local Board Approval Date: 11/18/2014

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Mary Ficcardi
Position: Director of Special Services
E-mail: mficcardi@pusdk12.org
Telephone: 530-872-6400 x242
Fax: 530-877-5073

Bargaining Unit Date: 11/10/2014
Name: Paradise Classified Employee Association (PCEA)
Representative: Kristin Mundy
Title: PCEA President
Position: Support
Comments:

Bargaining Unit Date: 11/17/2014
Name: Teacher Association of Paradise (TAP)
Representative: Joe Pratt
Title: TAP President
Position: Support
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 4510454 Waiver Number: 18-11-2014 Active Year: 2014

Date In: 11/21/2014 4:07:33 PM

Local Education Agency: Shasta County Office of Education
Address: 1644 Magnolia Ave.
Redding, CA 96001

Start: 6/10/2014 End: 6/30/2014

Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: Special Education Program
Ed Code Title: Extended School Year (Summer School)
Ed Code Section: *CCR*, Title 5, Section 3043 (d)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): *CCR*, Title 5, Section 3043 (g)(1); and (2)

(d) An extended year program shall be provided for a minimum of 20 instructional days, including holidays

Outcome Rationale: Shasta County Office of Education: 1. Provide within 15 days of increased minutes, the time equal to the normally provided 20 days as required by *CCR*, Title 5, Section 4043 (g)(1); and (2) only 15 days of special education average daily attendance (ADA) may be claimed for the service.

Services are to be provided in a 15 day period, 5 hours per day to align with other district operations provide intensive support in less time, reduce the travel days required for students, and reducing costs to districts.

Student Population: 45

City Type: Rural

Public Hearing Date: 11/20/2014
Public Hearing Advertised: Posted on website, in Public calendar, posted on SELPA Calendar and Agenda, emailed to servelist for PAC

Local Board Approval Date: 10/8/2014

Community Council Reviewed By: Shasta County Office of Education Board of Education
Community Council Reviewed Date: 10/8/2014

Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Gina Murphy
Position: Principal
E-mail: gmurphy@shastacoe.org
Telephone: 530-410-6088 x2277
Fax:

Bargaining Unit Date: 09/15/2014
Name: Shasta County Certificated Employees Association
Representative: Jamie Patton
Title: President
Position: Support
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 5210520 Waiver Number: 1-12-2014 Active Year: 2014

Date In: 12/2/2014 1:48:43 PM

Local Education Agency: Tehama County Office of Education
Address: 1135 Lincoln St.
Red Bluff, CA 96080

Start: 6/15/2015 End: 7/3/2015

Waiver Renewal: Y
Previous Waiver Number: 108-2-2014-W-04 Previous SBE Approval Date: 5/8/2014

Waiver Topic: Special Education Program
Ed Code Title: Extended School Year (Summer School)
Ed Code Section: CCR Title 5, Section 3043(D)
Ed Code Authority: 33050-33053

Ed Code or *CCR* to Waive: 3043(d) An extended year program shall be provided for a minimum of [20] instructional days, including holidays." (Change 20 to 15)

Outcome Rationale: The financial crisis in California has led us to look at how we can provide services in a smarter and leaner fashion. The TCDE is requesting a waiver to allow the County run Extended School Year (ESY) program to operate for 15 days total, 12 days in June 2015 and 3 days in July 2015.

The preschool program will run for 4 hours per day vs. 3 hours per day, and the K-Adult programs will operate for 5.5 hours per day vs. 4 hours per day rather than the traditional 20 day program with three hours of instruction. The hours per day, per program, will actually increase the minutes of instruction over the Extended School Year and will align better with the typical school day for all grade levels served. All special education and related serviced offered during the extended year period will be comparable in standards, scope and quality of those offered during the regular academic year as required by California Code of regulations, Title 5, (5 *CCR*), Section 3043(d).

Given the current fiscal crisis in California, fewer ESY days will result in substantial savings in transportation, utilities, janitorial, food serviced, administration and clerical costs.

Student Population: 70

City Type: Rural

Public Hearing Date: 11/19/2014
Public Hearing Advertised: Notice in newspaper

Local Board Approval Date: 11/19/2014

Community Council Reviewed By: Tehama County Department of Education Board
Community Council Reviewed Date: 11/19/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Karen Schreder
Position: Administrator
E-mail: kschreder@tehamaschools.org
Telephone: 530-385-1041 x1539
Fax:

Bargaining Unit Date: 10/28/2014
Name: California School Employees Association
Representative: Dawn Retzlaff
Title: President
Position: Support
Comments:

California State Board of Education

Meeting Agenda Items for March 11-12, 2015

WAIVER ITEM W-09

ITEM #W-09

CALIFORNIA STATE BOARD OF EDUCATION

MARCH 2015 AGENDA

☒ **General Waiver**

SUBJECT Request by the **Placer County Office of Education** to waive portions of *California Code of Regulations*, Title 5, Section 11963.6(c), relating to the submission and action on determination of funding requests regarding nonclassroom-based instruction. Waiver Number: 16-12-2014	☒ **Action** ☒ **Consent**

SUMMARY OF THE ISSUES

The Placer County Office of Education is requesting, on behalf of Placer County Pathways Charter School, that the California State Board of Education (SBE) waive portions of *California Code of Regulations*, Title 5 (5 *CCR*), Section 11963.6(c) in order to allow the charter school to request a non-prospective funding determination for its respective funding period.

Placer County Pathways Charter School submitted a determination of funding request after the required February 1, 2014, deadline, thereby making the request retroactive, not prospective. If the waiver is approved by the SBE, the charter school may then submit the retroactive funding determination request for consideration by the Advisory Commission on Charter Schools and the SBE.

Authority for Waiver: *Education Code* (*EC*) Section 33050

RECOMMENDATION

☒ **Approval** ☐ **Approval with conditions** ☐ **Denial**

The California Department of Education (CDE) recommends that the SBE approve the request by the Placer County Office of Education to waive specific portions of 5 *CCR*, Section 11963.6(c), in order to allow Placer County Pathways Charter School to submit a determination of funding request for the specified fiscal year. Approval of the waiver request will also allow the SBE to consider the request, which is not prospective. Without the waiver, the SBE may not consider the determination of funding request and the charter school's nonclassroom-based average daily attendance (ADA) may not be funded for the affected fiscal year.

SUMMARY OF KEY ISSUES

California *EC* sections 47612.5 and 47634.2 established the eligibility requirements for apportionment funding for charter schools that offer nonclassroom-based instruction. The statutes specify that a charter school may receive apportionment funding for nonclassroom-based instruction only if a determination of funding is made by the SBE. The CDE reviews a charter school's determination of funding request and presents it for consideration to the Advisory Commission on Charter Schools, pursuant to relevant 5 *CCR*.

Pursuant to 5 *CCR*, Section 11963.6(c), any determination of funding request approved by the SBE for an existing nonclassroom-based charter school must be prospective (not for the current year) and in increments of a minimum of two years and a maximum of five years in length. In addition, the funding determination request must be submitted by February 1 of the fiscal year prior to the year the funding determination will be effective.

Placer County Pathways Charter School submitted a determination of funding request after the required February 1, 2014, deadline, thereby making the request retroactive, not prospective.

Demographic Information:

Placer County Office of Education is requesting a waiver for the Placer County Pathways Charter School which serves a student population of 279 and is located in a rural area in Placer County.

Because this is a general waiver, if the SBE decides to deny the waiver, it must cite one of the seven reasons in *EC* Section 33051(a), available at http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC&sectionNum=33051.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SBE has approved similar waiver requests regarding non-prospective funding determination requests for charter schools that offer nonclassroom-based instruction at the September 3, 2014 and January 14, 2015 meetings.

FISCAL ANALYSIS (AS APPROPRIATE)

Approval of the waiver request will allow the SBE to consider the charter school's determination of funding request. Subsequent approval of the determination of funding request by the SBE will allow the charter school's nonclassroom-based ADA to be funded at the funding determination rate approved by the SBE for the specified fiscal year.

ATTACHMENT(S)

Attachment 1: Local Educational Agency Requesting Waiver of Nonclassroom-Based (NCB) Funding Determination Request Deadline (1 Page)

Attachment 2: Placer County Office of Education General Waiver Request 16-12-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Local Educational Agency Requesting Waiver of Nonclassroom-Based (NCB) Funding Determination Request Deadline

Waiver Number	Local Educational Agency (Charter Authorizer)	Existing Charter School (Charter Number / CDS Code)	NCB Funding Determination Period of Request	Public Hearing and Local Board Approval Date	Public Hearing Advertisement	SSC/Advisory Committee Position
16-12-2014	Placer County Office of Education	Placer County Pathways Charter School (1432 / 31-10314-0126904)	**Requested:** July 1, 2014 to June 30, 2015 **Recommended:** July 1, 2014 to June 30, 2015	12/11/2014	Posted at all our locations and on our Web site	Placer County Board of Trustees 12/11/2014 **No objections**

Created by the California Department of Education
January 26, 2015

California Department of Education
WAIVER SUBMISSION - General

CD Code: 3110314 Waiver Number: 16-12-2014 Active Year: 2014

Date In: 12/19/2014 11:55:48 AM

Local Education Agency: Placer County Office of Education
Address: 360 Nevada St.
Auburn, CA 95603

Start: 7/1/2014 End: 6/30/2015

Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: Charter School Program
Ed Code Title: Nonclassroom-Based Funding
Ed Code Section: 11963.6 (c)
Ed Code Authority: 33050

Ed Code or CCR to Waive: 11963.6 (c) Any determination of funding request approved by the State Board of Education for an existing nonclassroom-based charter school from the 2006-07 fiscal year forward shall be prospective (not for the current year), in increments of a minimum of two years and a maximum of five years in length. Beginning with the 2007-08 fiscal year, nonclassroom-based charter schools that had a funding determination in the prior year must submit a funding determination request by February 1 of the fiscal year prior to the year the funding determination will be effective, when a new request is required under these regulations.

Outcome Rationale: Pathways is Placer County Office of Education's (PCOE) first dependent Community School Charter approved 2012/13 school year and includes both classroom based (39.8% approx.) and an independent study program that includes partial classroom attendance and independent study (60.2%), therefore classified as non-classroom based requiring a funding determination form and approval. Staff was unfamiliar with the Funding Determination Form and the approval process. The instructions and forms provided are unclear as to the requirements. PCOE submitted funding determinations for the initial year and an additional report required of new charters. However, the box for "Continuing Charter School: Due on or before February 1, 2014 (Requesting funding determination for up to a maximum of 5 years beginning with the FY 2014-15)" was selected, and submitted in November 2013. Upon subsequent review of our file, we incorrectly assumed that this was all that was needed for FY 2014-15.

Knowing that approval and posting to the website would take time, we periodically checked the CDE website for approval. Realizing PCOE Pathway's funding determination should have been approved before now, we contacted CDE. CDE informed us that the submission was received as the "extra" funding determination required by new charters, and that we had checked the wrong box for Continuing Charter Schools. Additionally, CDE staff has informed us that we should be using FY 2012/13 actual data to complete the FY 2014/15 funding determination. PCOE staff has since gained a better understanding of the process and requesting that the SBE retroactively approve the attached funding determination for FY 2014/15.

If a waiver is not received and funding is negatively impacted, it would significantly impact the charter's ability to operate and meet its obligations, and provide a quality education to the students it serves. Classroom based students (40%) who are a significant portion of the Pathway's student population will also be impacted. As demonstrated in the attached Funding Determination Form using FY 2012/13 Actuals, we have met all the criteria to maintain the 100% funding level, and continue to do so based on FY 2013/14 actuals and 2014/15 budget.

Student Population: 279

City Type: Urban

Public Hearing Date: 12/11/2014
Public Hearing Advertised: It is posted at all of our locations and on our Web site

Local Board Approval Date: 12/11/2014

Community Council Reviewed By: Placer County Board of Trustees
Community Council Reviewed Date: 12/11/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Katherine Garrison
Position: Senior Director Business Services
E-mail: kgarrison@placercoe.k12.ca.us
Telephone: 530-886-5896
Fax:

California State Board of Education

Meeting Agenda Items for March 11-12, 2015

WAIVER ITEM W-10

ITEM #W-10

CALIFORNIA STATE BOARD OF EDUCATION

MARCH 2015 AGENDA

☒ **General Waiver**

SUBJECT Request by **Folsom-Cordova Unified School District** to waive portions of the California *Education Code* Section 60800(a), relating to Physical Fitness Testing, specifically the testing window of February 1 through May 31 for grade nine students. Waiver Number: 3-12-2014	☒ **Action** ☒ **Consent**

SUMMARY OF THE ISSUES

Vista Del Lago High School, in the Folsom-Cordova Unified School District, cannot test grade nine students who take physical education (PE) in the first term of the year during the required Physical Fitness Testing (PFT) window of February 1 through May 31. This school is on a 4x4 block schedule which prevents grade nine students who take PE in the first term from participating in the mandated PFT during this window.

Authority for Waiver: *Education Code (EC)* Section 33050

RECOMMENDATION

☒ **Approval** ☐ **Approval with conditions** ☐ **Denial**

The California Department of Education recommends that the State Board of Education (SBE) approve the school's requests to extend the PFT window to begin on December 1 and end on May 31 annually. California *EC* Section 33051(b) will apply, and the district will not be required to reapply if the information contained in this request remains the same.

SUMMARY OF KEY ISSUES

The Folsom-Cordova Unified School District, on behalf of Vista Del Lago High School, requests that the annual assessment window for the PFT begin on December 1 and end on May 31, 2015. The statutory window for administering the PFT is February 1 through May 31.

Vista Del Lago High School is on a 4x4 block schedule, so students who take PE during the first term of the school year are not enrolled in PE during the PFT administration window of February 1 through May 31.

Vista Del Lago High School would like to administer the PFT to students while they are in PE the first term, since these students will not take PE in the second term during the required PFT assessment window. Vista Del Lago High School will administer the PFT beginning December 1 and submit the PFT data to the District for submission to the state during the required testing window of February 1 through May 31.

Demographic Information:

Vista Del Lago High School has a student population of 1,520 and is located in a suburban area of Sacramento County.

Because this is a general waiver, if the SBE decides to deny the waiver, it must cite one of the seven reasons in *EC* 33051(a), available at http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC&sectionNum=33051.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

In July 2014, the State Board of Education approved a previous waiver for extending the PFT window for the Fremont Unified School District to accommodate Kennedy High Schools' block schedule.

FISCAL ANALYSIS (AS APPROPRIATE)

There is no statewide impact in granting this waiver.

ATTACHMENT(S)

Attachment 1: Summary Table of Physical Fitness Testing Window Waiver Request. (1 page)

Attachment 2: Folsom-Cordova Unified School District General Waiver Request 3-12-2014 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Summary Table of Physical Fitness Testing Waiver Request

Waiver Number	District Name	Period of Request	Local Board and Public Hearing Date	Certificated Bargaining Unit Name and Representative, Date of Action, and Position	Advisory Committee/ School Site Council Name, Date of Review, and any Objections
3-12-2014	Folsom-Cordova Unified School District	**Requested: and Recommended:** 6/1/2015 to 5/31/2017	11/6/2014	Folsom Cordova Educators Association Michael Itkoff, President 10/24/14 **Neutral**	School Board 11/6/2014 **No objections**

Created by California Department of Education
January 15, 2015

California Department of Education
WAIVER SUBMISSION - General

CD Code: 3467330 Waiver Number: 3-12-2014 Active Year: 2014

Date In: 12/3/2014 2:12:49 PM

Local Education Agency: Folsom-Cordova Unified School District
Address: 1965 Birkmont Dr.
Rancho Cordova, CA 95742

Start: 6/1/2015 End: 5/31/2017

Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: Physical Fitness Testing
Ed Code Title: Physical Fitness Testing
Ed Code Section: 60800(a)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: [(a)During the month of February, March, April, or May,] the governing board of each school district maintaining any of grades 5, 7, and 9 shall administer to each pupil in those grades the physical performance test designated by the state board. Each pupil with a physical disability and each pupil who is physically unable to take all of the physical performance test shall be given as much of the test as his or her condition will permit.

Request for the annual assessment window for the PFT to begin December 1 and end May 31 of each school year. The statutory window for administering the PFT is February 1 through May 31 for grade nine students.

Outcome Rationale: Vista del Lago High School is on a 4x4 block schedule so students who take Physical Education during the first term of the year are not enrolled in PE during the testing window of February 1 to May 31. We are requesting to test students while they are in PE during the first term beginning December 1 and then submit the PFT test data to the District for submission to the state during the normal testing window of February 1 through May 31.

Student Population: 1520

City Type: Suburban

Public Hearing Date: 11/6/2014
Public Hearing Advertised: website, local paper

Local Board Approval Date: 11/6/2014

Community Council Reviewed By: School Board
Community Council Reviewed Date: 11/6/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Dr. John Dixon
Position: Principal
E-mail: jdixon@fcusd.org
Telephone: 916-294-2410 x410150
Fax:

Bargaining Unit Date: 10/24/2014
Name: Folsom Cordova Educators Association
Representative: Michael Itkoff
Title: FCEA President
Position: Neutral
Comments:

California State Board of Education

Meeting Agenda Items for March 11-12, 2015

WAIVER ITEM W-11

ITEM #W-11

CALIFORNIA STATE BOARD OF EDUCATION

MARCH 2015 AGENDA

☒ **General Waiver**

SUBJECT Request by **Humboldt County Board of Education** on behalf of Redwoods Community College District to waive California *Education Code* Section 5020, and portions of sections 5019, 5021, and 5030, that require a districtwide election to reduce the number of trustees. Waiver Number: 14-12-2014	☒ **Action** ☒ **Consent**

SUMMARY OF THE ISSUES

California *Education Code* (*EC*) Section 72023 allows the governing board of the Redwoods Community College District (CCD) to be comprised of nine members if certain conditions are met. Those conditions currently are met and the board is comprised of nine members—however, the Redwoods CCD believes that it is in its best interests now to reduce the number of members on the board. *EC* sections 5019 and 5020 require approval of the County Committee on School District Organization (County Committee) and a districtwide election to reduce the size of a school district or community college district governing board. The Redwoods CCD is requesting that the California State Board of Education (SBE) waive the election requirement and allow the reduction to take place upon review and approval of the County Committee.[1]

Community college districts are not authorized under *EC* Section 33050 to submit waiver requests to the SBE. Therefore, the Humboldt County Board of Education (County Board) has submitted the waiver request on behalf of the Redwoods CCD.

Authority for Waiver: *EC* Section 33050

RECOMMENDATION

☒ **Approval** ☐ **Approval with conditions** ☐ **Denial**

The California Department of Education (CDE) recommends that the SBE approve the Humboldt County Board request to waive *EC* Section 5020, and portions of sections 5019, 5021, and 5030, which require a districtwide election to reduce the number of members on the Redwoods CCD governing board with additional recommendations to portions of *EC* Section 5019 as provided by the CDE in Attachment 3.

[1] The Redwoods CCD has determined that the County Committees in Humboldt, Trinity, Mendocino, and Del Norte counties are all required to review and approve the reduction in number of trustees since the Redwoods CCD serves all or portions of each of these counties.

SUMMARY OF KEY ISSUES

Approval of this waiver request would eliminate the election requirement to reduce the size of the governing board of the Redwoods CCD. County Committees have the authority to approve or disapprove a request to reduce the size of a governing board. Pursuant to *EC* Section 5020, County Committee approval of the reduction constitutes an order of election; thus, voters in the district have final approval.

The Redwoods CCD was formed in 1964 to serve the area of Humboldt County (and a small portion of Trinity County) with a governing board of seven members. Annexation of the coastal portion of Mendocino County (1975) and inclusion of Del Norte County (1978) significantly increased the service area of the Redwoods CCD. *EC* Section 72023 was enacted to provide the governing board with options to add an eighth member upon annexation of coastal Mendocino County and a ninth member upon acquisition of Del Norte County.[2] The Redwoods CCD currently has nine members.

The governing board of the Redwoods CCD has determined that an eight-member board can "competently and efficiently" oversee its operations." Furthermore, reduction in the size of the board would realize cost savings for the district. As a result, the governing board has requested that the County Committees in Humboldt, Trinity, Mendocino, and Del Norte counties approve an immediate reduction in the size of the board from nine to eight. Additionally, the Redwoods CCD is exploring the possibility of transferring the coastal portion of Mendocino County to the Mendocino-Lake CCD and has requested that the County Committees approve a further reduction to seven members, which would be conditional upon this transfer. The four County Committees have approved both the immediate and conditional reductions.

Special legislation allowed the Redwoods CCD governing board to increase to eight and nine members (without special legislation, boards are limited to a maximum of seven members). However, there is no existing statute to allow the Redwoods CCD to reduce its size to eight or seven (*EC* Section 5019 provides only that a County Committee can reduce the size of the board to five). The waiver, if approved, will remove this limitation and allow the locally approved County Committee reductions to move forward.

As noted previously, these actions by the County Committees to reduce the size of the board will constitute an order for an election. The Humboldt County Board is requesting that the SBE waive this requirement.[3] Only the election to reduce the size of the board will be eliminated by approval of the waiver request—voters in the Redwoods CCD will continue to elect all board members. Moreover, approval of the waiver request will not eliminate any existing legal rights of currently seated governing board members.

There is no evidence that there was any significant public opposition to the waiver at the public hearings held by the Humboldt County Board, the Redwoods CCD, or the four

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[2] County Committee approval of the increase in board members is not required under *EC* Section 72023.
[3] The current waiver request would not apply to the conditional election to reduce the size of the Redwoods CCD board to seven members if the proposed transfer of the coastal portion of Mendocino County is not completed prior to the approved waiver's expiration date. A second waiver request for the conditional reduction would be required.

County Committees. The CDE also has determined that none of the grounds specified in *EC* Section 33051, which authorize denial of a waiver, exist. The CDE recommends the SBE approve the Humboldt County Board request[4] to waive *EC* Section 5020, and portions of sections 5019, 5021, and 5030, which require a districtwide election to reduce the number of members on the Redwoods CCD governing board.

Demographic Information:

The Redwoods CCD has a student population of 7,146 and is located in rural areas of Humboldt, Trinity, Mendocino, and Del Norte counties.

Because this is a general waiver, if the SBE decides to deny the waiver, it must cite one of the seven reasons in *EC* 33051(a), available at http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC&sectionNum=33051.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SBE has approved similar requests to eliminate elections to reduce the size of a governing board—most recently for the Humboldt County Board at the May 2014 SBE meeting. The SBE also has approved waivers submitted on behalf of community college districts by county boards of education—most recently for the State Center CCD (submitted by the Fresno County Board) at the May 2010 SBE meeting. These approvals by the SBE were to eliminate the election requirement to establish trustee areas for future community college district governing board elections. *EC* Section 72036 subsequently was enacted (effective January 1, 2011) to allow community college districts to establish trustee areas upon approval of the Board of Governors of the California Community Colleges (and without an election). Since the current request is to eliminate the election to reduce the size of the governing board (and not to establish trustee areas), the Board of Governors has determined it is not authorized to act.

FISCAL ANALYSIS (AS APPROPRIATE)

Approval of the waiver request will not have negative fiscal effects on any local or state agency. Failure to approve the waiver request will result in additional costs in excess of $50,000 for an election in Humboldt, Trinity, Mendocino, and Del Norte counties.

ATTACHMENT(S)

Attachment 1: Information from District Requesting Waiver of Elections Required to Establish Trustee Area Elections (1 page)

Attachment 2: Humboldt County Board of Education General Waiver Request 14-12-2014 (5 pages) (Original waiver request is signed and on file in the Waiver Office.)

[4] As augmented by the California Department of Education in Attachment 3.

Attachment 3: California Department of Education Recommended Additions to Portions of California *Education Code* Section 5019 for Waiver (1 page)

Information from District Requesting Waiver of Elections Required to Reduce Size of Governing Board

California *Education Code* Section 5020 and portions of sections 5019, 5021 and 5030

Waiver Number	District	Period of Request	Bargaining Unit, Representatives Consulted, Date, and Position	Public Hearing and Board Approval Date	Public Hearing Advertisement	SSC/Advisory Committee Position
14-12-2014	Redwoods Community College District*	**Requested:** January 1, 2015, to December 30, 2016 **Recommended:** November 13, 2014, to November 11, 2016	College of the Redwoods Faculty Organization, Peter Blakemore, President, 12/08/14: **Support** California School Employees Association, Jose Ramirez, President, 12/08/14: **Support**	12/10/14	Notice was published in a local newspaper and posted in public locations.	Reviewed by Expanded Cabinet—representatives from all constituent groups including unions and students, 12/10/14: **No objections**

Created by California Department of Education
January 7, 2015

*The waiver request, although submitted by the Humboldt County Board, is for the Redwoods CCD. Therefore, information reported on this page pertains to the Redwoods CCD.

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1262992 Waiver Number: 14-12-2014 Active Year: 2014

Date In: 12/17/2014 11:21:03 AM

Local Education Agency: Humboldt County Board of Education
Address: 7351 Tompkins Hill Rd.
Eureka, CA 95501

Start: 1/1/2015 End: 12/30/2016

Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: School District Reorganization
Ed Code Title: Elimination of Election Requirement
Ed Code Section: 5019, 5020, 5021, 5030
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: § 5019. Trustee areas and size of school district governing boards; powers of county committee; proposal and hearing

(a) Except in a school district governed by a board of education provided for in the charter of a city or city and county, in any school district or community college district, the county committee on school district organization may establish trustee areas, rearrange the boundaries of trustee areas, abolish trustee areas, and increase to seven or decrease to five the number of members of the governing board, or adopt one of the alternative methods of electing governing board members specified in Section 5030.

(b) The county committee on school district organization may establish or abolish a common governing board for a high school district and an elementary school district within the boundaries of the high school district. The resolution of the county committee on school district organization approving the establishment or abolition of a common governing board shall be presented to the electors of the school districts as specified in Section 5020.

(c) (1) A proposal to make the changes described in subdivision (a) or (b) may be initiated by the county committee on school district organization or made to the county committee on school district organization either by a petition signed by 5 percent or 50, whichever is less, of the qualified registered voters residing in a district in which there are 2,500 or fewer qualified registered voters, by 3 percent or 100, whichever is less, of the qualified registered voters residing in a district in which there are 2,501 to 10,000 qualified registered voters, by 1 percent or 250, whichever is less, of the qualified registered voters residing in a district in which there are 10,001 to 50,000 qualified registered voters, by 500 or more of the qualified registered voters residing in a district in which there are 50,001 to 100,000 qualified registered voters, by 750 or more of the qualified registered voters residing in a district in which there are 100,001 to 250,000 qualified registered voters, or by 1,000 or more of the qualified registered voters residing in a district in which there are 250,001 or more qualified registered voters or by resolution of the governing board of the district. For this purpose, the necessary signatures for a

petition shall be obtained within a period of 180 days before the submission of the petition to the county committee on school district organization and the number of qualified registered voters in the district shall be determined pursuant to the most recent report submitted by the county elections official to the Secretary of State under Section 2187 of the Elections Code.

(2) When a proposal is made pursuant to paragraph (1), the county committee on school district organization shall call and conduct at least one hearing in the district on the matter. At the conclusion of the hearing, the county committee on school district organization shall approve or disapprove the proposal.

(d) If the county committee on school district organization approves pursuant to subdivision (a) [the rearrangement of the] boundaries of trustee areas for a particular district, then the [rearrangement of the] trustee areas shall be effectuated for the next district election [occurring at least 120 days after its approval, unless at least 5 percent of the registered voters of the district sign a petition requesting an election on the proposed rearrangement of trustee area boundaries. The petition for an election shall be submitted to the county elections official within 60 days of the proposal's adoption by the county committee on school district organization. If the qualified registered voters approve pursuant to subdivision (b) or (c) the rearrangement of the boundaries to the trustee areas for a particular district, the rearrangement of the trustee areas shall be effective for the next district election occurring at least 120 days after its approval by the voters.]

[§ 5020. Presentation of proposal to electors

(a) The resolution of the county committee approving a proposal to establish or abolish trustee areas, to adopt one of the alternative methods of electing governing board members specified in Section 5030, or to increase or decrease the number of members of the governing board shall constitute an order of election, and the proposal shall be presented to the electors of the district not later than the next succeeding election for members of the governing board.

(b) If a petition requesting an election on a proposal to rearrange trustee area boundaries is filed, containing at least 5 percent of the signatures of the district's registered voters as determined by the elections official, the proposal shall be presented to the electors of the district, at the next succeeding election for the members of the governing board, at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot.

(c) If a petition requesting an election on a proposal to establish or abolish trustee areas, to increase or decrease the number of members of the board, or to adopt one of the alternative methods of electing governing board members specified in Section 5030 is filed, containing at least 10 percent of the signatures of the district's registered voters as determined by the elections official, the proposal shall be presented to the electors of the district, at the next succeeding election for the members of the governing board, at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot. Before the proposal is presented to the electors, the county committee on school district organization may call and conduct one or more public hearings on the proposal.

(d) The resolution of the county committee approving a proposal to establish or abolish a

common governing board for a high school and an elementary school district within the boundaries of the high school district shall constitute an order of election. The proposal shall be presented to the electors of the district at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot.

(e) For each proposal there shall be a separate proposition on the ballot. The ballot shall contain the following words:

"For the establishment (or abolition or rearrangement) of trustee areas in ____ (insert name) School District --Yes" and "For the establishment (or abolition or rearrangement) of trustee areas in ____ (insert name) School District--No."

"For increasing the number of members of the governing board of ____ (insert name) School District from five to seven--Yes" and "For increasing the number of members of the governing board of ____ (insert name) School District from five to seven--No."

"For decreasing the number of members of the governing board of ____ (insert name) School District from seven to five--Yes" and "For decreasing the number of members of the governing board of ____ (insert name) School District from seven to five--No."

"For the election of each member of the governing board of the ____ (insert name) School District by the registered voters of the entire ____ (insert name) School District--Yes" and "For the election of each member of the governing board of the ____ (insert name) School District by the registered voters of the entire ____ (insert name) School District--No."

"For the election of one member of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters in that trustee area--Yes" and "For the election of one member of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters in that trustee area--No."

"For the election of one member, or more than one member for one or more trustee areas, of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters of the entire ____ (insert name) School District--Yes" and "For the election of one member, or more than one member for one or more trustee areas, of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters of the entire ____ (insert name) School District--No."

"For the establishment (or abolition) of a common governing board in the ____ (insert name) School District and the ____ (insert name) School District--Yes" and "For the establishment (or abolition) of a common governing board in the ____ (insert name) School District and the ____ (insert name) School District--No."

If more than one proposal appears on the ballot, all must carry in order for any to become effective, except that a proposal to adopt one of the methods of election of board members specified in Section 5030 which is approved by the voters shall become effective unless a proposal which is inconsistent with that proposal has been approved by a greater number of voters. An inconsistent proposal approved by a lesser number of voters than the number which have approved a proposal to adopt one of the methods of election of board members specified in Section 5030 shall not be effective.]

§ 5021. Incumbents to serve out terms despite approval of change

(a) If a proposal for the establishment of trustee areas formulated under Sections 5019 [and 5020] is approved [by a majority of the voters voting at the election], any affected incumbent board member shall serve out his or her term of office and succeeding board members shall be nominated and elected in accordance with Section 5030. In the event two or more trustee areas are established [at such election] which are not represented in the membership of the governing board of the school district, or community college district the county committee shall determine by lot the trustee area from which the nomination and election for the next vacancy on the governing board shall be made.

(b) If a proposal for rearrangement of boundaries is approved by [a majority of the voters voting on the measure, or by] the county committee on school district organization [when no election is required], and if the boundary changes affect the board membership, any affected incumbent board member shall serve out his or her term of office and succeeding board members shall be nominated and elected in accordance with Section 5030.

(c) If a proposal for abolishing trustee areas is approved [by a majority of the voters voting at the election], the incumbent board members shall serve out their terms of office and succeeding board members shall be nominated and elected at large from the district.

§ 5030. Alternate method of election

Except as provided in Sections 5027 and 5028, in any school district or community college district having trustee areas, the county committee on school district organization and the registered voters of a district, pursuant to Section[s] 5019 [and 5020respectively,] may at any time recommend one of the following alternate methods of electing governing board members:

(a) That each member of the governing board be elected by the registered voters of the entire district.

(b) That one or more members residing in each trustee area be elected by the registered voters of that particular trustee area.

(c) That each governing board member be elected by the registered voters of the entire school district or community college district, but reside in the trustee area which he or she represents.

The recommendation shall provide that any affected incumbent member shall serve out his or her term of office and that succeeding board members shall be nominated and elected in accordance with the method recommended by the county committee.

Whenever trustee areas are established in a district, provision shall be made for one of the alternative methods of electing governing board members.

[In counties with a population of less than 25,000,] the county committee on school district organization or the county board of education, if it has succeeded to the duties of the county committee, may at any time, by resolution, with respect to trustee areas established for any school district, [other than a community college district,] amend the provision required by this section without additional approval by the electors, to require one of the alternate methods for electing board members to be utilized.

Outcome Rationale: The Redwoods Community College District is the only district in California with nine trustees. The other seventy-one districts have either five or seven trustees, as required by California *Education Code* Section 72023. The *Education Code* specifically exempts Redwoods Community College District from this requirement. With the redistricting required after the federal census of 2010, and the retirement of one long-time trustee, the Board

of Trustees decided to explore the option of reducing the size of its board. Because the Redwoods Community College District has been experiencing both accreditation and financial crises, the board decided that reducing the number of trustees from nine to eight immediately would have a significant financial impact on the district by reducing the cost of trustee stipends, benefits, professional development, travel and elections. A reduction in direct board expenditures would provide additional resources to support instruction and student development activities. The Board is also working on transferring the District territory on the Mendocino County coast to Mendocino-Lake Community College District, with a planned final transfer date of July 1, 2017. When this occurs, the District will further reduce its board from eight members to seven.

Student Population: 7146

City Type: Rural

Public Hearing Date: 12/10/2014
Public Hearing Advertised: The public hearing notice was published in the local newspaper and posted publicly.

Local Board Approval Date: 12/10/2014

Community Council Reviewed By: Expanded Cabinet--representatives from all constituent groups including unions and students.
Community Council Reviewed Date: 12/10/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Dr. Garry Eagles
Position: Humboldt County Superintendent of Schools
E-mail: superintendent@hcoe.net
Telephone: 707-445-7030
Fax: 707-476-4402

Bargaining Unit Date: 12/08/2014
Name: CRFO (College of the Redwoods Faculty Org.)
Representative: Peter Blakemore
Title: CFRO President
Position: Support
Comments:

Bargaining Unit Date: 12/08/2014
Name: CSEA (California Schools Employee Association) Chapter 509
Representative: Jose Ramirez
Title: CSEA President
Position: Support
Comments:

California Department of Education Recommended Additions to Portions of California *Education Code* Section 5019 for Waiver

The California *Education Code* (*EC*) sections requested for waiver by the Humboldt County Board of Education (County Board) address only the elimination of the election required for final approval of a reduction in the size of the Redwoods Community College District (CCD) governing board. Special legislation has provided the Redwoods CCD the option to have either an eight-member or nine-member board—it currently has a nine-member board. However, California *Education Code* (*EC*) Section 5019 only allows a county committee on school district organization (county committee) to reduce the size of a governing board from seven to five. The requested waiver does not address this limitation.

The “outcome rationale” for the waiver request, which was provided by the Humboldt County Board, clearly notes the intent to reduce the current size of the nine-member Redwoods CCD governing board to eight or seven members. This intent also was made clear at the public hearings held by the county committees and the Humboldt County Board and in the local documentation prepared for the issue (e.g., adopted resolutions). Therefore, the California Department of Education recommends that the following portions of *EC* Section 5019 be incorporated into the waiver request to reflect this clear intent.

§ 5019. Trustee areas and size of school district governing boards; powers of county committee; proposal and hearing

(a) Except in a school district governed by a board of education provided for in the charter of a city or city and county, in any school district or community college district, the county committee on school district organization may establish trustee areas, rearrange the boundaries of trustee areas, abolish trustee areas, and increase [to seven] or decrease [to five] the number of members of the governing board, or adopt one of the alternative methods of electing governing board members specified in Section 5030.

California State Board of Education

Meeting Agenda Items for March 11-12, 2015

WAIVER ITEM W-12

ITEM #W-12

CALIFORNIA STATE BOARD OF EDUCATION

MARCH 2015 AGENDA

☒ **General Waiver**

SUBJECT Request by **Sylvan Union Elementary School District** to waive California *Education Code* Section 5020, and portions of sections 5019, 5021, and 5030, that require a districtwide election to establish a by-trustee-area method of election. Waiver Number: 11-12-2014	☒ **Action** ☒ **Consent**

SUMMARY OF THE ISSUES

School districts that elect governing board members at-large are facing existing or potential litigation under the California Voting Rights Act of 2001 (CVRA). Pursuant to the California *Education Code* (*EC*), a district can change from at-large elections to by-trustee-area elections only if the change is approved by both the County Committee on School District Organization (County Committee) and voters at a districtwide election.

To reduce the potential for litigation and to establish by-trustee-area elections as expeditiously as possible, the Sylvan Union Elementary School District (UESD) requests that the California State Board of Education (SBE) waive the requirement that a by-trustee-area election method be approved at districtwide elections—allowing by-trustee-area elections to be adopted upon review and approval of the County Committee.

Authority for Waiver: *EC* Section 33050

RECOMMENDATION

☒ **Approval** ☐ **Approval with conditions** ☐ **Denial**

The California Department of Education (CDE) recommends the SBE approve the request by the Sylvan UESD to waive *EC* Section 5020, and portions of sections 5019, 5021, and 5030, which require a districtwide election to approve a by-trustee-area method of election.

SUMMARY OF KEY ISSUES

Approval of this waiver request would eliminate the election requirement for approval of trustee areas and a by-trustee-area method of election for future governing board elections in the Sylvan UESD. Voters in the district will continue to elect all board

members—however, if the waiver request is approved, all board members will be elected by trustee areas, beginning with the next board election.

County Committees have the authority to approve or disapprove the adoption of trustee areas and methods of election for school district governing board elections. Pursuant to *EC* Section 5020, County Committee approval of trustee areas and election methods constitutes an order of election; thus, voters in the district have final approval.

Many districts in California are facing existing or potential litigation under the CVRA over their at-large election methods. To help avoid potential litigation, the Sylvan UESD is taking action to establish trustee areas and adopt a by-trustee-area election method. In order to establish these trustee areas and the method of election as expeditiously as possible, the district is requesting that the SBE waive the requirement that the trustee areas and the election method be approved at a districtwide election. If the SBE approves the waiver request, a districtwide election for the Sylvan UESD will not be required and a by-trustee-area election method can be adopted in the district upon review and approval of the County Committee.

Only the elections to establish trustee areas and election method will be eliminated by approval of the waiver request—voters in the school district will continue to elect all governing board members. Moreover, approval of the waiver request will not eliminate any existing legal rights of currently seated board members.

The waiver request has been reviewed by the CDE and it has been determined that there was no significant public opposition to the waiver at the public hearing held by the governing board of the district. The CDE has further determined that none of the grounds specified in *EC* Section 33051, which authorize denial of a waiver, exist. The CDE recommends that the SBE approve the request by the Sylvan UESD to waive *EC* Section 5020, and portions of sections 5019, 5021, and 5030, which require a districtwide election to approve a by-trustee-area method of election.

Demographic Information:

The Sylvan UESD has a student population of 8,294 and is located in an urban area in Stanislaus County.

Because this is a general waiver, if the SBE decides to deny the waiver, it must cite one of the seven reasons in *EC* 33051(a), available at http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC&sectionNum=33051.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SBE has approved more than 100 similar waivers—most recently for the Lancaster Elementary School District, the Sulphur Springs Union Elementary School District, and the Tulelake Basin Joint Unified Elementary School District at the January 2015 SBE meeting.

FISCAL ANALYSIS (AS APPROPRIATE)

Approval of the waiver request will not have negative fiscal effects on any local or state agency. Failure to approve the waiver request will result in additional costs to the Sylvan UESD for a districtwide election.

ATTACHMENT(S)

Attachment 1: Information from District Requesting Waiver of Elections Required to Establish Trustee Area Elections (1 page)

Attachment 2: Sylvan Union Elementary School District General Waiver Request 11-12-2014 (9 pages) (Original waiver request is signed and on file in the Waiver Office.)

Information from District Requesting Waiver of Elections Required to Establish Trustee Area Elections

California *Education Code* Section 5020 and portions of sections 5019, 5021 and 5030

Waiver Number	District	Period of Request	Bargaining Unit, Representatives Consulted, Date, and Position	Public Hearing and Board Approval Date	Public Hearing Advertisement	SSC/Advisory Committee Position
11-12-2014	Sylvan Union Elementary School District	**Requested and Recommended:** July 1, 2015, to June 29, 2017	Sylvan Educators Association, Midge Baker, President, 12/15/14: **Support** California School Employees' Association, Sean Smith, President, 12/15/14: **Support**	12/16/14	Notice was posted in a newspaper, at each school site, and on the district Web site.	Reviewed by all Schoolsite Councils (13 schoolsite councils on various dates between 9/4/14 and 11/18/14) and the District English Learner Advisory Committee on 10/16/14: **No objections**

Created by California Department of Education
January 8, 2015

California Department of Education
WAIVER SUBMISSION - General

CD Code: 5071290 Waiver Number: 11-12-2014 Active Year: 2014

Date In: 12/17/2014 9:27:50 AM

Local Education Agency: Sylvan Union Elementary School District
Address: 605 Sylvan Ave.
Modesto, CA 95350

Start: 7/1/2015 End: 6/29/2017

Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: School District Reorganization
Ed Code Title: Elimination of Election Requirement
Ed Code Section: 5019,5021,5030, and all of 5020
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: See Attachment A

Outcome Rationale: See Attachment B

Student Population: 8294

City Type: Urban

Public Hearing Date: 12/16/2014
Public Hearing Advertised: Notice in newspaper, posted at each school site, and district website

Local Board Approval Date: 12/16/2014

Community Council Reviewed By: School Site Council at all sites, and DELAC (See attached list of dates)
Community Council Reviewed Date: 11/13/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Yvonne Perez
Position: Assistant Superintendent of Business Services
E-mail: yperez@sylvan.k12.ca.us
Telephone: 209-574-5000 x210
Fax: 209-524-2672

Bargaining Unit Date: 12/15/2014
Name: California School Employees Association
Representative: Sean Smith
Title: President
Position: Support
Comments:

Bargaining Unit Date: 12/15/2014
Name: Sylvan Educators Association (SEA)
Representative: Midge Baker
Title: President
Position: Support
Comments:

Sylvan Union School District
Election by Trustee Area Waiver Request Consultation

Does the committee/association support the district's proposed request to the State Board of Education to waive a general election to change to elections by trustee area?			
Consulted Body	**Chairpersons Name**	**Date Consulted**	**Support (Yes/No)**
CF Brown Elementary School Site Council	Carrie Bleau	11/13/2014	Yes
Crossroads Elementary School Site Council	Chrissy Wheelock	10/30/2014	Yes
Freedom Elementary School Site Council	Mike Gorrasi	10/21/2014	Yes
Orchard Elementary School Site Council	Stephen Qualls	10/23/2014	Yes
Sanders Elementary School Site Council	Elizabeth De La Cruz	10/30/2014	Yes
Sherwood Elementary School Site Council	Jeremy Matthews	11/4/2014	Yes
Standiford Elementary School Site Council	Richard Smith	11/4/2014	Yes
Stockard Coffee Elementary School Site Council	Melissa Weldon	11/18/2014	Yes
Sylvan Elementary School Site Council	Barbara Miller	9/4/2014	Yes
Woodrow Elementary School Site Council	Donna Tigrett	11/13/2014	Yes
Dan Savage Middle School Site Council	Cindy Vasquez	11/13/2014	Yes
Somerset Middle School Site Council	Jennifer Anderson	10/28/2014	Yes
E. Ustach Middle School Site Council	Joe Greene	10/29/2014	Yes
District English Learner Advisory Committee (DELAC)	Dr. Jose Limon	10/16/2014	Yes
Sylvan Educators Association (SEA)	Midge Baker	12/15/2014	Yes
California School Employees Association (CSEA)	Sean Smith	12/15/2014	Yes

Attachment A

The Sylvan Union School District desires to waive the following sections and portions of sections of the Education Code lined out below:

§ 5019. Trustee areas and size of school district governing boards; powers of county committee; proposal and hearing

(a) Except in a school district governed by a board of education provided for in the charter of a city or city and county, in any school district or community college district, the county committee on school district organization may establish trustee areas, rearrange the boundaries of trustee areas, abolish trustee areas, and increase to seven or decrease to five the number of members of the governing board, or adopt one of the alternative methods of electing governing board members specified in Section 5030.

(b) The county committee on school district organization may establish or abolish a common governing board for a high school district and an elementary school district within the boundaries of the high school district. The resolution of the county committee on school district organization approving the establishment or abolition of a common governing board shall be presented to the electors of the school districts as specified in Section 5020.

(c) (1) A proposal to make the changes described in subdivision (a) or (b) may be initiated by the county committee on school district organization or made to the county committee on school district organization either by a petition signed by 5 percent or 50, whichever is less, of the qualified registered voters residing in a district in which there are 2,500 or fewer qualified registered voters, by 3 percent or 100, whichever is less, of the qualified registered voters residing in a district in which there are 2,501 to 10,000 qualified registered voters, by 1 percent or 250, whichever is less, of the qualified registered voters residing in a district in which there are 10,001 to 50,000 qualified registered voters, by 500 or more of the qualified registered voters residing in a district in which there are 50,001 to 100,000 qualified registered voters, by 750 or more of the qualified registered voters residing in a district in which there are 100,001 to 250,000 qualified registered voters, or by 1,000 or more of the qualified registered voters residing in a district in which there are 250,001 or more qualified registered voters or by resolution of the governing board of the district. For this purpose, the necessary signatures for a petition shall be obtained within a period of 180 days before the submission of the petition to the county committee on school district organization and the number of qualified registered voters in the district shall be determined pursuant to the most recent report submitted by the county elections official to the Secretary of State under Section 2187 of the Elections Code.

(2) When a proposal is made pursuant to paragraph (1), the county committee on school district organization shall call and conduct at least one hearing in the district on the matter. At the conclusion of the hearing, the county committee on school district organization shall approve or disapprove the proposal.

(d) If the county committee on school district organization approves pursuant to subdivision (a) [the rearrangement of the] boundaries of trustee areas for a particular district, then the [rearrangement of the] trustee areas shall be effectuated for the next district election occurring at least 120 days after its approval[, unless at least 5 percent of the registered voters of the district sign a petition requesting an election on the proposed rearrangement of trustee

area boundaries. The petition for an election shall be submitted to the county elections official within 60 days of the proposal's adoption by the county committee on school district organization. If the qualified registered voters approve pursuant to subdivision (b) or (c) the rearrangement of the boundaries to the trustee areas for a particular district, the rearrangement of the trustee areas shall be effective for the next district election occurring at least 120 days after its approval by the voters].

§ 5020. Presentation of proposal to electors

[(a) The resolution of the county committee approving a proposal to establish or abolish trustee areas, to adopt one of the alternative methods of electing governing board members specified in Section 5030, or to increase or decrease the number of members of the governing board shall constitute an order of election, and the proposal shall be presented to the electors of the district not later than the next succeeding election for members of the governing board.]

[(b) If a petition requesting an election on a proposal to rearrange trustee area boundaries is filed, containing at least 5 percent of the signatures of the district's registered voters as determined by the elections official, the proposal shall be presented to the electors of the district, at the next succeeding election for the members of the governing board, at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot.]

[(c) If a petition requesting an election on a proposal to establish or abolish trustee areas, to increase or decrease the number of members of the board, or to adopt one of the alternative methods of electing governing board members specified in Section 5030 is filed, containing at least 10 percent of the signatures of the district's registered voters as determined by the elections official, the proposal shall be presented to the electors of the district, at the next succeeding election for the members of the governing board, at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot. Before the proposal is presented to the electors, the county committee on school district organization may call and conduct one or more public hearings on the proposal.]

[(d) The resolution of the county committee approving a proposal to establish or abolish a common governing board for a high school and an elementary school district within the boundaries of the high school district shall constitute an order of election. The proposal shall be presented to the electors of the district at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot.]

[(e) For each proposal there shall be a separate proposition on the ballot. The ballot shall contain the following words: "For the establishment (or abolition or rearrangement) of trustee areas in ____ (insert name) School District --Yes" and "For the establishment (or abolition or rearrangement) of trustee areas in ____ (insert name) School District--No."]

["For increasing the number of members of the governing board of ____ (insert name) School District from five to seven--Yes" and "For increasing the number of members of the governing board of ____ (insert name) School District from five to seven--No."]

["For decreasing the number of members of the governing board of ____ (insert name) School District from seven to five--Yes" and "For decreasing the number of members of the governing board of ____ (insert name) School District from seven to five--No."

["For the election of each member of the governing board of the ____ (insert name) School District by the registered voters of the entire ____ (insert name) School District--Yes" and "For the election of each member of the governing board of the ____ (insert name) School District by the registered voters of the entire ____ (insert name) School District--No."]

["For the election of one member of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters in that trustee area--Yes" and "For the election of one member of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters in that trustee area--No."]

["For the election of one member, or more than one member for one or more trustee areas, of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters of the entire ____ (insert name) School District--Yes" and "For the election of one member, or more than one member for one or more trustee areas, of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters of the entire ____ (insert name) School District--No."]

["For the establishment (or abolition) of a common governing board in the ____ (insert name) School District and the ____ (insert name) School District--Yes" and "For the establishment (or abolition) of a common governing board in the ____ (insert name) School District and the ____ (insert name) School District--No."]

[If more than one proposal appears on the ballot, all must carry in order for any to become effective, except that a proposal to adopt one of the methods of election of board members specified in Section 5030 which is approved by the voters shall become effective unless a proposal which is inconsistent with that proposal has been approved by a greater number of voters. An inconsistent proposal approved by a lesser number of voters than the number which have approved a proposal to adopt one of the methods of election of board members specified in Section 5030 shall not be effective.]

§ 5021. Incumbents to serve out terms despite approval of change

(a) If a proposal for the establishment of trustee areas formulated under Sections 5019 [and 5020] is approved [by a majority of the voters voting at the election], any affected incumbent board member shall serve out his or her term of office and succeeding board members shall be nominated and elected in accordance with Section 5030. In the event two or more trustee areas are established [at such election] which are not represented in the membership of the governing board of the school district, or community college district the county committee shall determine by lot the trustee area from which the nomination and election for the next vacancy on the governing board shall be made.

(b) If a proposal for rearrangement of boundaries is approved by [a majority of the voters voting on the measure, or by] the county committee on school district organization [when no election is required], and if the boundary changes affect the board membership, any affected incumbent board member shall serve out his or her term of office and succeeding board members shall be nominated and elected in accordance with Section 5030.

(c) If a proposal for abolishing trustee areas is approved [by a majority of the voters voting at the election], the incumbent board members shall serve out their terms of office and succeeding board members shall be nominated and elected at large from the district.

§ 5030. Alternate method of election

Except as provided in Sections 5027 and 5028, in any school district or community college district having trustee areas, the county committee on school district organization and the registered voters of a district, pursuant to Sections 5019 [and 5020], [respectively,] may at any time recommend one of the following alternate methods of electing governing board members:

(a) That each member of the governing board be elected by the registered voters of the entire district.

(b) That one or more members residing in each trustee area be elected by the registered voters of that particular trustee area.

(c) That each governing board member be elected by the registered voters of the entire school district or community college district, but reside in the trustee area which he or she represents.

The recommendation shall provide that any affected incumbent member shall serve out his or her term of office and that succeeding board members shall be nominated and elected in accordance with the method recommended by the county committee.

Whenever trustee areas are established in a district, provision shall be made for one of the alternative methods of electing governing board members.

[In counties with a population of less than 25,000,] the county committee on school district organization or the county board of education, if it has succeeded to the duties of the county committee, may at any time, by resolution, with respect to trustee areas established for any school district, other than a community college district, amend the provision required by this section without additional approval by the electors, to require one of the alternate methods for electing board members to be utilized.

Attachment B

Desired Outcome/ Rationale

The Sylvan Union School District desires to have the requested Education Code sections waived because the waiver of these sections will allow the District to successfully adopt trustee areas and establish a by-trustee election process as expeditiously as possible, thereby enabling the District to avoid litigation resulting from its current at-large election process for electing its governing board members.

It is imperative that the District adopt trustee areas and complete the implementation process without delay and without interference because like many of the school districts that have been threatened with lawsuits under the California Voting Rights Act of 2001 ("CVRA"), the District currently utilizes an at-large election process to elect its governing board members. The District's failure to successfully adopt and implement trustee areas and a by-trustee area election process leaves it vulnerable to such litigation in which the District would be exposed to potentially having to pay significant attorneys' fees to plaintiffs, which would pose an undue hardship and extreme detriment to the District and its students.

CVRA History

The California Legislature enacted the California Voting Rights Act of 2001 (see California Elections Code §§ 14025-14032). This legislation makes all at-large election systems in California for cities, school districts and special districts vulnerable to legal attack, largely on proof of racially polarized voting, regardless of whether a majority district can be formed and, under the interpretation adopted by plaintiffs in other pending CVRA cases, without regard to the electoral success of minority candidates or the need to prove actual racial injury exists.

The CVRA purports to alter several requirements that plaintiffs would have to prove under the Federal Voting Rights Act, thereby making it easier to challenge at-large election systems.

The first suit under the CVRA was filed against the City of Modesto in 2004. Modesto challenged the facial constitutionality of the CVRA on the basis that, by using race as the sole criterion of liability, the CVRA contains a suspect racial classification that California was required to justify under equal protection strict scrutiny standards. The trial court struck down the statute but the California Court of Appeal reversed. (*Sanchez v. City of Modesto* (2006) 145 Cal.App.4th 660).

The City of Modesto ultimately settled the litigation, but not before paying plaintiffs $3 million dollars in attorneys' fees to plaintiffs' attorneys (the prevailing party [other than a public agency] is entitled to an award of their attorneys' fees and costs under the CVRA) and another $1.7 million to its own attorneys.

Similarly, the Hanford Joint Union High School District was sued under the CVRA and after adopting trustee areas and establishing by-trustee area elections (and requesting and receiving the same waiver from the State Board of Education that is being requested here), paid plaintiffs in that lawsuit the sum of $110,000 pursuant to a settlement agreement.

Most recently, the Madera Unified School District has been sued under the CVRA and their November 2008 governing board member election was enjoined by the court. The Plaintiffs in that case demanded $1.8 million in attorneys' fees from that District. Normally, under Education Code section 5020, the County Committee on School District organization, after conducting its own public hearing on the recommended plans, would call for an election and put the matter to a vote of the District's electors. However, going through that process would prevent the District from electing successor trustees in a timely manner and leaves the District vulnerable to a lawsuit and injunction.

The requested waiver will allow the District to complete its transition to a by-trustee area election process in time to for the next governing board member election in November of 2015 which will reduce the District's liability under the CVRA going forward.

California State Board of Education

Meeting Agenda Items for March 11-12, 2015

WAIVER ITEM W-13

ITEM #W-13

CALIFORNIA STATE BOARD OF EDUCATION

MARCH 2015 AGENDA

☒ **Specific Waiver**

SUBJECT

Request by 11 local educational agencies under the authority of California *Education Code* Section 52863 for waivers of *Education Code* Section 52852, relating to schoolsite councils regarding changes in shared, composition, or shared and composition of members.

Waiver Numbers:

Happy Camp Union Elementary School District 15-11-2014
Happy Valley Union Elementary School District 27-10-2014
Jamestown Elementary School District 25-10-2014
Kernville Union Elementary School District 2-12-2014
Little Shasta Elementary School District 9-11-2014
Maricopa Unified School District 12-11-2014
Mendota Unified School District 24-10-2014
Monrovia Unified School District 13-11-2014
Mountain Empire Unified School District 4-12-2014
Mountain Empire Unified School District 5-12-2014
Peninsula Union School District 6-12-2014
Siskiyou County Office of Education 23-11-2014

☒ **Action**

☒ **Consent**

SUMMARY OF THE ISSUE(S)

Specific authority is provided in California *Education Code* (*EC*) Section 52863 to allow the State Board of Education (SBE) to waive the Schoolsite Council (SSC) requirements contained in *EC* 52852 of the School-Based Coordination Program (SBCP) Act that would hinder the success of the program implementation. These waivers must be renewed every two years.

Authority for Waiver: *EC* Section 52863

RECOMMENDATION

☐ **Approval** ☒ **Approval with conditions** ☐ **Denial**

The California Department of Education (CDE) recommends approval with conditions, see Attachment 1.

SUMMARY OF KEY ISSUES

The Happy Camp Union Elementary School District is requesting to renew an SSC composition change for a very small school: Happy Camp Elementary School (8 teachers serving 109 students in kindergarten through grade eight). The school is located in a rural area.

The Happy Valley Union Elementary School District is requesting to renew a shared SSC with composition change for two small schools: Happy Valley Primary School (14 teachers serving 276 students in kindergarten through grade four) and Happy Valley Elementary School (11 teachers serving 253 students in grades five through eight). The two schools are located near each other in a rural area.

The Jamestown Elementary School District is requesting to renew a shared SSC for two small schools: Chinese Camp Elementary School, a small necessary school (6 teachers serving 28 students in kindergarten through grade six), and Jamestown Elementary School (18 teachers serving 318 students in kindergarten through grade eight). The two schools share one administrator, the After School Program Director who manages both schools, in addition to having common music and art teachers. They are located in a rural area.

The Kernville Union Elementary School District is requesting to renew a shared SSC for two small schools: Kernville Elementary School (5 teachers serving 110 students in kindergarten through grade four) and Woodrow W. Wallace Elementary School (20 teachers serving 395 students in kindergarten through grade four). The two schools share a principal, common curriculum, special education services, a psychologist, professional learning communities, and maintenance operations transportation. They are located in a rural area.

The Little Shasta Elementary School District is requesting an SSC composition change for a very small school: Little Shasta Elementary School (2 teachers serving 13 students in kindergarten through grade six). The school is located in a rural area.

The Maricopa Unified School District is requesting a shared SSC for three small schools: Maricopa Elementary School (7 teachers serving 156 students in kindergarten through grade five), Maricopa Middle School (2 teachers serving 62 students in grades six through eight), and Maricopa High School (7 teachers serving 84 students in grades nine through twelve). There are two additional teachers who work with students with disabilities in all of the three schools. These schools are located on the same campus in a rural area.

The Mendota Unified School District is requesting to renew a shared SSC with composition change for two very small schools: Mendota Community Day School (1 teacher serving 8 students in grades seven through twelve) and Mendota Continuation High School (2 teachers serving 16 students in grades nine through twelve). The two schools are located in a rural area.

The Monrovia Unified School District is requesting a shared SSC for two small schools: Canyon Oaks High School (9 teachers serving 100 students in grades nine through

twelve) and Quest Academy Community Day School (1 teacher serving 15 students in grades seven through twelve). The two schools share similar student populations and many of the educational goals are parallel. In addition, teachers share professional development opportunities and other resources such as a counselor and a nurse. They are located within two miles of each other in a suburban area.

The Mountain Empire Unified School District is requesting to renew a shared SSC for two very small schools: Clover Flat Elementary School (8 teachers serving 145 students in prekindergarten through grade five) and Jacumba Middle School (3 teachers serving 55 students in grades six through eight). The two schools are located in a rural area.

The Mountain Empire Unified School District is requesting a shared SSC for two small schools: Descanso Elementary School (10 teachers serving 80 students in prekindergarten through grade five) and Pine Valley Middle School (4 teachers serving 65 students in grades six through eight). The two schools share the attendance areas and families have students attending both schools. They are located in a rural area.

The Peninsula Union School District is requesting to renew an SSC composition change for a very small school: Peninsula Elementary School (3 teachers serving 39 students in kindergarten through grade eight). The school serves only 23 families in a rural area.

The Siskiyou County Office of Education is requesting to renew an SSC composition change for a very small school: J. Everett Barr Court School (2 teachers serving 15 students in kindergarten through grade twelve). The school is located in rural area.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The CDE has previously presented requests from local educational agencies (LEAs) to waive some of the SSC requirements in *EC* 52863 or to allow one shared schoolsite council for multiple schools. All of these requests have been granted with conditions. The conditions take into consideration the rationale provided by the LEAs, a majority of which are due to the size, type, location, or other capacities of the schools.

FISCAL ANALYSIS (AS APPROPRIATE)

There is no statewide fiscal impact of waiver approval.

ATTACHMENT(S)

Attachment 1: Local Educational Agencies Requesting a Schoolsite Council Waiver (7 Pages)

Attachment 2: Happy Camp Union Elementary School District Specific Waiver Request 15-11-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: Happy Valley Union Elementary School District Specific Waiver Request 27-10-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 4: Jamestown Elementary School District Specific Waiver Request 25-10-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 5: Kernville Union Elementary School District Specific Waiver Request 2-12-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 6: Little Shasta Elementary School District Specific Waiver Request 9-11-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 7: Maricopa Unified School District Specific Waiver Request 12-11-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 8: Mendota Unified School District Specific Waiver Request 24-10-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 9: Monrovia Unified School District Specific Waiver Request 13-11-2014 (3 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 10: Mountain Empire Unified School District Specific Waiver Request 4-12-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 11: Mountain Empire Unified School District Specific Waiver Request 5-12-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 12: Peninsula Union School District Specific Waiver Request 6-12-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 13: Siskiyou County Office of Education Specific Waiver Request 23-11-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Local Educational Agencies Requesting a Schoolsite Council Waiver

Waiver Number	LEA for School(s) (CDS Code[s])	LEAs Request	CDE Recommendation	Previous Waiver Yes or No Period of Request/ Period Recommended	Collective Bargaining Unit Position/ Current Agreement	SSC/Advisory Committee Position	Local Board Approval Date
15-11-2014	Happy Camp Union Elementary School District for Happy Camp Elementary School (4770334 6050785)	SSC Composition Change	Approval with conditions: the SSC must consist of one principal, two classroom teachers (selected by peers), one other school representative (selected by peers), and four parents/community members (selected by parents).	**Yes** **Requested:** 11/02/2013 to 11/01/2015 **Recommended:** 11/02/2013 to 11/01/2015	Association of Klamath Teachers Suzy Espinole, President 10/20/2014 **Support**	SSC 10/21/2014 **No Objections**	11/13/2014
27-10-2014	Happy Valley Union Elementary School District for Happy Valley Primary School (4570011 6097703) and Happy Valley Elementary School (4570011 6050348)	Shared SSC with composition change	Approval with conditions: the SSC must consist of one principal, two classroom teachers (selected by peers), one other school representative (selected by peers), and four parents/community members (selected by parents).	**Yes** **Requested:** 08/21/2014 to 08/21/2016 **Recommended:** 08/21/2014 to 08/20/2016	Happy Valley Teachers Association Cheryl Ricketts, Lead Negotiator 08/21/2014 **Support** Teamster's Local 137 David Hawley, Secretary-Treasurer 10/29/2014 **Support**	SSC 09/03/2014 **No Objections**	10/21/2014

Waiver Number	LEA for School(s) (CDS Code[s])	LEAs Request	CDE Recommendation	Previous Waiver Yes or No Period of Request/ Period Recommended	Collective Bargaining Unit Position/ Current Agreement	SSC/Advisory Committee Position	Local Board Approval Date
25-10-2014	Jamestown Elementary School District for Chinese Camp Elementary School (5572363 6054852) and Jamestown Elementary School (5572363 6054902)	Shared SSC	Approval with conditions: the SSC must consist of one principal/administrator, three classroom teachers (selected by peers), one other school representative (selected by peers), and five parents/community members (selected by parents).	**Yes** **Requested:** 08/18/2014 to 08/17/2016 **Recommended:** 08/18/2014 to 08/17/2016	Jamestown Teachers Association Greg Haney, President 10/02/2014 **Support**	SSC 10/01/2014 **No Objections**	10/08/2014
2-12-2014	Kernville Union Elementary School District for Kernville Elementary School (1563545 6009641) and Woodrow W. Wallace Elementary School (1563545 6009658)	Shared SSC	Approval with conditions: the SSC must consist of one principal, three classroom teachers (selected by peers), one other school representative (selected by peers), and five parents/community members (selected by parents).	**Yes** **Requested:** 07/01/2014 to 06/30/2016 **Recommended:** 07/01/2014 to 06/30/2016	California School Employee Association Cindy Scholtzen, President 11/28/2014 **Support** Kernville Union School Teacher Association Steve Brucker, President 11/18/2014 **Support**	SSC 11/17/2014 **No Objections**	11/18/2014

Waiver Number	LEA for School(s) (CDS Code[s])	LEAs Request	CDE Recommendation	Previous Waiver Yes or No Period of Request/ Period Recommended	Collective Bargaining Unit Position/ Current Agreement	SSC/Advisory Committee Position	Local Board Approval Date
9-11-2014	Little Shasta Elementary School District for Little Shasta Elementary School (4770383 6050835)	SSC Composition Change	Approval with conditions: the SSC must consist of one principal, one classroom teacher (selected by peers), one other school representative (selected by peers), and three parents/community members (selected by parents).	**No** **Requested:** 09/01/2014 to 09/01/2016 **Recommended:** 09/01/2014 to 08/31/2016	None indicated	SSC 09/30/2014 **No Objections**	10/14/2014
12-11-2014	Maricopa Unified School District for Maricopa Elementary School (1563628 6009740), Maricopa Middle School (1563628 0122853), and Maricopa High School (1563628 1533843)	Shared SSC	Approval with conditions: the SSC must consist of one principal, four classroom teachers (selected by peers), one other school representative (selected by peers), four parents/community members (selected by parents), and two students (selected by peers).	**No** **Requested:** 07/01/2014 to 06/30/2016 **Recommended:** 07/01/2014 to 06/30/2016	Maricopa Faculty Association Tammy Griffing, President 10/06/2014 **Support**	District Advisor Committee 10/09/2014 **No Objections**	11/13/2014

Waiver Number	LEA for School(s) (CDS Code[s])	LEAs Request	CDE Recommendation	Previous Waiver Yes or No Period of Request/ Period Recommended	Collective Bargaining Unit Position/ Current Agreement	SSC/Advisory Committee Position	Local Board Approval Date
24-10-2014	Mendota Unified School District for Mendota Community Day School (1075127 1030725) and Mendota Continuation High School (1075127 1030261)	Shared SSC with composition change	Approval with conditions: the SSC must consist of one principal, one classroom teacher (selected by peers), two parents/community members (selected by parents), and one student (selected by peers).	**Yes** **Requested:** 10/01/2014 to 10/01/2016 **Recommended:** 10/01/2014 to 09/30/2016	Mendota Teacher's Association Robert Hamasaki, President 09/15/2014 **Support**	Mendota Continuation High School SSC 09/18/2014 **No Objections**	09/24/2014
13-11-2014	Monrovia Unified School District for Canyon Oaks High School (1964790 1935899) and Quest Academy Community Day School (1964790 0120451)	Shared SSC	Approval with conditions: the SSC must consist of one principal, four classroom teachers (selected by peers), one other school representative (selected by peers), three parents/community members (selected by parents), and three students (selected by peers).	**No** **Requested:** 01/01/2015 to 01/01/2017 **Recommended:** 01/01/2015 to 12/31/2016	Classified School Employees Association Terrie Maertens, President 11/07/2014 **Support** Monrovia Teacher's Association Anne Battle, President 11/06/2014 **Support**	Canyon Oaks High School's SSC and Quest Academy Community Day School Advisory Committee 11/12/2014 **No Objections**	11/12/2014

Waiver Number	LEA for School(s) (CDS Code[s])	LEAs Request	CDE Recommendation	Previous Waiver Yes or No Period of Request/ Period Recommended	Collective Bargaining Unit Position/ Current Agreement	SSC/Advisory Committee Position	Local Board Approval Date
4-12-2014	Mountain Empire Unified School District for Clover Flat Elementary School (3768213 6085054) and Jacumba Middle School (3768213 0126995)	Shared SSC	Approval with conditions: the SSC must consist of one principal, three classroom teachers (selected by peers), one other school representative (selected by peers), and five parents/community members (selected by parents).	**Yes** **Requested:** 08/28/2014 to 06/30/2016 **Recommended:** 08/28/2014 to 06/30/2016	Mountain Empire California School Employees Association Sheryl Bush-Carmody, President 09/25/2014 **Support** Mountain Empire Teachers Association Christy Dougherty, President 09/25/2014 **Support**	Clover Flat Jacumba Compact SSC 05/28/2014 **No Objections**	12/09/2014

Waiver Number	LEA for School(s) (CDS Code[s])	LEAs Request	CDE Recommendation	Previous Waiver Yes or No Period of Request/ Period Recommended	Collective Bargaining Unit Position/ Current Agreement	SSC/Advisory Committee Position	Local Board Approval Date
5-12-2014	Mountain Empire Unified School District for Descanso Elementary School (3768213 6038699) and Pine Valley Middle School (3768213 0127001)	Shared SSC	Approval with conditions: the SSC must consist of one principal, three classroom teachers (selected by peers), one other school representative (selected by peers), and five parents/community members (selected by parents).	**No** **Requested:** 07/01/2014 to 06/30/2016 **Recommended:** 07/01/2014 to 06/30/2016	Mountain Empire California School Employees Association Sheryl Bush-Carmody, President 09/25/2014 **Support** Mountain Empire Teachers Association Christy Dougherty, President 09/25/2014 **Support**	None indicated	12/09/2016
6-12-2014	Peninsula Union School District for Peninsula Elementary School (1262984 6008106)	SSC composition change	Approval with conditions: the SSC must consist of one principal, one classroom teacher (selected by peers), one other school representative (selected by peers), and three parents/community members (selected by parents).	**Yes** **Requested:** 01/01/2015 to 01/01/2017 **Recommended:** 01/01/2015 to 12/31/2016	Northern Humboldt Teachers Association Linda Stewart, Head of Bargaining Unit 11/17/2014 **Support**	SSC 12/02/2014 **No Objections**	12/09/2014

Waiver Number	LEA for School(s) (CDS Code[s])	LEAs Request	CDE Recommendation	Previous Waiver Yes or No Period of Request/ Period Recommended	Collective Bargaining Unit Position/ Current Agreement	SSC/Advisory Committee Position	Local Board Approval Date
23-11-2014	Siskiyou County Office of Education for J. Everett Barr Court School (4710470 4730032)	SSC composition change	Approval with conditions: the SSC must consist of one principal, two classroom teachers (selected by peers), one other school representative (selected by peers), two parents/community members (selected by parents), and two students (selected by peers).	**Yes** **Requested:** 11/01/2014 to 01/01/2017 **Recommended:** 11/01/2014 to 10/31/2016	Siskiyou County Superintendent of Schools CTA/NEA Michelle Hogue, President 10/24/2014 **Support**	J. Everett Barr Student Site Council 11/13/2014 **No Objections**	11/19/2014

Created by California Department of Education
October 31, 2014

California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 4770334 Waiver Number: 15-11-2014 Active Year: 2014

Date In: 11/19/2014 10:47:34 AM

Local Education Agency: Happy Camp Union Elementary School District
Address: 114 Park Way
Happy Camp, CA 96039

Start: 11/2/2013 End: 11/1/2015

Waiver Renewal: Y
Previous Waiver Number: 57-12-2011 Previous SBE Approval Date: 3/8/2012

Waiver Topic: Schoolsite Council Statute
Ed Code Title: Number and Composition of Members
Ed Code Section: 52852
Ed Code Authority: 52863

Ed Code or *CCR* to Waive: 52852. A schoolsite council shall be established [at each school] which participates in school-based program coordination. The council shall be composed of the principal and representatives of: teachers selected by teachers at the school; other school personnel selected by other school personnel at the school; parents of pupils attending the school selected by such parents; and, in secondary schools, pupils selected by pupils attending the school. At the elementary level the council shall be constituted to ensure parity between (a) the principal, classroom teachers, and other school personnel; and (b) parents or other community members selected by parents. At the secondary level the council shall be constituted to ensure parity between (a) the principal, classroom teachers and other school personnel; and (b) equal numbers of parents, or other community members selected by parents, and pupils. At both, the elementary and secondary levels, classroom teacher shall comprise the majority of persons represented under category(a). Existing schoolwide advisory groups or school support groups maybe utilized as the schoolsite council if those groups conform to this section. The Superintendent of Public Instruction shall provide several examples of selection and replacement procedures that may be considered by schoolsite councils. An employee of a school, who is also a parent or guardian of a pupil who attends a school other than the school of the parent's or guardian's employment, is not disqualified by virtue of this employment from serving as a parent representative on the schoolsite council established for the school that his or her child or ward attends.

Outcome Rationale: Happy Camp Elementary School Site Council would like its composition to consist of 1 principal, 1 classified personnel, 2 teachers, and 4 parent or community members. Our school has only 8 teachers, 4 of whom coach or perform other responsibilities after school throughout the year. The remaining four teachers take turns as members of the SSC for a term of two years each. A minimum of 3 teachers is required to comprise the majority persons represented under category (a). With only 4 teachers available, a teacher has to serve 4 consecutive years to continue to meet the majority requirement. With only 2 teachers participating each year, the representing teachers rotate as SSC members to provide a break between terms.

Student Population: 109

City Type: Rural

Local Board Approval Date: 11/13/2014

Council Reviewed By: School Site Council
Council Reviewed Date: 10/21/2014
Council Objection: N
Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Casey Chambers
Position: Superintendent/Principal
E-mail: cchambers@happycamp.k12.ca.us
Telephone: 530-493-2267
Fax: 530-493-2734

Bargaining Unit Date: 10/20/2014
Name: Association of Klamath Teachers
Representative: Suzy Espinole
Title: AKT president
Position: Support
Comments:

California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 4570011 Waiver Number: 27-10-2014 Active Year: 2014

Date In: 10/31/2014 11:13:18 AM

Local Education Agency: Happy Valley Union Elementary School District
Address: 16300 Cloverdale Ave
Anderson, CA 96007

Start: 8/21/2014 End: 8/21/2016

Waiver Renewal: Y
Previous Waiver Number: 59-10-2012 Previous SBE Approval Date: 1/16/2013

Waiver Topic: Schoolsite Council Statute
Ed Code Title: Shared Schoolsite Council with Reduced Number and Composition
Ed Code Section: 52852
Ed Code Authority: 52863

Ed Code or *CCR* to Waive: A school site council shall be established at each school which participates in school based program coordination. The council shall be composed of the principal and representatives of: teachers selected by teachers at the school, other school personnel selected by other school personnel at the school; parents of pupils attending the school selected by such parent; and in secondary schools, pupils selected by pupils attending the school.

Outcome Rationale: Our district consists of two small schools slightly over 250 students at each, the leadership team for the district is comprised of members from both campuses. The common community and geographic proximity of the campuses warrants a combined School Site Council. The total teaching staff is 25 teachers. We also have difficulty finding enough parents to meet the minimum requirement for two separate site councils. This waiver will: 1) Allow for parent participation; 2) Support on-going collaboration between the two campuses; and 3) Will retain equity between the sties, thus providing appropriate oversight of the school's programs and budget.

Student Population: 530

City Type: Rural

Local Board Approval Date: 10/21/2014

Council Reviewed By: School Site Council
Council Reviewed Date: 9/3/2014
Council Objection: N
Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Janet Tufts
Position: Superintendent/Principal
E-mail: jtufts@hvusd.net
Telephone: 530-357-2111 x224
Fax: 530-357-4143

Bargaining Unit Date: 08/21/2014
Name: Happy Valley Teachers Association
Representative: Cheryl Ricketts
Title: Lead Negotiator
Position: Support
Comments:

Bargaining Unit Date: 10/29/2014
Name: Teamster's Local 137
Representative: David Hawley
Title: Secretary-Treasurer
Position: Support
Comments:

California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 5572363 Waiver Number: 25-10-2014 Active Year: 2014

Date In: 10/31/2014 10:17:29 AM

Local Education Agency: Jamestown Elementary School District
Address: 18299 Fifth Ave.
Jamestown, CA 95327

Start: 8/18/2014 End: 8/17/2016

Waiver Renewal: Y
Previous Waiver Number: 81-10-2012-W-05 Previous SBE Approval Date: 3/14/2013

Waiver Topic: Schoolsite Council Statute
Ed Code Title: Shared Schoolsite Council
Ed Code Section: 52852
Ed Code Authority: 52863

Ed Code or *CCR* to Waive: *EC* 52852 A Schoolsite Council shall be established at each school which participates in school-based program coordination. The council shall be composed of the principal and representatives of: teachers selected by teachers in the schools; other school personnel selected by other school personnel at the schools; parents of pupils attends the schools selected by such parents.

Outcome Rationale: Chinese Camp is a rural small necessary school with an enrollment of 28 students. It joined the Jamestown School District through an annexation in July 2010. The After School Program Director manages both sites, the schools have common music and art teachers. The Shared Site Council has a parent representative from each school and staff representatives elected from the district's certificated and classified staff. This waiver would allow continued coordination of student services and better efficiency for the district.

Student Population: 324

City Type: Rural

Local Board Approval Date: 10/8/2014

Council Reviewed By: School Site Council
Council Reviewed Date: 10/1/2014
Council Objection: N
Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Dr. Brenda Chapman
Position: Superintendent
E-mail: bchapman@jamestown.k12.ca.us
Telephone: 209-984-4058 x154
Fax: 209-984-0434

Bargaining Unit Date: 10/02/2014
Name: Jamestown Teachers Association
Representative: Greg Haney
Title: President
Position: Support
Comments:

California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 1563545 Waiver Number: 2-12-2014 Active Year: 2014

Date In: 12/2/2014 10:41:34 AM

Local Education Agency: Kernville Union Elementary School District
Address: 3240 Erskine Creek Rd.
Lake Isabella, CA 93240

Start: 7/1/2014 End: 6/30/2016

Waiver Renewal: Y
Previous Waiver Number: 19-10-2011-W-9 Previous SBE Approval Date: 11/7/2013

Waiver Topic: Schoolsite Council Statute
Ed Code Title: Shared Schoolsite Council
Ed Code Section: 52852
Ed Code Authority: 52863

Ed Code or *CCR* to Waive:
EC 52852 A schoolsite council shall be established at [each] school which participates in school-based program coordination. The council shall be composed of the principal and representatives of: teachers selected by teachers at the school; other school personnel selected by other school personnel at the school; parents of pupils attending the school selected by such parents; and, in secondary schools, pupils selected by pupils attending the school.

Outcome Rationale: The Kernville Elementary School (KES), grades K-4, has an enrollment of 110 students and Woodrow Wallace Elementary School (WES), grades K-4 with an enrollment of 395 students, share a principal. KES has 5 teachers and WES has 20 teachers. The school share a common curriculum, special education services, psychologist, MOT and Professional Learning Communities. KES is in close proximity to WES with 14.2 miles separating the two campuses. The only two elementary schools in the small Kernville Union School District meet the criteria of a School Site Council waiver through its shared services of curriculum, administration, and close proximity. The stretched staff at KES will have more time to work with the students while the interest of the school is held through a representative from KES and WES on the School Site Council.

Student Population: 505

City Type: Rural

Local Board Approval Date: 11/18/2014

Council Reviewed By: School Site Council
Council Reviewed Date: 11/17/2014
Council Objection: N
Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Terri Russell
Position: Principal
E-mail: trussell@kernvilleusd.org
Telephone: 760-379-2621 x2621
Fax:

Bargaining Unit Date: 11/18/2014
Name: California School Employee Association
Representative: Cindy Scholtzen
Title: CSEA President
Position: Support
Comments:

Bargaining Unit Date: 11/18/2014
Name: Kernville Union School Teacher Association
Representative: Steve Brucker
Title: KUSTA President
Position: Support
Comments:

California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 4770383 Waiver Number: 9-11-2014 Active Year: 2014

Date In: 11/5/2014 3:44:11 PM

Local Education Agency: Little Shasta Elementary School District
Address: 8409 Lower Little Shasta Rd.
Montague, CA 96064

Start: 9/1/2014 End: 9/1/2016

Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: Schoolsite Council Statute
Ed Code Title: Number and Composition of Members
Ed Code Section: 52852
Ed Code Authority: 52863

Ed Code or *CCR* to Waive: *EC* 52852 A school site council shall be established at each school which participates in school-based program coordination. The council shall be composed of the principal and representatives of: teachers selected by teachers at the school; other school personnel selected by other school personnel at the school; parents of pupils attending the school selected by such parents.

The school wishes to continue to have a six member SSC composed of the principal, one classroom teacher, one classified employee, three parents or community members.

Outcome Rationale: After much recruitment, our small, rural school is unable to get enough parents to meet the requirement of 6 parent members. Parents have declined participating in SSC because they are working multiple jobs or are involved in other school sponsored activities.

Student Population: 13

City Type: Rural

Local Board Approval Date: 10/14/2014

Council Reviewed By: Student Site Council
Council Reviewed Date: 9/30/2014
Council Objection: N
Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Heather Moyer
Position: Teacher/Principal/Superintendent
E-mail: hmoyer@sisnet.ssku.k12.ca.us
Telephone: 530-459-3269
Fax:

California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 1563628 Waiver Number: 12-11-2014 Active Year: 2014

Date In: 11/14/2014 9:31:55 AM

Local Education Agency: Maricopa Unified School District
Address: 955 Stanislaus St.
Maricopa, CA 93252

Start: 7/1/2014 End: 6/30/2016

Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: Schoolsite Council Statute
Ed Code Title: Shared Schoolsite Council
Ed Code Section: 52852
Ed Code Authority: 52863

Ed Code or *CCR* to Waive: *EC* Section 52852 Authority 52863

52852. A schoolsite council shall be established ~~at each school~~ which participates in school-based program coordination. The council shall be composed of the principal and representatives of: teachers selected by teachers at the school; other school personnel selected by other school personnel at the school; parents of pupils attending the school selected by such parents; and, in secondary schools, pupils selected by pupils attending the school. At the elementary level the council shall be constituted to ensure parity between (a) the principal, classroom teachers, and other school personnel; and (b) parents or other community members selected by parents. At the secondary level the council shall be constituted to ensure parity between (a) the principal, classroom teachers and other school personnel; and (b) equal numbers of parents, or other community members selected by parents, and pupils. At both, the elementary and secondary levels, classroom teacher shall comprise the majority of persons represented under category(a). Existing schoolwide advisory groups or school support groups maybe utilized as the schoolsite council if those groups conform to this section. The Superintendent of Public Instruction shall provide several examples of selection and replacement procedures that may be considered by schoolsite councils. An employee of a school, who is also a parent or guardian of a pupil who attends a school other than the school of the parent's or guardian's employment, is not disqualified by virtue of this employment from serving as a parent representative on the schoolsite council established for the school that his or her child or ward attends.

Outcome Rationale: We are a small rural district with one elementary, one middle, and one high school. We have 20 teachers K-12. We do not have enough volunteers from the staff and community to maintain three school site councils. The members would be two staff members from each school, 2 parent/community members from each school, and one student from each school.

Student Population: 305

City Type: Rural

Local Board Approval Date: 11/13/2014

Council Reviewed By: District Advisor Committee
Council Reviewed Date: 10/9/2014
Council Objection: N
Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Dr. Scott Meier
Position: Superintendent
E-mail: smeier@maricopaschools.org
Telephone: 661-769-8231 x202
Fax: 661-769-8168

Bargaining Unit Date: 10/06/2014
Name: Maricopa Faculity Association (CTA)
Representative: Tammy Griffing
Title: President
Position: Support
Comments:

California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 1075127 Waiver Number: 24-10-2014 Active Year: 2014

Date In: 10/29/2014 2:05:36 PM

Local Education Agency: Mendota Unified School District
Address: 115 McCabe Ave.
Mendota, CA 93640

Start: 10/1/2014 End: 10/1/2016

Waiver Renewal: Y
Previous Waiver Number: 75-10-2012-W-05 Previous SBE Approval Date: 3/14/2013

Waiver Topic: Schoolsite Council Statute
Ed Code Title: Shared Schoolsite Council with Reduced Number and Composition
Ed Code Section: 52852
Ed Code Authority: 52863

Ed Code or *CCR* to Waive: 52852. A schoolsite council shall be established [at each school] which participates in school-based program coordination. The council shall be composed of the principal and representatives of: teachers selected by teachers at the school; other school personnel selected by other school personnel at the school; parents of pupils attending the school selected by such parents; and, in secondary schools, pupils selected by pupils attending the school. At the elementary level the council shall be constituted to ensure parity between (a) the principal, classroom teachers, and other school personnel; and (b) parents or other community members selected by parents. At the secondary level the council shall be constituted to ensure parity between (a) the principal, classroom teachers and other school personnel; and (b) equal numbers of parents, or other community members selected by parents, and pupils. At both, the elementary and secondary levels, classroom teacher shall comprise the majority of persons represented under category (a). Existing schoolwide advisory groups or school support groups maybe utilized as the schoolsite council if those groups conform to this section. The Superintendent of Public Instruction shall provide several examples of selection and replacement procedures that may be considered by schoolsite councils. An employee of a school, who is also a parent or guardian of a pupil who attends a school other than the school of the parent's or guardian's employment, is not disqualified by virtue of this employment from serving as a parent representative on the schoolsite council established for the school that his or her child or ward attends.

Outcome Rationale: At the current time, Mendota Continuation High School and Community Day School has three (3) full time teachers and approximately 25 students (combined). Because of the small number of students, we are requesting that the number of members of the SSC be comprised of: One (1) principal, one (1) teacher, two (2) parents and one (1) student. We are further requesting that this SSC be combined to serve both sites - Mendota Continuation High School and Mendota Community Day School.

Student Population: 25

City Type: Rural

Local Board Approval Date: 9/24/2014

Council Reviewed By: Mendota Continuation High School School Site Council
Council Reviewed Date: 9/18/2014
Council Objection: N
Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Rebecca Gamez
Position: Principal
E-mail: rgamez@mendotausd.k12.ca.us
Telephone: 559-655-4471
Fax: 559-655-2440

Bargaining Unit Date: 09/15/2014
Name: Mendota Teacher's Association
Representative: Robert Hamasaki
Title: President
Position: Support
Comments:

California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 1964790 Waiver Number: 13-11-2014 Active Year: 2014

Date In: 11/14/2014 11:27:35 AM

Local Education Agency: Monrovia Unified School District
Address: 325 East Huntington Dr.
Monrovia, CA 91016

Start: 1/1/2015 End: 1/1/2017

Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: Schoolsite Council Statute
Ed Code Title: Shared Schoolsite Council
Ed Code Section: 52852
Ed Code Authority: 52863

Ed Code or *CCR* to Waive: A schoolsite council shall be established at [each] school which participates in school-based program coordination. The council shall be composed of the principal and representatives of: teachers selected by teachers at the school; other school personnel selected by other school personnel at the school; parents of pupils attending the school selected by such parents; and, in secondary schools, pupils selected by pupils attending the school.

Outcome Rationale: See attachment.

Student Population: 15

City Type: Suburban

Local Board Approval Date: 11/12/2014

Council Reviewed By: Quest Academy Community Day School Advisory Committee & Canyon Oaks High School's School Site Counci
Council Reviewed Date: 11/12/2014
Council Objection: N
Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Dr. Katherine Fundukian Thorossian
Position: Superintendent
E-mail: kthorossian@monroviaschools.net
Telephone: 626-471-2010
Fax:

Bargaining Unit Date: 11/07/2014
Name: Classified School Employees Association
Representative: Terrie Maertens
Title: President
Position: Support
Comments:

Bargaining Unit Date: 11/06/2014
Name: Monrovia Teacher's Association (MTA)
Representative: Anne Battle
Title: President
Position: Support
Comments:

ATTACHMENT

The desired outcome of this waiver is to share a School Site Council in order to provide savings in time and resources in our small community, thus streamlining local agency operations, while advancing student achievement.

The statutory requirements for a Secondary School Site Council (SSC) require that an SSC consist of at least 12 people: 1 principal, 3 teachers, 2 other school employees, and 3 parents or other community members, as well as 3 students. This is a very difficult number to achieve if the total number of students and teachers in the school is small. Quest Academy Community Day School (Quest Academy) serves a student population of 15 students and 1 teacher/principal, and Canyon Oaks (Continuation) High School (Canyon Oaks) serves a student population of 100 students with 9 teachers. As Quest Academy and our continuation high school, Canyon Oaks are within 2 miles of each other, Canyon Oaks and Quest Academy share professional development opportunities to ensure that all students have highly qualified teachers in the classroom, as well as resources, such as a counselor and nurse. This collaboration enables a more effective use of resources toward student achievement.

Further, in Alternative Education programs, such as Quest Academy, parent participation is a difficult challenge to achieve. One way to utilize parent participation effectively is through a shared SSC. Many of the educational goals are parallel and this would help with the sustainability of the SSC by having a shared SSC. The work would be the same for the Council, with a Single Plan for Student Achievement (SPSA), School Accountability Report Card (SARC), and operating budget for each site.

As Quest Academy has a small number of staff and students, and serve similar populations of students, with similar goals as Canyon Oaks, it makes sense that a shared SSC could easily function for these two schools in this alternative education setting, and a shared School Site Council would also provide a savings in time and resources in a small community.

California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 3768213 Waiver Number: 4-12-2014 Active Year: 2014

Date In: 12/11/2014 2:50:14 PM

Local Education Agency: Mountain Empire Unified School District
Address: 3305 Buckman Springs Rd.
Pine Valley, CA 91962

Start: 8/28/2014 End: 6/30/2016

Waiver Renewal: Y
Previous Waiver Number: 46-6-2012-W-08 Previous SBE Approval Date: 9/13/2012

Waiver Topic: Schoolsite Council Statute
Ed Code Title: Shared Schoolsite Council
Ed Code Section: 52852
Ed Code Authority: 52863

Ed Code or *CCR* to Waive: Schoolsite councils for small schools sharing common [services or] attendance areas [administration] and other characteristics.

Outcome Rationale: Beginning August 2014, each school has been assigned their own principal. Students from both communities are served as follows: Junior Kindergarten through fifth grade attend Clover Flat Elementary, grades sixth (6th) through eighth (8th) attend Jacumba Middle School. Jacumba has 3 middle school teachers and a student enrollment of approx. 55 students and Clover Flat has 8 elementary teachers with an enrollment of 145 students. Both schools share the adopted district curriculum. The compact has one PTA that draws members from both communities with teachers from both sites regularly attending the meetings. Due to the shared attendance area and because parents are involved in both schools depending upon the grade(s) of their child(ren), we would like to renew our School Site Council Waiver to allow one school site council to serve both sites.

Student Population: 200

City Type: Rural

Local Board Approval Date: 12/9/2014

Council Reviewed By: Clover Flat Jacumba Compact SSC
Council Reviewed Date: 5/28/2014
Council Objection: N
Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Dr. Kathy Granger
Position: Superintendent
E-mail: kathy.granger@meusd.k12.ca.us
Telephone: 619-473-9022 x129
Fax:

Bargaining Unit Date: 09/25/2014
Name: Mountain Empire California School Employees Association Chapter 441
Representative: Sheryl Bush-Carmody
Title: President
Position: Support
Comments:

Bargaining Unit Date: 09/25/2014
Name: Mountain Empire Teachers Association
Representative: Christy Dougherty
Title: President
Position: Support
Comments:

California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 3768213 Waiver Number: 5-12-2014 Active Year: 2014

Date In: 12/11/2014 3:03:26 PM

Local Education Agency: Mountain Empire Unified School District
Address: 3305 Buckman Springs Rd.
Pine Valley, CA 91962

Start: 7/1/2014 End: 6/30/2016

Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: Schoolsite Council Statute
Ed Code Title: Shared Schoolsite Council
Ed Code Section: 52852
Ed Code Authority: 52863

Ed Code or *CCR* to Waive: *EC* 52852 Schoolsite councils for small schools sharing common [services or] attendance areas [administration] and other characteristics.

Outcome Rationale: Descanso Elementary School and Pine Valley Middle School serve students from the communities of Pine Valley, Descanso and Guatay. Beginning August 2014, each school has been assigned their own principal. Students from the three communities are served as follows: Junior Kindergarten through fifth (5th) grade attend Descanso Elementary and grades sixth (6th) through eighth (8th) attend Pine Valley Middle School. Pine Valley Middle School has 3 full time middle school teachers, 1 half time middle school teacher and 1 half time RSP teacher with a student enrollment of approximately 65 students. Descanso Elementary School has 10 elementary teachers with an enrollment of 180 students. Both schools share the adopted district curriculum. The schools have one PTA that draws members from all three communities with teachers from both sites regularly attending the meetings. Due to the shared attendance areas and because parents are involved in both schools depending upon the grade(s) of their child(ren), we would like to receive a School Site Council Waiver to allow one school site council to serve both sites.

Student Population: 245

City Type: Rural

Local Board Approval Date: 12/9/2014

Council Reviewed By: N/A
Council Reviewed Date: 12/9/2014
Council Objection: N
Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Dr. Kathy Granger
Position: Superintendent
E-mail: kathy.granger@meusd.k12.ca.us
Telephone: 619-473-9022 x129
Fax:

Bargaining Unit Date: 09/25/2014
Name: Mountain Empire California School Employees Association Chapter 441
Representative: Sheryl Bush-Carmody
Title: President
Position: Support
Comments:

Bargaining Unit Date: 09/25/2014
Name: Mountain Empire Teachers Association
Representative: Christy Dougherty
Title: President
Position: Support
Comments:

California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 1262984 Waiver Number: 6-12-2014 Active Year: 2014

Date In: 12/15/2014 8:40:39 AM

Local Education Agency: Peninsula Union School District
Address: 909 Vance Ave.
Samoa, CA 95564

Start: 1/1/2015 End: 1/1/2017

Waiver Renewal: Y
Previous Waiver Number: 24-11-2012-W-10 Previous SBE Approval Date: 11/7/2013

Waiver Topic: Schoolsite Council Statute
Ed Code Title: Number and Composition of Members
Ed Code Section: 52852
Ed Code Authority: 52863

Ed Code or *CCR* to Waive: *EC* 52852 A school site council shall be established at each school which participates in school based program coordination. Statute required 10 members for an elementary school. The council shall be composed of the principal and representatives of: teachers selected by teachers at the school; other school personnel selected by other school personnel at the school; parents of pupils attending the school selected by such parents; and, in secondary schools, pupils selected by pupils attending the school.

Outcome Rationale: The waiver is necessary due to the small size of the district. It is not possible for all three teachers to serve on site council given their other adjunct duties. It is extremely difficult to fill parent/community vacancies. A council of more than 6 members is not possible in a school with only 3 teachers, 39 students and only 23 families.

The desired outcome is the this single school district to be in compliance and have a workable School Site Council. The council shall be composed of one administrator, one teacher, one classified staff member and three community members.

Student Population: 39

City Type: Rural

Local Board Approval Date: 12/9/2014

Council Reviewed By: School Site Council
Council Reviewed Date: 12/2/2014
Council Objection: N
Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Kim Blanc
Position: Superintendent/Principal
E-mail: kblanc@humboldt.k12.ca.us
Telephone: 707-443-2731
Fax: 707-443-3685

Bargaining Unit Date: 11/17/2014
Name: Northern Humboldt Teachers Association
Representative: Linda Stewart
Title: Head of Bargaining Unit
Position: Support
Comments:

California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 4710470 Waiver Number: 23-11-2014 Active Year: 2014

Date In: 11/24/2014 2:59:04 PM

Local Education Agency: Siskiyou County Office of Education
Address: 609 South Gold St.
Yreka, CA 96097

Start: 11/1/2014 End: 1/1/2017

Waiver Renewal: Y
Previous Waiver Number: 5-12-2012-W-04 Previous SBE Approval Date: 5/8/2013

Waiver Topic: Schoolsite Council Statute
Ed Code Title: Number and Composition of Members
Ed Code Section: 52852
Ed Code Authority: 52863

Ed Code or *CCR* to Waive: *EC* Section 52852 reads as follows:
A schoolsite council shall be established at each school which participates in school-based program coordination. The council shall be composed of the principal and representatives of: teachers selected by teachers at the school; other school personnel selected by other school personnel at the school; parents of pupils attending the school selected by such parents; and, in secondary schools, pupils selected by pupils attending the school.

At the secondary level the council shall be constituted to ensure parity between (a) the principal, classroom teachers and other school personnel; and (b) equal numbers of parents, or other community members selected by parents, and pupils.

At both the elementary and secondary levels, classroom teachers shall comprise the majority of persons represented under category (a).

Background:
Using the above statutory requirements a Secondary Schoolsite Council would have to consist of at least 12 people: 1 principal, 3 teachers and 2 other school employees (6 total) and 3 parents or other community members as well as 3 students (6 total).

This is a very difficult number to achieve if the total number of students and teachers in the school is small.

The school wishes to continue to have an eight-member SSC composed of the principal, two classroom teachers (selected by peer(s)), one classified employee, two students (selected by peers) and two parent/guardian or community members.

Outcome Rationale: After much recruitment, our small, rural school is unable to get enough parents to meet the requirement of 6 parent members. Parents have declined participating in SSC because they are working multiple jobs or are not present in their children's lives.

The J. Everett Barr Court School has a total of two teachers. The waiver is requested to allow this school to operate this secondary School Site Council with 8 members instead of 12 members. The SSC composition would consist of 1 administrator, 2 teachers, 1 classified employee, 2 students (participant in long term program) and 2 parent/guardian or community members. This composition would allow for a majority of teachers on the staff side and would ensure parity between staff members and students/parents/community members.

Student Population: 15

City Type: Rural

Local Board Approval Date: 11/19/2014

Council Reviewed By: J E Barr Student Site Council
Council Reviewed Date: 11/13/2014
Council Objection: N
Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Amy Barker
Position: Co-Op Director
E-mail: abarker@siskiyoucoe.net
Telephone: 530-842-8415
Fax:

Bargaining Unit Date: 10/24/2014
Name: Siskiyou County Superintendent of Schools CTA/NEA
Representative: Michelle Hogue
Title: President
Position: Support
Comments:

California State Board of Education

Meeting Agenda Items for March 11-12, 2015

WAIVER ITEM W-14

ITEM #W-14

CALIFORNIA STATE BOARD OF EDUCATION

MARCH 2015 AGENDA

☒ **Specific Waiver**

SUBJECT Request by **Capistrano Unified School District**, under the authority of California *Education Code* Section 41382, for a renewal to waive portions of *Education Code* sections 41376(a), (c), and (d) and/or 41378(a) through (e), relating to class size penalties for kindergarten through grade three. For kindergarten, the overall class size average is 31 to one with no class larger than 33. For grades one through three, the overall class size average is 30 to one with no class larger than 32. Waiver Number: 114-2-2014	☒ **Action** ☒ **Consent**

SUMMARY OF THE ISSUE(S)

Request by Capistrano Unified School District (USD) for a renewal to waive under the authority of California *Education Code (EC)* Section 41382, portions of *EC* sections 41376(a), (c), and (d) and/or 41378(a) through (e), relating to class size penalties for kindergarten through grade three.

Authority for Waiver: *EC* Section 41382

RECOMMENDATION

☐ **Approval** ☒ **Approval with conditions** ☐ **Denial**

The California Department of Education (CDE) recommends that the California State Board of Education (SBE) approve the waiver request by Capistrano USD that the class size penalties for kindergarten and/or grades one through three be waived, for the recommended period shown on Attachment 1, provided the overall average and individual class size average is not greater than the CDE recommended level shown on Attachment 1. Should the district exceed this condition, the class size penalty will be applied per statute. The CDE also recommends that the SBE find that the class size penalty provisions of *EC* sections 41376 and/or 41378 will, if not waived, prevent the district from developing more effective educational programs to improve instruction in reading and mathematics for students in the classes specified in the district's application.

SUMMARY OF KEY ISSUES

Statutes Related to Kindergarten Through Grade Three Class Size

There are two different requirements regarding kindergarten through grade three (K–3) class sizes under the Local Control Funding Formula (LCFF).

The first requirement has been in law since the mid-1960s and is the subject of this waiver. This law requires the CDE to apply a financial class size penalty to a school district's LCFF funding if any of the following occur:

- A single kindergarten class exceeds an average enrollment of 33.
- The average enrollment of all kindergarten classes in the district exceeds 31.
- A single class in grades one through three exceeds an average enrollment of 32.
- The average enrollment of all grades one through three classes in the district exceeds 30.

School districts report their average class enrollment information to the CDE in the spring of the applicable year. If a school district does not meet the requirements, the CDE reduces the district's final payment for the year. Generally, the penalty is equal to a loss of all funding for enrollment above 31 in kindergarten classes or 30 in grades one through three classes. *EC* Section 41382 allows the SBE to waive this penalty if the associated class size requirements prevent the school and school district from developing more effective education programs to improve instruction in reading and mathematics.

The second requirement, which is new beginning in fiscal year 2013–14, is related to the K–3 grade-span adjustment (GSA) that increases the LCFF target funding for the K–3 grade span by 10.4 percent. The LCFF target represents what a school district would receive if the state had the resources to fully fund LCFF. As a condition of receiving this adjustment, school districts must meet one of the following conditions at each school site:

- If a school site's average class enrollment in K–3 was more than 24 pupils in the prior year, make progress toward maintaining, at that school site, an average class enrollment in K–3 of not more than 24 pupils.
- If a school site's average class enrollment in K–3 was 24 pupils or less in the prior year, maintain, at that school site, an average class enrollment in K–3 of not more than 24 pupils.
- Agree to a collectively bargained alternative to the statutory K–3 GSA requirements.

If an independent auditor finds that a school district did not meet one of the conditions, the CDE must retroactively remove the K–3 GSA from the district's funding. *EC* Section 42238.02(d)(3)(E) does not allow the SBE to waive the adjustment.

These two statutes operate independently. It is possible that a district could comply with the ostensibly more restrictive conditions for the K–3 GSA and be out of compliance with the K–3 class size penalty statutes for several reasons. For instance, the district could have negotiated an alternative to the K–3 GSA class size average that exceeds the class

size penalty levels. Similarly, districts could be meeting the conditions for the K–3 GSA by making progress towards achieving an average class size of 24 at a school site, but still exceed the levels that trigger a class size penalty.

In September 2014, the SBE adopted Policy #14-01, which requires districts to provide the following documentation with their waiver requests:

1. Discussion of the extraordinary or atypical circumstances that prevent the school district from meeting the class size thresholds. If the reasons are financial, the district should explain why LCFF funds cannot be used to reduce class sizes.
2. Demonstration that the increased class size is consistent with the school district's goals and actions in its Local Control and Accountability Plan (LCAP).
3. Explanation of how the district is addressing the educational needs of pupils to mitigate potential consequences of increased class sizes.
4. Remediation plan that describes how and when the district will return to the statutory levels.
5. Statement by the district that the class size provisions prevent the development of more effective educational programs to improve instruction in reading and mathematics.
6. An estimate of the financial impact if the class size penalty was assessed by the CDE.
7. The requested new maximum individual and overall class size averages.
8. The position of the exclusive representative of employees, if any, as provided in Chapter 10.7 of Division 4 of Title 1 of the *Government Code*. If the representative is opposed, include a written summary of any objections to the request.

District's Request

The Capistrano USD is requesting, under the authority of *EC* Section 41382, that the SBE waive subdivisions (a) through (e) of *EC* Section 41378 and/or subdivisions (a), (c), and (d) of *EC* Section 41376, which provide a penalty when a school district exceeds the class sizes noted above and on Attachment 1. The district states that without the waiver, the core reading and math programs will be compromised by the fiscal penalties incurred. The actual and/or estimated annual penalty, should the district increase the class size average without a waiver, is provided on Attachment 1.

The Capistrano USD provided with its waiver the information required by the SBE's Policy #14-01. According to the district, the district has only one elementary school, Carl Hankey Elementary School, with an International Baccalaureate Primary Year Program. Due to the program guidelines the school cannot offer combination classes as well as other restrictions. The district has been reducing the number of students in the district to stay within the class size limits. However, since Carl Hankey Elementary School has only 400 students it is taking the district longer to reduce its class sizes without disrupting the current students' education. As students move to the next grade level, the district will limit the number of incoming students to be within the class size limits. According to the district, the estimated penalty if the waiver is not approved is $1.8 million.

The CDE recommends that the class size penalties for kindergarten and/or grades one through three be waived, for the recommended period shown on Attachment 1, provided

the overall average and individual class size average is not greater than the CDE recommended level shown on Attachment 1. Should the district exceed this condition, the class size penalty will be applied per statute.

Demographic Information:

The Capistrano USD has a student population of 10,820 and is located in a suburban area in Orange County.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Before the September 2009 board meeting, no waivers had been submitted since 1999. Due to the state budget crisis and resulting significant reduction in funding, the SBE began receiving a large number of waiver requests beginning in 2009. As a result, the SBE has approved all class size penalty waiver requests through fiscal year 2013–14. Under LCFF, most districts funding levels will increase over the next several years. However, due to certain factors some districts will not see the increase for several years. For that reason, in September 2014, the SBE adopted a policy for the type of information districts should provide when submitting a class size penalty waiver for fiscal years commencing with 2014–15. A copy of the policy is available at http://www.cde.ca.gov/re/lr/wr/waiverpolicies.asp, under Class Size Penalties for Grades Kindergarten and Grades One through Three.

FISCAL ANALYSIS (AS APPROPRIATE)

See Attachment 1 for estimated penalty amount should the waiver request be denied.

ATTACHMENT(S)

Attachment 1: Information from District Requesting Kindergarten Through Grade Three Class Size Penalty Waiver. (1 page)

Attachment 2: Capistrano Unified School District Specific Waiver 114-2-2014 (4 pages) (Original waiver request is signed and on file in the Waiver Office.)

District(s) Requesting Kindergarten Through Grade Three Class Size Penalty Waiver(s)

California *Education Code* sections 41376 and 41378: For Kindergarten: Overall average 31; no class larger than 33.
For Grades 1–3: Overall average 30; no class larger than 32.

Waiver Number	District/County and District Code	Period of Request/CDE Recommendation	District's Request	CDE Recommended (New Maximum)	Local Board Approval Date	*Bargaining Unit, Representative(s) Consulted, Date, and Position	Potential Annual Penalty Without Waiver	Previous Waivers
114-2-2014	Capistrano Unified School District 30-66464	**Requested:** July 1, 2014 to June 30, 2015 **Recommended:** July 1, 2014 to June 29, 2015	For 1–3: Overall average 31.5; no class size larger than 35	For 1–3: Overall average 31.5; no class size larger than 35	2/12/14	Capistrano Unified Education Association, Vicky Soderberg, President 1/10/14 **Neutral**	$1.8 million FY 2014–15	Yes: FY 2012–13 FY 2013–14

*For specific waivers bargaining unit consultation is not required.
Created by California Department of Education
January 22, 2015

California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 3066464 Waiver Number: 114-2-2014 Active Year: 2014

Date In: 2/24/2014 5:29:51 PM

Local Education Agency: Capistrano Unified School District
Address: 33122 Valle Rd.
San Juan Capistrano, CA 92675

Start: 7/1/2014 End: 6/30/2015

Waiver Renewal: Y
Previous Waiver Number: 4-4-2013-W-15 Previous SBE Approval Date: 7/11/2013

Waiver Topic: Class Size Penalties
Ed Code Title: Over Limit on Grades 1-3
Ed Code Section: portions of 41376 (a), (c), and (d)
Ed Code Authority: 41382

Ed Code or *CCR* to Waive: *EC* 41376 (a)(c) and (d) The Superintendent of Public Instruction, in computing apportionments and allowances from the State School Fund for the second principal apportionment, shall determine the following for the regular day classes of the elementary schools maintained by each school district:[(a) For grades 1 to 3, inclusive, he shall determine the number of classes, the number of pupils enrolled in each class, the total enrollment in all such classes, the average number of pupils enrolled per class, and the total of the numbers of pupils which are in excess of thirty (30) in each class. For those districts which do not have any classes with an enrollment in excess of 32 and whose average size for all the classes is 30.0 or less, there shall be no excess declared. For those districts which have one or more classes in excess of an enrollment of 32 or whose average size for all the classes is more than 30, the excess shall be the total of the number of pupils which are in excess of 30 in each class having an enrollment of more than 30.] (b) For grades 4 to 8, inclusive, he shall determine the total number of pupils enrolled, the number of full-time equivalent classroom teachers, and the average number of pupils per each full-time equivalent classroom teacher. He shall also determine the excess if any, of pupils enrolled in such grades in the following manner: (1) Determine the number of pupils by which the average number of pupils per each full-time equivalent classroom teacher for the current fiscal year exceeds the greater of the average number of pupils per each full-time equivalent classroom teacher in all the appropriate districts of the state, as determined by the Superintendent of Public Instruction, for October 30, 1964, or the average number of pupils per each full-time equivalent classroom teacher which existed in the district on either October 30, 1964 or March 30, 1964, as selected by the governing board. (2) Multiply the number determined in (1) above by the number of full-time equivalent classroom teachers of the current fiscal year. (3) Reduce the number determined in (2) above by the remainder which results from dividing such number by the average number of pupils per each full-time equivalent teacher for October 30, 1964, as determined by the Superintendent of Public Instruction in (1) above.[(c) He shall compute the product obtained by multiplying the excess number of pupils, if any, under the provisions of subdivision (a) of this section by ninety-seven hundredths (0.97), and shall multiply the product so obtained by the ratio of statewide change in

average daily attendance to district change in average daily attendance. Change in average daily attendance shall be determined by dividing average daily attendance in grades 1, 2 and 3 reported for purposes of the first principal apportionment of the current year by that reported for purposes of the first principal apportionment of the preceding year. (d) If the school district reports that it has maintained, during the current fiscal year, any classes in which there were enrolled pupils in excess of thirty (30) per class pursuant to subdivision (a) of this section, and there is no excess number of pupils computed pursuant to subdivision (b) of this section, he shall decrease the average daily attendance reported under the provisions of Section 41601 by the product determined under subdivision (c) of this section.]

Outcome Rationale: CUSD is facing a projected budget shortfall in 2014-2015 of 12 million. In order to maintain maximum flexibility in providing options to balance the budget, the District requests a waiver to increase the number of pupils per each full-time equivalent teacher.

Yes. A principal may recommend to the governing board or the governing board of the school district may adopt a resolution determining that an exemption should be granted from any of the provisions of Section 41376 and 41378, with respect to such core classes on the basis that such provisions prevent the school and school district from developing more effective education programs to improve instruction in reading and mathematics. (Required see *EC* 41382) A potential penalty of $4197800 could be incurred by the district without this waiver.

Student Population: 10820

City Type: Suburban

Local Board Approval Date: 2/12/2014

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Dr. Julie Hatchel
Position: Assistant Superintendent
E-mail: jhatchel@capousd.org
Telephone: 949-234-9229
Fax: 949-489-0467

Bargaining Unit Date: 01/10/2014
Name: Capistrano Unified Education Association
Representative: Vicky Soderberg
Title: President
Position: Neutral
Comments:

CAPISTRANO UNIFIED SCHOOL DISTRICT

December 2, 2014

Additional Information to Support Grade 1-3 Class Size Penalty Waiver Request

Below is the requested information for the Grade 1-3 Class Size Penalty Waiver request for Capistrano Unified School District (CUSD): 2014-2015

1. *Discussion of the extraordinary or atypical circumstances that prevent the school district from meeting the class size thresholds. If the reasons are financial, the district should explain why LCFF funds cannot be used to reduce class sizes.*

   CUSD has one elementary school (Carl Hankey Elementary School) with an International Baccalaureate (IB) Primary Year Program. IB World guidelines state that an IB program cannot be run with combination classes because the program of inquiry is developed and taught based on the six grade level transdisciplinary units. Additionally, IB Standards and Practices mandate that classroom teachers are the sole source of curriculum and instruction; therefore, this prohibits the school from having children move to a different teacher for content area instruction which would occur in a combination class setting.

   Carl Hankey Elementary School has two first grade and the two second grade classes with 34 students each. These are the only four classes in CUSD that exceeded the individual class averages. To have met the class size thresholds in these four classes, two students in each classroom would have to have been forced out of the IB program and sent to a neighboring school. There are no non-IB classrooms at Carl Hankey Elementary School and moving schools would have been a disruption to the children's' education.

   From 2013-2014 to 2014-2015, District class size averages in grades 1-3 decreased by 1.25 students. Due to this decrease, all other classes are currently below the statutory limit.

   Carl Hankey Elementary School's API is 843. The larger class sizes have not affected students' education.

2. *Demonstration that the increased class size is consistent with the school district's goals and actions in its Local Control and Accountability Plan (LCAP).*

   Allowing the students to remain at Carl Hankey Elementary in the IB program provides consistency in the students' education and access to a broad course of study, which are in alignment with the academic achievement and broad course of study goals of the District's LCAP.

   Based on a District staffing ratio, Carl Hankey Elementary School qualified for 13 teachers. An additional teacher could not be added because it would have been over the staffing allocation. There are currently 400 students at Carl Hankey Elementary School which would be an average of 30.76 students per teacher if combination classes were allowed. Since combination classes are not allowed, there are two kindergarten classes with 26 and 27 students and two third grade classes with 26 students each, which is why the classes in grades one and two are high.

3. *Explanation of how the district is addressing the educational needs of pupils to mitigate potential consequences of increased class sizes.*

   Due to the IB program, teachers at Carl Hankey Elementary School have one additional hour of planning time each week to plan IB units, analyze data, and support students with individual needs.

   The decrease in class size from 2013-2014 to 2014-2015 shows that the District has started the process to reduce class size and the LCFF funding will help the District continue to reduce class sizes.

4. *Remediation plan that describes how and when the district will return to the statutory levels.*

   As students matriculate to the next grade level, a reduction in class size will occur naturally through attrition. CUSD staff will not admit any additional students into the IB program unless space is available within the statutory class size limits.

5. *Statement by the district that the class size provisions prevent the development of more effective educational programs to improve instruction in reading and mathematics.*

   The loss of funding due to a financial penalty would impact the district's ability to provide programs and services that would improve instruction in reading and math.

6. *An estimate of the financial impact if the class size penalty was assessed by the CDE.*

   After reviewing the estimated penalty information, the District revised the penalty to $1.8 million instead of the $4.1 million originally stated.

7. *The requested new maximum individual and overall class size averages.*

   Individual: 35
   Overall: 34

8. *The position of the exclusive representative of employees, if any, as provided in Chapter 10.7 of Division 4 of Title 1 of the Government Code. If the representative is opposed, include a written summary of any objections to the request.*

   The Capistrano Unified Education Association (CUEA) has agreed to a classroom maximum of 32 in Kindergarten and 33 in grades 1-3. They have no objections to the submission of this waiver.

California State Board of Education

Meeting Agenda Items for March 11-12, 2015

WAIVER ITEM W-15

ITEM #W-15

CALIFORNIA STATE BOARD OF EDUCATION

MARCH 2015 AGENDA

☒ **General Waiver**

SUBJECT Request by **Huntington Beach City Elementary School District** for a renewal to waive portions of California *Education Code* Section 41376(b) and (e), relating to class size penalties for grades four through eight. A district's current class size maximum is the greater of the 1964 statewide average of 29.9 to one or the district's 1964 average. Waiver Number: 36-4-2014	☒ **Action** ☒ **Consent**

SUMMARY OF THE ISSUES

Request by the Huntington Beach City Elementary School District (ESD) for a renewal to waive portions of California *Education Code* (EC) Section 41376(b) and (e), relating to the class size penalty calculation for grades four through eight. A district's current class size maximum is the greater of the 1964 statewide average of 29.9 to one or the district's 1964 average.

Authority for Waiver: *EC* Section 33050

RECOMMENDATION

☐ **Approval** ☒ **Approval with conditions** ☐ **Denial**

The California Department of Education (CDE) recommends that the California State Board of Education (SBE) approve the waiver request by Huntington Beach City ESD that the class size penalty for grades four through eight be waived provided that the class size average is not greater than the recommended maximum average shown on Attachment 1. Should the district exceed this limit, the class size penalty would be calculated as required by statute. The waiver does not exceed two years less one day, therefore, *EC* Section 33051(b) will not apply, and the district must reapply to continue the waiver.

SUMMARY OF KEY ISSUES

Statute Related to Grades Four Through Eight Class Size

The class size requirement for grades four through eight has been in law since the late 1960s and is the subject of this waiver. This law requires the CDE to apply a financial

class size penalty to a school district's Local Control Funding Formula (LCFF) funding if the district exceeds the greater of:

- The 1964 statewide class size average of 29.9 for grades four through eight; or
- The district's class size average for grades four through eight from 1964.

School districts report their average class enrollment information to the CDE in the spring of the applicable year. If a school district does not meet the requirements, the CDE reduces the district's final payment for the year. *EC* Section 33051 allows the SBE to approve an exemption to this penalty under the general waiver authority.

In September 2014, the SBE adopted Policy #14-02, which requires districts to provide the following documentation with their waiver requests:

1. Discussion of the extraordinary or atypical circumstances that prevent the school district from meeting the class size thresholds. If the reasons are financial, the district should explain why LCFF funds cannot be used to reduce class sizes.
2. Demonstration that the increased class size is consistent with the school district's goals and actions in its Local Control and Accountability Plan (LCAP).
3. Explanation of how the district is addressing the educational needs of pupils to mitigate potential consequences of increased class sizes.
4. Remediation plan that describes how and when the district will return to the statutory levels.
5. An estimate of the financial impact if the class size penalty was assessed by the CDE.
6. The requested new maximum grades four through eight class size average.
7. The position of the exclusive representative of employees, if any, as provided in Chapter 10.7 of Division 4 of Title 1 of the *Government Code*. If the representative is opposed, include a written summary of any objections to the request.

District's Request

The Huntington Beach City ESD is requesting that the SBE waive subdivisions (b) and (e) of *EC* Section 41376 for fiscal years 2014–15 and 2015–16, which provide a penalty when the district exceeds the class sizes noted above and on Attachment 1. The actual and/or estimated annual penalty, should the district increase the class size average without a waiver, is provided on Attachment 1.

The Huntington Beach City ESD provided with its waiver the information required by the SBE's Policy #14-02. According to the district, under the LCFF, it will take several years to fully restore funding to the level the district received in 2007–08 due to the district's demographics. Additionally, over the last several years the district has been experiencing declining enrollment and projects it will continue to lose approximately 100 students per year for the next four years. The combination of these factors will result in additional budget adjustments of more than $7 million over the next four years based on the district's latest estimates.

The Huntington Beach City ESD has addressed class sizes at kindergarten through grade eight levels with staff and the community during LCAP discussions and development of identified priorities. According to the district, approval of the class size waiver is vital in order for the district to meet other fiscal obligations such as implementation of Common Core Standards and other priorities defined within the district's LCAP. The district states it will continue to identify strategies to attain the goal of 29.9 class size average in grades four through eight by discussions with contract negotiations and annual revisions of the LCAP. Student achievement within the district continues to increase as shown by the district's Academic Performance Index (API) scores. The district's API was 910 in 2013–14, an increase from the district's API of 905 in 2012–13.

The CDE recommends that the class size penalties for grades four through eight be waived for fiscal years 2014–16, class size average is not greater than the recommended maximum average shown on Attachment 1. Should the district exceed this limit, the class size penalty would be calculated as required by statute.

Demographic Information:

The Huntington Beach City ESD has a student population of 7,127 and is located in a small city in Orange County.

Because this is a general waiver, if the SBE decides to deny the waiver, it must cite one of the seven reasons in *EC* 33051(a), available at http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC&sectionNum=33051.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Before the September 2009 board meeting, no waivers had been submitted since 1999. Due to the state budget crisis and resulting significant reduction in funding, the SBE began receiving a large number of waiver requests beginning in 2009. As a result, the SBE has approved all class size penalty waiver requests through fiscal year 2013–14. Under LCFF, most districts funding levels will increase over the next several years. However, due to certain factors some districts will not see the increase for several years. For that reason, in September 2014, the SBE adopted a policy for the type of information districts should provide when submitting a class size penalty waiver for fiscal years commencing with 2014–15. A copy of the policy is available at http://www.cde.ca.gov/re/lr/wr/waiverpolicies.asp, under Class Size Penalties for Grades Four through Eight.

FISCAL ANALYSIS (AS APPROPRIATE)

See Attachment 1 for the estimated penalty amount should the waiver request be denied.

ATTACHMENT(S)

Attachment 1: Information from District Requesting Grades Four Through Eight Class Size Penalty Waiver. (1 page)

Attachment 2: Huntington Beach City Elementary School District General Waiver Request 36-4-2014 (6 pages) (Original waiver request is signed and on file in the Waiver Office.)

District Requesting Grades Four Through Eight Class Size Penalty Waiver

California *Education Code* Section 41376(b) and (e): A district's current class size maximum is the greater of the 1964 statewide average of 29.9 to one or the district's 1964 average.

Waiver Number	District/County and District Code	Period of Request/CDE Recommended	1964 Class Size Average (Current Maximum)	District's Request	CDE Recommended (New Maximum)	Bargaining Unit, Representatives Consulted, Date, and Position	Local Board & Public Hearing Approval Date	Potential Annual Penalty Without Waiver	Previous Waivers
36-4-2014	Huntington Beach City Elementary School District 30-66530	**Requested:** July 1, 2014 to June 30, 2016 **Recommended:** July 1, 2014 to June 29, 2016	29.9	32	32	Huntington Beach Elementary Teachers Association Trinon Carter, President, 4/8/14 **Neutral**	4/29/14	$598,117 FY 2014–15	Yes: FY 2010–11 FY 2011–12 FY 2012–13 FY 2013–14

Created by California Department of Education
December 31, 2014

California Department of Education
WAIVER SUBMISSION - General

CD Code: 3066530 Waiver Number: 36-4-2014 Active Year: 2014

Date In: 4/30/2014 9:30:05 AM

Local Education Agency: Huntington Beach City Elementary School District
Address: 20451 Craimer Ln.
Huntington Beach, CA 92646

Start: 7/1/2014 End: 6/30/2016

Waiver Renewal: Y
Previous Waiver Number: 17-4-2012-W-29 Previous SBE Approval Date: 7/18/2012

Waiver Topic: Class Size Penalties
Ed Code Title: Over Limit on Grades 4-8
Ed Code Section: portions of 41376(b) and (e)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: Please see attached.

Outcome Rationale: Please see attached statement.

Student Population: 7127

City Type: Small

Public Hearing Date: 4/29/2014
Public Hearing Advertised: Orange County Register, April 24, 2014

Local Board Approval Date: 4/29/2014

Community Council Reviewed By: School Site Councils for all nine (9) schools (list attached)
Community Council Reviewed Date: 3/15/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Jeanne Collier
Position: Human Resources Assistant
E-mail: jeannemcollier@gmail.com
Telephone: 714-378-2021
Fax: 714-963-6848

Bargaining Unit Date: 04/08/2014
Name: Huntington Beach Elementary Teachers Assoc
Representative: Trinon Carter
Title: President
Position: Neutral
Comments:

HUNTINGTON BEACH CITY SCHOOL DISTRICT
GENERAL WAIVER REQUEST (GW-1)
ADDITIONAL INFORMATION

Item #5
The district's nine School Site Councils reviewed this waiver on the following dates:

Eader – March 11, 2014
Hawes –March 26, 2014
Huntington Seacliff – March 14, 2014
Moffett – April 1, 2014
Perry – April 1, 2014
Peterson – March 19, 2014
Smith – March 17, 2014
Sowers Middle School – March 18, 2014
Dwyer Middle School – March 4, 2014

Item #6

To Waive the Class Size Penalty (Grades 4-8) Prospectively
EC 41376 (b) and (e)

41376. The Superintendent of Public Instruction, in computing apportionments and allowances from the State School Fund for the second principal apportionment, shall determine the following for the regular day classes of the elementary schools maintained by each school district:

(a) For grades 1 to 3, inclusive, he shall determine the number of classes, the number of pupils enrolled in each class, the total enrollment in all such classes, the average number of pupils enrolled per class, and the total of the numbers of pupils which are in excess of thirty (30) in each class.

For those districts which do not have any classes with an enrollment in excess of 32 and whose average size for all the classes is 30.0 or less, there shall be no excess declared. For those districts which have one or more classes in excess of an enrollment of 32 or whose average size for all the classes is more than 30, the excess shall be the total of the number of pupils which are in excess of 30 in each class having an enrollment of more than 30.

[(b) For grades 4 to 8, inclusive, he shall determine the total number of pupils enrolled, the number of full-time equivalent classroom teachers, and the average number of pupils per each full-time equivalent classroom teacher. He shall also determine the excess if any, of pupils enrolled in such grades in the following manner:]

[(1) Determine the number of pupils by which the average number of pupils per each full-time equivalent classroom teacher for the current fiscal year exceeds the greater of the average number of pupils per each full-time equivalent classroom teacher in all the appropriate districts of the state, as determined by the Superintendent of Public Instruction, for October 30, 1964, or the average number of pupils per each full-time equivalent classroom teacher which existed in the district on either October 30, 1964 or March 30, 1964, as selected by the governing board.]

[(2) Multiply the number determined in (1) above by the number of full-time equivalent classroom teachers of the current fiscal year.]

[(3) Reduce the number determined in (2) above by the remainder which results from dividing such number by the average number of pupils per each full-time equivalent teacher for October 30, 1964, as determined by the Superintendent of Public Instruction in (1) above.]

(c) He shall compute the product obtained by multiplying the excess number of pupils, if any, under the provisions of subdivision (a) of this section by ninety-seven hundredths (0.97), and

shall multiply the product so obtained by the ratio of statewide change in average daily attendance to district change in average daily attendance. Change in average daily attendance shall be determined by dividing average daily attendance in grades 1, 2 and 3 reported for purposes of the first principal apportionment of the current year by that reported for purposes of the first principal apportionment of the preceding year.

(d) If the school district reports that it has maintained, during the current fiscal year, any classes in which there were enrolled pupils in excess of thirty (30) per class pursuant to subdivision (a) of this section, and there is no excess number of pupils computed pursuant to subdivision (b) of this section, he shall decrease the average daily attendance reported under the provisions of Section 41601 by the product determined under subdivision (c) of this section.

[(e) If the school district reports that it has maintained, during the current fiscal year, no classes in which there were enrolled pupils in excess of thirty (30) per class determined pursuant to subdivision (a) of this section, and there is an excess number of pupils computed pursuant to subdivision (b) of this section, he shall make the following computation:]

[He shall compute the product obtained by multiplying the excess number of pupils computed pursuant to subdivision (b) of this section by ninety-seven hundredths (0.97) and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to the district change in average daily attendance. He shall decrease the average daily attendance reported under the provisions of Section 41601 by the resulting product.]

(f) If the school district reports that it has maintained, during the current fiscal year, any classes in which there were enrolled pupils in excess of thirty (30) per class determined pursuant to subdivision (a) of this section, and there is an excess number of pupils computed pursuant to subdivision (b) of this section, he shall make the following computation:

He shall add to the product determined under subdivision (c) of this section, the product determined under subdivision (e) of this section and decrease the average daily attendance reported under the provisions of Section 41601 by this total amount.

Item #7

The district requests a renewal of a waiver to increase the district-wide average number of pupils per each full-time equivalent (FTE) teacher from the current 29.9 per FTE (per EC 41376) to 32 per FTE.

The current required average of 29.9 per FTE is lower than the average required by the Huntington Beach City School District Collective Bargaining Agreement (CBA). Article XI of the CBA requires that the average class size shall not exceed the following maximums by eight (8) pupils at K-5 schools and twenty (20) pupils per site at 6-8 schools: grades 1 & 2 – 20.4; K,3,4,5 – 31; 6-8 – 32. The class size average per EC 41376 (29.9) is more restrictive than the collective bargaining agreement.

To meet the requirements of EC41376, the district regularly has had to add at least one FTE above the contractual staffing requirements. The average cost of a new teacher in 2013-14 was approximately $75,000.

In light of the current statewide budget crisis, this additional staffing cost has a detrimental effect on the district’s operations and ability to provide necessary services. To protect the instructional integrity of our education program the district will continue to staff per the CBA.

SCHOOL SITE COUNCIL MEETINGS SCHEDULE

- Eader School March 11, 2014
- Huntington Seacliff March 14, 2014
- Smith School March 17, 2014
- Sowers Middle School March 18, 2014
- Peterson School March 19, 2014
- Dwyer Middle School March 25, 2014
- Hawes School March 26, 2014
- Moffett School April 1, 2014
- Perry School April 1, 2014

JUSTIFICATION FOR CLASS SIZE PENALTY WAIVER

1. Description of the actions the district is taking to mitigate the impact to students (larger class sizes).

HBCSD has consistently addressed class size at all grade levels, kindergarten through 8th grade. Our most recent actions were to:

1. address class size with staff and our community during Local Control Accountability Plan (LCAP) discussions and development of identified priorities;
2. negotiate contract language related to K-3 class size in light of the Local Control Funding Formula (LCFF) and LCAP (Exhibit A); and
3. gain a current demographic report to analyze fiscal effects of declining enrollment (Exhibit B and Exhibit C).

It must be noted that the achievement of our students continues to increase, as evidenced by our individual site's API scores, despite the approval of previous class size waivers for grades fourth through eighth.

2. How and why the funding increases under the Local Control Funding Formula (LCFF) have not assisted with reducing class sizes.

Unfortunately, HBCSD's budget will not be positively impacted by the new funding formula (LCFF). Our unduplicated student count for Limited English (EL), Free and Reduced Lunch, and Foster Youth is approximately 19.8%, well below the state average and among the lowest within California. This adjustment to our annual budget will not even get us to the level of funding we received in 2007-08 for several more years. This factor coupled with our projected declining enrollment of 100 students per year will result in additional budget adjustments of over $7 million AFTER we reduce our staffing for the loss of 100 students per year. As we all know, the effects of declining enrollment can be devastating for a school district. (See demographic report attachment and worksheet.) Therefore, CDE's approval of a class size waiver for grades fourth through eighth in 2014-16 is critical in order to allow us to meet other fiscal obligations such as implementation of Common Core Standards and other priorities defined within our LCAP.

3. When does the district plan to lower its grades 4-8 class size averages to the 29.9 average required by statute.

During the interim of a renewed class size waiver (2014-16), HBCSD will continue to identify strategies to attain the goal of 29.9 class size average in grades fourth through eighth by:

- annual discussions with contract negotiations related to class size;
- potential revised bargaining agreement;
- annual revisions of the LCAP;
- continued analysis of projected declining enrollment; and
- proactive action plans to increase enrollment.

Our Board of Trustees has publically stated their desire to address class size at all grade levels. A renewed class size waiver for 2014-16 will provide a transition period for these important steps to occur.

California State Board of Education

Meeting Agenda Items for March 11-12, 2015

WAIVER ITEM W-16

ITEM #W-16

CALIFORNIA STATE BOARD OF EDUCATION

MARCH 2015 AGENDA

☒ **General Waiver**

SUBJECT Request by **Los Angeles Unified School District** to waive California *Education Code* Section 45134(c), to allow the employment of a State Teachers' Retirement System retiree as a staff assistant to a Board Member. Waiver Number: 15-12-2014	☒ **Action** ☒ **Consent**

SUMMARY OF THE ISSUES

The Los Angeles Unified School District (USD) is requesting a waiver of California *Education Code* (*EC*) Section 45134(c), to allow a State Teachers' Retirement System (STRS) retiree to be employed as a staff assistant to a Board Member.

Authority for Waiver: *EC* Section 33050

RECOMMENDATION

☒ **Approval** ☐ **Approval with conditions** ☐ **Denial**

The California Department of Education recommends that the State Board of Education (SBE) approve the request by the Los Angeles USD to waive *EC* Section 45134(c) for the period of August 26, 2014 through June 30, 2016.

SUMMARY OF KEY ISSUES

An employee may continue to receive a retirement allowance while collecting a salary for work in classified service if *EC* Section 45134(c) is waived. The Los Angeles USD is requesting a waiver to allow a retired individual, Sharon Robinson, to be employed as a staff assistant to a board member. The Board of Education employs staff assistants and field representatives to assist individual Board Members in carrying out their duties. One member of the Los Angeles USD Board of Education has selected as an assistant a person who is receiving retirement allowances from the State Teachers' Retirement System.

According to the LAUSD, the retiree will be eligible for the Public Employees' Retirement System and the district will make a contribution; however, it is uncertain whether the retiree will work long enough in this position to vest in that system. The LAUSD will incur a savings in hiring the retiree over a non-retiree due to not having to pay employee health benefits as the retiree is already receiving health benefits. Since

the duties are in the classified area, there is no impact to the CalSTRS benefit the retiree is receiving and CalSTRS has indicated that they have no concerns with this waiver.

Demographic Information:

Los Angeles USD has a student population of 650,000 and is located in Los Angeles County serving the city of Los Angeles and all or portions of several neighboring Southern California cities.

Because this is a general waiver, if the SBE decides to deny the waiver, it must cite one of the seven reasons in *EC* 33051(a), available at http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC&sectionNum=33051.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SBE previously approved a waiver for the Los Angeles USD to employ another individual as a staff assistant to a Board Member in 2010. In addition, the SBE has approved several similar waivers for *EC* Section 45134(c) to allow STRS employees to work as janitors, bus drivers, and food service workers.

FISCAL ANALYSIS (AS APPROPRIATE)

There is no statewide fiscal impact of waiver approval.

ATTACHMENT(S)

Attachment 1: Information from District Requesting to Employ Retired CalSTRS Member for Classified Work (1 page)

Attachment 2: Los Angeles Unified School District General Waiver Request 15-12-2014 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Information from District Requesting to Employ Retired CalSTRS Member for Classified Work

Education Code Section 45134(c)

Waiver Number	District	Period of Request	District's Request	CDE Recommended Action	Local Board Approval Date	Bargaining Unit, Representative(s) Consulted, Date, and Position	Potential Annual Penalty Without Waiver	Previous Waivers
15-12-2014	Los Angeles Unified School District	**Requested:** August 26, 2014 to June 30, 2019 **Recommended:** August 26, 2014 to June 30, 2016	To allow the district to employ a retired CalSTRS member as a staff assistant to a board member.	Approval	10/14/2014	Associated Administrators of Los Angeles, Judith Perez, President, 11/06/2014 **Neutral** United Teachers of Los Angeles, Alex Caputo-Pearl, President, 11/06/2014 **Neutral**	No statewide fiscal impact of waiver approval or denial	No

Created by California Department of Education
January 12, 2015

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1964733 Waiver Number: 15-12-2014 Active Year: 2014

Date In: 12/18/2014 5:19:02 PM

Local Education Agency: Los Angeles Unified School District
Address: 333 South Beaudry Avenue
Los Angeles, CA 90017

Start: 8/26/2014 End: 6/30/2019

Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: Other Waivers
Ed Code Title: Employment - Retirement System
Ed Code Section: 45134(c)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: employment after retirement
45134(c): [No person shall be employed in a school employment while he or she is receiving a retirement allowance under any retirement system by reason of prior school employment]…

Outcome Rationale: The Board of Education employs staff assistants and field representatives to assist individual Board Members in carrying out their duties. Those assistants are selected by the respective Board Members. One member of the LAUSD Board of Education has selected as an assistant a person who is receiving retirement allowances from the State Teachers' Retirement System. We are unsure if a waiver is required because Education Code Section 45112 states in part that "If the governing board of any school district employs staff assistants or field representatives to directly assist the governing board or individual governing board member in carrying out their policymaking duties, such assistants or representatives shall be members of the classified service, except that such assistants or representatives shall be exempt from all provisions of this code relating to obtaining a permanent status in any position in the district, and procedures pertaining to the recruitment, appointment, classification, and salary of members of the classified service." LAUSD is requesting this waiver of EC section 45134(c) out of due diligence.

Student Population: 650000

City Type: Urban

Public Hearing Date: 10/14/2014
Public Hearing Advertised: notice in newspaper

Local Board Approval Date: 10/14/2014

Community Council Reviewed By: parent advisory committee

Community Council Reviewed Date: 10/22/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Leilani Yee
Position: Deputy Director, Government Relations
E-mail: leilani.yee@lausd.net
Telephone: 916-446-6641
Fax:

Bargaining Unit Date: 11/06/2014
Name: Associated Administrators of Los Angeles
Representative: Judith Perez
Title: President
Position: Neutral
Comments:

Bargaining Unit Date: 11/06/2014
Name: United Teachers of Los Angeles
Representative: Alex Caputo-Pearl
Title: President
Position: Neutral
Comments:

California State Board of Education

Meeting Agenda Items for March 11-12, 2015

WAIVER ITEM W-17

ITEM #W-17

CALIFORNIA STATE BOARD OF EDUCATION

MARCH 2015 AGENDA

☒ **General Waiver**

SUBJECT Request by **Jurupa Unified School District** to waive portions of California *Education Code* Section 52055.740(a), regarding class size reduction requirements under the Quality Education Investment Act. Waiver Numbers: 10-10-2014 11-10-2014	☒ **Action** ☒ **Consent**

SUMMARY OF THE ISSUES

See Attachment 1 for details.

Jurupa Unified School District (USD) is a suburban district located in Riverside County with a student population of approximately 19,471 students. Monitoring performed by the Riverside County Office of Education indicates that the class size reduction (CSR) requirements of the Quality Education Investment Act (QEIA) for Pacific Avenue Elementary School (ES) and Rustic Lane ES were fully met for school years 2012–14 through a previous waiver, but the district is asking for a continuance of the QEIA CSR targets for school year 2014–15 with a lower class size target. Pacific Avenue ES's current QEIA CSR targets for core classes of English, mathematics, history-social science, and science are 20.44 in kindergarten and grades one through three and an average of 24.3, 25.0, and 25.0 in grades four through six, respectively. Rustic Lane ES's current QEIA CSR targets for core classes of English, mathematics, history-social science, and science are 20.44 in kindergarten and grades one through three and an average of 25.0 in grades four through six.

Jurupa USD states that although Pacific Avenue ES and Rustic Lane ES have maintained and met QEIA targets since 2006–07, it is becoming harder to maintain CSR targets. The district also states that the waiver is needed in order for it to reduce the number of combination classes, splitting siblings between schools due to over-enrollment, allowing enrollment of new students, and eliminating the need for students to be transported across the district where a space may exist at another elementary school. In addition, the district states that approval of this waiver will provide flexibility to enroll neighborhood children, reduce transportation expenditures, and address the safety needs due to increased walking and driving distances and railroad crossings.

Jurupa USD requests a waiver of the QEIA CSR targets for kindergarten and grades one through three at Pacific Avenue ES and Rustic Lane ES for school year 2014–15

and the continuance of alternative CSR targets of 24.0 students per class in core classes in kindergarten and grades one through three.

Authority for Waiver: *Education Code* (*EC*) Section 33050

RECOMMENDATION

☐ **Approval** ☒ **Approval with conditions** ☐ **Denial**

The California Department of Education (CDE) supports Jurupa USD's request to continue the alternative QEIA CSR targets for kindergarten and grades one through three for both schools identified in Attachment 1, with the following conditions: (1) Applies only to kindergarten and grades one through three at both schools identified on Attachment 1 for school year 2014–15; (2) For both schools identified on Attachment 1, continue enrollments of 24.0 students per class in core classes in kindergarten and grades one through three; and (3) For both schools identified in Attachment 1, all other QEIA program requirements must be met for school year 2014–15.

SUMMARY OF KEY ISSUES

Class Size Reduction

Schools participating in the QEIA program were monitored by their county offices of education for compliance with program requirements for the first time at the end of the 2008–09 school year. At that time, local educational agencies were required to demonstrate one-third progress toward full implementation of program requirements. Monitoring for compliance with second-year program requirements was completed to ensure that schools made two-thirds progress toward full implementation in the 2009–10 school year. QEIA schools were required to demonstrate full compliance with all program requirements at the end of the 2010–11 school year.

QEIA schools are required to reduce class sizes by 5 students compared to class sizes in the base year (either 2005–06 or 2006–07), or to an average of 25 students per classroom, whichever is lower, with no more than 27 students per classroom regardless of the average classroom size. The calculation is done by grade level, as each grade level has a target average class size based on QEIA CSR rules. For small schools with a single classroom at each grade level, some grade level targets may be very low. If, for example, a school had a single grade four classroom of 15 students in 2005–06, the school's target QEIA class size for grade four is 10 students. Absent a waiver, an unusually low grade level target may result in a greater number of combination classes at the school, or very small classes at the grade level, which is prohibitively costly and may result in withdrawal or termination from the program.

QEIA schools are required to not increase any other (non-core) class sizes in the school above the size used during the 2005–06 school year.

Because this is a general waiver, if the SBE decides to deny the waiver, it must cite one of the seven reasons in *EC* Section 33051(a), available at http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC&sectionNum=33051.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The CDE has previously presented requests to the State Board of Education (SBE) to waive the CSR target as defined by QEIA. Over 90 percent of CSR waiver requests previously presented have requested adjusted class size averages of 25.0 or lower, and have indicated a commitment to meeting that target for the life of the grant; these have been approved by the SBE. A small number of CSR waiver requests have proposed CSR targets above 25.0; these have been denied. However, it is noted that QEIA is supplemental funding. Therefore, the CDE will continue to weigh QEIA CSR in the context of fiscal changes. If class sizes are generally decreased in the coming year, the CDE would expect proportional decreases in QEIA class sizes.

FISCAL ANALYSIS (AS APPROPRIATE)

There are no statewide costs as a result of waiver approval. However, the 2014–15 SY is the final full year of QEIA funding. If all QEIA program requirements are met for 2014–15, the LEA will be allowed to carryover funds, if any, for SY 2015–16 and SY 2016–17. All QEIA funds need to be appropriately expended by June 30, 2017, and any remaining funds will be invoiced and returned to the CDE.

If the waiver is denied, the LEA will be recognized as out of compliance with QEIA program requirements for the 2014–15 SY. The LEA received QEIA funds for the 2014–15 SY and will be terminated from the program effective June 30, 2016. All QEIA funds need to be appropriately expended by June 30, 2016, and any remaining funds will be invoiced and returned to the CDE.

ATTACHMENT(S)

Attachment 1: Jurupa Unified School District Quality Education Investment Act Class Size Reduction Waivers (1 Page)

Attachment 2: Jurupa Unified School District General Waiver Request 10-10-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: Jurupa Unified School District General Waiver Request 11-10-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Jurupa Unified School District Quality Education Investment Act Class Size Reduction Waivers

Waiver Number	School (CDS Code)	LEAs Request	CDE Recommendation	Period of Request/ Period Recommended	Collective Bargaining Unit Position	SSC/Advisory Committee Position	Local Board Approval Date
10-10-2014	Pacific Avenue Elementary School (33-67090-6032197)	QEIA CSR	Approval with conditions: See Page 2 under Recommendation.	**Requested:** July 1, 2014 to June 30, 2015 **Recommended:** July 1, 2014 to June 30, 2015	California State Employees Association August 27, 2014 **Support** National Education Association-Jurupa on August 27, 2014 **Neutral**	ELAC September 16, 2014 SSC September 18, 2014 **No Objections**	October 6, 2014
11-10-2014	Rustic Lane Elementary School (33-67090-6032213)	QEIA CSR	Approval with conditions: See Page 2 under Recommendation	**Requested:** July 1, 2014 to June 30, 2015 **Recommended:** July 1, 2014 to June 30, 2015	California State Employees Association August 27, 2014 **Support** National Education Association-Jurupa August 27, 2014 **Neutral**	ELAC September 11, 2014 SSC September 25, 2014 **No Objections**	October 6, 2014

Created by California Department of Education
January 20, 2015

California Department of Education
WAIVER SUBMISSION - General

CD Code: 3367090 Waiver Number: 10-10-2014 Active Year: 2014

Date In: 10/14/2014 10:46:13 AM

Local Education Agency: Jurupa Unified School District
Address: 4850 Pedley Rd.
Jurupa Valley, CA 92509

Start: 7/1/2014 End: 6/30/2015

Waiver Renewal: Y
Previous Waiver Number: 100-12-2012-W-19 Previous SBE Approval Date: 3/14/2013

Waiver Topic: Quality Education Investment Act
Ed Code Title: Class Size Reduction Requirements
Ed Code Section: 52055.740(a)(1)
Ed Code Authority: 33050-33053

Ed Code or *CCR* to Waive: 52055.740(a)(1)(A)
(a) For each funded school, the county superintendent of schools for the county in which the school is located shall annually review the school and its data to determine if the school has met all of the following program requirements by the school by the end of the third full year of funding:
(1) Meet all of the following class size requirements:
A. For kindergarten and grades 1 to 3, inclusive, no more than 20 pupils per class, as set forth in the Class Size Reduction Program.

Outcome Rationale: The Jurupa Unified School District requests that a portion of *Education Code* (*EC*) Section 52055.740(a)(1)(A) regarding the K-3 class size reduction requirements under the Quality Education Investment Act (QEIA) be waived for Pacific Avenue elementary school for 2014-2015 academic year from Kindergarten and grades 1 to 3 (K-3), 20 pupils per class to an alternative target of 24 students in core classes in grades K-3 combined. All non-QEIA sites are averaging 27 to 28:1 class reduction sizes.

A waiver will be needed in order for the district to reduce the number of combination classes, splitting siblings between schools due to over-enrollment, allowing enrollment of new students, and eliminating the need for students to be transported across the district where a space may exist at another elementary school. Even though both sites have maintained and met QEIA targets since 2006-2007, it is becoming harder to maintain CSR targets due to budget constraints relative to state funding reductions which include reductions to transportation. Since 2006-2007, Pacific Avenue's API growth has gone from 708 to 781 which reflects the continued commitment of the Highly Qualified Staffs at this site to student achievement.

Approval of this waiver will provide flexibility to enroll neighborhood children, reduce transportation expenditures, and address the safety needs due to increased walking and driving distances and railroad crossings.

Student Population: 349

City Type: Suburban

Public Hearing Date: 10/2/2014
Public Hearing Advertised: District website; posted in kiosk in front of building; posted at site.

Local Board Approval Date: 10/6/2014

Community Council Reviewed By: SSC September 18, ELAC September 16
Community Council Reviewed Date: 9/18/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Teresa Moreno
Position: Director, Funding and Program Accountability
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Bargaining Unit Date: 08/27/2014
Name: California State Employees Association (Classified Union)
Representative: Diana Strona
Title: CSEA President
Position: Support
Comments:

Bargaining Unit Date: 08/27/2014
Name: National Education Association-Jurupa (Certificated Union)
Representative: Rob Liddle
Title: NEA-J President
Position: Neutral
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 3367090 Waiver Number: 11-10-2014 Active Year: 2014

Date In: 10/14/2014 10:56:29 AM

Local Education Agency: Jurupa Unified School District
Address: 4850 Pedley Rd.
Jurupa Valley, CA 92509

Start: 7/1/2014 End: 6/30/2015

Waiver Renewal: Y
Previous Waiver Number: 101-12-2012-W-19 Previous SBE Approval Date: 3/14/2013

Waiver Topic: Quality Education Investment Act
Ed Code Title: Class Size Reduction Requirements
Ed Code Section: 52055.740(a)(1)
Ed Code Authority: 33050-33053

Ed Code or *CCR* to Waive: 52055.740(a)(1)(A)
(a) For each funded school, the county superintendent of schools for the county in which the school is located shall annually review the school and its data to determine if the school has met all of the following program requirements by the school by the end of the third full year of funding:
(1) Meet all of the following class size requirements:
A. For kindergarten and grades 1 to 3, inclusive, no more than 20 pupils per class, as set forth in the Class Size Reduction Program.

Outcome Rationale: The Jurupa Unified School District requests that a portion of *Education Code* (*EC*) Section 52055.740(a)(1)(A) regarding the K-3 class size reduction requirements under the Quality Education Investment Act (QEIA) be waived for Rustic Lane elementary school for 2014-2015 academic year from Kindergarten and grades 1 to 3 (K-3), 20 pupils per class to an alternative target of 24 students in core classes in grades K-3 combined. All non-QEIA sites are averaging 27 to 28:1 class reduction sizes.

A waiver will be needed in order for the district to reduce the number of combination classes, splitting siblings between schools due to over-enrollment, allowing enrollment of new students, and eliminating the need for students to be transported across the district where a space may exist at another elementary school. Even though Rustic Lane has maintained and met QEIA targets since 2006-2007, it is becoming harder to maintain CSR targets due to budget constraints relative to state funding reductions which include reductions to transportation. Since 2006-2007, Rustic Lane's API Growth has gone from 650 to 756, which reflects the continued commitment of the Highly Qualified Staff at this site to student achievement.

Approval of this waiver will provide flexibility to enroll neighborhood children, reduce transportation expenditures, and address the safety needs due to increased walking and driving distances and railroad crossings.

Student Population: 668

City Type: Suburban

Public Hearing Date: 10/2/2014
Public Hearing Advertised: District website; kiosk at district office; posted at the site.

Local Board Approval Date: 10/6/2014

Community Council Reviewed By: SSC September 25, ELAC September 11
Community Council Reviewed Date: 9/25/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Teresa Moreno
Position: Director, Funding and Program Accountability
E-mail: tmoreno@jusd.k12.ca.us
Telephone: 951-360-4152
Fax: 951-360-4195

Bargaining Unit Date: 08/27/2014
Name: California State Employees Association (Classified Union)
Representative: Diana Strona
Title: CSEA President
Position: Support
Comments:

Bargaining Unit Date: 08/27/2014
Name: National Education Association-Jurupa (Certificated Union)
Representative: Rob Liddle
Title: NEA-J President
Position: Neutral
Comments:

California State Board of Education

Meeting Agenda Items for March 11-12, 2015

WAIVER ITEM W-18

ITEM #W-18

CALIFORNIA STATE BOARD OF EDUCATION

MARCH 2015 AGENDA

☒ **General Waiver**

SUBJECT Request by **Washington Unified School District** to waive California *Education Code* Section 52055.740(a), regarding class size reduction requirements under the Quality Education Investment Act, that this funded school reduce its class sizes by an average of five students per class by the end of the 2014–15 school year at Elkhorn Village Elementary School. Waiver Number: 7-12-2014	☒ **Action** ☒ **Consent**

SUMMARY OF THE ISSUES

See Attachment 1 for details.

Washington Unified School District (USD) is an urban district located in Yolo County with a student population of approximately 7,848 students. Monitoring performed by the Yolo County Office of Education indicates that the class size reduction (CSR) requirements of the Quality Education Investment Act (QEIA) for Elkhorn Village Elementary School (ES) were fully met for school year 2013–14, but the district is asking for an alternative QEIA CSR target for school year 2014–15. Elkhorn Village ES's current QEIA CSR targets for core classes of English, mathematics, history-social science, and science are 20.0 in kindergarten and grades one through three and an average of 21.5 in grade four and 25.0 in grades five through eight.

Washington USD states that the waiving of kindergarten and grades one through three CSR requirements for school year 2014–15 will allow Elkhorn Village ES to include, rather than exclude, students that would otherwise be transported to a school outside of their neighborhood. The district states that while the requested adjustment is relatively small, it will make a significant difference to affected families. Overflowing students to another school in the district is problematic due to grade configurations and involvement in events such as parent conferences and family engagement activities. Due to varied CSR requirements per grade level, the district has had to make the difficult decision to overflow one sibling while enrolling another. In addition, the district states that QEIA funding has been instrumental in improving student achievement, reducing class sizes, and providing extensive professional development for teachers. Professional development training and collaboration time have been critical to the success of targeted intervention, through teaming and regrouping, for struggling students. Last, the district states approval of this waiver will allow the site the time and the flexibility to make collaborative instructional decisions when allocating resources. With relief from CSR requirements, the district is committed to using carryover funding to continue with

the effective practices that have led to improvements in student outcomes.

Washington USD requests a waiver of the QEIA CSR targets for kindergarten and grades one through three at Elkhorn Village ES for school year 2014–15 and the establishment of an alternative CSR target of 22.0 students per class in core classes in kindergarten and grades one through three.

Authority for Waiver: *Education Code* (*EC*) Section 33050

RECOMMENDATION

☐ **Approval** ☒ **Approval with conditions** ☐ **Denial**

The California Department of Education (CDE) supports Washington USD's request to waive the QEIA CSR targets for kindergarten and grades one through three at Elkhorn Village ES with the following conditions: (1) Applies only to kindergarten and grades one through three at Elkhorn Village ES for school year 2014–15; (2) Elkhorn Village ES increases enrollment to 22.0 students per class in core classes in kindergarten and grades one through three; and (3) All other QEIA program requirements must be met at Elkhorn Village ES for school year 2014–15.

SUMMARY OF KEY ISSUES

Class Size Reduction

Schools participating in the QEIA program were monitored by their county offices of education for compliance with program requirements for the first time at the end of the 2008–09 school year. At that time, local educational agencies were required to demonstrate one-third progress toward full implementation of program requirements. Monitoring for compliance with second-year program requirements was completed to ensure that schools made two-thirds progress toward full implementation in the 2009–10 school year. QEIA schools were required to demonstrate full compliance with all program requirements at the end of the 2010–11 school year.

QEIA schools are required to reduce class sizes by 5 students compared to class sizes in the base year (either 2005–06 or 2006–07), or to an average of 25 students per classroom, whichever is lower, with no more than 27 students per classroom regardless of the average classroom size. The calculation is done by grade level, as each grade level has a target average class size based on QEIA CSR rules. For small schools with a single classroom at each grade level, some grade level targets may be very low. If, for example, a school had a single grade four classroom of 15 students in 2005–06, the school's target QEIA class size for grade four is 10 students. Absent a waiver, an unusually low grade level target may result in a greater number of combination classes at the school, or very small classes at the grade level, which is prohibitively costly and may result in withdrawal or termination from the program.

QEIA schools are required to not increase any other (non-core) class sizes in the school above the size used during the 2005–06 school year.

Because this is a general waiver, if the SBE decides to deny the waiver, it must cite one of the seven reasons in *EC* Section 33051(a), available at http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC&sectionNum=33051.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The CDE has previously presented requests to the State Board of Education (SBE) to waive the CSR target as defined by QEIA. Over 90 percent of CSR waiver requests previously presented have requested adjusted class size averages of 25.0 or lower, and have indicated a commitment to meeting that target for the life of the grant; these have been approved by the SBE. A small number of CSR waiver requests have proposed CSR targets above 25.0; these have been denied. However, it is noted that QEIA is supplemental funding. Therefore, the CDE will continue to weigh QEIA CSR in the context of fiscal changes. If class sizes are generally decreased in the coming year, the CDE would expect proportional decreases in QEIA class sizes.

FISCAL ANALYSIS (AS APPROPRIATE)

There are no statewide costs as a result of waiver approval. However, the 2014–15 SY is the final full year of QEIA funding. If all QEIA program requirements are met for 2014–15, the LEA will be allowed to carryover funds, if any, for SY 2015–16 and SY 2016–17. All QEIA funds need to be appropriately expended by June 30, 2017, and any remaining funds will be invoiced and returned to the CDE.

If the waiver is denied, the LEA will be recognized as out of compliance with QEIA program requirements for the 2014–15 SY. The LEA received QEIA funds for the 2014–15 SY and will be terminated from the program effective June 30, 2016. All QEIA funds need to be appropriately expended by June 30, 2016, and any remaining funds will be invoiced and returned to the CDE.

ATTACHMENT(S)

Attachment 1: Washington Unified School District Quality Education Investment Act Class Size Reduction Waiver (1 Page)

Attachment 2: Washington Unified School District General Waiver Request 7-12-2014 (3 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Washington Unified School District Quality Education Investment Act Class Size Reduction Waiver

Waiver Number	School (CDS Code)	LEAs Request	CDE Recommendation	Period of Request/ Period Recommended	Collective Bargaining Unit Position	SSC/Advisory Committee Position	Local Board Approval Date
7-12-2014	Elkhorn Village Elementary School (57-72694-6056352)	QEIA CSR	Approval with conditions: See Page 2 under Recommendation.	**Requested:** July 1, 2014 to June 30, 2015 **Recommended:** July 1, 2014 to June 30, 2015	Washington Teacher's Association December 4, 2014 **Support**	Schoolsite Leadership Team September 3, 2014 **No Objections**	December 11, 2014

Created by California Department of Education
January 20, 2015

California Department of Education
WAIVER SUBMISSION - General

CD Code: 5772694 Waiver Number: 7-12-2014 Active Year: 2014

Date In: 12/15/2014 12:40:41 PM

Local Education Agency: Washington Unified School District
Address: 930 Westacre Rd.
West Sacramento, CA 95691

Start: 7/1/2014 End: 6/30/2015

Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: Quality Education Investment Act
Ed Code Title: Class Size Reduction Requirements
Ed Code Section: 52055.740(a)(1)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: 52055.740 (a)(1) For each funded school, the county superintendent of schools for the county in which the school is located shall annually review the school and its data to determine if the school has met all of the following program requirements by the school by the end of the third full year of funding.
[(1) Meet all of the following class size requirements:]
[(A) For kindergarten and grades 1 to 3, inclusive, no more than 20 pupils per class, as set forth in the Class Size Reduction Program (Chapter 6.10(commencing with Section 52120.))]

Outcome Rationale: Please refer to "Attachment A."

Student Population: 7421

City Type: Urban

Public Hearing Date: 12/11/2014
Public Hearing Advertised: Public notice, WUSD website

Local Board Approval Date: 12/11/2014

Community Council Reviewed By: School Site Leadership Team
Community Council Reviewed Date: 9/3/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Gwyn Dellinger
Position: Director, Planning & Accountability
E-mail: ddellinger@wusd.k12.ca.us
Telephone: 916-375-7604 x1048
Fax:

Bargaining Unit Date: 12/04/2014
Name: Washington Teacher's Association (WTA)
Representative: Don Stauffer
Title: President
Position: Support
Comments:

Attachment "A"

Washington Unified School District respectfully submits, on behalf of Elkhorn Village Elementary, a Quality Education Investment Act (QEIA) waiver for your consideration. The waiving of K-3 class size reduction requirements, for school year 2014-15, will allow Elkhorn Village Elementary to include, rather than exclude, students that would otherwise be transported to a school outside of their neighborhood. The request is to allow the school to increase class sizes in the following grades as follows:

Kindergarten through 3rd grades to a baseline target of 22:1
4th through 6th grades to remain at QEIA CSR, no change.

Currently, Elkhorn Village Elementary has class sizes at the following levels:

Grade	Grade K	Grade 1	Grade 2	Grade 3	Grade 4	Grade 5	Grade 6
Average Class Size	19.7	21.3	21.3	20.3	17.6	24	24

While the requested adjustment is relatively small, it will make a significant difference to affected families. Overflowing students to another school in the district is problematic due to grade configurations and involvement in events such as parent conferences and family engagement activities. Due to varied CSR requirements per grade level, the district has had to make the difficult decision to overflow one sibling while enrolling another.

QEIA Funding has been instrumental in improving student achievement at Elkhorn Village Elementary as evidenced by the school making meeting all its targets and meeting Safe Harbor prior to the changes in standardized testing. Although, California Standardized Testing (CST) for math and English Language Arts was discontinued last, Elkhorn is very proud of its 2014 eighth grade CST science scores: 56% Advanced, 19% Proficient, 11% Basic, 8% Below Basic, and 5% Far Below Basic. Through QEIA funding, Elkhorn has been able to reduce class sizes and provide extensive professional development for teachers. Professional Development training and collaboration time have been critical to the success of targeted intervention, through teaming and regrouping, for struggling students.

Approval of this waiver will allow the site the time and the flexibility to make collaborative instructional decisions when allocating resources. With relief from CSR requirements, the site principal and district leadership are committed to using carryover funding to continue with the effective practices that have led to improvements in student outcomes. Washington Teacher's Association supports this request. Washington Unified School Board of Trustees consented approved this waiver with a unanimous vote.

California State Board of Education

Meeting Agenda Items for March 11-12, 2015

WAIVER ITEM W-19

ITEM #W-19

CALIFORNIA STATE BOARD OF EDUCATION

MARCH 2015 AGENDA

☒ **General Waiver**

SUBJECT Request by **Los Angeles Unified School District** to waive portions of California *Education Code* Section 52055.760(c)(3) and 52055.740(c), regarding alternative program and Academic Performance Index requirements under the Quality Education Investment Act, that this funded school, shall meet their annual Academic Performance Index growth targets. Waiver Number: 8-1-2015	☒ **Action** ☒ **Consent**

SUMMARY OF THE ISSUES

See Attachment 1 for details.

Los Angeles Unified School District (USD) is an urban district located in Los Angeles County with a student population of approximately 653,826 students. Monitoring performed by the Los Angeles County Office of Education (COE) indicates that the alternative program requirements of the Quality Education Investment Act (QEIA) for Bell Senior High School (HS) were fully met in school year (SY) 2012–13, but the district is asking for a waiver of the grade nine matriculation rate for the 2013–14 SY.

Bell Senior HS entered the QEIA program as an Alternative Application School. The school identified on-time grade nine matriculation as one of their six QEIA goals. The on-time grade nine matriculation metric is identified as the number of first-time grade nine students who successfully earn 55 or more credits from the first day of school through the second intersession opportunity. The annual growth goal is 4 percent a year beginning with the 2007–08 baseline of 51 percent to a target of 75 percent in SY 2013–14. The 2013–14 monitoring performed by the Los Angeles COE indicates that the on-time grade nine matriculation rate was 65 percent.

Los Angeles USD states that Bell Senior HS is the last multi-track school in Los Angeles USD and has made continuous growth as measured by the Academic Performance Index (API) since the inception of the QEIA program (a total of 112 points over five years). In addition, the district states it has planned for the future by judiciously saving QEIA dollars so that the carryover would provide a means by which the school could scale down staff paid using QEIA funds and ensuring continued implementation of successful practices and programs that led to the continual API growth.

Los Angeles USD requests a waiver for not meeting the grade nine matriculation

rate set as an alternative program goal for Bell Senior HS for SY 2013–14.

Authority for Waiver: *Education Code* (*EC*) Section 33050

RECOMMENDATION

☒ **Approval** ☐ **Approval with conditions** ☐ **Denial**

The California Department of Education (CDE) supports Los Angeles USD's request to waive the grade nine matriculation rate set as an alternative QEIA program goal for Bell Senior HS for SY 2013–14.

SUMMARY OF KEY ISSUES

Schools participating in the QEIA program were monitored by their county offices of education for compliance with program requirements for the first time at the end of the 2008–09 SY. At that time, local educational agencies (LEAs) were required to demonstrate one-third progress toward full implementation of program requirements.

Monitoring for compliance with second-year program requirements was completed to ensure that schools made two-thirds progress toward full implementation in the 2009–10 SY. QEIA schools were required to demonstrate full compliance with all program requirements at the end of the 2010–11 SY.

Alternative Programs

EC Section 52055.760(a) allows a school district or chartering authority to apply for authority from the State Superintendent of Public Instruction (SSPI) to use alternative program requirements if the district or authority demonstrates that compliance with alternative program requirements would provide a higher level of academic achievement among pupils than compliance with the interim and program requirements. Alternative program requirements must serve no more than 15 percent of the pupils funded by QEIA and must serve the entire school.

A school district or chartering authority may use alternative program requirements at a funded school if all the following criteria are satisfied:

(1) The proposed alternative requirements are based on reliable data and are consistent with sound scientifically based research consistent with subdivision (j) of *EC* Section 44757.5 on effective practices.

(2) The costs of complying with the proposed alternative requirements do not exceed the amount of funding received by the school district or chartering authority pursuant to this article.

(3) Funded schools agree to comply with the alternative program requirements and be subject to the termination procedures specified in subdivision (c) of *EC* Section 52055.740. Funded schools with alternative programs shall exceed the

API growth target for the school averaged over the first three fully funded years and annually thereafter.

(4) The SSPI and the President of the State Board of Education (SBE) or his or her designee jointly have reviewed the proposed alternative funded schools of the school district or chartering authority for purposes of this section and have recommended to the SBE for its approval those schools, using the same process as for the regular program recommendations.

The SSPI was to give priority for approval of schools with alternative programs to any school serving any of grades nine through twelve, inclusive, that has demonstrated to the satisfaction of the SSPI and the President of the SBE or his or her designee that the school cannot decrease class sizes as required under this article due to extraordinary issues relating to facilities, or due to the adverse impact of the requirements of this program, if implemented in the school, on the eligibility of the school district for state school facility funding.

Because this is a general waiver, if the SBE decides to deny the waiver, it must cite one of the seven reasons in *EC* 33051(a), available at http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC&sectionNum=33051.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The CDE has previously presented requests to the SBE to waive the API target as defined by the QEIA. All but one API waiver previously presented has been denied by the SBE.

FISCAL ANALYSIS (AS APPROPRIATE)

There are no statewide costs as a result of waiver approval. However, the 2014–15 SY is the final full year of QEIA funding. If all QEIA program requirements are met for 2014–15, the LEA will be allowed to carryover funds, if any, for SY 2015–16 and SY 2016–17. All QEIA funds need to be appropriately expended by June 30, 2017, and any remaining funds will be invoiced and returned to the CDE.

If the waiver is denied, the LEA will be recognized as out of compliance with the QEIA program requirements for the 2013–14 SY. The LEA received QEIA funds for the 2014–15 SY to cover staffing and other related expenses and will be terminated from the program effective June 30, 2015. All QEIA funds need to be appropriately expended by June 30, 2015, and any remaining funds will be invoiced and returned to the CDE.

ATTACHMENT(S)

Attachment 1: Los Angeles Unified School District Quality Education Investment Act Alternative Program Waiver (1 Page)

Attachment 2: Los Angeles Unified School District General Waiver Request 8-1-2015 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Los Angeles Unified School District Quality Education Investment Act Alternative Program Waiver

Waiver Number	School (CDS Code)	LEAs Request	CDE Recommendation	Period of Request/ Period Recommended	Collective Bargaining Unit Position	SSC/Advisory Committee Position	Local Board Approval Date
8-1-2015	Bell Senior High School (19-64733-1930866)	QEIA Alternative Program: grade nine matriculation rate	Approval: See Page 2 under Recommendation.	**Requested:** July 1, 2014 to June 30, 2015 **Recommended:** July 1, 2013 to June 30, 2014	United Teachers Los Angeles January 5, 2015 **Support**	SSC January 12, 2015 **No Objections**	January 13, 2015

Created by California Department of Education
January 20, 2015

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1964733 Waiver Number: 8-1-2015 Active Year: 2015

Date In: 1/14/2015 11:48:37 AM

Local Education Agency: Los Angeles Unified School District
Address: 333 South Beaudry Ave.
Los Angeles, CA 90017

Start: 7/1/2014 End: 6/30/2015

Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: Quality Education Investment Act
Ed Code Title: API Growth Target
Ed Code Section: 52055.760(c)(1)(2)(3) and 52055.740(c)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: (c) A school district or chartering authority may use alternative program requirements at a funded school if all the following criteria are satisfied:

(1) The proposed alternative requirements are based on reliable data and are consistent with sound scientifically based research consistent with subdivision (j) of Section 44757.5 on effective practices.

(2) The costs of complying with the proposed alternative requirements do not exceed the amount of funding received by the school district or chartering authority pursuant to this article.

(3) [Funded schools agree to comply with the alternative program requirements and be subject to the termination procedures specified in subdivision (c) of Section 52055.740.] Funded schools with alternative programs shall also be required to exceed the API growth target for the school averaged over the first three fully funded years and annually thereafter.

52055.740
(c) (1)If a county superintendent of schools determines that a funded school has not substantially met the requirements of subdivision (b) after the first or second full year of funding, [or any alternative program requirements approved under Section 52055.760, he or she shall notify the Superintendent. If all of the interim and final requirements are not met by the end of any subsequent school year, the Superintendent shall terminate funding for that school.]

Outcome Rationale: The Los Angeles Unified School District (LAUSD) is requesting a waiver on behalf of Bell High School to provide relief from the 9th grade matriculation rate set as an alternative program goal. At the end of June, the District converted to My Integrated Student Information System (MiSiS) and the data captured from MiSiS on the A-Track students attending credit recovery classes could not be verified accurately. The Office of Data and Accountability could not validate precisely the number of 9th graders on track to meet Bell's

goal. Hence, the school showed a drop in their matriculation rate and thus termination from the program. In previous years, Bell has met and at times exceeded their matriculation rate goals.

Bell High School is the last multi-track school in LAUSD and has made continuous growth as measured by the Academic Performance Index (API) since the inception of the QEIA program – a total of 112 points over 5 years. In addition, the school has planned for the future by judiciously saving QEIA dollars so that the carryover would provide a means by which the school could scale down staff purchased using QEIA funds. The school had a strategic plan to ensure the continued implementation of successful practices and programs that led to their continual API growth.

If the school is required to exit the program this year and thus lose the capability of utilizing carryover during the next two years, the impact to the instructional and intervention programs will be great. With the late addition of the "settle up" funding, the school will have almost one million dollars in carryover to spend prior to June 30, 2015. Bell HS will be forced to make decisions on how to spend QEIA reserves quickly rather than pragmatically in order to not forfeit unspent funds to CDE.

Student Population: 3430

City Type: Urban

Public Hearing Date: 1/13/2015
Public Hearing Advertised: Newspaper—Los Angeles Daily Journal 01/03/15 – 01/12/15

Local Board Approval Date: 1/13/2015

Community Council Reviewed By: School Site Council
Community Council Reviewed Date: 1/12/2015
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Dr. Ruth Perez
Position: Deputy Superintendent of Instruction
E-mail: Ruth.perez@lausd.net
Telephone: 213-241-4822
Fax:

Bargaining Unit Date: 01/05/2015
Name: United Teachers Los Angeles
Representative: Colleen Schwab
Title: Secondary Vice President
Position: Support
Comments:

California State Board of Education

Meeting Agenda Items for March 11-12, 2015

WAIVER ITEM W-20

ITEM #W-20

CALIFORNIA STATE BOARD OF EDUCATION

MARCH 2015 AGENDA

☒ **General Waiver**

SUBJECT Request by **Los Angeles Unified School District** to waive California *Education Code* Section 52055.740(a), regarding class size reduction requirements under the Quality Education Investment Act, that this funded school reduce its class sizes by an average of five students per class by the end of the 2013–14 school year at Joseph Le Conte Middle School. Waiver Number: 9-1-2015	☒ **Action** ☐ **Consent**

SUMMARY OF THE ISSUES

See Attachment 1 for details.

Los Angeles Unified School District (USD) is an urban district located in Los Angeles County with a student population of approximately 653,826 students. Monitoring performed by the Los Angeles County Office of Education indicates that the class size reduction (CSR) requirements of the Quality Education Investment Act (QEIA) for Joseph Le Conte Middle School (MS) were fully met in school year (SY) 2012–13 through a previous waiver, but the district is asking for a waiver of the QEIA 27-student cap per classroom requirement (Rule of 27) for the 2013–14 SY. Joseph Le Conte MS's current QEIA CSR targets for core classes of English, mathematics, history-social science, and science are an average of 18.0, 21.0, and 20.4 in grades six through eight, respectively.

Los Angeles USD states that throughout the 2013–14 SY, Joseph Le Conte MS consistently monitored the master schedule to ensure compliance with both class size targets and the Rule of 27. The district states that it was a sheer oversight by a counselor who enrolled a student in the last weeks of school and placed that student in two classes, jeopardizing the school's status in the QEIA program. The district states the error was not discovered until the school year was over thus the school is facing termination for the program.

Further, the district states the school has made continuous growth as measured by the Academic Performance Index (API) since the inception of the QEIA program (a total of 88 points over five years). In addition, the district states is has planned for the future by judiciously saving QEIA dollars so that the carryover would provide a means by which the school could scale down staff paid using QEIA funds and ensuring continued implementation of successful practices and programs that led to the continual API growth.

Los Angeles USD requests a waiver of the Rule of 27 for Joseph Le Conte MS for SY 2013–14.

Authority for Waiver: *Education Code* (*EC*) Section 33050

RECOMMENDATION

☐ **Approval** ☐ **Approval with conditions** ☒ **Denial**

The California Department of Education (CDE) recommends denial of this waiver request because its approval would not adequately address the educational needs of pupils per *EC* Section 33051(a)(1). If approved, termination is effective as of June 30, 2015. The school is receiving QEIA funds for 2014–15 and is not obligated to return 2014–15 funds if the funds are expended by June 30, 2015.

SUMMARY OF KEY ISSUES

Class Size Reduction

Schools participating in the QEIA program were monitored by their county offices of education for compliance with program requirements for the first time at the end of the 2008–09 SY. At that time, local educational agencies (LEAs) were required to demonstrate one-third progress toward full implementation of program requirements. Monitoring for compliance with second-year program requirements was completed to ensure that schools made two-thirds progress toward full implementation in the 2009–10 SY. QEIA schools were required to demonstrate full compliance with all program requirements at the end of the 2010–11 SY.

QEIA schools are required to reduce class sizes by 5 students compared to class sizes in the base year (either 2005–06 or 2006–07), or to an average of 25 students per classroom, whichever is lower, with no more than 27 students per classroom regardless of the average classroom size. The calculation is done by grade level, as each grade level has a target average class size based on QEIA CSR rules. For small schools with a single classroom at each grade level, some grade level targets may be very low. If for example, a school had a single grade four classroom of 15 students in 2005–06, the school's target QEIA class size for grade four is 10 students. Absent a waiver, an unusually low grade level target may result in a greater number of combination classes at the school, or very small classes at the grade level, which is prohibitively costly and may result in withdrawal or termination from the program.

QEIA schools are required to not increase any other (non-core) class sizes in the school above the size used during the 2005–06 SY.

Because this is a general waiver, if the SBE decides to deny the waiver, it must cite one of the seven reasons in *EC* 33051(a), available at http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC&sectionNum=33051.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

At its March 2013 meeting, the SBE approved an alternative CSR target at Joseph Le Conte MS for core classes of English, mathematics, history-social science, and science in grades six through eight of 25.0 for SYs 2012–14. The SBE approved a continuance of this waiver at its May 2014 meeting for SY 2014–15. Both waivers were approved on the condition that no core class in grades six through eight exceed 27 students per classroom regardless of the average class size.

The CDE has previously presented requests to the State Board of Education (SBE) to waive the CSR target as defined by QEIA. Over 90 percent of CSR waiver requests previously presented have requested adjusted class size averages over 25.0 or lower, and have indicated a commitment to meeting that target for the life of the grant; these have been approved by the SBE. A small number of CSR waiver requests have proposed CSR targets above 25.0; these have been denied. However, it is noted that QEIA is supplemental funding. Therefore, the CDE will continue to weigh QEIA CSR in the context of fiscal changes. If class sizes are generally decreased in the coming year, the CDE would expect proportional decreases in QEIA class sizes.

FISCAL ANALYSIS (AS APPROPRIATE)

There are no statewide costs as a result of waiver approval. However, the 2014–15 SY is the final full year of QEIA funding. If all QEIA program requirements are met for 2014–15, the LEA will be allowed to carryover funds, if any, for SY 2015–16 and SY 2016–17. All QEIA funds need to be appropriately expended by June 30, 2017, and any remaining funds will be invoiced and returned to the CDE.

If the waiver is denied, the LEA will be recognized as out of compliance with the QEIA program requirements for the 2013–14 SY. The LEA received QEIA funds for the 2014–15 SY to cover staffing and other related expenses and will be terminated from the program effective June 30, 2015. All QEIA funds need to be appropriately expended by June 30, 2015, and any remaining funds will be invoiced and returned to the CDE.

ATTACHMENT(S)

Attachment 1: Los Angeles Unified School District Quality Education Investment Act Rule of 27 Waiver (1 Page)

Attachment 2: Los Angeles Unified School District General Waiver Request 9-1-2015 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Los Angeles Unified School District Quality Education Investment Act Rule of 27 Waiver

Waiver Number	School (CDS Code)	LEAs Request	CDE Recommendation	Period of Request/ Period Recommended	Collective Bargaining Unit Position	SSC/Advisory Committee Position	Local Board Approval Date
9-1-2015	Joseph Le Conte Middle School (19-64733-6061501)	QEIA Rule of 27	Denial See Page 2 under Recommendation.	**Requested:** July 1, 2014 to June 30, 2015	United Teachers Los Angeles January 5, 2015 **Support**	SSC January 12, 2015 **No Objections**	January 13, 2015

Created by California Department of Education
January 20, 2015

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1964733 Waiver Number: 9-1-2015 Active Year: 2015

Date In: 1/14/2015 11:55:48 AM

Local Education Agency: Los Angeles Unified School District
Address: 333 South Beaudry Ave.
Los Angeles, CA 90017

Start: 7/1/2014 End: 6/30/2015

Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: Quality Education Investment Act
Ed Code Title: Rule of 27
Ed Code Section: 52055.740(C)(i)(ii)(iii)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: (C) For classes in English language arts, reading, mathematics, science, or history and social science courses in grades 4 to 12, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:

(i) At least five pupils fewer per classroom than was the average in 2006-07.

(ii) An average of 25 pupils per classroom.

(iii) For purposes of this subparagraph, average classroom size shall be calculated at the grade level based on the number of subject-specific classrooms in that grade at the schoolsite. If the subject-specific classrooms at the school averaged fewer than 25 pupils per classroom during the 2005-06 school year, that lower average shall be used as the "average in 2006-07" for purposes of this subparagraph. [A school that receives funding under this article shall not have a class in English language arts, reading, mathematics, science, or history and social science in grades 4 to 12, inclusive, with more than 27 pupils regardless of its average classroom size.]

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to provide relief from the Rule of 27 for Joseph Le Conte Middle School. Throughout the year, the school has consistently monitored the master schedule to ensure compliance with both class size targets and Rule of 27. It was sheer oversight by a counselor who enrolled a student in the last weeks of school and placed that student in two classes that jeopardized Le Conte's status in the QEIA program. By the time the error was found, the school year was over thus leaving Le Conte MS facing termination from the program.

Le Conte Middle School has made continuous growth as measured by the Academic Performance Index (API) since the inception of the QEIA program – a total of 88 points over 5 years. In addition, the school has planned for the future by judiciously saving their QEIA dollars so that the carryover would provide a means by which the school could scale down staff

purchased using QEIA funds. The school had a strategic plan to ensure the continued implementation of successful practices and programs that led to their continual API growth. If the school is required to exit the program this year and thus lose the capability of utilizing carryover during the next two years, the impact to the instructional and intervention programs will be great. With the late addition of the "settle up" funding, Le Conte's carryover now amounts to almost $800,000. Because the deadline for expenditures is June 30, 2015, the school will be forced to make decisions on how to spend QEIA reserves quickly rather than pragmatically in order to not forfeit unspent funds to CDE.

Student Population: 889

City Type: Urban

Public Hearing Date: 1/13/2015
Public Hearing Advertised: Newspaper—Los Angeles Daily Journal 01/03/15 – 01/12/15

Local Board Approval Date: 1/13/2015

Community Council Reviewed By: School Site Council
Community Council Reviewed Date: 1/12/2015
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Dr. Ruth Perez
Position: Deputy Superintendent of Instruction
E-mail: Ruth.perez@lausd.net
Telephone: 213-241-4822
Fax:

Bargaining Unit Date: 01/05/2015
Name: United Teachers Los Angeles
Representative: Colleen Schwab
Title: Secondary Vice President
Position: Support
Comments:

California State Board of Education

Meeting Agenda Items for March 11-12, 2015

WAIVER ITEM W-21

ITEM #W-21

CALIFORNIA STATE BOARD OF EDUCATION

MARCH 2015 AGENDA

☒ **General Waiver**

SUBJECT Request by **Sacramento City Unified School District** to waive *Education Code* Section 44664(a)(2) and (3), regarding the evaluation and assessment of the performance of each certificated employee. Waiver Number: 21-11-2014	☒ **Action** ☒ **Consent**

SUMMARY OF THE ISSUES

The Sacramento City Unified School District (SCUSD) is requesting a waiver of *Education Code (EC)* Section 44664(a)(2) and (3), which requires the evaluation and assessment of the performance of each certificated employee:

- At least every other year for personnel with permanent status.
- At least every five years for personnel with permanent status who have been employed at least 10 years with the school district, are highly qualified, if those personnel occupy positions that are required to be filled by a highly qualified professional by the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301, et seq.), as defined in 20 U.S.C. Sec. 7801, and whose previous evaluation rated the employee as meeting or exceeding standards, if the evaluator and certificated employee being evaluated agree.

This waiver request pertains only to personnel employed at school sites implementing new Extended Day Kindergarten programs during the 2015–16 academic year, and to teachers assigned to teach more than one grade level during the 2014–15 and 2015–16 academic years. It is intended to provide these teachers time to adjust to the longer academic day and to the instructional shifts demanded by the Common Core State Standards respectively. This waiver request shall not pertain to teachers on an improvement plan.

Authority for Waiver: *EC* Section 33050

RECOMMENDATION

☐ **Approval** ☐ **Approval with conditions** ☒ **Denial**

The California Department of Education (CDE) recommends that the State Board of Education (SBE) deny the SCUSD waiver request because the educational needs of the affected pupils would not be adequately addressed per *EC* Section 33051(a)(1).

SUMMARY OF KEY ISSUES

Pursuant to *EC,* Section 44662 (Stull Act), the governing board of each school district shall evaluate and assess certificated employee performance as it reasonably relates to:

(1) The progress of pupils toward the standards established pursuant to subdivision (a) and, if applicable, the state adopted academic content standards as measured by state adopted criterion referenced assessments.

(2) The instructional techniques and strategies used by the employee.

(3) The employee's adherence to curricular objectives.

(4) The establishment and maintenance of a suitable learning environment, within the scope of the employee's responsibilities.

The Stull Act also provides, in *EC,* Section 44664, that evaluation and assessment of the performance of each certificated employee shall be made on a continuing basis as follows:

(1) At least once each school year for probationary personnel.

(2) At least every other year for personnel with permanent status.

(3) At least every five years for personnel with permanent status who have been employed at least 10 years with the school district, are highly qualified, if those personnel occupy positions that are required to be filled by a highly qualified professional by the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301, et seq.), as defined in 20 U.S.C. Sec. 7801, and whose previous evaluation rated the employee as meeting or exceeding standards, if the evaluator and certificated employee being evaluated agree. The certificated employee or the evaluator may withdraw consent at any time.

In September 2012, as part of his endeavor to improve student learning outcomes, the State Superintendent of Public Instruction (SSPI), Tom Torlakson, published a report titled *Greatness by Design (GbD)*, which provided recommendations for the state of California pertaining to supporting outstanding teaching. As part of his recommendations, the SSPI encourages local boards of education to ensure the focus of teacher evaluation is to strengthen the knowledge, skills, and practices needed to

improve students' academic growth. The report, which is research based, argues that evaluations should provide useful information about what teachers do: how they plan and implement instruction to meet student needs, evaluate learning, provide feedback, and support student improvement through their interactions with students, families, and other educators. Evaluations should also provide useful evidence about what students learn: how they perform on curriculum-related tests, papers, and projects; how their work improves as they review and revise it; how their achievement has grown on benchmark indicators of success and progress on a continuum of learning. Studies show that when evaluations provide teachers with frequent feedback on the important elements of their practice and enable them to reflect on the connections to student learning, student achievement increases.

Additionally, *GbD* states that educator evaluations should help to inform the creation of professional learning systems and job-embedded learning opportunities. Evaluations should be used to target the needs of individual teachers and help them select professional learning opportunities designed to address the areas in which they need additional knowledge or skill. They should inform continuous goal-setting, specific professional learning supports and coaching, and substantive discussions that occur either before or after an observation that are focused on ways to improve instruction. This type of feedback and analysis of practice is exactly the kind of support in which all teachers should be engaged, especially those implementing new instructional programs and adjusting to the instructional shifts demanded of the CCSS.

Consistent with both the Stull Act and recommendations provided in *GbD,* the Governing Board of the SCUSD has established policy that states the following:

> "The Governing Board believes that regular and comprehensive evaluations can help instructional staff improve their teaching skills and raise students' levels of achievement. Evaluations also serve to hold staff accountable for their performance. The Superintendent or designee shall evaluate the performance of certificated staff members in accordance with law, negotiated employee contracts and Board-adopted evaluation standards."

SCUSD Board Policy also provides the following evaluation procedures for probationary teachers:

(1) Within the first four weeks of initial employment, probationary teachers shall be counseled regarding the district's teacher evaluation criteria and procedures.

(2) As part of their evaluations, probationary teachers shall be formally observed and given constructive criticism at least once each semester, more often when necessary. They shall be encouraged to request more frequent observation and advice if they feel that this would help improve performance.

In conclusion, the request to waive *EC* Section 44664(a)(2) and (3) is in direct opposition to both the California *Education Code* and SCUSD Board Policy, goes against the recommendations provided by the SSPI in *GbD*, and therefore does not adequately address the educational needs of the affected pupils. It is for these reasons the CDE recommends that the SBE deny the SCUSD waiver request.

Demographic Information: The SCUSD has a student population of 40,765 and is located in an urban area in Sacramento County.

Because this is a general waiver, if the SBE decides to deny the waiver, it must cite one of the seven reasons in *EC* 33051(a), available at http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC&sectionNum=33051.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

This is the first time the SBE has heard a request from a LEA to waive *EC* Section 44664(a)(2) and (3).

FISCAL ANALYSIS (AS APPROPRIATE)

There is no statewide fiscal impact, or significant local impact, of waiver approval or denial.

ATTACHMENT(S)

Attachment 1: Summary Table of Teacher Evaluation Assessment Waiver (1 page).

Attachment 2: Sacramento City Unified School District General Waiver Request 21-11-2014 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)

Summary Table of Teacher Evaluation Assessment Waiver

Waiver Number	District	Period of Request	Bargaining Unit, Representatives Consulted, Date, and Position	Public Hearing and Board Approval Date	Public Hearing Advertisement	SSC/Advisory Committee Consulted, Date, and Position
21-11-2014	Sacramento City Unified School District	**Requested:** July 1, 2014 to June 30, 2016	Sacramento City Teachers Association September 4, 2014 Nikki Milevsky, President **Support**	Public Hearing November 20, 2014 Local Board Approved November 20, 2014	Newspaper	English Language Advisory Committee and Schoolsite Council November 17, 2014 **No Objection**

Created by the California Department of Education
December 29, 2014

California Department of Education
WAIVER SUBMISSION - General

CD Code: 3467439 Waiver Number: 21-11-2014 Active Year: 2014

Date In: 11/24/2014 1:11:39 PM

Local Education Agency: Sacramento City Unified School District
Address: 5735 47th Ave.
Sacramento, CA 95824

Start: 7/1/2014 End: 6/30/2016

Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: Teacher Evaluation and Assessment
Ed Code Title: Evaluate Every Three Years Instead of Two
Ed Code Section: 44664
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: 44664. (a) Evaluation and assessment of the performance of each certificated employee shall be made on a continuing basis as follows:
[(1) At least once each school year for probationary personnel.]
(2) At least every other year for personnel with permanent status.
(3) At least every five years for personnel with permanent status who have been employed at least 10 years with the school district, are highly qualified, if those personnel occupy positions that are required to be filled by a highly qualified professional by the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301, et seq.), as defined in 20 U.S.C. Sec. 7801, and whose previous evaluation rated the employee as meeting or exceeding standards, if the evaluator and certificated employee being evaluated agree. The certificated employee or the evaluator may withdraw consent at any time.

Outcome Rationale: The District and the Sacramento City Teachers Association negotiated to allow school sites to offer "Extended Day Kindergarten" programs. These programs will better serve our students, parents and community by providing enhanced opportunities for students to increase their readiness for first grade. This limited waiver request would only apply to school sites offering Extended Day Kindergarten programs and would only apply "during the implementation year".

In addition, this waiver request also applies to teachers assigned to teach more than one grade level, also referred to as split grade levels. These teachers have to deliver instruction in two different grade levels along with the implementation of the Common Core State Standards and new report cards. This limited waiver request would only apply to teachers teaching split grade levels during the 2014-2015 and the 2015-2016 school years.

This waiver request shall not pertain to teachers on a probationary period nor to those on an improvement plan.

Student Population: 40765

City Type: Urban

Public Hearing Date: 11/20/2014
Public Hearing Advertised: Newspaper

Local Board Approval Date: 11/20/2014

Community Council Reviewed By: English Language Advisory Committee (ELAC) and School Site Council (SSC)
Community Council Reviewed Date: 11/17/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Cancy McArn
Position: Assistant Superintendent, HR & *EC*
E-mail: cancy-mcarn@scusd.edu
Telephone: 916-643-9024
Fax: 916-399-2016

Bargaining Unit Date: 09/04/2014
Name: Sacramento City Teachers Association
Representative: Nikki Milevsky
Title: SCTA President
Position: Support
Comments:

California State Board of Education

Meeting Agenda Items for March 11-12, 2015

WAIVER ITEM W-22

ITEM #W-22

CALIFORNIA STATE BOARD OF EDUCATION

MARCH 2015 AGENDA

☒ **General Waiver**

SUBJECT Request by **Los Angeles Unified School District** to waive California *Education Code* Section 52055.740(a), regarding class size reduction requirements under the Quality Education Investment Act, that this funded school reduce its class sizes by an average of five students per class by the end of the 2014–15 school year at Western Avenue Elementary School. Waiver Number: 10-1-2015	☒ **Action** ☐ **Consent**

SUMMARY OF THE ISSUES

See Attachment 1 for details.

Los Angeles Unified School District (USD) is an urban district located in Los Angeles County with a student population of approximately 653,826 students. Monitoring performed by the Los Angeles County Office of Education indicates that the class size reduction (CSR) requirements of the Quality Education Investment Act (QEIA) for Western Avenue Elementary School (ES) were fully met in school year (SY) 2012–13 through a previous waiver, but the district is asking for an alternative QEIA CSR target for SY 2013–14. Western Avenue ES's current QEIA CSR targets for core classes of English, mathematics, history-social science, and science are 20.44 in kindergarten and grades one through three and an average of 20.9 and 21.6 in grades four and five, respectively.

Los Angeles USD states that a new principal unfamiliar with the QEIA program was assigned to Western Avenue ES during the middle of the 2013–14 SY. The district states that despite the influx of students during the second semester in grades four and five, the school ended the SY with a grade level average of 22.67 in grade four and 21.25 in grade five, which is well below the required QEIA grade level average of 25.0 pupils per classroom. The district states that the cumulative grade level average of 25.07 in grade four and 25.65 in grade five exceeded the QEIA grade level average of 25.0, triggering termination from the QEIA program.

Further, the district states that the school has made 116 points of academic growth as measured by the Academic Performance Index (API) over the last five years. In addition, the district states it has planned for the future by judiciously saving QEIA dollars so that the carryover would provide a means by which the school could scale down staff paid using QEIA funds and ensuring continued implementation of successful

practices and programs that led to the continual API growth.

Los Angeles USD requests a waiver of the QEIA CSR targets for grades four and five only at Western Avenue ES for SY 2013–14 and the establishment of alternative CSR targets of 25.07 and 25.65 students on average in core classes in grades four and five, respectively.

Authority for Waiver: *Education Code (EC)* Section 33050

RECOMMENDATION

☐ **Approval** ☐ **Approval with conditions** ☒ **Denial**

The California Department of Education (CDE) recommends denial of this waiver request because its approval would not adequately address the educational needs of pupils per *EC* Section 33051(a)(a).This request by Los Angeles USD is considered a waiver of two previously approved waivers. The alternative CSR targets of its previously granted waivers of 24.0 for kindergarten and grades one through three remain in effect at Western Avenue ES. If approved, termination is effective as of June 30, 2015. The school is receiving QEIA funds for 2014–15 and is not obligated to return 2014–15 funds if the funds are expended by June 30, 2015.

SUMMARY OF KEY ISSUES

Class Size Reduction

Schools participating in the QEIA program were monitored by their county offices of education for compliance with program requirements for the first time at the end of the 2008–09 school year. At that time, local educational agencies were required to demonstrate one-third progress toward full implementation of program requirements. Monitoring for compliance with second-year program requirements was completed to ensure that schools made two-thirds progress toward full implementation in the 2009–10 SY. QEIA schools were required to demonstrate full compliance with all program requirements at the end of the 2010–11 school year.

QEIA schools are required to reduce class sizes by 5 students compared to class sizes in the base year (either 2005–06 or 2006–07), or to an average of 25 students per classroom, whichever is lower, with no more than 27 students per classroom regardless of the average classroom size. The calculation is done by grade level, as each grade level has a target average class size based on QEIA CSR rules. For small schools with a single classroom at each grade level, some grade level targets may be very low. If, for example, a school had a single grade four classroom of 15 students in 2005–06, the school's target QEIA class size for grade four is 10 students. Absent a waiver, an unusually low grade level target may result in a greater number of combination classes at the school, or very small classes at the grade level, which is prohibitively costly and may result in withdrawal or termination from the program.

QEIA schools are required to not increase any other (non-core) class sizes in the school

above the size used during the 2005–06 school year.

Because this is a general waiver, if the SBE decides to deny the waiver, it must cite one of the seven reasons in *EC* Section 33051(a), available at http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC&sectionNum=33051.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

At its March 2013 meeting, the SBE approved an alternative CSR target at Western Avenue ES for core classes of English, mathematics, history-social science, and science in kindergarten and grades one through three of 24.0, and 25.0 for grades four and five for SYs 2012–14. The SBE approved a continuance of this waiver at its May 2014 meeting for SY 2014–15. Both waivers were approved on the condition that no core class in grades four and five exceed 25.0 students per classroom.

The CDE has previously presented requests to the State Board of Education (SBE) to waive the CSR target as defined by QEIA. Over 90 percent of CSR waiver requests previously presented have requested adjusted class size averages over 25.0 or lower, and have indicated a commitment to meeting that target for the life of the grant; these have been approved by the SBE. A small number of CSR waiver requests have proposed CSR targets above 25.0; these have been denied. However, it is noted that QEIA is supplemental funding. Therefore, the CDE will continue to weigh QEIA CSR in the context of fiscal changes. If class sizes are generally decreased in the coming year, the CDE would expect proportional decreases in QEIA class sizes.

FISCAL ANALYSIS (AS APPROPRIATE)

There are no statewide costs as a result of waiver approval. However, the 2014–15 SY is the final full year of QEIA funding. If all QEIA program requirements are met for 2014–15, the LEA will be allowed to carryover funds, if any, for SY 2015–16 and SY 2016–17. All QEIA funds need to be appropriately expended by June 30, 2017, and any remaining funds will be invoiced and returned to the CDE.

If the waiver is denied, the school will be recognized as out of compliance with the QEIA program requirements for the 2013–14 SY and will be terminated from the program effective June 30, 2015.

ATTACHMENT(S)

Attachment 1: Los Angeles Unified School District Quality Education Investment Act Class Size Reduction Waiver (1 Page)

Attachment 2: Los Angeles Unified School District General Waiver Request 10-1-2015 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Los Angeles Unified School District Quality Education Investment Act Class Size Reduction Waiver

Waiver Number	School (CDS Code)	LEAs Request	CDE Recommendation	Period of Request/ Period Recommended	Collective Bargaining Unit Position	SSC/Advisory Committee Position	Local Board Approval Date
10-1-2015	Western Avenue Elementary School (19-64733-6019905)	QEIA CSR	Denial See Page 2 under Recommendation.	**Requested:** July 1, 2014 to June 30, 2015 **Recommended:** July 1, 2013 to June 30, 2014	United Teachers Los Angeles January 5, 2015 **Support**	SSC January 12, 2015 **No Objections**	January 13, 2015

Created by California Department of Education
January 27, 2015

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1964733 Waiver Number: 10-1-2015 Active Year: 2015

Date In: 1/14/2015 12:00:46 PM

Local Education Agency: Los Angeles Unified School District
Address: 333 South Beaudry Ave.
Los Angeles, CA 90017

Start: 7/1/2014 End: 6/30/2015

Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: Quality Education Investment Act
Ed Code Title: Class Size Reduction Requirements
Ed Code Section: 52055.740(a)(1)(B)(i)(ii)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: a) For each funded school, the county superintendent of schools for the county in which the school is located shall annually review the school and its data to determine if the school has met all of the following program requirements by the school by the end of the third full year of funding:
(1) Meet all of the following class size requirements:
(B) For self-contained classrooms in grades 4 to 8, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:
(i) [At least five pupils fewer per classroom than was the average in 2006-07.]
(ii)[An average of 25 pupils per classroom.]

Outcome Rationale: The Los Angeles Unified School District is requesting a waiver to provide relief from the Class Size Average of 25 pupils per classroom on behalf of Western Avenue Elementary. During the middle of the 2013 – 2014 school year, a new principal unfamiliar with the QEIA program, was assigned to the school. Despite the influx of students in the 4th and 5th grades in second semester, the school ended the school year with a grade level average of 22.67 in 4th grade and 21.25 in 5th grade – both well below the grade level average of 25 pupils per class. However, it is the cumulative grade level average that caused the termination of Western Elementary from the QEIA program – 25. 07 for 4th grade and 25.65 for 5th grade. Western Avenue Elementary has made 116 points of academic growth as measured by the Academic Performance Index (API) over the last five years. In addition, the school has planned for the future by judiciously saving QEIA dollars so that the carryover would provide a means by which the school could scale down staff purchased using QEIA funds. The school had a strategic plan to ensure the continued implementation of successful practices and programs that led to continual API growth.

If the school is required to exit the program this year and thus lose the capability of utilizing carryover during the next two years, the impact to the instructional and intervention programs will be great. With the late addition of the “settle up” funding to their carryover, Western

Elementary will be forced to make decisions on how to spend QEIA reserves quickly rather than pragmatically in order to not forfeit unspent funds to CDE.

Student Population: 510

City Type: Urban

Public Hearing Date: 1/13/2015
Public Hearing Advertised: Newspaper—Los Angeles Daily Journal 01/03/15 – 01/12/15

Local Board Approval Date: 1/13/2015

Community Council Reviewed By: School Site Council
Community Council Reviewed Date: 1/12/2015
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Dr. Ruth Perez
Position: Deputy Superintendent of Instruction
E-mail: Ruth.perez@lausd.net
Telephone: 213-241-4822
Fax:

Bargaining Unit Date: 01/05/2015
Name: United Teachers Los Angeles
Representative: Juan Ramirez
Title: UTLA Elementary Vice President
Position: Support
Comments:

California State Board of Education

Meeting Agenda Items for March 11-12, 2015

ITEM 07

CALIFORNIA STATE BOARD OF EDUCATION

MARCH 2015 AGENDA

SUBJECT	
Elementary and Secondary Education Act: Supplemental Educational Services Providers: Approval of Providers, Including Local Educational Agencies Identified for Improvement as Providers Based on a Waiver Granted Under Title I, Part A Section 9401 of the Elementary and Secondary Education Act to the 2015–17 State Board of Education-Approved Supplemental Educational Services Provider List.	☒ Action ☒ Information ☐ Public Hearing

SUMMARY OF THE ISSUE(S)

Section 1116(e)(4)(C) of the Elementary and Secondary Education Act (ESEA) requires the state educational agency (SEA) to develop and maintain a list of approved Supplemental Educational Services (SES) providers to provide services to eligible students.

RECOMMENDATION

The California Department of Education (CDE) recommends the State Board of Education (SBE) approve providers for a two-year period beginning July 1, 2015, through June 30, 2017, including local educational agencies (LEAs) identified for improvement or corrective action as SES providers based on the waiver granted by the U.S. Department of Education (ED). The summary lists of providers recommended for approval are provided as Attachments 1 through 3. The summary list of LEAs identified for improvement recommended for approval is provided as Attachment 3.

BRIEF HISTORY OF KEY ISSUES

Title I, Part A Section 1116(e)(1) and (4) of the ESEA requires an SES provider be approved by the SEA before offering tutoring services to low-income students attending schools advancing to Program Improvement (PI) Year 2 and beyond. The CDE has established and maintained a list of SBE approved SES providers since June 2003.

Title 34, *Code of Federal Regulations* (34 *CFR*) Section 200.47(b)(1)(iv) prohibits an SEA from approving requests to provide SES services from LEAs identified for improvement or corrective action. However, the SEA may request a waiver of this provision. California requested the ED to waive this provision on August 23, 2013, and on September 10, 2014. The ED granted both requests, each for a two-year period, or through the 2017–18 school year. A copy of the November 19, 2013, response letter can be found on the SBE Web page at

http://www.cde.ca.gov/be/ag/ag/yr14/mar14item25a3aav.asp. The December 15, 2014, response letter from the ED is provided as Attachment 4.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

At its January 2015 meeting, the SBE removed the providers recommended for removal from the approved provider list for failure to submit their Accountability Report. (http://www.cde.ca.gov/be/ag/ag/yr15/documents/jan15item08.doc)

At its January 2014 meeting, the SBE removed the providers recommended for removal from the approved provider list for failure to submit their Accountability Report. (http://www.cde.ca.gov/be/ag/ag/yr14/documents/jan14item10.doc)

At its January 2013 meeting, the SBE removed the providers recommended for removal from the approved provider list for failure to submit their Accountability Report. (http://www.cde.ca.gov/be/ag/ag/yr13/documents/jan13item21.doc)

At its September 2012 meeting, the SBE removed a provider recommended for removal from the approved provider list for failure to meet contractual terms with one or more LEAs. (http://www.cde.ca.gov/be/ag/ag/yr12/documents/sep12item06.doc)

FISCAL ANALYSIS (AS APPROPRIATE)

There is no fiscal impact to the state.

ATTACHMENT(S)

Attachment 1: California Department of Education Recommended 2015–17 Supplemental Educational Services Provider Applicant List (6 Pages)

Attachment 2: California Department of Education Recommended 2015–17 Local Educational Agencies Supplemental Educational Services Provider Applicant List (1 Page)

Attachment 3: California Department of Education Recommended 2015–17 Local Educational Agencies Identified for Improvement Supplemental Educational Services Provider Applicant List (1 Page)

Attachment 4: December 15, 2014, letter from Deborah S. Delisle, Assistant Secretary, Office of Elementary and Secondary Education, U.S. Department of Education, approving the California Department of Education's waiver request (2 Pages)

California Department of Education Recommended 2015–17
Supplemental Educational Services Provider Applicant List

The X indicates the subjects and type that will be served by the providers.

Provider Name	English-Language Arts (ELA)	Math	Science	English Learners (EL)	Students with Disabilities (SWD)	Online	Type of Entity
! ! ! 1st Choice Android Smart-Phone Tutoring	X	X		X	X		For-profit agency
! ! #1 iPad Tutoring !!	X	X		X	X		For-profit agency
! # 1 Achieve Success	X	X		X	X		For-profit agency
! # 1 Touch-Screen Tablet Computer Tutoring	X	X		X	X		For-profit agency
! ACE Tutoring Services, Inc.	X	X		X	X		For-profit agency
#1 Achieve Academic Excellence	X	X		X	X		For-profit agency
#1 in Learning Online, Inc.	X	X		X	X	X	For-profit agency
¡Aprende! Tutoring	X	X		X	X		For-profit agency
1 Online Tutoring LLC	X	X		X	X	X	For-profit agency
A Better Tomorrow Education	X	X		X	X		For-profit agency
A Tree of Knowledge Educational Services, Inc.	X	X		X	X	X	For-profit agency
A Vision Learning LLC	X	X		X	X		For-profit agency
ABC Phonetic Reading School, Inc.	X	X		X	X		For-profit agency

Provider Name	English-Language Arts (ELA)	Math	Science	English Learners (EL)	Students with Disabilities (SWD)	Online	Type of Entity
Above & Beyond Learning, Inc.	X	X		X	X		For-profit agency
Academic Goals, Inc.	X	X		X	X		For-profit agency
Academic Tutoring Services, Inc.	X			X	X		For-profit agency
Access to Learning	X	X		X	X	X	For-profit agency
Accuracy Temporary Services, DBA ATS Project Success	X	X		X	X	X	For-profit agency
ADRP Intervention Services Inc.	X	X		X	X		For-profit agency
Advanced Reading Solutions LLC DBA UROK Learning Institute	X	X		X	X		For-profit agency
All About Tutoring, LLC	X	X		X	X		For-profit agency
Aspirar a la Educacion	X	X		X	X		For-profit agency
Avalon Tutoring	X	X		X	X		Sole Proprietorship
Bay Area Education Support Systems DBA Sylvan Learning of the Bay Area	X	X		X	X		For-profit agency
Believe to Achieve Educational Services, LLC	X	X		X	X		For-profit agency
Boys & Girls Clubs of Central Sonoma County	X			X	X		Non-profit agency

Provider Name	English-Language Arts (ELA)	Math	Science	English Learners (EL)	Students with Disabilities (SWD)	Online	Type of Entity
Boys & Girls Clubs of Garden Grove	X	X		X	X	X	Non-profit agency
Bright Future	X	X		X	X		Non-profit agency
CAC aka College Admissions Counselors	X	X		X	X		For-profit agency
California Tutoring Company, LLC	X	X		X	X		For-profit agency
Chasing Fireflies, Inc. DBA Club Z! Tutoring	X	X		X	X		For-profit agency
Club Z! In-Home Tutoring Services, Inc.	X	X		X	X		For-profit agency
Club Z! Tutoring, Romano-Shuster, Inc. DBA Club Z! In-Home Tutoring	X	X		X	X		For-profit agency
Club Z!, DBA Tutoring USA Inc.	X	X		X	X		For-profit agency
Community College Foundation	X	X		X	X		Non-profit agency
Creative Brain Learning	X	X		X	X		For-profit agency
Cysco DM Tutoring Services	X	X		X	X		For-profit agency
Digital Network Group DBA Kinetic Potential Scholars	X	X		X	X		For-profit agency
Doctrina Tutoring	X	X		X	X	X	For-profit agency

Provider Name	English-Language Arts (ELA)	Math	Science	English Learners (EL)	Students with Disabilities (SWD)	Online	Type of Entity
Education and Leadership Foundation (Education and Leadership NOW! / Educación y Liderazgo YÁ!)	X	X		X	X		Non-profit agency
Education Futures Corp.	X	X		X	X		For-profit agency
Educational Advantage, LLC (DBA Xamaze In Home Tutoring)	X	X		X	X	X	For-profit agency
EduPlus LLC	X	X		X	X		For-profit agency
ETS Educational & Tutorial Services LLC	X	X		X	X		For-profit agency
Future Stars Tutoring Services Center	X	X		X	X		For-profit agency
J-Vision, Inc	X	X		X	X		For-profit agency
Jamie M Perkins, LLC	X	X		X	X		Sole Proprietorship
JJR Tutoring LLC DBA Tutoring Club of Watsonville	X	X		X	X		For-profit agency
Jones Reading and Math Clinics, Inc.	X	X		X			For-profit agency
Jump Into Reading/ JIR Enterprises, Inc.	X			X	X		For-profit agency
K-12 Academic Support Team	X	X		X	X		Sole Proprietorship
KnowledgeQuest, Inc	X	X		X	X		For-profit agency

Provider Name	English-Language Arts (ELA)	Math	Science	English Learners (EL)	Students with Disabilities (SWD)	Online	Type of Entity
KnowledgeQuest Learning Center, Inc. DBA Strive!	X	X		X	X		For-profit agency
KTCO, LLC	X	X		X	X		For-profit agency
LEARN (a DBA of Rio Hondo Education Consortium)	X	X		X	X		Non-profit agency
Milestones Family Learning Center	X	X		X	X		Non-profit agency
Miracle Math Coaching - Brain Based Learning	X	X		X	X		For-profit agency
Multilingual Mania	X	X		X	X		For-profit agency
New Hope Academy of Change	X	X		X	X		Non-profit agency
Oxford Tutoring	X	X		X	X		For-profit agency
Phung and Associates DBA Oxford Tutoring Center	X	X	X	X	X		For-profit agency
Progressive Instruction LLC DBA Club Z Tutoring	X	X		X	X	X	For-profit agency
Progressive Learning	X	X		X	X		Sole Proprietorship
Project Life Impact		X		X	X		Non-profit agency
Pro-Youth / HEART After-School Program	X			X	X		Non-profit agency

Provider Name	English-Language Arts (ELA)	Math	Science	English Learners (EL)	Students with Disabilities (SWD)	Online	Type of Entity
R. Houtzer & Associates, Inc., DBA/ Club Z! In-Home Tutoring Services	X	X		X	X		For-profit agency
Roberts Family Development Center	X	X		X	X		For-profit agency
Rocket Learning Partners, LLC (DBA Rocket Learning On-Line)	X	X		X	X		For-profit agency
Sylvan Learning of Bonita Operated by 40 Acres and A Mind, Inc.	X	X		X	X		For-profit agency
Sylvan Learning of La Mesa Operated by 40 Acres and A Mind, Inc.	X	X		X	X		For-profit agency
The Learning Curve	X	X		X	X		For-profit agency
Total Education Solutions	X	X		X	X		For-profit agency
You Can Do It	X	X		X	X		For-profit agency
Youth Policy Institute	X	X		X	X		Non-profit agency

California Department of Education Recommended 2015–17
Local Educational Agencies
Supplemental Educational Services Provider Applicant List

The X indicates the subjects and type that will be served by the providers.

Provider Name	English-Language Arts (ELA)	Math	Science	English Learners (EL)	Students with Disabilities (SWD)	Online	Type of Entity
Napa County Office of Education-CalSERVES	X			X	X		County Office of Education
Project SHARE-SES- Shasta County Office of Education	X	X		X	X		County Office of Education
SERRF After School Program, DBA After School Academy-Tehama Co.	X	X		X	X	X	County Office of Education
Sanger Academy Charter School	X			X	X		Public School not in Program Improvement

California Department of Education Recommended 2015–17
Local Educational Agencies Identified for Improvement
Supplemental Educational Services Provider Applicant List
(NOTE: U.S. Department of Education waiver approval allows for two years to provide SES services)

The X indicates the subjects and type that will be served by the providers.

Provider Name	English-Language Arts (ELA)	Math	Science	English Learners (EL)	Students with Disabilities (SWD)	Online	Type of Entity
Antioch Unified School District	X			X	X		LEA in Program Improvement
Chula Vista Elementary School District	X			X	X		LEA in Program Improvement
Cutler Orosi Joint Unified School District	X			X	X		LEA in Program Improvement
Garden Grove Unified School District	X	X		X	X		LEA in Program Improvement
Hanford Elementary School District	X	X		X	X		LEA in Program Improvement
Hayward Unified School District (YEP)	X			X	X		LEA in Program Improvement
Kings Canyon Unified School District	X			X	X		LEA in Program Improvement
Kings River Union	X	X		X	X		LEA in Program Improvement
Norwalk-La Mirada Unified School District	X	X		X	X		LEA in Program Improvement
Oceanside Unified School District	X	X		X	X		LEA in Program Improvement
PasadenaLEARNs	X			X	X		LEA in Program Improvement
San Juan Unified School District	X	X		X	X		LEA in Program Improvement
Santa Maria-Bonita School District	X	X		X	X		LEA in Program Improvement
Sulphur Springs School District	X			X	X		LEA in Program Improvement

UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

December 15, 2014

The Honorable Tom Torlakson
State Superintendent
California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

The Honorable Michael W. Kirst
President
California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Dear Superintendent Torlakson and President Kirst:

I am writing in response to the California's request to waive certain statutory and regulatory requirements of Title I, Part A of the Elementary and Secondary Education Act of 1965, as amended (ESEA). After reviewing California's request, I am pleased to grant the following waiver:

- Approving schools and local educational agencies (LEAs) identified for improvement, corrective action, or restructuring as supplemental educational services (SES) providers. I am granting a two-year waiver of 34 C.F.R. § 200.47(b)(1)(iv)(A) and (B) to permit California to approve a school or LEA identified for improvement, corrective action, or restructuring to serve as an SES provider in the 2016–17 and 2017–2018 school years.

This waiver is granted on the following conditions:

- California will submit to the U.S. Department of Education, by September 30, 2018, a report that provides the total number of LEAs identified for improvement or corrective action that were approved to be an SES provider for the 2016-2017 and 2017-2018 school years and the total number of schools identified for improvement, corrective action, or restructuring that were approved to be an SES provider for the 2016-2017 and 2017-2018 school years.

- This waiver is in effect until the end of the 2017-2018 school year or until the reauthorization of the ESEA, whichever comes first.

I appreciate the work you are doing to improve your schools and provide a high-quality education for your students. If you have any questions, please contact Todd Stephenson of my staff at Todd.stephenson@ed.gov or 202-205-1645.

Sincerely,

/s/

Deborah S. Delisle
Assistant Secretary

California State Board of Education

Meeting Agenda Items for March 11-12, 2015

ITEM 08

CALIFORNIA STATE BOARD OF EDUCATION

MARCH 2015 AGENDA

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

SUMMARY OF THE ISSUE(S)

1. SBE Draft Preliminary Report of Actions/Minutes for the January 14, 2015 meeting.

2. Board member liaison reports.

RECOMMENDATION(S)

The SBE staff recommends that the SBE approve the Preliminary Report of Actions/Minutes for the January 14, 2015 meeting. (Attachment 1)

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

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

FISCAL ANALYSIS (AS APPROPRIATE)

Not applicable.

ATTACHMENT(S)

Attachment 1: State Board of Education Draft Preliminary Report of Actions/Minutes for the January 14, 2015 meeting (21 Pages) may be viewed at the following link: http://www.cde.ca.gov/be/mt/ms/.

California State Board of Education

Meeting Agenda Items for March 11-12, 2015

ITEM 09

CALIFORNIA STATE BOARD OF EDUCATION

MARCH 2015 AGENDA

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

SUMMARY OF THE ISSUE(S)

This is a standing item on the agenda, which allows the members of the public to address the board on any matter that is not included in this meeting's agenda.

RECOMMENDATION

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

BRIEF HISTORY OF KEY ISSUES

Not applicable.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Not applicable.

FISCAL ANALYSIS (AS APPROPRIATE)

Not applicable.

ATTACHMENT(S)

Not applicable.

California State Board of Education

Meeting Agenda Items for March 11-12, 2015

ITEM 10

CALIFORNIA STATE BOARD OF EDUCATION

MARCH 2015 AGENDA

SUBJECT	
Petition for Establishment of a Charter School Under the Oversight of the State Board of Education: Consideration of The New School of San Francisco which was denied by the San Francisco Unified School District and the San Francisco County Office of Education.	☒ Action ☒ Information ☒ Public Hearing

SUMMARY OF THE ISSUE(S)

On October 28, 2014, the San Francisco Unified School District (SFUSD) voted to deny the petition of The New School of San Francisco (NSSF) by a vote of seven to zero. The SFUSD Board of Education acts on the behalf of the city and county of San Francisco; therefore, the NSSF appeal was submitted directly to the State Board of Education (SBE).

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

RECOMMENDATION

The California Department of Education (CDE) recommends that the SBE hold a public hearing to approve, with technical amendments as specified in Attachment 1 of Agenda Item 04 on the Advisory Commission on Charter Schools (ACCS) February 10, 2015, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-feb15item06a1.doc, the petition to establish NSSF, a kindergarten through grade five school, for a five-year term effective July 1, 2015, through June 30, 2020, under the oversight of the SBE, based on the CDE's findings pursuant to *EC* sections 47605(b)(1), 47605(b)(5), and *California Code of Regulations*, Title 5 (5 *CCR*) Section 11967.5. Additionally, the CDE recommends that the SBE approve the establishment of NSSF to serve kindergarten through grade one as indicated in the enrollment plan in the first year of operation, 2015–16. The Meeting Notice on the SBE ACCS Web page is located at http://www.cde.ca.gov/be/cc/cs/accsnotice021015.asp. The CDE will conduct a pre-opening site visit at least 30 days prior to the scheduled opening date. Written authorization from the CDE would be required prior to the operation of any additional facility.

The ACCS considered the NSSF petition at its February 10, 2015, meeting. By a vote of five to zero, the ACCS recommends that the SBE approve the petition to establish NSSF under the oversight of the SBE.

BRIEF HISTORY OF KEY ISSUES

NSSF submitted a petition on appeal to CDE on December 16, 2014.

In their petition, NSSF asserts that the mission is to provide a holistic 21st Century education that instills a love of learning now and prepares pupils and families for success in the future. The petitioners propose to serve approximately 88 pupils in kindergarten through grade one in the first year of operation (2015–16) and expand to 264 pupils in kindergarten through grade five (p. 16 of Attachment 3 of Agenda Item 04 on the ACCS February 10, 2015, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-feb15item06a3.pdf).

The petitioners plan on expanding NSSF as a kindergarten through grade twelve inquiry-based school, serving 572 pupils by the year 2025.

In considering the NSSF petition, CDE staff reviewed the following:

- The NSSF petition, Attachment 3 of Agenda Item 04 on the ACCS February 10, 2015, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-feb15item06a3.pdf.

- Educational and demographic data of schools where pupils would otherwise be required to attend, Attachment 2 of Agenda Item 04 on the ACCS February 10, 2015, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-feb15item06a2.xls.

- The NSSF budget and financial projections, Attachment 4 of Agenda Item 04 on the ACCS February 10, 2015, Meeting Notice on the SBE ACCS Web page. (This item is not available for online viewing. Please contact the Charter Schools Division at 916-322-6029 or by e-mail at Charters@cde.ca.gov for more information).

- The NSSF appendices, and attachments, Attachment 5 of Agenda Item 04 on the ACCS February 10, 2015, Meeting Notice on the SBE ACCS Web page. (This item is not available for online viewing. Please contact the Charter Schools Division at 916-322-6029 or by e-mail at Charters@cde.ca.gov for more information).

- Description of changes to the petition necessary to reflect the SBE as the authorizing entity, Attachment 6 of Agenda Item 04 on the SBE ACCS February 10, 2015, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-feb15item06a6.pdf.

- San Francisco Unified School District and San Francisco County Office of Education Memorandum Regarding Factual Findings: New School of San Francisco Petition, Attachment 7 of Agenda Item 04 on the ACCS February 10, 2015, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-feb15item06a7.pdf.

- San Francisco Unified School District and San Francisco County Office of Education Memorandum Regarding Staff Report: Review of Petition for New School San Francisco and Petitioner's Response to Memorandum, Attachment 8 of Agenda Item 04 on the ACCS February 10, 2015, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-feb15item06a8.pdf.

On October 28, 2014, SFUSD denied the renewal petition without written findings. However, NSSF was presented with a memorandum, dated October 28, 2014, from Michael Davis, Director, at SFUSD. This memorandum provided the following:

Factual Finding: The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.

- The petitioners have presented a petition for a kindergarten through grade twelve charter school. The educational program and financial information presented by the petitioner outlined a kindergarten through grade five program. The petitioners would be first time administrators of a public school, tasked with building an educational program for the entire kindergarten through grade twelve grade span.

- The petitioners start-up funding includes a pledged $515,000 interest-free loan to be received in varying amounts over the period beginning July 31, 2015, and ending July 31, 2019. This loan is to be repaid by December 31, 2020. The loan process would exceed 10 percent of operating costs in the second year of operation, and either failure to receive pledged funds, or repayment of those funds prior to 2021 (which does not appear in the budget) could negatively affect solvency.

- The five-year salary and benefits budget assumes a State Teachers' Retirement System (STRS) employer contribution rate of 8.25 percent in each year of operation. Under the STRS "Fix" plan agreed to this year by the Governor and Legislators, the STRS employer rate for the 2015–16 school year is 10.73 percent, and will rise to 19.1 percent in 2020.

- The cash flow documents provided reflect extremely low cash balances in years one and two, and assume no expenditures in the month of July for each year.

The CDE staff has conducted a thorough analysis and does not concur with the finding of SFUSD. The information in this item provides the analysis that CDE staff has been able to complete to date with the available information.

Pursuant to *EC* sections 47605(b)(1), 47605(b)(2), 47605(b)(5), and 5 *CCR* Section 11967.5.1, a charter petition must provide a reasonably comprehensive description of multiple required elements. The required elements are summarized in p. 2 of Attachment 1 of Agenda Item 04 on the ACCS February 10, 2015, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-feb15item06a1.doc.

Budget

At the conclusion of the October 8, 2014, SFUSD staff memorandum (pp. 1–2 of Attachment 8 of Agenda Item 04 on the ACCS February 10, 2015, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-feb15item06a8.pdf), it states that the petitioners provided amending and clarifying information to the Budget and Business Services Committee to address the concerns. The amended budget NSSF presented did not include the $515,000 loan and included a revision that raised the STRS employer contribution rate. The CDE reviewed the amended budget and finds that based on total entitlement under the Local Control Funding Formula, with the assumed enrollment growth and English learners (EL), low income, and foster youth population projections, and all expenditures, the NSSF multi-year budget is sustainable and fiscally viable.

Educational Program

The petitioners state that “all English learners will be fully integrated into the regular classroom setting” on p. 55 of Attachment 3 of Agenda Item 04 on the ACCS February 10, 2015, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-feb15item06a3.pdf. The petitioners state that the school will meet all applicable legal requirements for EL; however, the description of the NSSF EL program in the charter petition fails to demonstrate how NSSF will meet the needs of EL and the requirements of law on p. 53 of Attachment 3 of Agenda Item 04 on the ACCS February 10, 2015, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-feb15item06a3.pdf. The petition does outline how EL will be identified through the administration of the California English Language Development Test (CELDT) as well as provide strategies including the Sheltered Instructional Observation Protocol Model and Specifically Designed Academic Instruction in English; however, the petition does not include a description of specific program placement for pupils who score within levels 1 through 3 on the CELDT. The petition does not include a description of how and when EL pupils will receive targeted English Language Development (ELD) instruction aligned to English language arts/ELD standards. Additionally the petition does not include a description of how reclassified EL are monitored for a minimum of two years. NSSF fails to provide sufficient information to

ensure that additional and appropriate educational services that EL are required to receive under federal and state law would indeed be provided by the school.

The petition provides an adequate description of 12 of the 16 charter elements, while 4 elements require a technical amendment. Additional information and amendments to the petition would be needed if it is approved as an SBE-authorized charter school. These amendments are due to the change in authorizer, or to strengthen or clarify elements for monitoring and accountability purposes.

The NSSF petition addresses the requirements of *EC* Section 47605(b)(5)(A)(ii), including a description of the school's annual goals, for all pupils (i.e. schoolwide) identified pursuant to *EC* Section 52052, for each of the applicable state priorities identified in *EC* Section 52060(d), and a description of the specific annual actions the school will take to achieve each of the identified annual goals. However, the petition does not include a description of annual goals by subgroup to satisfy the requirement of *EC* Section 52052. Therefore, a technical amendment is required to address pp. 73–76 in the petition (p. 33 of Attachment 1 of Agenda Item 04 on the ACCS February 10, 2015, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-feb15item06a1.doc).

The CDE finds that the petitioners are demonstrably likely to implement the program set forth in the petition and that the petition contains reasonably comprehensive descriptions of the 16 charter elements pursuant to *EC* Section 47605(b)(5).

A detailed analysis of the review of the entire petition is provided in Attachment 1 of Agenda Item 04 on the ACCS February 10, 2015, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-feb15item06a1.doc.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Currently, 24 charter schools operate under SBE authorization as follows:

- One statewide benefit charter, operating a total of six sites
- One countywide benefit charter
- Eight districtwide charters operating a total of eighteen sites
- Fourteen charter schools, authorized on appeal after local or county denial

The SBE delegates oversight duties of the districtwide charters to the county office of education of the county in which the districtwide charter is located. The SBE delegates oversight duties of the remaining charter schools to the CDE.

FISCAL ANALYSIS (AS APPROPRIATE)

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

ATTACHMENT(S)

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

STATE BOARD OF EDUCATION
STANDARD CONDITIONS ON OPENING AND OPERATION

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

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

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

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

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

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

- **Operational Date.** If any deadline specified in these conditions is not met, approval of the charter is terminated, unless the SBE deletes or extends the deadline not met. If the school is not in operation by September 30, 2015, approval of the charter is terminated.

California State Board of Education

Meeting Agenda Items for March 11-12, 2015

ITEM 11

CALIFORNIA STATE BOARD OF EDUCATION

MARCH 2015 AGENDA

SUBJECT	
San Francisco Flex Academy: Hold a Public Hearing to Consider a Petition to Renew the Charter Currently Authorized by the State Board of Education.	☒ Action ☒ Information ☒ Public Hearing

SUMMARY OF THE ISSUE(S)

San Francisco Flex Academy (SFFA) is currently a State Board of Education (SBE)-authorized charter school, with a charter term that expires on June 30, 2015.

Pursuant to California *Education Code* (*EC*) Section 47605(k)(3), which requires an SBE-authorized charter school to submit a renewal petition to the authority that originally denied the charter, SFFA submitted a renewal petition to San Francisco Unified School District (SFUSD). On October 28, 2014, the SFUSD denied the renewal petition by a vote of five to two.

If a governing board of a school district denies a renewal petition for an SBE-authorized charter school, *EC* Section 47605(k)(3) permits the charter school to submit the renewal petition directly to the SBE.

RECOMMENDATION

The California Department of Education (CDE) submitted a recommendation to the Advisory Commission on Charter Schools (ACCS) to deny the renewal petition under the oversight of the SBE. In support of this recommendation, the CDE provided review and analyses of the appeal petition. These analyses are also provided for the SBE's consideration. The Meeting Notice for the SBE ACCS Web page is located at http://www.cde.ca.gov/be/cc/cs/accsnotice021015.asp.

ACCS Recommendation:

The ACCS considered the SFFA petition at its February 10, 2015, meeting. The ACCS voted to recommend that the SBE approve the renewal petition with the following conditions:

1. SFFA must meet enrollment targets, and submit the enrollment totals to CDE, no later than July 1, 2015.

2. SFFA will obtain the five percent fiscal reserve as required by all SBE-authorized charter schools.

3. SFFA will provide a balanced budget reflecting the five percent fiscal reserve as stated in the SBE oversight Memorandum of Understanding.

4. All Local Control Accountability Plan subgroups must be recognized.

The motion did not pass by a vote of three in favor and two against. However, because five votes are needed in order for an action to carry, there is no official recommendation from the ACCS.

BRIEF HISTORY OF KEY ISSUES

SFFA submitted a petition on appeal to the CDE on December 9, 2014.

The mission of SFFA is to create an outstanding school where each child's full potential is developed with engaging, individualized online learning, and to help school districts and others replicate this innovative educational model.

The petitioner currently operates under SBE-authorization and is located in San Francisco, California. The school currently serves pupils in grade nine through grade twelve with an approved charter for grade six through grade twelve.

In considering the SFFA petition, CDE staff reviewed the following:

- The SFFA petition, Attachment 3 of Agenda Item 05 on the ACCS February 10, 2015, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-feb15item03a3.pdf.

- Educational and demographic data of schools where pupils would otherwise be required to attend, Attachment 2 of Agenda Item 05 on the ACCS February 10, 2015, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-feb15item03a2.xls.

- The SFFA budget and financial projections, Attachment 4 of Agenda Item 05 on the ACCS February 10, 2015, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-feb15item03a4.pdf.

- The SFFA appendices and attachments, Attachment 5 of Agenda Item 05 on the ACCS February 10, 2015, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-feb15item03a5.pdf.

- Description of changes to the petition necessary to reflect the SBE as the authorizing entity, Attachment 6 of Agenda Item 05 on the ACCS February 10, 2015, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-feb15item03a6.pdf.

- A memorandum from the SFUSD dated October 28, 2014, Subject: Factual Findings Renewal Petition from SFFA, Attachment 7 of Agenda Item 05 on the ACCS February 10, 2015, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-feb15item03a7.pdf.

- The petitioner's letter to Dr. Kirst, SBE President, regarding SFFA charter renewal appeal, Attachment 8 of Agenda Item 05 on the ACCS February 10, 2015, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-feb15item03a8.pdf.

On October 28, 2014, SFUSD denied the renewal petition without written findings. However, SFFA was presented with a memorandum, dated October 28, 2014, from Michael Davis, Director, at SFUSD. This memorandum provided the following:

Finding 1: The financial information presented by the petitioner does not indicate the likelihood of future success.

- The five-year financial plan presented by the petitioner projects expenditures that are in excess of revenues that are balanced by "K12 Balanced Budget Credits."

- The Charter Management Organization, K12, provides services to the charter school and forgives the charges each year allowing the school budget to zero out.

- Under Assembly Bill (AB) 1200, the school should, for each fiscal year, have an ending balance sufficient to provide a reserve for economic uncertainties and should not project deficit spending for consecutive years. The financial information provides no indication of required ending fund balances, and projects deficit spending for each year of operation.

Given that this memorandum was provided on the same date as the October 28, 2014, SFUSD Board meeting, the petitioner did not provide a response to this finding. However, the petitioner did submit to the CDE a memorandum which responds to questions raised in the Budget and Business Services Committee and the Curriculum and Program Committee.

This document is dated October 24, 2014, and is provided in pp. 1–16 of Attachment 5 of Agenda Item 05 on the ACCS February 10, 2015, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-feb15item03a5.pdf. The CDE staff has conducted a thorough analysis and concurs with the SFUSD memorandum.

The information in this item provides the analysis that CDE staff has been able to complete to date with the available information. Since this is a renewal petition, the authorizer must provide the following analysis of academic achievement, which is to be considered first, before all other factors:

Increases in pupil academic achievement for all groups of pupils served by the charter school were considered as the most important factor in the analysis of the SFFA renewal petition. The lack of numerically significant Academic Performance Index (API) subgroup growth data for 2011, 2012, or 2013 and a 36.8 percent decline in enrollment between 2011–12 and 2013–14 make conclusive analysis of subgroup achievement unreliable. The school did make strong gains schoolwide and for Black or African American, Hispanic or Latino, White, and Socioeconomically Disadvantaged pupils between 2012 and 2013 based on API growth data, but it appears that these results are not for a largely similar cohort of pupils. Given this dissimilarity, conclusions drawn regarding academic achievement using 2012 and 2013 API growth data cannot be considered reliable. While SFFA does meet three of the five renewal criteria provided in *EC* Section 47607 (b), SFFA has not met other essential renewal standards and criteria of *EC* Section 47605. The CDE finds that despite increases in pupil academic achievement, SFFA is nonetheless demonstrably unlikely to successfully implement the program set forth in the petition. SFFA continues to experience significant declines in pupil enrollment. Declining enrollment coupled with deficit spending and lack of reserves indicates that SFFA should not be granted renewal of its charter.

Senate Bill 1290 does not define how "academic achievement" will be measured. Chartering authorities therefore have some latitude in evaluating a charter school's success based on the description provided in each individual charter petition. CDE staff have reviewed Element 2, Measurable Pupil Outcomes (MPOs), listed in the 2010–15 SFFA petition, the CDE Accountability Progress Report data for years 2010–14, California English Language Development Test (CELDT) reports for English learner (EL) reclassification, and provide the following:

MPOs in the 2010–15 Charter Petition

Attendance:
At least 93 percent student attendance.

Fiscal Year (FY)	**P2 Average Daily Attendance (ADA)/Enrollment Ratio**
2013–14	84.9 percent
2012–13	86 percent
2011–12	74.4 percent
2010–11	75.9 percent

Adequate Yearly Progress (AYP) Targets:
Meets or exceeds AYP growth targets.

Year	State English Language Arts (ELA) Target	SFFA ELA	State Math Target	SFFA Math
2012–13	88.9 percent	64.7 percent	88.7 percent	51.4 percent (Safe Harbor)
2011–12	77.8 percent	66.7 percent	77.4 percent	45.5 percent
2010–11	66.7 percent	Met Percent Proficient (*Alternative Method)	66.1 percent	45.5 percent (*Alternative Method)

*This item indicates that AYP results were not calculated using the standard methodology. Most schools, local educational agencies (LEAs), the state, and subgroups have a blank in this column, which indicates the use of a standard methodology. Only alternative methods are indicated in the column. These methods were applied in cases of limited test results or demographic data in the grade levels tested. The original data for the school, an LEA, the state, or subgroup are shown on the *AYP Report*, even though the alternative method is used as the criterion, unless the school, LEA, state, or subgroup had no results for enrollment, valid scores, and/or graduation rate. In those cases, the alternative data are shown on the report.

API Targets:
Meets or exceeds Statewide API growth targets.

Year	SFFA Growth API	SFFA Change from Prior Year	Schoolwide Target	Statewide Rank
2013	733	85 points	656	4*
2012	647	3 points	652	1
2011	641	Base score–first year of operation	No Target	First year of operation; no Statewide Rank

*This API is calculated for a small school, defined as having between 11 and 99 valid Standardized Testing and Reporting Program test scores included in the API. The API is asterisked if the school was small in either 2012 or 2013. APIs based on small numbers of students are less reliable and, therefore, should be carefully interpreted.

Other Achievement Data:

EL Reclassification

Year	Enrollment	EL	Fluent English Proficient (FEP) Pupils	Re-designated FEP Pupils
2013–14	120 pupils	4 pupils	9 pupils	0 pupils
2012–13	150 pupils	10 pupils	7 pupils	0 pupils
2011–12	190 pupils	6 pupils	8 pupils	0 pupils
2010–11	75 pupils	0 pupils	0 pupils	0 pupils

California High School Exit Examination:

Year	State ELA Average	SFFA ELA	State Math Average	SFFA Math
2013–14	83 percent	93 percent	85 percent	90 percent
2012–13	83 percent	86 percent	84 percent	80 percent
2011–12	83 percent	81 percent	84 percent	69 percent
2010–11	82 percent	82 percent	83 percent	88 percent

Assembly Bill 484, which suspended API testing for the 2013–14 school year, allows charter schools to use their most recent API calculation to satisfy programmatic requirements.

Before it can be considered for renewal, a charter school that has been in operation for four years shall meet at least one of five criteria outlined in *EC* Section 47607(b). SFFA has met three of the five criteria as follows:

Requirement 1: Attained its API growth target in the prior year or in two of the last three years, or in the aggregate for the prior three years.

Met: SFFA has attained its API growth target in the 2012–13 school year with a growth of 85 points.

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

Met: SFFA has attained an API decile rank of 4 during the 2012–13 academic year.

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

Not Met: SFFA's similar schools ranking for the 2011–12 school was 1.

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

Met: The CDE has determined that the academic performance of SFFA is at least equal to the academic performance of the pupils in

public schools that the pupils would otherwise have been required to attend, as well as the academic performance of the schools in the school district in which the charter school is located.

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

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

Pursuant to *EC* sections 47605(b)(1), 47605(b)(2), 47605(b)(5) and *California Code of Regulations*, Title 5 (5 *CCR*) Section 11967.5.1, a charter petition must provide a reasonably comprehensive description of multiple required elements. The required elements are summarized on p. 2 of Attachment 1 of Agenda Item 05 on the ACCS February 10, 2015, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-feb15item03a1.doc.

Budget

SFFA contracts solely with K12 for curriculum and administrative services. Since the beginning of operations in 2010–11, SFFA has had a zero ending fund balance with no reserves. The charter is only able to report balanced budgets because K12 reduces the costs of their services, in the form of "budget credits," to SFFA in an amount sufficient enough to zero out any accumulated deficits. The 2013–14 annual audit notes that K12 covered all shortfalls by budget credits. By the end of Fiscal Year 2014–15, SFFA will have accumulated approximately $6.4 million in credit liabilities. By agreement, K12 is to provide budget credits to SFFA at an amount that zeros out accumulated deficits. Such accumulated credits are to be repaid back to K12 only under certain improved financial conditions, which are unlikely to materialize. SFFA projects continued use of budget credits through the end of its current charter term, June 30, 2015.

SFFA ADA for FY 2014–15 budgeted at 104.25 was reduced to 77.67 according to the First Interim Report. The significant declining enrollment and ADA will affect the charter school's funding. In addition, the ADA/Enrollment ratio for SFFA for FY 2013–14 was 84.9 percent, which is significantly below the expected state average of 93 percent.

SFFA acquired a Proposition 39 facility from SFUSD and began the 2014–15 school year in this new facility with a significantly lower cost. However, actual current SFFA enrollment does not meet the minimum required number of SFUSD pupils to be eligible for a Proposition 39 facility for the 2015–16 school year.

SFFA has not met the enrollment or grade levels as specified in the original petition. The school was designed to serve 850 pupils in grade six through grade twelve; 275 pupils in the first year of operation with a plan to grow to 550 high school pupils, adding 300 pupils to support a grade six through grade eight program. Enrollment over the last five years for grade nine through grade twelve is as follows:

- 2010–11: 75 pupils

- 2011–12: 190 pupils
- 2012–13: 150 pupils
- 2013–14: 120 pupils
- 2014–15: 92 pupils

For the past five years, SFFA has been operating with zero ending fund balances, deficit spending, accumulated deficits of $6.4 million, and no reserves. Therefore, SFFA is not fiscally sustainable or viable.

Educational Program

The petitioners state that the school will meet all applicable legal requirements for EL. The petition does outline how EL will be identified through the administration of the CELDT but it does not include a description of specific program placement. Although the petition describes a process for reclassification, it does not include a description of how reclassified ELs are monitored for a minimum of two years.

The petition provides an adequate description of 14 of the 16 elements, while 2 elements require a technical amendment. Additional information and amendments to the petition would be needed if it is approved as an SBE-authorized charter school. These amendments are due to the change in authorizer, or to strengthen or clarify elements for monitoring and accountability purposes.

The SFFA petition addresses the requirements of *EC* Section 47605(b)(5)(A)(ii), including a description of the school's annual goals, for all pupils (i.e. schoolwide) identified pursuant to *EC* Section 52052, for each of the applicable state priorities identified in *EC* Section 52060(d), and a description of the specific annual actions the school will take to achieve each of the identified annual goals. However, the petition does not include a description of annual goals by subgroup to satisfy the requirement of *EC* Section 52052.

Based on the program deficiencies noted above and those noted in the CDE petition review and analysis, the CDE finds that the SFFA charter petitioners are demonstrably unlikely to successfully implement the intended program and the petition does not contain reasonably comprehensive descriptions of the 16 charter elements pursuant to *EC* sections 47605(b)(1), 47605(b)(2), 47605(b)(5), and 5 *CCR* Section 11967.5.1.

A detailed analysis of the review of the entire petition is provided in Attachment 1 of Agenda Item 05 on the ACCS February 10, 2015, Meeting Notice on the SBE ACCS Web page located at
http://www.cde.ca.gov/be/cc/cs/documents/accs-feb15item03a1.doc.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Currently, 24 charter schools operate under SBE authorization as follows:

- One statewide benefit charter, operating a total of six sites
- One countywide benefit charter
- Eight districtwide charters operating a total of eighteen sites
- Fourteen charter schools, authorized on appeal after local or county denial

The SBE delegates oversight duties of the districtwide charters to the county office of education of the county in which the districtwide charter is located. The SBE delegates oversight duties of the remaining charter schools to the CDE.

FISCAL ANALYSIS (AS APPROPRIATE)

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

ATTACHMENT(S)

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

STATE BOARD OF EDUCATION
STANDARD CONDITIONS ON OPENING AND OPERATION

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

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

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

- **Educational Program.** Prior to opening, submit a description of the curriculum development process the school will use and the scope and sequence for the grades envisioned by the school; and submit the complete educational program for pupils to be served in the first year including, but not limited to, a description of the curriculum

and identification of the basic instructional materials to be used; plans for professional development of instructional personnel to deliver the curriculum and use the instructional materials; and identification of specific assessments that will be used in addition to the assessment identified in *EC* Section 60640 in evaluating student progress. Satisfaction of this condition should be determined by the Executive Director of the SBE, based primarily on the advice of CDE staff.

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

- **Operational Date.** If any deadline specified in these conditions is not met, approval of the charter is terminated, unless the SBE deletes or extends the deadline not met. If the school is not in operation by September 30, 2015, approval of the charter is terminated.

California State Board of Education

Meeting Agenda Items for March 11-12, 2015

ITEM 12

ITEM #12

CALIFORNIA STATE BOARD OF EDUCATION

MARCH 2015 AGENDA

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

SUMMARY OF THE ISSUE

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

Pursuant to 5 *CCR*, Section 11963.6(c), any determination of funding request approved by the SBE for an existing nonclassroom-based charter school must be prospective (not for the current year). The CDE received completed determination of funding requests from Glacier High School Charter (GHSC) and Mountain Home School Charter (MHSC) after the required February 1, 2014, deadline, thereby making each request retroactive, not prospective. Since each of the charter schools did not submit a completed request by the regulatory filing deadline, they were required to request a waiver for SBE approval to allow the charter schools to request a non-prospective funding determination.

A waiver for each charter school was submitted to the SBE requesting approval for a non-prospective funding determination for fiscal year (FY) 2014–15. The waivers were approved by the SBE at its January 14, 2015, meeting. The waiver requests are provided in the SBE January 2015, Meeting Notice for the SBE Web Page located at http://www.cde.ca.gov/be/ag/ag/yr15/documents/jan15w05.doc

RECOMMENDATION

The CDE recommends that the SBE deny GHSC's and MHSC's mitigating circumstances requests and approve the proposed determination of funding as provided in Attachment 1.

Advisory Commission on Charter Schools Recommendation

The ACCS met on February 10, 2015. The ACCS voted four to one to approve MHSC's and GHSC's mitigating circumstances and a determination of funding of 100 percent for two years, FYs 2014–15 through 2015–16. However, because five votes are needed in order for an action to carry, there is no official recommendation from the ACCS.

BRIEF ANALYSIS OF THE ISSUE

GHSC and MHSC each submitted a request to obtain a determination of funding by the SBE with the consideration of mitigating circumstances to establish eligibility to receive apportionment funding.

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

- At least 40 percent of the school's public revenues are to be spent on salaries and benefits for all employees who possess a valid teaching certificate; and

- At least 80 percent of all revenues are to be spent on instruction and instruction related services; and

- The ratio of average daily attendance for independent study pupils to full-time certificated employees does not exceed a pupil-teacher ratio of 25:1 or the pupil-teacher ratio of the largest unified school district in the county or counties in which the charter school operates.

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

5 *CCR* Section 11963.6(c) specifies that a determination of funding approved by the SBE shall be prospective (not for the current year) and shall be in increments of a minimum of two years and a maximum of five years in length.

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

specific charter school meets the percentage requirements for a funding determination as expressed in 5 *CCR* Section 11963.4(a).

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

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

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

GHSC is requesting a 100 percent determination of funding with the consideration of the charter school's mitigating circumstances. The charter school reported expenditures of 56.18 percent on certificated staff costs; however, it reported expenditures of 70.55 percent on instruction and instruction related services, which qualifies the charter school for an 85 percent determination of funding. The charter school failed to meet the regulatory requirement for a 100 percent funding determination by under spending on instruction by approximately $66,500, while ending FY 2012–13 with a fund balance of $218,916. The charter school's mitigating circumstances request cites conserving cash due to state deferrals, delaying curriculum purchases, and to set aside funds for a potential facility acquisition. However, the CDE finds that the charter school's reserves were not designated for facilities acquisition or capital projects. Furthermore, the reserves could have been used to support instruction in FY 2012–13, rather than being held for future expenses. The CDE recommends that the SBE deny GHSC's mitigating circumstances request and recommends a determination of funding of 85 percent for two years (2014–15 through 2015–16) as noted in Attachment 1.

MHSC is requesting a 100 percent determination of funding with the consideration of the charter school's mitigating circumstances. The charter school reported expenditures of 60.06 percent on certificated staff costs; however, it reported expenditures of 71.79

percent on instruction and instruction related services, which qualifies the charter school for an 85 percent determination of funding. The charter school failed to meet the regulatory requirement for a 100 percent funding determination by under spending on instruction by approximately $116,500, while ending FY 2012–13 with a fund balance of $754,420. The charter school's mitigating circumstances request cites conserving cash due to state deferrals, delaying curriculum purchases, and to set aside funds for a potential facility acquisition. However, the CDE finds that while MHSC reflects $100,000 reserved for facilities acquisition, the charter school provided no specific facility plan or details on the timeline or costs associated with a future building purchase. Furthermore, the CDE finds that the charter school's reserves could have been used to support instruction in FY 2012–13. The CDE recommends that the SBE deny MHSC's mitigating circumstances request and recommends a determination of funding of 85 percent for two years (2014–15 through 2015–16) as provided in Attachment 1.

The funding determination requests are provided in Attachments 2 through 6 of the ACCS Agenda Item 3 on the ACCS February 10, 2015, meeting notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/accsnotice021015.asp

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

At its January 2015 meeting, the SBE approved the CDE's recommendation to approve Yosemite Unified School District's requests to waive specific portions of 5 *CCR*, Section 11963.6 (c), which allow MHSC and GHSC to submit a determination of funding request for the non-prospective fiscal period of July 1, 2014, through June 30, 2015.

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

FISCAL ANALYSIS (AS APPROPRIATE)

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

ATTACHMENT

Attachment 1: California Department of Education Proposed Determination of Funding Recommendation for Nonclassroom-based Charter Schools (1 Page)

California Department of Education

Proposed Determination of Funding Recommendation for Nonclassroom-based Charter Schools

CDS Code	Charter Authorizer / County	Charter School / Charter Number	First Year of Operation	Percent Spent on Certificated Staff Compensation ^	Percent Spent on Instruction and Instruction Related Services^	Funding Determination and Years Requested by Charter School With Mitigating Circumstances	Funding Determination Without Mitigating Circumstances (5 *CCR* Section 11963.4)	CDE Recommendation Funding Determination and Years*	CDE Recommendation Mitigating Circumstances Provided
20-76414-2030237	Yosemite Unified / Madera	Glacier High School Charter / 479	2002–03	56.18%	70.55%	100% for 2 Years (2014–15 through 2015–16)	85%	85% for 2 Years (2014–15 through 2015–16)	No
20-76414-6110076	Yosemite Unified / Madera	Mountain Home School Charter / 63	1994–95	60.06%	71.79%	100% for 2 Years (2014–15 through 2015–16)	85%	85% for 2 Years (2014–15 through 2015–16)	No

^Spending percentages correspond to the charter school's funding determination request as originally submitted to the California Department of Education (CDE).
*At its January 2015 meeting, the State Board of Education approved a request to waive specific portions of 5 *CCR*, Section 11963.6(c), for the fiscal period of July 1, 2014 to June 30, 2015.

California State Board of Education

Meeting Agenda Items for March 11-12, 2015

ITEM 13

CALIFORNIA STATE BOARD OF EDUCATION

MARCH 2015 AGENDA

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

SUMMARY OF THE ISSUE

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

Pursuant to 5 *CCR*, Section 11963.6(c), any determination of funding request approved by the SBE for an existing nonclassroom-based charter school must be prospective (not for the current year). The CDE received completed determination of funding requests from the California Virtual Academy (CAVA) at Kings, CAVA @ Los Angeles, and CAVA at San Mateo after the required February 1, 2014, deadline, thereby making each request retroactive, not prospective. Since each of the charter schools did not submit a completed request by the regulatory filing deadline, they were required to request a waiver for SBE approval to allow the charter schools to request a non-prospective funding determination.

A waiver for each charter school was submitted to the SBE requesting approval for a non-prospective funding determination for fiscal year (FY) 2014–15. The waivers were approved by the SBE at its January 14, 2015, meeting. The waiver requests are provided in the SBE January 2015, Meeting Notice for the SBE Web Page located at http://www.cde.ca.gov/be/ag/ag/yr15/documents/jan15w05.doc

RECOMMENDATION

The CDE recommends that the SBE approve the determinations of funding as provided in Attachment 1.

Advisory Commission on Charter Schools Recommendation

The ACCS met on February 10, 2015, and voted unanimously to approve the CDE recommendation that the SBE approve the determinations of funding as provided in Attachment 1.

BRIEF ANALYSIS OF THE ISSUE

CAVA at Kings, CAVA @ Los Angeles, and CAVA at San Mateo each submitted a request to obtain a determination of funding by the SBE to establish eligibility to receive apportionment funding.

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

- At least 40 percent of the school's public revenues are to be spent on salaries and benefits for all employees who possess a valid teaching certificate; and

- At least 80 percent of all revenues are to be spent on instruction and instruction related services; and

- The ratio of average daily attendance for independent study pupils to full-time certificated employees does not exceed a pupil-teacher ratio of 25:1 or the pupil-teacher ratio of the largest unified school district in the county or counties in which the charter school operates.

5 *CCR* Section 11963.6(c) specifies that any determination of funding approved by the SBE shall be prospective (not for the current year) and shall be in increments of a minimum of two years and a maximum of five years in length.

CAVA at Kings, CAVA @ Los Angeles, and CAVA at San Mateo are each requesting a 100 percent determination of funding for a five-year period for FYs 2014–15 through 2018–19. CAVA at Kings reported expenditures of 40.87 percent on certificated staff costs, 94.25 percent on instruction and instruction related services, and a pupil-teacher ratio of 20.8:1, which qualifies the charter school for a 100 percent determination of funding. CAVA @ Los Angeles reported expenditures of 41.31 percent on certificated staff costs, 94.33 percent on instruction and instruction related services, and a pupil-teacher ratio of 21.8:1, which qualifies the charter school for a 100 percent determination of funding. CAVA at San Mateo reported expenditures of 40.24 percent on certificated staff costs, 94.69 percent on instruction and instruction related services, and a pupil-teacher ratio of 19.6:1, which qualifies the charter school for a 100 percent determination of funding.

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

Section 52056(a) requiring API ranking of schools was repealed. Alternatives were authorized by Assembly Bill (AB) 484 (Chapter 489, Statutes of 2013) to meet legislative and/or programmatic requirements. For purposes of meeting the API requirement pursuant to *EC* Section 47612.5(d)(2), the CDE considers the following alternatives as proposed by AB 484: (a) the most recent API calculation; or (b) an average of the three most recent annual API calculations; whichever is higher. When making a recommendation for a funding determination, the CDE considers the number of years a charter school has been in operation and the number of years requested for the determination of funding by the charter school.

The funding determination requests are provided in Attachments 2 through 4 of the ACCS Agenda Item 2 on the ACCS February 10, 2015, meeting notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/accsnotice021015.asp

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

At its January 2015 meeting, the SBE approved the CDE's recommendation to approve Armona Union Elementary School District's, Jefferson Elementary School District's, and West Covina Unified School District's requests to waive specific portions of 5 *CCR*, Section 11963.6 (c), which allow CAVA at Kings, CAVA @ Los Angeles, and CAVA at San Mateo to submit a determination of funding request for the non-prospective fiscal period of July 1, 2014, through June 30, 2015.

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

FISCAL ANALYSIS (AS APPROPRIATE)

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

ATTACHMENT

Attachment 1: California Department of Education Proposed Determination of Funding Recommendation for Nonclassroom-based Charter Schools (1 Page)

California Department of Education

Proposed Determination of Funding Recommendation for Nonclassroom-based Charter Schools

CDS Code	Charter Authorizer	County	Charter School / Charter Number	First Year of Operation	Percent Spent on Certificated Staff Compensation^	Percent Spent on Instruction and Instruction Related Services^	Pupil-Teacher Ratio^	Funding Determination and Years Requested by Charter School	CDE Recommendation Funding Determination and Years*
16-63875-0112698	Armona Union Elementary	Kings	California Virtual Academy at Kings / 840	2006–07	40.87%	94.25%	20.8:1	100% for 5 Years (2014–15 through 2018–19)	100% for 4 Years (2014–15 through 2017–18)
19-65094-0112706	West Covina Unified	Los Angeles	California Virtual Academy @ Los Angeles / 838	2006–07	41.31%	94.33%	21.8:1	100% for 5 Years (2014–15 through 2018–19)	100% for 4 Years (2014–15 through 2017–18)
41-68916-0112284	Jefferson Elementary	San Mateo	California Virtual Academy at San Mateo / 802	2006–07	40.24%	94.69%	19.6:1	100% for 5 Years (2014–15 through 2018–19)	100% for 4 Years (2014–15 through 2017–18)

^Spending percentages and pupil-teacher ratio correspond to the charter school's funding determination request as originally submitted to the California Department of Education (CDE).
*For the funding determination effective period, the CDE considers the number of years a charter school has been in operation and the number of years requested for the determination of funding by the charter school. At its January 2015 meeting, the State Board of Education approved a request to waive specific portions of 5 *CCR*, Section 11963.6(c), for the fiscal period of July 1, 2014 to June 30, 2015.

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California State Board of Education

Meeting Agenda Items for March 11-12, 2015

ITEM 14

CALIFORNIA STATE BOARD OF EDUCATION

MARCH 2015 AGENDA

SUBJECT	
Appeal from the action of the San Mateo County Committee on School District Organization to approve a transfer of territory from the South San Francisco Unified School District to the San Bruno Park Elementary School District and the San Mateo Union High School District.	☒ Action ☒ Information ☐ Public Hearing

SUMMARY OF THE ISSUE(S)

The San Mateo County Committee on School District Organization (County Committee) took action to approve a petition to transfer territory from the South San Francisco Unified School District (USD) to the San Bruno Park Elementary School District (ESD) and the San Mateo Union High School District (UHSD). The South San Francisco USD appealed the action to the California State Board of Education (SBE). Pursuant to California *Education Code* (*EC*) Section 35710.5(c), the SBE "may review the appeal either solely on the administrative record or in conjunction with a public hearing." The SBE also "may reverse or modify the action of the County Committee in any manner consistent with law." If the SBE affirms the action of the County Committee, it must set the area in which the local election to approve the territory transfer will be conducted.

RECOMMENDATION

The California Department of Education recommends that the SBE: (1) review the appeal solely on the administrative record, (2) affirm the action of the County Committee to transfer territory from the South San Francisco USD to the San Bruno ESD and the San Mateo UHSD, and (3) establish the election area as the territory proposed for transfer.

BRIEF HISTORY OF KEY ISSUES

In 1959 the San Bruno Park ESD acquired a site to build a new school. This site was located within the South San Francisco USD, but contiguous to the boundary between the two districts. The Carl Sandburg School was built on this site in 1961 and San Bruno Park ESD operated the school until closing it in 1978 due to declining enrollment. The San Bruno Park ESD subsequently leased the school to private operators until 2005 when it sold the property to a developer for a 70-home subdivision (Merimont Subdivision).

Beginning with the 2007–08 school year (when subdivision homes were completed), school-age children residing in the territory attended schools of the San Bruno Park ESD and the San Mateo UHSD. Initially, homeowners in the Merimont Subdivision received property tax statements indicating that their taxes were for the San Bruno Park ESD and the San Mateo UHSD—and students in this area attended schools in those districts. The San Mateo County Assessor subsequently determined that the subdivision was part of the South San Francisco USD (therefore, in the tax rate areas of that district) and changed the county tax rolls accordingly beginning with the 2009–10 tax year. Consequently, parents residing within the Merimont Subdivision must now obtain inter-district transfer agreements in order for their students to attend school in the San Bruno Park ESD and the San Mateo UHSD.

Residents learned in 2011 of the San Mateo County Assessor's decision to assign the subdivision to the South San Francisco USD and, in 2012, submitted a petition to transfer the subdivision to the San Bruno Park ESD and the San Mateo UHSD. In 2013, the County Committee approved the territory transfer and the South San Francisco USD subsequently appealed the action to the SBE.

The appeal filed by the South San Francisco USD contains three general concerns:

- The territory transfer does not substantially meet the *EC* Section 35753(a)(2) community identity condition.

- The territory transfer does not substantially meet the *EC* Section 35753(a)(9) financial condition.

- The election area should not be limited to the area proposed for transfer.

The CDE agrees with the County Committee that all *EC* Section 35753(a) conditions are substantially met and finds that the appeal filed by South San Francisco USD discloses no arguable basis for overturning the County Committee's decision (see Attachment 1 for further information regarding the issues in the appeal and the CDE findings). The CDE recommends that the SBE: (1) review the appeal solely on the administrative record, (2) affirm the action of the County Committee to transfer territory from the South San Francisco USD to the San Bruno ESD and the San Mateo UHSD, and (3) establish the election area as the territory proposed for transfer.

The SBE affirmation of the County Committee action will trigger notification to the San Mateo County Superintendent of Schools, directing her to call a local election to finalize approval of the transfer. The SBE action to reverse the County Committee decision will overturn the locally approved territory transfer, thus maintaining the status quo.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SBE has not considered any matters related to this territory transfer proposal.

FISCAL ANALYSIS (AS APPROPRIATE)

If the SBE affirms the County Committee's action, the San Mateo County Office of Education will incur the cost of the election held in the Merimont Subdivision.

ATTACHMENT(S)

Attachment 1: Analysis and Recommendations (12 pages)

Review of the Administrative Record

Appeal from a Decision of the San Mateo County Committee on School District Organization to Approve a Transfer of Territory from the South San Francisco Unified School District to the San Bruno Park Elementary School District and the San Mateo Union High School District

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1.0 RECOMMENDATION

The California Department of Education (CDE) recommends that the California State Board of Education (SBE): (1) review the appeal solely on the administrative record, (2) affirm the action of the San Mateo County Committee (County Committee) to transfer territory from the South San Francisco Unified School District (USD) to the San Bruno Elementary School District (ESD) and the San Mateo Union High School District (UHSD), and (3) establish the election area as the territory proposed for transfer.

2.0 BACKGROUND

In 1959 the San Bruno Park ESD acquired a site on which to build a new school. This site was located within the South San Francisco USD, but contiguous to the boundary between the two school districts. The San Bruno Park ESD built the Carl Sandburg School on this site in 1961 and operated the school until closing it in 1978 due to declining enrollment. The San Bruno Park ESD subsequently leased the school to private operators until 2005 when it sold the property to a developer for a 70-home subdivision (Merimont Subdivision).

Beginning with the 2007–08 school year (when subdivision homes were completed), school-age children residing in the territory attended schools of the San Bruno Park ESD and the San Mateo UHSD. Initially, homeowners in the Merimont Subdivision received property tax statements indicating that their taxes were for the San Bruno Park ESD and the San Mateo UHSD—and students in this area attended schools in those districts. The San Mateo County Assessor subsequently determined that the subdivision was part of the South San Francisco USD (therefore, in the tax rate areas of that district) and changed the county tax rolls accordingly beginning with the 2009–10 tax year. Parents residing within the Merimont Subdivision must now obtain inter-district transfer agreements in order for their students to attend school in the San Bruno Park ESD and the San Mateo UHSD.

Residents learned in 2011 of the San Mateo County Assessor's decision to assign the subdivision to the South San Francisco USD. In 2012, the County

Committee received a petition, signed by at least 25 percent of the voters in the Merimont Subdivision[1], to transfer that community from the South San Francisco USD to the San Bruno Park ESD and the San Mateo UHSD. The primary reasons for the proposed transfer of territory, as stated by the petitioners, are:

- When residents purchased the newly built homes in the subdivision, they were informed that they were in the San Bruno Park ESD and the San Mateo UHSD.

- Most of the children in the subdivision attend San Bruno Park ESD and have forged friendships and bonds with students and staff of schools in the San Bruno Park ESD.

3.0 ACTIONS OF THE COUNTY COMMITTEE

The County Committee held two public hearings for the proposed transfer of territory—one on November 27, 2012, within the boundaries of the San Bruno Park ESD and one on December 6, 2012, within the boundaries of the South San Francisco USD. The County Committee also considered information from the affected school districts and petitioners at a special meeting held on March 5, 2013. The governing board of the South San Francisco USD opposes the proposed transfer of territory while the San Bruno Park ESD board supports the transfer. The San Mateo UHSD has not taken a formal position. Public comments from 24 community members at the first public hearing and 23 community members at the second hearing all were supportive of the proposed territory transfer.

Under the California *Education Code* (*EC)*, the County Committee had the following options after holding the public hearings:

- If the County Committee determined that all nine conditions of *EC* Section 35753(a) are substantially met, it could approve the petition (though not required to do so), and would then notify the San Mateo County Superintendent of Schools (County Superintendent) to call an election on the proposed transfer (an election is required when an affected district opposes an approved transfer of territory petition).

- The County Committee could disapprove the petition to transfer territory for other concerns even if it determines that all conditions in subdivision (a) of *EC* Section 35753 have been met.

- If the County Committee determined that all nine conditions of EC Section 35753(a) are not substantially met, it would be required to disapprove the petition to transfer territory.

[1] Petition was signed by residents from 57 of the 70 homes in the Merimont Subdivision.

The County Committee found all nine *EC* Section 35753(a) conditions substantially met and voted 6-1 to approve the territory transfer.

Chief petitioners or affected school districts may appeal County Committee actions on territory transfers for issues of noncompliance with the provisions of *EC* sections 35705, 35706, 35709, 35710, and 35753(a). The South San Francisco USD submitted such an appeal to the County Superintendent. The County Superintendent subsequently transmitted the appeal, along with the complete administrative record of the County Committee action, to the SBE.

4.0 POSITIONS OF AFFECTED SCHOOL DISTRICTS

The governing board of the South San Francisco USD opposes the proposed transfer of territory, the board of the San Bruno Park ESD supports it, and the San Mateo UHSD has not taken a formal position.

4.1 South San Francisco USD

At public hearings for the proposal, staff for the South San Francisco USD provided the following reasons for district opposition to the transfer:

- The district disagrees that the Merimont Subdivision demonstrates substantial community identity with the San Bruno Park ESD since: (1) there is access to South San Francisco USD schools from the subdivision, (2) elementary schools in both districts are equidistant from the subdivision, (3) San Bruno Park's ESD middle schools and San Mateo UHSD schools are further from the subdivision then South San Francisco USD schools, and (4) only nine of 21 public school students in the subdivision attend San Bruno Park ESD.

- South San Francisco USD honors all requests for inter-district transfers submitted by residents of the Merimont Subdivision.

- The assessed valuation (AV) of the Merimont Subdivision is approximately one-half of a percent of the AV upon which district's General Obligation (GO) bond is based. Thus, loss of bond revenue could be as much as $857,500.

- Annual loss of property tax revenue from the Merimont Subdivision would be from $150,000 to $175,000.

- The South San Francisco USD can provide a quality education for students of the Merimont Subdivision.

4.2 San Bruno Park ESD

The San Bruno Park ESD supports the petition primarily because the residents of the Merimont Subdivision have chosen the San Bruno Park

ESD as their school district of preference (two-thirds of students attending public school have requested and received inter-district attendance transfers to attend schools in San Bruno Park ESD) and the transfer would unite the Merimont subdivision with the San Bruno Park ESD.

5.0 REASONS FOR THE APPEAL

Chief petitioners or school districts, pursuant to *EC* Section 35710.5, may appeal a County Committee decision on territory transfers for issues of noncompliance with the provisions of *EC* sections 35705, 35706, 35709, and 35710.

The appellants (South San Francisco USD) base their appeal on the following:

- The County Committee improperly applied *EC* Section 35753 criteria, specifically as they relate to the "Community Identity" and "Fiscal Impact" conditions.
- The County Committee improperly limited the voting area to only the 70 homes within the Merimont Subdivision.
- The action of the County Committee is contrary to California's policy favoring unified school districts.
- The County Committee failed to consider the relative fiscal conditions of the affected districts.
- The County Committee improperly considered the likely outcome of the vote in making its decision.

6.0 CDE RESPONSES TO THE APPEAL

The issues raised by the appellants are discussed below. CDE responses to these issues are included.

6.1 EC Section 35753(a)(2): The districts are each organized on the basis of a substantial community identity.

The petitioners state the following regarding community identity:

- When residents purchased the newly built homes in the subdivision, they were informed that they were in the San Bruno Park ESD and the San Mateo UHSD.
- Most of the children in the subdivision that attend San Bruno Park ESD have forged friendships and bonds with students and staff of schools in the San Bruno Park ESD.

The South San Francisco USD makes the following claims regarding the issue of community identity:

- The district has served 18 students from the Merimont Subdivision since homes in the subdivision were built—thus, the South San Francisco USD has a history of educating students from this area.

- While there is not direct street access from the Merimont Subdivision, there is a walking/fire access path from the subdivision to the closest South San Francisco USD elementary school.

- Of the 21 public school students in the Merimont subdivision (according to 2012–13 data), only nine have elected to obtain inter-district attendance transfers to attend the San Bruno Park ESD—this number does not support the petitioners claims of community identity with the San Bruno Park ESD.

- Although elementary schools in the two districts are equidistant from the Merimont Subdivision, the middle school and high school in the South San Francisco USD are substantially closer to the subdivision than are the intermediate school and the high school in the San Bruno Park ESD and the San Mateo UHSD, respectively.

The South San Francisco USD presented each of the above issues during hearings conducted by the County Committee. Thus, the County Committee took action to find the community identity condition substantially met after review of all the community identity concerns raised in the appeal.

The CDE, after review of the administrative record, notes the following community identity issues:

- Local agencies considered the Merimont Subdivision to be part of the San Bruno Park ESD for a number of years, including:

    - The City of San Bruno noted the property was part of the San Bruno Park ESD at the time it filed California Environmental Quality Act (CEQA) paperwork.

    - The developer of the Merimont Subdivision, in its “Seller’s Information Statement,” identified the San Bruno Park ESD and the San Mateo UHSD as the districts in which the properties were located.

    - The San Bruno Park ESD and the San Mateo UHSD filed statements with the California Department of Real Estate affirming that the Merimont Subdivision was served by the schools of those districts.

- The South San Francisco USD did not list the streets of the subdivision in its "Street Directory."
- The County Assessor (as noted previously) initially placed the subdivision within the San Bruno Park ESD.

Thus, there is a considerable history of the territory already being considered part of the San Bruno Park ESD.

- Of the 21 public school students in the Merimont Subdivision, 14 have requested and received inter-district transfers. Nine of those 14 attend the San Bruno Park ESD (the other five attend different school districts in the area).
- The South San Francisco USD approves all inter-district transfer requests from the Merimont Subdivision but, as a basic aid district, it does not support the transfer of the property taxes intended to finance education of those students. Conversely, the San Bruno Park ESD, also a basic aid district, accepts inter-district transfer students from the Merimont Subdivision without any new source of revenue to educate these additional students.
- Signatures from residents of 57 of the 70 homes were on the petition to transfer the territory (according to petitioner records, voters in only one home preferred not to sign, while the petitioners did/could not contact residents in the remaining 12 homes).
- Approximately 24 members of the community spoke at each of the two public hearings held by the County Committee. All spoke in favor of the transfer.

Given the above considerations, the CDE supports the finding of the County Committee that the territory transfer will not have substantial negative effects on the community identity of any affected district.

6.2 EC Section 35753(a)(9): The proposed reorganization will continue to promote sound fiscal management and not cause a substantial negative effect on the fiscal status of the proposed district or any existing district affected by the proposed reorganization.

The South San Francisco USD claims that the territory transfer will result in an annual loss of $150,000 to $175,000 in property tax revenue.[2] The district is a basic aid and relies heavily on such revenue. However, the

[2] These property tax values were calculated by the South San Francisco USD for its presentations during local public hearings and for purposes of this appeal. The San Mateo County Controller's Office estimated that the annual loss of property tax revenue (based on July 1, 2012 values) could be $263,000.

transfer of property tax revenue is not a direct result of the transfer of territory from a basic aid district. *EC* Section 35566 states that "exchanges of property tax revenues between school districts as a result of reorganization shall be determined pursuant to subdivision (i) of the *Revenue and Taxation Code*" if at least one of the affected districts is a basic aid district. This subdivision provides that the affected governing boards negotiate the exchange in tax revenue, and, if they are unable to do so, the county board of education determines the amount of property tax revenue to be exchanged (if any).

Thus, exchanges of property tax revenue involving basic aid districts are matters for local consideration and determination. If the affected districts are unable to negotiate a mutually agreeable exchange, the county board of education will determine an exchange that is in the best interests of the districts and all students. Neither the SBE nor the CDE has any role to play in determining this exchange.

However, even if all property taxes collected from the Merimont Subdivision did accrue to the San Bruno Park ESD and the San Mateo UHSD, the CDE agrees with the County Committee that this loss to the South San Francisco USD would not have a substantial negative effect on the South San Francisco USD. During the 2012–13 fiscal year (the most recent year that data are available), property tax revenue for the South San Francisco USD increased over 30 percent from the previous year while the district educated 83 fewer students and employed 16 fewer teachers. Furthermore, year-end fiscal statements for the district indicate that revenue for South San Francisco USD exceeded expenditures by over $20 million.[3] Thus, the South San Francisco USD is a financially healthy district, a fact acknowledged by the district itself in the appeal.

EC Section 41372 requires that a "current expense of education" for each school district be calculated based on information submitted to the CDE by the district.[4] That 2012–13 expense per average daily attendance (ADA) for the South San Francisco USD was $7,086. The district, in its appeal, notes that 21 public school students resided in the Merimont Subdivision in the 2012–13. Thus, there is a potential annual expense of educating these students of almost $149,000 for the South San Francisco USD.

The CDE does not see any support for the argument that the potential annual loss of $150,000 to $175,000 in property tax revenue, coupled with the elimination of a potential annual expense of $149,000 to educate students in the Merimont Subdivision, will result in a substantial negative effect on a financially healthy district like the South San Francisco USD.

[3] Source: Educational Data Partnership (Ed-Data)

[4] Background information and annual reports for the "current expense for education" of school districts are available on the CDE Web page at http://www.cde.ca.gov/ds/fd/ec/currentexpense.asp.

The South San Francisco USD further argues that the County Committee "failed to consider the relative fiscal condition of the two affected districts," noting that that South San Francisco USD is in "sound financial health" while the San Bruno Park ESD is in "poor fiscal condition." The South San Francisco USD provides no data to support the contention that the San Bruno Park ESD is in "poor fiscal condition" other than unsubstantiated public comments by the sole member of the County Committee voting against the territory transfer.

The CDE does note that the San Bruno Park ESD received a qualified certification[5] for the 2012–13 year. However, staff of the San Mateo County Office of Education (County Office) presented substantial fiscal information to the County Committee during the review of the territory transfer appeal and no concerns regarding the fiscal health of the San Bruno Park ESD were raised. The district did not have a qualified certification for the 2013–14 year—however, the 2014–15 First Interim Financial Report for the San Bruno Park ESD indicates a qualified certification for the current fiscal year. Regardless, the CDE sees no negative effects on the fiscal health of the San Bruno Park ESD due to the territory transfer.

Given the above considerations, the CDE supports the finding of the County Committee that the proposed transfer of territory will not have substantial negative fiscal effects on any affected school district. The CDE determines that this fiscal condition is substantially met.

6.3 The County Committee improperly limited the voting area to only the 70 homes within the Merimont Subdivision.

Pursuant to *EC* Section 35756, the SBE must determine the area of election should it uphold the County Committee's action to approve the transfer of the Merimont Subdivision. Conversely, no election will be held if the SBE overturns the County Committee's decision. Therefore, upon the filing of an appeal, the action of the County Committee to determine the election area is moot and an appeal from this specific action is not necessary. Factors related to the SBE's responsibility to determine the election area are discussed in section 7.1 of this attachment.

6.4 The action of the County Committee is contrary to California's policy favoring unified school districts.

The appellant claims that it is the "well-established policy of the State" to favor creation of unified school districts—thus, transferring territory from a unified school district to an elementary (and high) school district would contradict this policy. The appellant also recognizes that this issue is "not strictly within the statutory bases for appeal" and, in this regard, the CDE

[5] A qualified certification is assigned when the district may not meet its financial obligations for the current or two subsequent fiscal years.

agrees with the appellant. Regardless, the CDE notes that there is no state policy (well-established or otherwise) to favor the creation of unified school districts—therefore, this is an inaccurate claim.

6.5 The County Committee failed to consider the relative fiscal conditions of the affected districts.

The appellant claims that transferring the territory from a fiscally sound district (South San Francisco USD) to a fiscally unhealthy district (San Bruno Park ESD) does not "promote sound fiscal management." As noted in section 6.2 of this attachment, the appellant provides no information to support its claim.

6.6 The County Committee improperly considered the likely outcome of the vote in making its decision.

The appellant claims that the County Committee improperly based its decision not to expand the election to the entire South San Francisco USD based on what the likely outcome of the election would be under such an expansion. As noted in section 6.3 of this attachment, the action of the County Committee to determine the election area is moot once the appeal was filed, since the SBE is required to establish the election area regardless. A discussion of issues related to the SBE establishment of the election area is in section 7.1 of this attachment.

6.7 Summary

The CDE reviewed the appellants' claims and agrees with the County Committee's findings that all nine of the threshold conditions contained in *EC* Section 35753(a) are substantially met. The CDE finds no reason in the appeal, the county administrative record, or in its own analysis of the issues, to overturn the action of the County Committee to approve the transfer of the Merimont Subdivision from the South San Francisco USD to the San Bruno Park ESD and the San Mateo UHSD.

7.0 STAFF RECOMMENDED AMENDMENTS TO THE PETITION

7.1 Election Area

If the SBE upholds the County Committee's action to approve the territory transfer, it has authority to amend or add certain provisions to the territory transfer proposal. One of the provisions the SBE must add, if it upholds the action of the County Committee by disapproving the appeal, is the area of election.[6]

[6] No election would be required if the South San Francisco USD withdraws its opposition to the transfer or the SBE approves a request to waive the election (if such a request is submitted by an affected school district or the San Mateo County Board of Education).

Determination of the area in which the election for a reorganization proposal will be held is one of the provisions under *EC* Article 3 (commencing with Section 35730) of Chapter 4 of Part 21 of Division 3 that the SBE may add or amend. *EC* Section 35710.5(c) also indicates that, following the review of an appeal, if the petition will be sent to an election, the SBE must determine the area of election.

The plans and recommendations to reorganize districts may specify an area of election, but specification of an election area is not required (*EC* Section 35732). If a plan does not specify the area of election, the statute specifies that "the election shall be held only in the territory proposed for reorganization." The County Committee specifically approved the election area for the proposed transfer of Merimont Subdivision as the territory proposed for reorganization. The SBE may alter this area, but the alterations must comply with the principles discussed below.

In establishing the area of election, the CDE and SBE follow the legal precedent set by the California Supreme Court in *Board of Supervisors of Sacramento County, et al. v. Local Agency Formation Commission* (1992) 3 Cal. 4th 903 (the *"LAFCO"* decision). *LAFCO* holds that elections may be confined to within the boundaries of the territory proposed for reorganization (the "default" area), provided there is a *rational basis* for doing so. *LAFCO* requires we examine: (1) the public policy reasons for holding a reorganization election within the boundaries specified, and (2) whether there is a genuine difference in the relevant interests of the groups that the election plan creates (in the current reorganization, the analysis examines the interests of voters in the territory to be transferred from the South San Francisco USD, those that will remain in the South San Francisco USD, and those in the districts that would receive the territory—the San Bruno Park ESD and the San Mateo UHSD).

The reduced voting area must have a fair relationship to a legitimate public purpose. State policy favors procedures that promote orderly school district reorganization statewide in a manner that allows for planned, orderly community-based school systems that adequately address transportation, curriculum, faculty, and administration.

The primary issue (other than the issues of community identity and financial effect, for which the CDE has determined there exists no significant effect on the South San Francisco USD) is the loss of AV for the South San Francisco USD and the resultant increase in the obligations of existing bonded indebtedness to property owners in the remaining territory of the South San Francisco should the Merimont Subdivision transfer be approved. The South San Francisco USD states that the Merimont Subdivision is about one-half of one percent of the AV of the entire district. According to the information provided to the County Committee and in the

appeal, the transfer of the Merimont Subdivision could result in a redistribution (to property owners remaining in the South San Francisco USD) of approximately $850,000 in bond subvention over the 40-year repayment of the district's bonded indebtedness. This redistribution, in the opinion of the County Office, is negligible; the CDE agrees.

The South San Francisco USD argues that shifting this financial responsibility to the remaining property owners "is unfair" if the property owners are "disenfranchised when it comes to voting" on the proposed territory transfer. However, voters in the election for the South San Francisco USD bond measure (Measure J, November 2, 2010) were aware of the estimated tax rates that would be levied to fund the bond, as well as factors that could affect future tax rates. The "Tax Rate Statement of Measure J" provided the expected tax rates along with the estimated highest tax rate. The proposed transfer would not cause the tax rate for the remaining property owners in the South San Francisco USD to exceed the estimated highest tax rate. Furthermore, voters were provided no expectation that they had veto authority over these allowed variations in the reported tax rates. The tax rate statement also described factors that could affect the tax rate, including actual future assessed valuation of property in the district. The statement noted that this assessed valuation will depend upon "the amount and value of taxable property" within the district.

The proposed transfer, in the opinion of the CDE, does not reflect any genuinely different interests between voters in the transfer area and voters in either of the affected school districts. A reduced voting area has a fair relationship to a legitimate public purpose. State policy favors procedures that promote orderly school district reorganization statewide in a manner that allows for planned, orderly, community-based school systems that adequately address transportation, curriculum, faculty, and administration.

Finally, discussion of other judicial activity in this area is warranted. In a case that preceded *LAFCO,* the California Supreme Court invalidated an SBE reorganization decision that approved an area of election that was limited to the newly unified district. As a result, electors in the entire high school district were entitled to vote (*Fullerton Joint Union High School District v. State Board of Education* [1982] 32 Cal. 3d 779 [*Fullerton*]). The *Fullerton* court applied strict scrutiny and required demonstration of a compelling state interest to justify the exclusion of those portions of the district from which the newly unified district would be formed.

The *Fullerton* case does not require that the SBE conduct a different analysis than that described above. The *LAFCO* decision disapproved the *Fullerton* case, and held that absent invidious discrimination, the rational basis approach to defining the election area applied. In this matter, no discrimination, segregation, or racial impacts are identified. Accordingly, the *LAFCO* standard and analysis applies.

The CDE agrees with the findings of the County Committee that the transfer of territory would have no significant effect on the voters outside the Merimont Subdivision. Therefore, the CDE recommends that the SBE affirm the action of the County Committee and establish the Merimont Subdivision as the election area.

7.2 Division of Property, Funds, and Obligations

A proposal may include a provision for the division of property and obligations of any district whose territory is being partially included in one or more districts (*EC* Section 35736). The County Committee included no proposal, thus requiring that existing provisions of the *EC* apply. The CDE recommends that the SBE similarly allow the division of property and obligations to be guided by existing provisions of the *EC*, which includes the following:

- The transferred territory will drop any liability for the outstanding bonded indebtedness of the South San Francisco USD and assume its proportionate share of any bonded indebtedness of the San Bruno Park ESD and the San Mateo UHSD (*EC* Section 35575).

- Any assets and liabilities (other than real property) shall be divided pro rata based on AV (*EC* Section 35560).

- Disputes arising from any division of property, funds, or obligations shall be resolved by the affected school districts and the county superintendent of schools through a board of arbitrators. The board shall consist of one person appointed by each district and one by the county superintendent of schools. The written findings and determination of the majority of the board of arbitrators is final, binding, and may not be appealed (*EC* Section 35565).

8.0 RECOMMENDED ACTION

The CDE recommends that the SBE: (1) review the appeal solely on the administrative record, (2) affirm the action of the County Committee to transfer territory from the South San Francisco USD to the San Bruno ESD and the San Mateo UHSD, and (3) establish the election area as the territory proposed for transfer. Affirmation of the County Committee action also includes affirmation of the provisions for division of property, funds, and obligations listed in section 7.2 of this attachment.

California State Board of Education

Meeting Agenda Items for March 11-12, 2015

ITEM 15

CALIFORNIA STATE BOARD OF EDUCATION

MARCH 2015 AGENDA

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

SUMMARY OF THE ISSUE

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

RECOMMENDATION

The CDE recommends that the SBE approve the determinations of funding and the periods specified for the 28 nonclassroom-based charter schools as provided in Attachment 1.

Advisory Commission on Charter Schools Recommendation

The ACCS met on February 10, 2015, and voted unanimously to approve the CDE recommendation that the SBE approve the determinations of funding and the periods specified for the 28 nonclassroom-based charter schools as provided in Attachment 1.

BRIEF ANALYSIS OF THE ISSUE

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

Pursuant to 5 *CCR* Section 11963.4(a), a nonclassroom-based charter school may qualify for either 70 percent, 85 percent, 100 percent full funding, or may be denied. To

qualify for a proposed recommendation of 100 percent funding, a nonclassroom-based charter school must meet the following criteria:

- At least 40 percent of the school's public revenues are to be spent on salaries and benefits for all employees who possess a valid teaching certificate; and

- At least 80 percent of all revenues are to be spent on instruction and instruction related services; and

- The ratio of average daily attendance for independent study pupils to full-time certificated employees does not exceed a pupil-teacher ratio of 25:1 or the pupil-teacher ratio of the largest unified school district in the county or counties in which the charter school operates.

5 *CCR* Section 11963.6(c) specifies that a determination of funding shall be for a minimum of two years and a maximum of five years in length. 5 *CCR* Section 11963.6(a) requires a determination of two years for a new charter school in its first year of operation.

EC Section 47612.5(d)(2) requires a determination of five years for a charter school that has achieved a rank of six or greater on the Academic Performance Index (API) for the two years immediately prior to receiving a determination of funding. However, *EC* Section 52056(a) requiring API ranking of schools was repealed. Alternatives were authorized by Assembly Bill (AB) 484 (Chapter 489, Statutes of 2013) to meet legislative and/or programmatic requirements. For purposes of meeting the API requirement pursuant to *EC* Section 47612.5(d)(2), the CDE considers the following alternatives as proposed by AB 484: (a) the most recent API calculation; or (b) an average of the three most recent annual API calculations; whichever is higher. When making a recommendation for a funding determination, the CDE considers the number of years a charter school has been in operation and the number of years requested for the determination of funding by the charter school.

The funding determination requests are provided in Attachments 2 through 29 of Agenda Item 1 on the ACCS February 10, 2015, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/accsnotice021015.asp

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

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

FISCAL ANALYSIS (AS APPROPRIATE)

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

ATTACHMENT

Attachment 1: California Department of Education Proposed Determination of Funding Recommendation for Nonclassroom-based Charter Schools (6 Pages)

California Department of Education
Proposed Determination of Funding Recommendation for Nonclassroom-based Charter Schools

Proposed Recommendation - New Charter Schools

County-District-School Code	Charter Authorizer	County	Charter School (Charter Number)	First Year of Operation	Percent Spent on Certificated Staff Compensation^	Percent Spent on Instruction and Instruction Related Services^	Pupil-Teacher Ratio^	Funding Determination and Years Requested by Charter School	CDE Proposed Recommendation Funding Determination and Years*
07-61663-0130930	Byron Union Elementary	Contra Costa	Vista Oaks Charter School (1684)	2014–15	58.86%	80.56%	25:1	100% for 2 Years (2014–15 through 2015–16)	100% for 2 Years (2014–15 through 2015–16)
10-62331-0130880	Orange Center	Fresno	Academy of Arts and Sciences - Fresno (1631)	2014–15	44.39%	80.09%	25:1	100% for 2 Years (2014–15 through 2015–16)	100% for 2 Years (2014–15 through 2015–16)
17-64055-0129601	Middletown Unified	Lake	California Connections Academy @ North Bay (1653)	2014–15	62.29%	82.15%	25:1	100% for 2 Years (2014–15 through 2015–16)	100% for 2 Years (2014–15 through 2015–16)
19-75309-0129742	Acton-Agua Dulce Unified	Los Angeles	Hope Charter Academy (1668)	2014–15	70.42%	81.66%	15:1	100% for 2 Years (2014–15 through 2015–16)	100% for 2 Years (2014–15 through 2015–16)

County-District-School Code	Charter Authorizer	County	Charter School (Charter Number)	First Year of Operation	Percent Spent on Certificated Staff Compensation^	Percent Spent on Instruction and Instruction Related Services^	Pupil-Teacher Ratio^	Funding Determination and Years Requested by Charter School	CDE Proposed Recommendation Funding Determination and Years*
19-75309-0130773	Acton-Agua Dulce Unified	Los Angeles	Academy of Arts and Sciences LA K-8 (1652)	2014–15	41.03%	80.03%	25:1	100% for 2 Years (2014–15 through 2015–16)	100% for 2 Years (2014–15 through 2015–16)
19-75309-0130781	Acton-Agua Dulce Unified	Los Angeles	Academy of Arts and Sciences - LA 9-12 (1651)	2014–15	45.56%	80.04%	25:1	100% for 2 Years (2014–15 through 2015–16)	100% for 2 Years (2014–15 through 2015–16)
19-75309-0130955	Acton-Agua Dulce Unified	Los Angeles	Mosaica Online Academy of Los Angeles (1677)	2014–15	45.42%	80.51%	25:1	100% for 2 Years (2014–15 through 2015–16)	100% for 2 Years (2014–15 through 2015–16)
19-75309-0131383	Acton-Agua Dulce Unified	Los Angeles	SIATech Academy South (1700)	2014–15	55.38%	80.53%	24:1	100% for 2 Years (2014–15 through 2015–16)	100% for 2 Years (2014–15 through 2015–16)
36-67736-0130948	Helendale Elementary	San Bernardino	Independence Charter Academy (1679)	2014–15	55.36%	51.11%	3.5:1 (K-3) 2.5:1 (4-6) 3:1 (7-8) 18.5:1 (9-12)	100% for 2 Years (2014–15 through 2015–16)	100% for 2 Years (2014–15 through 2015–16)

County-District-School Code	Charter Authorizer	County	Charter School (Charter Number)	First Year of Operation	Percent Spent on Certificated Staff Compensation^	Percent Spent on Instruction and Instruction Related Services^	Pupil-Teacher Ratio^	Funding Determination and Years Requested by Charter School	CDE Proposed Recommendation Funding Determination and Years*
36-67736-0131151	Helendale Elementary	San Bernardino	Alta Vista South Public Charter (1691)	2014–15	55.29%	81.08%	25:1	100% for 2 Years (2014–15 through 2015–16)	100% for 2 Years (2014–15 through 2015–16)
37-67983-0131144	Borrego Springs Unified	San Diego	Diego Springs Academy (1692)	2014–15	50.45%	83.69%	25:1	100% for 2 Years (2014–15 through 2015–16)	100% for 2 Years (2014–15 through 2015–16)
37-68049-0129221	Dehesa Elementary	San Diego	Method Schools (1617)	2014–15	50.33%	80.27%	25:1	100% for 2 Years (2014–15 through 2015–16)	100% for 2 Years (2014–15 through 2015–16)
37-68049-0131169	Dehesa Elementary	San Diego	Mosaica Online Academy of Southern California (1693)	2014–15	45.42%	80.51%	25:1	100% for 2 Years (2014–15 through 2015–16)	100% for 2 Years (2014–15 through 2015–16)
37-68163-0130815	Julian Union Elementary	San Diego	Beacon Classical Academy Elementary (1678)	2014–15	43.47%	82.86%	17.33:1 (K-3) 20.67:1 (4-6) 18:1 (7-8)	100% for 2 Years (2014–15 through 2015–16)	100% for 2 Years (2014–15 through 2015–16)

County-District-School Code	Charter Authorizer	County	Charter School (Charter Number)	First Year of Operation	Percent Spent on Certificated Staff Compensation^	Percent Spent on Instruction and Instruction Related Services^	Pupil-Teacher Ratio^	Funding Determination and Years Requested by Charter School	CDE Proposed Recommendation Funding Determination and Years*
37-68213-0129668	Mountain Empire Unified	San Diego	County Collaborative Charter School (1628)	2014–15	49.79%	80.27%	25:1	100% for 2 Years (2014–15 through 2015–16)	100% for 2 Years (2014–15 through 2015–16)
39-68627-0129361	New Jerusalem Elementary	San Joaquin	Renew Virtual Academy K12 #1 (1598)	2014–15	51.49%	89.12%	25:1	100% for 2 Years (2014–15 through 2015–16)	100% for 2 Years (2014–15 through 2015–16)
39-68627-0129890	New Jerusalem Elementary	San Joaquin	Academy of Arts and Sciences San Joaquin (1646)	2014–15	46.10%	80.47%	25:1	100% for 2 Years (2014–15 through 2015–16)	100% for 2 Years (2014–15 through 2015–16)
39-68627-0129908	New Jerusalem Elementary	San Joaquin	Cal Stem San Joaquin (1645)	2014–15	46.62%	80.05%	25:1	100% for 2 Years (2014–15 through 2015–16)	100% for 2 Years (2014–15 through 2015–16)
39-68627-0129916	New Jerusalem Elementary	San Joaquin	Valley View Charter Prep (1644)	2014–15	52.86%	80.58%	24:1	100% for 2 Years (2014–15 through 2015–16)	100% for 2 Years (2014–15 through 2015–16)

County-District-School Code	Charter Authorizer	County	Charter School (Charter Number)	First Year of Operation	Percent Spent on Certificated Staff Compensation^	Percent Spent on Instruction and Instruction Related Services^	Pupil-Teacher Ratio^	Funding Determination and Years Requested by Charter School	CDE Proposed Recommendation Funding Determination and Years*
45-70169-0129957	Whitmore Union Elementary	Shasta	Northern Summit Academy (1649)	2014–15	40.20%	80.04%	15:1 (K-3) 22:1 (4-6) 25:1 (7-8) 23:1 (9-12)	100% for 2 Years (2014–15 through 2015–16)	100% for 2 Years (2014–15 through 2015–16)
50-75739-0131185	Turlock Unified	Stanislaus	Fusion Charter (1695)	2014–15	47.20%	83.89%	19:1 (7-8) 25:1 (9-12)	100% for 2 Years (2014–15 through 2015–16)	100% for 2 Years (2014–15 through 2015–16)
52-10520-6119606	Tehama County Office of Education	Tehama	Lincoln Street School (1667)	2014–15	60.87%	93.22%	23:1.25 (K-3) 24:1.5 (4-6) 19:1.25 (7-8)	100% for 2 Years (2014–15 through 2015–16)	100% for 2 Years (2014–15 through 2015–16)
54-72249-0130708	Tulare Joint Union High	Tulare	Sierra Vista Charter High School (1664)	2014–15	60.54%	80.79%	19:1	100% for 2 Years (2014–15 through 2015–16)	100% for 2 Years (2014–15 through 2015–16)

^Spending percentages and pupil-teacher ratio correspond to the charter school's funding determination request as originally submitted to the California Department of Education (CDE).
*Pursuant to 5 *CCR* Section 11963.6(a), a funding determination for a charter school in its first year of operation shall be for two fiscal years.

California Department of Education
Proposed Determination of Funding Recommendation for Nonclassroom-based Charter Schools

Proposed Recommendation – Continuing Charter Schools

County-District-School Code	Charter Authorizer	County	Charter School (Charter Number)	First Year of Operation	Percent Spent on Certificated Staff Compensation^	Percent Spent on Instruction and Instruction Related Services^	Pupil-Teacher Ratio^	Funding Determination and Years Requested by Charter School	CDE Proposed Recommendation Funding Determination and Years*
10-62547-0127159	Westside Elementary	Fresno	Opportunities For Learning – Fresno (1463)	2012–13	74.50%	146.73%	10:1	100% for 5 Years (2015–16 through 2019–20)	100% for 4 Years (2015–16 through 2018–19)
19-64469-0128736	Duarte Unified	Los Angeles	Opportunities For Learning – Duarte (1599)	2013–14	58.18%	82.03%	15:1	100% for 5 Years (2015–16 through 2019–20)	100% for 3 Years (2015–16 through 2017–18)
37-68049-0127167	Dehesa Elementary	San Diego	Community Montessori Charter School (1494)	2013–14	40.32%	80.04%	24:1	100% for 5 Years (2015–16 through 2019–20)	100% for 3 Years (2015–16 through 2017–18)
42-69245-4230199	Los Olivos Elementary	Santa Barbara	Olive Grove Charter School (421)	2001–02	64.83%	80.13%	24:1	100% for 5 Years (2015–16 through 2019–20)	100% for 4 Years (2015–16 through 2018–19)
54-75523-0114348	Porterville Unified	Tulare	Butterfield Charter High School (867)	2007–08	49.84%	91.66%	16.89:1	100% for 2 Years (2015–16 through 2016–17)	100% for 2 Years (2015–16 through 2016–17)

^Spending percentages and pupil-teacher ratio correspond to the charter school's funding determination request as originally submitted to the California Department of Education (CDE).
*For the funding determination effective period, the CDE considers the number of years a charter school has been in operation and the number of years requested for the determination of funding by the charter school.

California State Board of Education

Meeting Agenda Items for March 11-12, 2015

ITEM 16

CALIFORNIA STATE BOARD OF EDUCATION

MARCH 2015 AGENDA

SUBJECT	
Approval of the Charter School Numbers Assigned to Newly Established Charter Schools.	☒ Action ☒ Information ☐ Public Hearing

SUMMARY OF THE ISSUE(S)

The State Board of Education (SBE) is responsible for assigning a number to each approved charter petition. California Department of Education (CDE) staff present this routine request for assignment of charter numbers as a standard action item.

RECOMMENDATION

The CDE recommends that the SBE assign charter numbers to the charter schools identified in Attachment 1.

BRIEF HISTORY OF KEY ISSUES

Since the charter school law was enacted in 1992, the SBE has assigned numbers to 1,712 charter schools, including some approved by the SBE after denial by local educational agencies. Separate from that numbering system, eight all-charter districts that currently serve a total of 18 school sites, have been jointly approved by the State Superintendent of Public Instruction and the SBE.

California *Education Code (EC)* Section 47602 requires the SBE to assign a number to a charter school that has been approved by a local entity in the chronological order in which it was received. Each number assigned shall correspond to a single petition that identifies a charter school that will operate within the geographic and site limitations of this part. Charter schools that share educational programs and serve similar pupil populations may not be counted as separate schools. This numbering system ensures that the state stays within a statutory cap on the total number of charter schools authorized to operate within California. The cumulative statutory cap for the fiscal year 2014–15 is 1,850. The statutory cap is not subject to waiver.

The charter schools listed in Attachment 1 were recently authorized by local boards of education as noted. Copies of the charter petitions are on file in the Charter Schools Division.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SBE is responsible for assigning a number to each approved charter petition. The CDE presents this routine request for assignment of charter numbers as a standard action item.

FISCAL ANALYSIS (AS APPROPRIATE)

There is no fiscal impact to the state resulting from the assignment of numbers to recently authorized charter schools.

ATTACHMENT(S)

Attachment 1: Assignment of Numbers for Charter School Petitions (2 Pages)

Assignment of Numbers for Charter School Petitions

Number	Term	Charter Name	County	Authorizing Entity	Classroom-Based/ Nonclassroom-Based
1713	6/30/2015–6/29/2020	Roses in Concrete Community School	Alameda	Oakland Unified School District	Classroom-Based
1714	6/30/2015–6/29/2020	Castlemont Junior Academy	Alameda	Oakland Unified School District	Classroom-Based
1715	7/1/2014–6/30/2019	John Adams Academy	Placer	Western Placer Unified School District	Classroom-Based
1716	7/1/2015–6/30/2018	Voices College-Bound Language Academy at Morgan Hill	Santa Clara	Santa Clara County Office of Education	Classroom-Based
1717	6/30/2015–6/30/2018	Manzanita Montessori Charter School	Sonoma	Windsor Unified School District	Classroom-Based
1718	10/28/2014–6/30/2019	The Academy of Alameda Elementary School	Alameda	Alameda Unified School District	Classroom-Based
1719	6/1/2015–6/30/2019	Ingenuity Charter School	San Diego	San Diego Unified School District	Nonclassroom-Based
1720	7/1/2015–6/30/2020	KIPP Elementary School 7	Los Angeles	Los Angeles Unified School District	Classroom-Based

Number	Term	Charter Name	County	Authorizing Entity	Classroom-Based/ Nonclassroom-Based
1721	7/1/2015–6/30/2020	KIPP Elementary School 6	Los Angeles	Los Angeles Unified School District	Classroom-Based
1722	7/1/2015–6/30/2020	Collegiate Charter High School of Los Angeles	Los Angeles	Los Angeles Unified School District	Classroom-Based
1723	7/1/2015–6/30/2020	Value Schools High School	Los Angeles	Los Angeles Unified School District	Classroom-Based
1724	7/1/2015–6/30/2020	YPI Valley Public Charter High School	Los Angeles	Los Angeles Unified School District	Classroom-Based
1725	7/1/2015–6/30/2020	NextGeneration STEM Academy	San Joaquin	Banta Elementary School District	Classroom-Based
1726	8/1/2015–6/30/2020	Petaluma Accelerated Charter School	Sonoma	Petaluma City Schools	Classroom-Based

California State Board of Education

Meeting Agenda Items for March 11-12, 2015

ITEM 17

CALIFORNIA STATE BOARD OF EDUCATION

MARCH 2015 AGENDA

SUBJECT	
Approval of 2014–15 Consolidated Applications.	☒ Action ☒ Information ☐ Public Hearing

SUMMARY OF THE ISSUE(S)

Each local educational agency (LEA) must submit a complete and accurate Consolidated Application (ConApp) for each fiscal year in order for the California Department of Education (CDE) to send funding to LEAs that are eligible to receive categorical funds as designated in the ConApp. The ConApp is the annual fiscal companion to the LEA Plan. The State Board of Education (SBE) is asked to annually approve ConApps for approximately 1,700 school districts, county offices of education, and direct-funded charter schools.

RECOMMENDATION

The CDE recommends that the SBE approve the 2014–15 ConApps submitted by LEAs in Attachment 1.

BRIEF HISTORY OF KEY ISSUES

Each year, the CDE, in compliance with *California Code of Regulations,* Title 5, Section 3920, recommends that the SBE approve applications for funding Consolidated Categorical Aid Programs submitted by LEAs. Prior to receiving funding, the LEA must also have an SBE-approved LEA Plan that satisfies SBE and CDE criteria for utilizing federal categorical funds.

Approximately $2.9 billion of federal funding is distributed annually through the ConApp process. The 2014–15 ConApp consists of six federal-funded programs. The funding sources include:

- Title I, Part A Basic Grant (Low Income);
- Title I, Part D (Delinquent);
- Title II, Part A (Teacher Quality);
- Title III, Part A (Immigrant);
- Title III, Part A (Limited English Proficient Students); and
- Title VI, Part B (Rural, Low-Income).

The CDE provides the SBE with two levels of approval recommendations. Regular approval is recommended when an LEA has submitted a correct and complete ConApp, Spring Release, and has no outstanding noncompliant issues or is making satisfactory progress toward resolving one or two noncompliant issues that are fewer than 365 days noncompliant. Conditional approval is recommended when an LEA has submitted a correct and complete ConApp, Spring Release, but has one or more noncompliant issues that is/are unresolved for over 365 days. Conditional approval by the SBE provides authority to the LEA to spend its categorical funds under the condition that it will resolve or make significant progress toward resolving noncompliant issues. In extreme cases, conditional approval may include the withholding of funds. There are no LEAs that require conditional approval at this time.

Attachment 1 identifies the LEAs that have no outstanding noncompliant issues or are making satisfactory progress toward resolving one or two noncompliant issues that are fewer than 365 days noncompliant. The CDE recommends regular approval of the 2014–15 ConApp for these seven LEAs. Attachment 1 also includes ConApp entitlement figures from school year 2013–14 because the figures for 2014–15 have not yet been determined. Fiscal data are absent if an LEA is new or is a charter school applying for direct funding for the first time.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

To date, the SBE has approved 2014–15 ConApps for 1,629 LEAs. Attachment 1 represents the fourth set of 2014–15 ConApps presented to the SBE for approval.

FISCAL ANALYSIS (AS APPROPRIATE)

The CDE provides resources to track the SBE approval status of the ConApps for approximately 1,700 LEAs. The cost to track the noncompliant status of LEAs related to programs within the ConApp is covered through a cost pool of federal funds. CDE staff communicate with LEA staff on an ongoing basis to determine the evidence needed to resolve issues, review the evidence provided by LEA staff, and maintain a tracking system to document the resolution process.

ATTACHMENT(S)

Attachment 1: Consolidated Applications List (2014–15) – Regular Approvals (1 Page)

Consolidated Applications List (2014–15) – Regular Approvals

The following seven local educational agencies (LEAs) have submitted a correct and complete Consolidated Application (ConApp), Spring Release, and have no outstanding noncompliance issues or are making satisfactory progress toward resolving one or two noncompliant issues that are fewer than 365 days noncompliant. The California Department of Education (CDE) recommends regular approval of these applications.

CDS Code	LEA Name	Total 2013–14 ConApp Entitlement	2013–14 Total Entitlement Per Student	Total 2013–14 Title I Entitlement	2013–14 Entitlement Per Free and Reduced Lunch K-12 Student
07100740129528	Caliber: Beta Academy	$0	$0	$0	$0
01612590129932	East Bay Innovation Academy	$0	$0	$0	$0
50757390131185	Fusion Charter	$0	$0	$0	$0
19647330129619	PUC Community Charter Elementary	$0	$0	$0	$0
19647330129593	PUC Inspire Charter Academy	$0	$0	$0	$0
37683460000000	San Dieguito Union High	$1,026,602	$82	$784,054	$1,232
37769010131193	Thrive Public	$0	$0	$0	$0

Note:

Total Number of LEAs in the report: 7
Total ConApp entitlement funds for districts receiving regular approval: $1,026,602

California State Board of Education

Meeting Agenda Items for March 11-12, 2015

ITEM 18

CALIFORNIA STATE BOARD OF EDUCATION

MARCH 2015 AGENDA

SUBJECT	
School Improvement Grant: Renewal of Sub-grants Under Section 1003(g) for Year 2 of Cohort 3 Local Educational Agencies and Schools.	☒ Action ☒ Information ☐ Public Hearing

SUMMARY OF THE ISSUE(S)

Renewal of Cohort 3 funding is contingent on each School Improvement Grant (SIG) Cohort 3 local educational agency (LEA) meeting the annual student achievement goals established by the LEA. According to Question I-16 in the SIG Federal Guidance:

> Even if a Tier I or Tier II school does not meet the annual student achievement goals established by the LEA, or if annual student achievement data are not yet available, an SEA [state educational agency] may renew the LEA's SIG grant with respect to that school if the school is making meaningful progress toward meeting those goals and is making meaningful progress on the leading indicators. Because it may be difficult for a persistently lowest-achieving school to show much improvement in academic achievement during the first year of implementing one of the school intervention models, an SEA has discretion to examine factors such as the school's progress on the leading indicators in section III of the [U.S. Department of Education (ED) SIG] final requirements and the fidelity with which it is implementing the model in deciding whether to renew the LEA's SIG grant with respect to that school.

Fiscal year (FY) 2015–16 will be the second year of SIG funding for Cohort 3 SIG LEAs. The California Department of Education (CDE) will conditionally award Grant Award Notifications (GAN) to LEAs listed in Attachment 1 on July 1, 2015, with the assurance that the LEA will submit a complete Renewal Application demonstrating that it is meeting annual student achievement goals, or making meaningful progress toward meeting annual student achievement goals, established by the LEA and each school's progress on the leading indicators described in the ED SIG Final Requirements. In addition, the CDE will take into consideration the fidelity with which each LEA is implementing its selected intervention model. LEAs that submit an approvable 2015–16 Renewal Application will be allowed to continue implementing its selected intervention model in the 2015–16 school year (SY).

RECOMMENDATION

The CDE recommends that the State Board of Education (SBE) authorize SBE President Michael W. Kirst, in consultation with State Superintendent of Public Instruction (SSPI) Tom Torlakson, to approve Year 2 sub-grants for SIG Cohort 3 LEAs, with funding contingent on the LEA submitting a complete 2015–16 Renewal Application. The CDE will consider all of the following factors in determining whether an LEA's 2015–16 Renewal Application is approvable: meeting annual student achievement goals or making meaningful progress toward meeting annual student achievement goals established by the LEA; each school's progress on the leading indicators described in the ED SIG Final Requirements; and the fidelity with which each LEA is implementing its selected intervention model. The list of SIG Cohort 3 LEAs and schools conditionally recommended for Year 2 sub-grants is provided in Attachment 1. The 2015–16 Renewal Application is provided in Attachment 2.

BRIEF HISTORY OF KEY ISSUES

Each participating SIG LEA is required to establish annual goals for student achievement in English-language arts/reading and mathematics, and measure progress on the leading indicators described in the ED SIG Final Requirements. The ED SIG Final Requirements-Federal Register Notice is located on the ED Web site at http://www2.ed.gov/programs/sif/2010-27313.pdf.

To determine whether a school has been implementing a SIG model with fidelity, the CDE will consider qualitative and quantitative information about the school's implementation of the requirements of the SIG model, including whether or not implementation of SIG is consistent with the LEA's approved SIG application.

The SIG Federal Guidance Question I-15 states that an SEA must renew an LEA's SIG grant with respect to a school if the school meets the annual student achievement goals established by the LEA. In cases in which one or more of the SIG schools served in an LEA have not made meaningful progress toward meeting the annual student achievement goals established by the LEA or made meaningful progress on the leading indicators, the LEA's sub-grant will be considered for an award reduction equivalent to the annual award for each of its non-achieving schools.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

At its May 2014 meeting, the SBE took action to approve funding for FY 2013 SIG sub-grants provided under Section 1003(g) of the Elementary and Secondary Education Act. The FY 2013 SIG Cohort 3 sub-grants currently provide funding for 4 districts and 11 schools.

FISCAL ANALYSIS (AS APPROPRIATE)

The SIG funds provide LEAs with grants ranging from $50,000 to $2 million per school per year. Currently, California is using approximately $62 million of its FY 2013 SIG funds and recaptured prior year funds to provide a full three years of funding for the 2014–15, 2015–16, and 2016–17 SYs for Cohort 3.

ATTACHMENT(S)

Attachment 1: Fiscal Year 2013 School Improvement Grant Local Educational Agencies and Schools (1 Page)

Attachment 2: School Improvement Grant Cohort 3, Year 2, 2015–16 Renewal Application (20 Pages)

Fiscal Year 2013 School Improvement Grant
Local Educational Agencies and Schools

NCES[1] Number	CDS[2]	Sub-Grantee	School Tier and Model	Year 2 Award
0620220	4168940	La Honda-Pescadero Unified	LEA	$ 82,100
02422	41689406044085	Pescadero Elementary and Middle	Tier I-Transformation	$ 582,648
			La Honda-Pescadero Unified School District Total	**$ 664,748**
0622710	1964733	Los Angeles Unified	LEA	$ 800,000
02816	19647336015804	Angeles Mesa Elementary	Tier I-Restart	$ 1,900,000
02829	19647336061394	Audubon Middle	Tier I-Restart	$ 1,900,000
10863	19647330107011	International Studies Learning Center	Tier I-Restart	$ 1,900,000
03151	19647331935352	Los Angeles Senior High	Tier II-Restart	$ 1,899,735
03029	19647336058002	Robert Fulton College Preparatory	Tier I-Transformation	$ 1,899,956
03325	19647331937622	San Fernando Senior High	Tier II-Restart	$ 1,900,000
03378	19647336061600	Sun Valley Middle	Tier II-Transformation	$ 1,900,000
03471	19647336020028	Woodcrest Elementary	Tier I-Restart	$ 1,899,264
			Los Angeles Unified School District Total	**$ 15,998,955**
0691026	3310330	Riverside County Office of Education	LEA	$ 281,475
10577	33103303331055	Riverside County Community	Tier I-Transformation	$ 1,716,084
			Riverside County Office of Education Total	**$ 1,997,559**
0635310	3066670	Santa Ana Unified	LEA	$ 0
06011	30666703036456	Valley High	Tier I-Transformation	$ 2,000,000
			Santa Ana Unified School District Total	**$ 2,000,000**

Cohort 3 Year 2 Total	**$ 20,661,262**

[1] NCES = National Center for Education Statistics
[2] CDS = county-district-school code

School Improvement Grant
Cohort 3, Year 2

2015–16
Renewal Application

Renewal Applications must be received by the California Department of Education (CDE) no later than May 15, 2015

California Department of Education
Improvement and Accountability Division
School Turnaround Office
California Department of Education
1430 N Street, Suite 6208
Sacramento, CA 95814-5901
916-319-0833
http://www.cde.ca.gov/sp/sw/t1/sig09.asp

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Timeline

Important Events	Date
Present the School Improvement Grant (SIG) 2015–16 Renewal Application to State Board of Education (SBE) for approval	March 11–12, 2015
2015–16 Renewal Application posted to the CDE SIG Web page*	March 25, 2015
2015–16 Renewal Applications from local educational agencies (LEAs) due to the CDE by mail and e-mail	May 15, 2015
2015–16 Renewal Applications from LEAs reviewed by the CDE	May 18–29, 2015
LEAs notified of approved 2015–16 Renewal Applications	June 2015
Grant Award Notifications mailed to LEAs	After July 1, 2015

*Pending SBE approval

Reminders:

1. Check the name of the school district superintendent for the LEA using the database on the CDE California School Directory Web page at http://www.cde.ca.gov/re/sd/index.asp and update if there are changes.

2. To obtain the National Council on Education Statistics (NCES) Identification Number, the LEA can search for a school by using the following link at http://nces.ed.gov/globallocator/.

Mail an original copy of this Renewal Application request to:

California Department of Education
Improvement and Accountability Division
School Turnaround Office
1430 N Street, Suite 6208
Sacramento, CA 95814-5901

E-mail a copy of this Renewal Application request to: STO@cde.ca.gov.

School Improvement Grant Renewal Application Process

A. Background

The Elementary and Secondary Education Act (ESEA), through use of Section 1003(g) funding, authorizes the U.S. Department of Education (ED) to issue SIG funds to states. The CDE awards school improvement sub-grants to LEAs with persistently lowest-achieving Title I schools and to LEAs with persistently lowest-achieving secondary schools that are eligible for, but do not receive, Title I funds.

B. Purpose

The purpose of the SIG is to enable eligible LEAs to implement selected intervention models in identified persistently lowest-achieving schools to raise academic achievement levels of students attending these schools. An LEA that has been identified with one or more persistently lowest-achieving schools is eligible to apply for SIG funds. An LEA that wishes to receive SIG funds must implement one of four school intervention models: turnaround, restart, school closure, and transformation. These models are to be implemented at the beginning of the school year (SY) and throughout the term of the grant period.

C. Renewal of Funding

The CDE will consider all of the following factors in determining whether to recommend to the SBE that an LEA's SIG sub-grant be renewed for Year 2 of Cohort 3:

- Meet annual student achievement goals in English-language arts (ELA) and mathematics or make meaningful progress toward meeting annual student achievement goals in ELA and mathematics.

- Progress on the leading indicators described in section III of the ED SIG final requirements.

- Fidelity with which the LEA is implementing its selected intervention model. To determine whether a school has been implementing a SIG model with fidelity, the CDE will consider qualitative and quantitative information about the school's implementation of the requirements of the SIG model, including whether or not implementation of the SIG is consistent with the LEA's approved SIG application.

D. Renewal Application Submission

The 2015–16 Renewal Application is due on or before May 15, 2015.

Applicants must submit an original and one electronic Microsoft Word 2003 or later copy (all single spaced in **12 point Arial font using one inch margins**) of each application and ensure that the original and electronic copy are received by the School Turnaround Office on or before (not postmarked by) 4 p.m., May 15, 2015. Applicants must submit an electronic copy to STO@cde.ca.gov. Mailed documents must arrive on or before the May 15, 2015, deadline and should be sent to the following address:

California Department of Education
Improvement and Accountability Division
School Turnaround Office
1430 N Street, Suite 6208
Sacramento, CA 95814-5901

To comply with federal Americans with Disability Act (ADA) regulations, please adhere to the following guidelines:

- Submit text-based documents only (no scanned images)
- If images are included, also include alternative text for that image
- Do not use color to convey information
- Do not include images of handwritten signatures for privacy reasons

E. Grant Awards and Payments

Under the provisions of the SIG authorized under Section 1003(g) of Title I of the ESEA of 1965, as amended (*Federal Register*, volume 75, p. 66363, October 28, 2010), the SIG program is a three-year grant awarded in three one-year increments. Once the CDE approves grant award extensions for 2015–16, the grant period will run from July 1, 2015, through September 30, 2016.

Grant payments are subject to fulfillment of all reporting requirements.

Additional program and fiscal information related to the SIG program can be found online on the CDE School Improvement Grant Program Web page at http://www.cde.ca.gov/sp/sw/t1/sig09.asp.

SIG Form 1—Renewal Application Cover Sheet

School Improvement Grant
2015–16 Renewal Application

RENEWAL APPLICATION RECEIPT DEADLINE
May 15, 2015

Submit to:
California Department of Education
Improvement and Accountability Division
School Turnaround Office
1430 N Street, Suite 6208
Sacramento, CA 95814-5901

NOTE: Please print or type all information.

County Name		**County/District Code**
Local Educational Agency (LEA) Name		**LEA NCES Number**
LEA Address		**Total Grant Amount Requested**
City	**Zip Code**	
Name of Primary Grant Contact	**Grant Contact Title**	
Telephone Number	**Fax Number**	**E-mail Address**
CERTIFICATION/ASSURANCE SECTION: As the duly authorized representative of the applicant, I have read all assurances, certifications, terms, and conditions associated with the federal SIG program; and I agree to comply with all requirements as a condition of funding. I certify that all applicable state and federal rules and regulations will be observed and that to the best of my knowledge, the information contained in this application is correct and complete.		
Printed Name of Superintendent or Designee		**Telephone Number**
Superintendent or Designee Signature (Blue Ink)		**Date**

SIG Form 2—Signatures and Approvals

School District Approval: The superintendent, or designee, at each school district involved in the 2015–16 Renewal Application must sign.

School District Name	Name of Superintendent	Signature of Superintendent

School Principal Approval: The principal of each school site involved in the 2015–16 Renewal Application must sign.

School Name	Intervention Model	Printed Name of Principal	Signature of Principal

SIG Form 3—Grant Contact Information

Name of Primary Grant Contact	
Professional Title	
Address	
City, State, Zip	
Phone Number	
Fax Number	
E-mail Address	
Name of Fiscal Contact	
Professional Title	
Address	
City, State, Zip	
Phone Number	
Fax Number	
E-mail Address	

Note: Please confirm that all contacts listed above are updated in the School Improvement Grant Monitoring and Reporting Tool (SIGMART) at http://www2.cde.ca.gov/sigmart/ and in the California Accountability and Improvement System (CAIS) at http://www.cais.ca.gov.

Instructions for Annual Student Achievement Goals

School and Sub-group Student Achievement Goals in English-Language Arts/Reading and Mathematics

Each participating LEA must establish clear, measurable, and challenging goals for student achievement in ELA, mathematics, and high school graduation rates (if applicable). This form provides the LEA with an opportunity to identify the local measures used to identify school and sub-group student achievement goals in ELA and mathematics and describe the extent to which each goal was met. In addition, the LEA will identify supporting data used to measure each goal. **Each school must submit one SIG Form 4 for ELA and SIG Form 5 for mathematics.**

LEAs and schools should use multiple local measures to evaluate how SIG goals are being met. These local measures may include, but are not limited to: district ELA, math, and other subject benchmark assessments; curriculum-imbedded assessments; performance measures imbedded in supplemental technology-based instructional programs and applications; local pilot measures for Common Core State Standards being implemented in classrooms; and other valid and reliable assessments of reading acquisition skills, writing skills, and math skills, and meaningful performance assessments of student learning. This may include other state assessments, where available.

Directions:

- Complete one SIG Form 4 and 5 for each school
- Specify for which group the goal is written (schoolwide, grade level, or other sub-group)
- Indicate which local assessment measure is being used
- Provide the 2013–14 SY actual proficiency rate achieved by the specified group on the assessment indicated
- Provide the 2014–15 SY target proficiency rate goal for the specified group on the assessment indicated
- Provide the 2014–15 SY actual proficiency rate achieved by the specified group on the assessment indicated
- Provide the 2015–16 SY target proficiency rate achieved by the specified group on the assessment indicated
- Provide a brief (200 words or less) analysis of the school’s progress on its annual student achievement goals

SIG Form 4—Annual Student Achievement Goals in English-Language Arts/Reading

LEA Name					
School Name					
CDS Code					
Schoolwide, Grade Level, or Sub-group	**English-Language Arts (ELA)/Reading Local Assessment Measure**	**2013–14 SY Proficiency Rate**	**2014–15 SY Proficiency Goal**	**2014–15 SY Proficiency Rate**	**2015–16 SY Proficiency Goal**
Analysis					

SIG Form 5—Annual Student Achievement Goals in Mathematics

LEA Name					
School Name					
CDS Code					
Schoolwide, Grade Level, or Sub-group	**Mathematics Local Assessment Measure**	**2013–14 SY Proficiency Rate**	**2014–15 SY Proficiency Goal**	**2014–15 SY Proficiency Rate**	**2015–16 SY Proficiency Goal**
Analysis					

SIG Form 6—Program Evaluation of SIG Required Components

1. Briefly describe implementation of the SIG Required Components **in year one**. Describe progress made in implementing the selected intervention model and include a statement describing the greatest implementation challenges and strategies used to overcome the challenges.
2. Provide evidence of progress in meeting the needs identified in the original application.
3. List goals not met in years one through three, including a brief analysis of the reason why these goals were not met.

SIG Form 6—Program Evaluation of SIG Required Components

4. Describe proposed revisions to the approved SIG implementation chart for Cohort 3 Year 2 based on evidence and data from years one through three. Include specific steps planned to successfully implement and sustain the selected intervention model for each school served by the SIG.

SIG Form 7—Evaluation Systems (Transformation Schools Only)

Schools implementing the transformation model must use rigorous, transparent, and equitable evaluation systems that take into account data on student growth as a significant factor. See Section I.A.2(d)(1)(i)(B)(1) of the SIG final requirements. To satisfy this requirement, a teacher and principal evaluation system must take into account data on student growth as a significant factor in determining a summative rating (or performance level) for each teacher and principal in the school implementing the transformation model.

In the space provided, briefly describe how the LEA plans to meet the principal and teacher evaluation requirement of **taking into account data on student growth as a significant factor**. Include a description of the measures to be used, a timeline, and how staff is involved.

Use rigorous, transparent, and equitable evaluation systems for teachers and principals that: (A) take into account data on student growth as a significant factor, as well as other factors such as multiple observation-based assessments of performance and ongoing collections of professional practice reflective of student achievement and increased high school graduation rates, and (B) are designed and developed with teacher and principal involvement.

SIG Form 10—Revised Implementation Chart(s)

The LEA must revise and include one revised Form 10 Implementation Chart for each Tier I and Tier II school reflecting all activities completed in Year 1 and all activities proposed in Year 2. **Please highlight all revisions.**

The implementation chart must include the following:

- Proposed revisions identified in SIG Form 8—Program Evaluation of SIG Required Components
- Specific action steps completed and projected for all required components of the model
- The timeline to complete each action step, including beginning and ending implementation dates, using both month and year designations for actions completed in Year 1 and actions to be completed in Year 2
- Person(s) responsible for ensuring that each action step is completed according to the timeline
- Documentation of evidence submitted to the CDE, upon request, to verify implementation of action steps

Provide a printed copy of the revised Implementation Chart (Form 10) for each identified Tier I or Tier II SIG school.

SIG Renewal Application Checklist

Required Forms

The following forms must be included as part of the 2015–16 Renewal Application. Check or initial by each form, and include this form in the application package. These forms can be downloaded from the CDE School Improvement Grant Web page at http://www.cde.ca.gov/sp/sw/t1/sig09.asp. Please compile the application packet in the order provided below.

Include this completed checklist in the application packet

_____SIG Form 1—Renewal Application Cover Sheet
(Must be signed in blue ink by the LEA superintendent or designee)

_____SIG Form 2—Signatures and Approvals

_____SIG Form 3—Grant Contact Information

_____SIG Form 4—Annual Student Achievement Goals in English-Language Arts/Reading

_____SIG Form 5—Annual Student Achievement Goals in Mathematics

_____SIG Form 6—Program Evaluation of SIG Required Components

_____SIG Form 7—Evaluation Systems (Transformation Schools Only)

_____SIG Form 10—Revised Implementation Chart(s)
(LEA must revise approved implementation chart)

Form 10.1 Turnaround Implementation Chart

Form 10.2 Transformation Implementation Chart

Form 10.3 Restart Implementation Chart

Appendix A—General Assurances

Note: All sub-grantees are required to retain on file a copy of these assurances for your records and for audit purposes. Please download the General Assurances form located on the CDE Funding Tools and Materials Web page at http://www.cde.ca.gov/fg/fo/fm/. Do **not** submit Appendix A to the CDE; retain at the LEA.

Certifications Regarding Drug-Free Workplace, Lobbying, and Debarment and Suspension (Do not submit as part of the application.)

Download the following three forms from the CDE Funding Tools and Materials Web page at http://www.cde.ca.gov/fg/fo/fm/. The signature on the front of the application indicates acknowledgement of an agreement with all assurances.

1. Drug-Free Workplace
2. Lobbying
3. Debarment and Suspension

Appendix B—Sub-grant Conditions and Assurances

As a condition of the receipt of funds under this sub-grant program, the applicant agrees to comply with the following Sub-grant Conditions and Assurances.

The ED requires LEAs to adhere to the following assurances:

1. Use its SIG funds to implement fully and effectively an intervention in each Tier I and Tier II school that the LEA commits to serve consistent with the final requirements of SIG.

2. Establish challenging annual goals for student achievement in both ELA and mathematics and measure progress on the leading indicators in section III of the final requirements in order to monitor each Tier I, Tier II, and Tier III school that it serves with SIG funds.

3. If it implements a restart model in a Tier I or Tier II school, include in its contract or agreement terms and provisions to hold the charter operator, charter management organization, or education management organization accountable for complying with the final requirements.

4. Report to the CDE the school-level data as described in this application.

Furthermore, the CDE requires LEAs to adhere to the following additional assurances:

5. Ensure that the identified strategies and related activities are incorporated in the revised LEA Plan and Single Plan for Student Achievement.

6. Follow all fiscal reporting and auditing standards required by the CDE.

7. Participate in a statewide evaluation process as determined by the SEA and provide all required information on a timely basis.

8. Respond to any additional surveys or other methods of data collection that may be required for the full sub-grant period.

9. Use funds only for allowable costs during the sub-grant period.

10. Include in the application all required forms signed by the LEA superintendent or designee.

Appendix B—Sub-grant Conditions and Assurances (Page 2 of 3)

11. Use fiscal control and fund accountability procedures to ensure proper disbursement of, and accounting for, federal funds paid under the sub-grant, including the use of the federal funds to supplement, and not supplant, state and local funds, and maintenance of effort (20 *United States Code* Section 8891).

12. Hereby express its full understanding that not meeting all SIG requirements will result in the termination of SIG funding.

13. Ensure that funds are spent as indicated in the sub-grant proposal and agree that funds will be used **only** in the school(s) identified in the LEAs AO-400 sub-grant award letter.

14. All audits of financial statements will be conducted in accordance with Government Auditing Standards and with policies, procedures, and guidelines established by the Education Department General Administrative Regulations (EDGAR), Single Audit Act Amendments, and the Office of Management and Budget Circular A-133.

15. Ensure that expenditures are consistent with the federal EDGAR under Title 34, *Code of Federal Regulations*, which can be found on the ED Web page at http://www.ed.gov/policy/fund/reg/edgarReg/edgar.html.

16. Agree that the SEA has the right to intervene, renegotiate the sub-grant, and/or cancel the sub-grant if the sub-grant recipient fails to comply with sub-grant requirements.

17. Cooperate with any site visitations conducted by representatives of the state or regional consortia for the purpose of monitoring sub-grant implementation and expenditures, and provide all requested documentation to the SEA personnel in a timely manner.

18. Repay any funds which have been determined through a federal or state audit resolution process to have been misspent, misapplied, or otherwise not properly accounted for, and further agree to pay any collection fees that may subsequently be imposed by the federal and/or state government.

19. Administer the activities funded by this sub-grant in such a manner so as to be consistent with California's adopted academic content standards.

20. Obligate all sub-grant funds by the end date of the sub-grant award period or re-pay any funding received, but not obligated, as well as any interest earned over $100 on the funds.

Appendix B—Sub-grant Conditions and Assurances (Page 3 of 3)

21. Maintain fiscal procedures to minimize the time elapsing between the transfer of the funds from the CDE and disbursement.

22. Comply with the reporting requirements and submit any required report forms by the due dates specified.

I hereby certify that the agency identified below will comply with all sub-grant conditions and assurances described in items 1 through 22 above.

The signature on the front of this application indicates acknowledgement and agreement to all assurances.

California State Board of Education

Meeting Agenda Items for March 11-12, 2015

ITEM 19

CALIFORNIA STATE BOARD OF EDUCATION

MARCH 2015 AGENDA

SUBJECT	
Procedures for Reviewing Proposed Revisions to Adopted Instructional Materials—Approve Commencement of the Rulemaking Process for Amendments to the *California Code of Regulations*, Title 5, Section 9526.	☒ Action ☒ Information ☐ Public Hearing

SUMMARY OF THE ISSUE(S)

In order for the California Department of Education (CDE) to conduct reviews of publisher-proposed revisions to State Board of Education (SBE)-adopted instructional materials, as set forth in California *Education Code* (*EC*) Section 60200, the attached proposed regulations must be adopted.

RECOMMENDATION

The CDE recommends the SBE take the following actions:

- Approve the Notice of Proposed Rulemaking (Notice);
- Approve the Initial Statement of Reasons (ISOR);
- Approve the proposed regulations;
- Direct the CDE to commence the rulemaking process, and
- Authorize the CDE to take any necessary ministerial action to respond to any direction or concern expressed by the Office of Administrative Law during its review of the Notice, ISOR, and proposed regulations.

BRIEF HISTORY OF KEY ISSUES

California *EC* Section 60200(b)(2), authorized by Assembly Bill 1246, Statutes of 2012, allows publishers of instructional materials on the current SBE adoption list to submit proposed revisions of those materials to the CDE for consideration. The law requires that publishers pay for the cost of such a review. These proposed regulations would establish the necessary process and fee schedule.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The California Constitution, Article 9, Section 7.5, establishes that the SBE shall adopt instructional materials for use in grades one through eight (and, pursuant to *EC* Section 60200, kindergarten). *EC* Section 60200 establishes an eight year cycle for the adoption of instructional materials in each subject.

FISCAL ANALYSIS (AS APPROPRIATE)

A Fiscal Impact Statement is provided as Attachment 4.

ATTACHMENT(S)

Attachment 1: Notice of Proposed Rulemaking (5 Pages)

Attachment 2: Initial Statement of Reasons (6 Pages)

Attachment 3: Text of Proposed Regulations (3 Pages)

Attachment 4: Economic and Fiscal Impact Statement (STD. 399) (4 Pages).

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

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

1430 N Street Sacramento, CA 95814-5901

NOTICE OF PROPOSED RULEMAKING

AMENDMENT TO CALIFORNIA CODE OF REGULATIONS, TITLE 5, REGARDING REGULATIONS FOR PROCEDURES FOR REVIEWING PROPOSED REVISIONS TO ADOPTED INSTRUCTIONAL MATERIALS

[Notice published March 27, 2015]

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

PUBLIC HEARING

California Department of Education (CDE) staff, on behalf of the SBE, will hold a public hearing at 1:30 p.m. on May 14, 2015, at 1430 N Street, Room 1801, Sacramento, California. The room is wheelchair accessible. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the Informative Digest. The SBE requests, but does not require, that persons who make oral comments at the public hearing also submit a written summary of their statements. No oral statements will be accepted subsequent to this public hearing.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to:

Debra Thacker, Regulations Coordinator
Administrative Support and Regulations Adoption Unit
California Department of Education
1430 N Street, Room 5319
Sacramento, CA 95814

Comments may also be submitted by facsimile (FAX) at 916-319-0155 or by e-mail to regcomments@cde.ca.gov.

Comments must be received by the Regulations Coordinator prior to 5:00 p.m. on May 14, 2015. All written comments received by CDE staff during the public comment period are subject to disclosure under the Public Records Act.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the public hearing and considering all timely and relevant comments received, the SBE may adopt the proposed regulations substantially as described in this Notice or may modify the proposed regulations if the modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified regulation will be available for 15 days prior to its adoption from the Regulations Coordinator and will be mailed to those persons who submit written comments related to this regulation, or who provide oral testimony at the public hearing, or who have requested notification of any changes to the proposed regulations.

AUTHORITY AND REFERENCE

Authority: Sections 33031, 60200 and 60206, Education Code.

References: Section 60200, Education Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Education Code section 60200(b)(2) states that the CDE shall assess a fee on publishers of instructional materials currently adopted by the SBE in the event they submit proposed revisions to their adopted materials. This law states that the fee "…shall not exceed the reasonable costs to the department to conduct a review…." These proposed regulations establish the process for review and the associated fee.

These proposed regulations along with the authority granted in Education Code section 60200(b)(2) will allow publishers to revise their SBE-adopted instructional materials without having to wait the full eight years before the next SBE adoption in the same subject matter. This fact will benefit California's students and educators.

In order for the CDE to comply with the requirements of Education Code section 60200, these proposed regulations must be established to provide both the details and mechanism for implementation.

Anticipated Benefits of the Proposed Regulation

These proposed regulations, along with the authority granted in Education Code section 60200(b)(2), will allow publishers to revise their SBE-adopted instructional materials without having to wait the full eight years before the next SBE adoption in the same subject matter. This fact will benefit California's students and educators.

Determination of Inconsistency/Incompatibility with Existing State Regulations

The CDE reviewed all state regulations relating to instructional materials and found that none exist that are inconsistent or incompatible with these regulations regarding kindergarten through grade eight instructional materials.

DISCLOSURES REGARDING THE PROPOSED ACTION/ FISCAL IMPACT

The SBE has made the following initial determinations:

There are no other matters as are prescribed by statute applicable to the specific state agency or to any specific regulations or class of regulations.

The proposed regulations do not require a report to be made.
Mandate on local agencies and school districts: None

Cost or savings to any state agency: None

Costs to any local agencies or school districts for which reimbursement would be required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code: None

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

Costs or savings in federal funding to the state: None

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

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

Effect on housing costs: None

Effect on small businesses: Participation is voluntary and cost/benefit analysis by potential participants will determine outcomes.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

Adoption of these regulations will not 1) create or eliminate jobs within California; 2) create new businesses or eliminate existing businesses within California; or 3) affect the expansion of businesses currently doing business within California.

The fiscal impact of the publisher fee on business may be offset by the potential gains, and therefore individual publishers will determine whether or not they wish to participate.

CONSIDERATION OF ALTERNATIVES

The SBE must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the SBE, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

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

CONTACT PERSONS

Inquiries concerning the content of this regulation should be directed to:

David Almquist, Education Programs Consultant
Curriculum Framework & Instructional Resources Division
California Department of Education
1430 N Street, Suite 3207
Sacramento, CA 95814
Telephone: 916-319-0444
E-mail: dalmquis@cde.ca.gov

Inquiries concerning the regulatory process may be directed to the Regulations Coordinator or Hillary Wirick, Regulations Analyst, by phone at 916-319-0860.

INITIAL STATEMENT OF REASONS AND INFORMATION

The SBE has prepared an Initial Statement of Reasons for the proposed regulation and has available all information upon which the proposal is based.

TEXT OF PROPOSED REGULATION AND CORRESPONDING DOCUMENTS

Copies of the exact language of the proposed regulations, the Initial Statement of Reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Regulations Coordinator. These documents may also be viewed and downloaded from the CDE's Web site at http://www.cde.ca.gov/re/lr/rr/.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the Regulations Coordinator.

You may obtain a copy of the Final Statement of Reasons, once it has been finalized, by making a written request to the Regulations Coordinator.

REASONABLE ACCOMMODATION FOR ANY INDIVIDUAL WITH A DISABILITY

Pursuant to the *Rehabilitation Act of 1973,* the *Americans with Disabilities Act of 1990,* and the *Unruh Civil Rights Act,* any individual with a disability who requires reasonable accommodation to attend or participate in a public hearing on proposed regulations, may request assistance by contacting the Curriculum Frameworks & Instructional Resources Division, 1430 N Street, Suite 3207, Sacramento, CA, 95814; telephone, 916-319-0881. Please request assistance at least two weeks prior to the hearing.

INITIAL STATEMENT OF REASONS

Procedures for Reviewing Proposed Revisions to Adopted Instructional Materials

INTRODUCTION

The California Department of Education (CDE) is proposing these regulations in order to facilitate review of publisher-proposed revisions to State Board of Education (SBE) adopted instructional materials as set forth in California Education Code section 60200. In order to establish and implement the revision process, including the assessment of a fee as stipulated in law, the State requires these new regulations.

The proposed amendments to regulations would create California Code of Regulations, title 5, section 9526.

PROBLEM AGENCY INTENDS TO ADDRESS

Education Code section 60200(b)(2) states that the CDE shall assess a fee on publishers of instructional materials currently adopted by the SBE in the event they submit proposed revisions to their adopted materials. This law states that the fee "…shall not exceed the reasonable costs to the department to conduct a review…." These proposed regulations establish the process for review and the associated fee.

These proposed regulations along with the authority granted in Education Code section 60200(b)(2) will allow publishers to revise their SBE-adopted instructional materials without having to wait the full eight years before the next SBE adoption in the same subject matter. This fact will benefit California's students and educators.

The CDE reviewed all state regulations relating to instructional materials and found that none exist that are inconsistent or incompatible with these regulations regarding kindergarten through grade eight instructional materials.

In order for the CDE to comply with the requirements of Education Code section 60200, these proposed regulations must be established to provide both the details and mechanism for implementation.

BENEFITS ANTICIPATED FROM REGULATORY ACTION

The benefit of the proposed amendment to Title 5 will be the implementation of a review process for publisher-proposed revisions to their instructional materials currently adopted by the SBE. Such a process will allow for the inclusion of revised content to address needs of educators and students.

SPECIFIC PURPOSE OF EACH SECTION – GOV. CODE SECTION 11346.2(b)(1)

The specific purpose for each adoption, and the rationale for the determination that

each adoption is reasonably necessary to carry out the purpose for which it is proposed, together with a description of the public problem, administrative requirement, or other condition or circumstance that each adoption is intended to address, is as follows:

Proposed section 9526 is added to introduce the process by which publishers may propose revisions to their instructional materials appearing on the current SBE adoption list beginning in 2014. This addition is necessary because it introduces the point that such proposed revisions must be consistent with SBE adopted content standards, curriculum frameworks, and evaluation criteria utilized in the original adoption process.

Proposed section 9526(a) is added to stipulate that publishers whose instructional materials appear on the current SBE adoption list may submit proposed revisions of those materials to the CDE once every two years, but no later than two years prior to the next adoption of instructional materials in the same subject. This addition is necessary because it effectively creates two opportunities for proposing revisions which is a reasonable and manageable timeline.

Proposed section 9526(b) is added to indicate that the CDE will publicly announce its call for proposed revisions 90 days in advance of the submission period. This addition is necessary in order to create a reasonable timeline of expectation for both the State and publishers.

Proposed section 9526(c)(1) is added to specify that publishers proposing a revision to adopted materials must provide a brief description describing the cause for and basic nature of the proposed revisions. This addition is necessary in order for the State to understand the nature of the proposed change and process the publishers request appropriately.

Proposed section 9526(c)(2) is added to stipulate that publishers proposing a revision to adopted materials must provide a list of those materials proposed for revision. This addition is necessary in order for the State to understand the nature of the proposed change and process the publishers request appropriately.

Proposed section 9526(c)(3) is added to require that publishers proposing a revision to adopted materials must provide up to 10 copies of each component proposed for revision and that every proposed edit must be clearly indicated. This addition is necessary in order for the State to conduct an appropriate review of the proposed revision and understand the specific proposed changes.

Proposed section 9526(d) is added to indicate that the proposed revision will be reviewed for consistency with the SBE-adopted content standards, curriculum frameworks and evaluation criteria used in the original adoption. This addition is necessary in order to maintain the instructional integrity of the revised materials in relation to the originally adopted materials.

Proposed section 9526(e) is added to confirm that publisher-proposed revisions shall comply with the social content standards. This addition is necessary in order to maintain the compliance of revised materials with existing laws regarding social content standards.

Proposed section 9526(f) is added to stipulate that the review recommendations shall be forwarded by the CDE to the Instructional Quality Commission (Commission). This addition is necessary in order for the revision review process to adhere to the same review process as conducted during the initial instructional materials adoption.

Proposed section 9526(g) is added to require the Commission to take various actions, subsequently identified, prior to making a recommendation to the SBE. This addition is necessary in order for the revision review process to adhere to the same review process as conducted during the initial instructional materials adoption.

Proposed section 9526(g)(1) is added to stipulate that the Commission shall hold a public meeting to receive public comment on the initial review results forwarded to the Commission by the CDE. This addition is necessary in order for the revision review process to adhere to the same review process as conducted during the initial instructional materials adoption.

Proposed section 9526(g)(2) is added to stipulate that the Commission may hold more than one public meeting to collect comment in considering the review results. This addition is necessary in order for the revision review process to adhere to the same review process as conducted during the initial instructional materials adoption.

Proposed section 9526(g)(3) is added to stipulate that the Commission must evaluate publisher-proposed revisions based upon the SBE-adopted content standards, curriculum frameworks, evaluation criteria and social content standards. This addition is necessary in order for the revision review process to adhere to the same review process as conducted during the initial instructional materials adoption.

Proposed section 9526(g)(4) is added to stipulate that the Commission shall hold a public meeting not less than 30 days following the final Commission-conducted public comment meeting for the purpose of conducting a roll call vote to determine its final recommendation to be made to the SBE. This addition is necessary in order for the revision review process to adhere to the same review process as conducted during the initial instructional materials adoption.

Proposed section 9526(g)(5) is added to stipulate that the Commission shall complete and forward to the SBE a final “Commission Advisory Report” which will recommend or not recommend SBE approval of the proposed revision. This addition is necessary in order for the revision review process to adhere to the same review process as conducted during the initial instructional materials adoption.

Proposed section 9526(h) is added to stipulate that the SBE will hold a public meeting to consider the approval of publisher-proposed revisions to previously adopted instructional materials. This addition is necessary in order for the revision review process to adhere to the same review process as conducted during the initial instructional materials adoption.

Proposed section 9526(i) is added to stipulate that the CDE will charge publishers a fee to cover the cost of the review, the cost to review print materials, the cost to review videos and dvds, the cost to review software, and the cost to review online programs. The additions are necessary in order to comply with the law authorizing this revision process regarding a mandatory fee for review.

Proposed sections 9526(i)(1)-(i)(2)(C) are added to stipulate the cost to review print materials, the cost to review videos and dvds, the cost to review software, and the cost to review online programs. The additions are necessary to identify the specifics of the fee stipulated in the law authorizing this revision process. The cost of reviewing print material is easily established (e.g. dollar amount per page reviewed); however, reviews of technology-based instructional materials are more difficult and time consuming and the costs of the review are harder to quantify. In order to accurately estimate the cost of reviewing non-print material fees, we identified a standard video as 120 minutes, a dvd as 4.7 gigabytes or 120 minutes, and a CD size as 650-700 megabytes. We also set the cost of an online program at $1,000 per grade level which if in print form would equate to 667 pages which is reasonable in consideration of the added features and functionality of an online program. (Note that proposed section 9526(j) allows for the reduction of these fees based upon actual review costs.)

Proposed section 9526(j) is added to stipulate that the CDE may reduce the published fees if actual costs are lower. This addition is necessary in order to comply with the law authorizing this revision process regarding the reasonableness of the fee in relation to the actual cost of the process.

Proposed section 9526(k) is added to stipulate that publishers must pay a review fee 30 days after receiving an invoice from the CDE and that this fee is non-refundable. This addition is necessary to identify the terms of payment of the fee stipulated in the law authorizing this revision process.

Proposed section 9526(l) is added to stipulate that the CDE shall notify the publisher of the review results in writing. This addition is necessary in order to establish a reasonable expectation of notification on behalf of both the participating publisher and the State.

Proposed section 9526(m) is added to stipulate that the publisher must continue to offer for sale to districts the originally adopted version of their instructional materials, except for in the case of an online program. This addition is necessary in order to

prevent school districts from having to purchase all new materials any time they need additional materials subsequent to a publisher's revision.

ECONOMIC IMPACT ANALYSIS PER GOV. CODE SECTION 11346.3(b)

Purpose:

The proposed regulatory action is necessary in order to facilitate review of publisher-proposed revisions to SBE- adopted instructional materials pursuant to Education Code section 60200. The proposed regulations establish and implement the revision process, including the assessment of a fee as stipulated in law.

Creation or Elimination of Jobs Within the State of California:

The regulations are designed to establish a process for review, and the associated fee, in the event publishers of instructional materials submit proposed revisions to their adopted materials. Adoption of the regulations will not create or eliminate jobs within the State of California because publisher participation in any proposed revision process is voluntary.

Creation of New or Elimination of Existing Businesses Within the State of California:

The regulations are designed to establish a process for review, and the associated fee, in the event publishers of instructional materials submit proposed revisions to their adopted materials. Adoption of the regulations will not create new or eliminate existing businesses within the State of California because publisher participation in any proposed revision process is voluntary.

Expansion of Businesses or Elimination of Businesses Currently Doing Business Within the State of California:

The regulations are designed to establish a process for review, and the associated fee, in the event publishers of instructional materials submit proposed revisions to their adopted materials. Adoption of the regulations will not expand or eliminate businesses currently doing business within the State of California because publisher participation in any proposed revision process is voluntary.

Benefits of the Regulations to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

The cost of any review will be fully covered by the publisher participation fee. These fees elevate pressure from the state general fund.

Publisher participation in any proposed revision process is voluntary and therefore fiscal impact to business will be weighed by said businesses in determining the cost/benefit of participation.

OTHER REQUIRED SHOWINGS

Studies, Reports or Documents Relied Upon–Gov. Code. Section 11346.2(b)(3):

The SBE did not rely upon any technical, theoretical, or empirical studies, reports, or documents in proposing the adoption of these regulations.

Reasonable Alternatives Considered Or Agency's Reasons For Rejecting Those Alternatives–Gov. Code Section 11346.2(b)(5)(A):

No other alternatives were presented to or considered by the SBE. The existing regulations must be adopted in order for the SBE to implement new state law.

Reasonable Alternatives That Would Lessen The Impact On Small Businesses Gov. Code Section 11346.2(b)(5)(B):

Implementation of the fee is mandated in statute, and participation is voluntary.

Evidence Relied Upon To Support the Initial Determination That the Regulations Will Not Have A Significant Adverse Economic Impact on Business–Gov. Code Section 11346.2(b)(6):

The proposed regulations will expand or create opportunities in California for business by facilitating a revision process for their currently adopted instructional materials. Participation may stimulate the sale of instructional materials. The only businesses required to pay the fee are those that choose to participate in the revision process. The available information does not indicate that this process and associated fee will harm any existing small businesses, but rather it may create new business opportunities for small businesses that wish to participate.

Analysis of Whether The Regulations Are An Efficient And Effective Means Of Implementing The Law In The Least Burdensome Manner–Gov. Code Section 11346.3(e)

The regulations have been determined to be the most efficient and effective means of implementing the law in the least burdensome manner.

The proposed regulations are necessary in order for the CDE to conduct the instructional materials revision review process pursuant to the stipulations of the law.

1-23-15 [California Department of Education]

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

Title 5. EDUCATION

Division 1. California Department of Education

Chapter 9. Instructional Materials

Subchapter 1. Elementary Instructional Materials

Article 2. Adoption of Curriculum Frameworks, Evaluation Criteria and Instructional Materials – Procedures

§ 9526. Procedures for Reviewing Proposed Revisions to Adopted Instructional Materials.

Reviews of instructional materials appearing on the current list of State Board of Education (SBE) adopted instructional materials, beginning with adoptions occurring after 2013, to determine whether publisher-proposed revisions are consistent with the SBE adopted content standards, curriculum frameworks and evaluation criteria and the relevant statutes shall be conducted according to the following requirements:

(a) Publishers of instructional materials on the current list adopted by the SBE may submit to the CDE proposed revisions to adopted material once every two years following an SBE primary adoption, but no later than two years prior to the next scheduled primary adoption for the same subject.

(b) The CDE shall notify publishers of adopted programs at least 90 days in advance of the submission period for proposed revisions.

(c) Publishers shall provide to the CDE an electronic or hard copy version of the following items:

(1) A brief description of the cause for and general nature of the proposed revisions;

(2) A list of the previously adopted instructional materials proposed for revision; and

(3) Up to 10 copies, as specified by the CDE, of each component of a program proposed for revision wherein all content proposed for addition and deletion is clearly and precisely indicated. The publishers shall ship the materials to the location(s) specified by the CDE free of shipping, handling, sampling, or other charges.

(d) The CDE or its agents shall conduct a review of the proposed revisions for

consistency with SBE adopted content standards, curriculum frameworks and evaluation criteria for the corresponding adoption and the relevant statutes. For this review process the CDE may include previously SBE-appointed Instructional Quality Commission members, instructional materials reviewers, and content experts.

(e) Any review conducted pursuant to subdivision (d) shall confirm that all proposed revisions comply with the social content standards referenced in section 9518 above.

(f) The review recommendations shall be compiled by the CDE, presented to the Instructional Quality Commission (Commission), and posted on its website at least 10 days before the meeting of the Commission wherein the review recommendations are to be considered.

(g) Prior to recommending to the SBE the approval of proposed revisions for previously adopted instructional materials, the Commission shall do the following:

(1) The Commission shall hold a publicly-noticed meeting during which any interested party may provide the Commission with written or oral comments regarding the submitted instructional materials and/or the recommendations contained in the review report. The primary purpose of this publicly-noticed meeting is to afford the Commission an opportunity to receive comment from those who disagree with any part of the review report. The complaining party, and any interested party adverse to the complaining party, shall be provided a full and fair opportunity to present comments.

(2) Nothing in this section shall prevent the Commission from having additional publicly-noticed meetings that the Commission deems necessary to receive additional input.

(3) Commissioners must evaluate proposed revisions to instructional materials according to the SBE adopted content standards, curriculum frameworks, evaluation criteria, and social content standards.

(4) Not less than 30 days after the Commission meeting discussed in subdivision (g)(1) above, the Commission will hold a publicly-noticed meeting at which time it will determine its recommendations to the SBE regarding proposed revisions to previously adopted instructional materials. The Commission must conduct a roll call vote with at least 9 affirmative votes required for affirming recommendations, or at least 10

affirmative votes required for affirming recommendations when all 18 commissioners vote.

(5) The Commission's recommendations shall be compiled into a document titled “Commission Advisory Report.” The Commission shall act to recommend or not recommend the revisions to instructional materials. The Commission Advisory Report shall be presented to the SBE for consideration of approval.

(h) Following the Commission meetings described above, the SBE will hold at least one publicly-noticed meeting to consider the approval of proposed revisions to previously adopted instructional materials.

(i) For any review conducted pursuant to subdivision (d), the CDE shall charge publishers a fee to cover the costs of the review as follows:

(1) Print Material Fees: $1.50 per revised page.

(2) Non-Print Material Fees:

(A) Video/DVD: $150.00 per standard Video/DVD (Video - 120 minutes, DVD - 4.7 Gigabytes [GB] or approximately 120 minutes);

(B) Software: $450.00 per standard CD (650-700 megabytes [MB]); or

(C) Online programs: $1,000_per grade level.

(j) The CDE may reduce the publisher fees identified in subdivision (i) in the event actual review costs are lower.

(k) Publisher fees are due within 30 days of receipt of CDE invoice and are non-refundable.

(l) The CDE shall notify publishers or manufacturers in writing of the results of the review.

(m) Publishers must agree to supply the previous version of state-adopted instructional materials to school districts that choose to continue using the previous version during the duration of the adoption period. This subsection does not apply to online instructional materials.

NOTE: Authority cited: Section 33031, Education Code. Reference: Section 60200 Education Code.

1-06-15 [California Department of Education]

This is the official scanned version of Item 19 Attachment 4 from the California State Board of Education (SBE) Meeting Agenda for March 2015 posted at http://www.cde.ca.gov/be/ag/ag/yr15/agenda201503.asp

An accessible version of the contents of this document is located at http://www.cde.ca.gov/be/ag/ag/yr15/mar15item19a4aav.asp

The scanned document starts following this initial page.

STATE OF CALIFORNIA — DEPARTMENT OF FINANCE

ECONOMIC AND FISCAL IMPACT STATEMENT (REGULATIONS AND ORDERS)

STD. 399 (REV. 12/2013)

Instructions and Code Citations: SAM Section 6601-6616

ECONOMIC IMPACT STATEMENT

DEPARTMENT NAME	CONTACT PERSON	EMAIL ADDRESS	TELEPHONE NUMBER
Education	Linda Hakala	lhakala@cde.ca.gov	319-0658

DESCRIPTIVE TITLE FROM NOTICE REGISTER OR FORM 400	NOTICE FILE NUMBER
Procedures for Reviewing Proposed Revisions to Adopted Instructional Materials (dated 1-6-15)	Z

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 business and/or employees
- ☐ b. Impacts small businesses
- ☐ c. Impacts jobs or occupations
- ☐ d. Impacts California competitiveness
- ☐ e. Imposes reporting requirements
- ☐ f. Imposes prescriptive instead of performance
- ☐ g. Impacts individuals
- ☒ h. None of the above (Explain below):

The regulations align to Ed Code and would not impose add'l private sector costs.

If any box in Items 1 a through g is checked, complete this Economic Impact Statement.
If box in Item 1.h. is checked, complete the Fiscal Impact Statement as appropriate.

2. The _____ (Agency/Department) estimates that the economic impact of this regulation (which includes the fiscal impact) is:

- ☐ Below $10 million
- ☐ Between $10 and $25 million
- ☐ Between $25 and $50 million
- ☐ Over $50 million *[If the economic impact is over $50 million, agencies are required to submit a Standardized Regulatory Impact Assessment as specified in Government Code Section 11346.3(c)]*

3. 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: _____

4. Enter the number of businesses that will be created: _____ eliminated: _____

Explain: _____

5. Indicate the geographic extent of impacts: ☐ Statewide

☐ Local or regional (List areas): _____

6. Enter the number of jobs created: _____ and eliminated: _____

Describe the types of jobs or occupations impacted: _____

7. 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: _____

ECONOMIC IMPACT STATEMENT (CONTINUED)

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: _____

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: $ _____

   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 of the regulation, which may include among others, the health and welfare of California residents, worker safety and the State's environment: _____

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? $ _____

4. Briefly describe any expansion of businesses currently doing business within the State of California that would result from this regulation: _____

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: _____

Instructions and Code Citations:
SAM Section 6601-6616

ECONOMIC IMPACT STATEMENT (CONTINUED)

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.*

California Environmental Protection Agency (Cal/EPA) boards, offices and departments are required to submit the following (per Health and Safety Code section 57005). Otherwise, skip to E4.

1. Will the estimated costs of this regulation to California business enterprises **exceed $10 million**? ☐ YES ☐ NO

If YES, complete E2. and E3
If NO, skip to E4

2. Briefly describe each alternative, or combination of alternatives, for which a cost-effectiveness analysis was performed:

Alternative 1: _____

Alternative 2: _____

(Attach additional pages for other alternatives)

3. For the regulation, and each alternative just described, enter the estimated total cost and overall cost-effectiveness ratio:

Regulation: Total Cost $ _____ Cost-effectiveness ratio: $ _____

Alternative 1: Total Cost $ _____ Cost-effectiveness ratio: $ _____

Alternative 2: Total Cost $ _____ Cost-effectiveness ratio: $ _____

4. Will the regulation subject to OAL review have an estimated economic impact to business enterprises and individuals located in or doing business in California exceeding $50 million in any 12-month period between the date the major regulation is estimated to be filed with the Secretary of State through12 months after the major regulation is estimated to be fully implemented?

☐ YES ☐ NO

If YES, agencies are required to submit a Standardized Regulatory Impact Assessment (SRIA) as specified in Government Code Section 11346.3(c) and to include the SRIA in the Initial Statement of Reasons.

5. Briefly describe the following:

The increase or decrease of investment in the State: _____

The incentive for innovation in products, materials or processes: _____

The benefits of the regulations, including, but not limited to, benefits to the health, safety, and welfare of California residents, worker safety, and the state's environment and quality of life, among any other benefits identified by the agency: _____

STATE OF CALIFORNIA — DEPARTMENT OF FINANCE

SAM Section 6601-6616

ECONOMIC AND FISCAL IMPACT STATEMENT (REGULATIONS AND ORDERS)

STD. 399 (REV. 12/2013)

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 in the current State Fiscal Year which are reimbursable by the State. (Approximate) (Pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code).

$ _____

☐ a. Funding provided in _____

Budget Act of _____ or Chapter _____, Statutes of _____

☐ b. Funding will be requested in the Governor's Budget Act of _____

Fiscal Year: _____

☐ 2. Additional expenditures in the current State Fiscal Year which are NOT reimbursable by the State. (Approximate) (Pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code).

$ _____

Check reason(s) this regulation is not reimbursable and provide the appropriate information:

☐ a. Implements the Federal mandate contained in _____

☐ b. Implements the court mandate set forth by the _____ Court.

Case of: _____ vs. _____

☐ c. Implements a mandate of the people of this State expressed in their approval of Proposition No. _____

Date of Election: _____

☐ d. Issued only in response to a specific request from affected local entity(s).

Local entity(s) affected: _____

☐ e. Will be fully financed from the fees, revenue, etc. from: _____

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;

☐ g. Creates, eliminates, or changes the penalty for a new crime or infraction contained in _____

☐ 3. Annual Savings. (approximate)

$ _____

☐ 4. No additional costs or savings. This regulation makes only technical, non-substantive or clarifying changes to current law regulations.

☐ 5. No fiscal impact exists. This regulation does not affect any local entity or program.

☒ 6. Other. Explain The regulations do not impose any additional costs as they further define the Education Code related to publisher-proposed revisions to adopted instructional materials.

Instructions and Code Citations:
SAM Section 6601-6616

FISCAL IMPACT STATEMENT (CONTINUED)

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 in the current State Fiscal Year. (Approximate)

$ _____

It is anticipated that State agencies will:

☐ a. Absorb these additional costs within their existing budgets and resources.

☐ b. Increase the currently authorized budget level for the _____ Fiscal Year

☐ 2. Savings in the current State Fiscal Year. (Approximate)

$ _____

☐ 3. No fiscal impact exists. This regulation does not affect any State agency or program.

☒ 4. Other. Explain The regulations do no impose any additional costs as they concur with existing regulations and serve only to define the procedure, including assessment of fees, for publisher-proposed revisions to adopted instructional materials as provided in the Education Code.

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 in the current State Fiscal Year. (Approximate)

$ _____

☐ 2. Savings in the current State Fiscal Year. (Approximate)

$ _____

☒ 3. No fiscal impact exists. This regulation does not affect any federally funded State agency or program.

☐ 4. Other. Explain _____

FISCAL OFFICER SIGNATURE	DATE
Linda Makala	February 10, 2015

The signature attests that the agency has completed the STD. 399 according to the instructions in SAM sections 6601-6616, and understands the impacts of the proposed rulemaking. State boards, offices, or departments not under an Agency Secretary must have the form signed by the highest ranking official in the organization.

AGENCY SECRETARY	DATE
	2/19/15

Finance approval and signature is required when SAM sections 6601-6616 require completion of Fiscal Impact Statement in the STD. 399.

DEPARTMENT OF FINANCE PROGRAM BUDGET MANAGER	DATE

Economic and Fiscal Impact Analysis
Proposed Amendments of Title 5, CCR, Regulations
Procedures for Reviewing Proposed Revisions to Adopted Instructional Materials

The Fiscal Policy Office has reviewed for economic and fiscal impact the proposed regulations adding section 9526 to Article 2, Subchapter 1, Chapter 9, Division 1, of Title 5, of the California Code of Regulations, relating to the procedures for reviewing proposed revisions to State Board adopted instructional materials.

What would the proposed regulations do?
The proposed regulations are necessary to facilitate the review of publisher-proposed revisions to the adopted instructional materials. The regulations establish the revision review process, including the assessment of a fee as stipulated in statute.

ECONOMIC IMPACT STATEMENT

A. ESTIMATED PRIVATE SECTOR COST IMPACTS
None. The proposed regulations impose no additional costs upon the private sector.

FISCAL IMPACT STATEMENT

A. FISCAL EFFECT ON LOCAL GOVERNMENT
None. The proposed regulations impose no additional costs upon local government.

B. FISCAL EFFECT ON STATE GOVERNMENT
None. The proposed regulations would impose no additional costs upon the state. The fees imposed upon the publishers will cover the cost of the review incurred by the state.

C. FISCAL EFFECT ON FEDERAL FUNDING OF STATE PROGRAMS
None. The proposed regulations have no impact on a state program with federal funding.

Linda Hakala, Consultant
Government Affairs Division

Feb. 10, 2015
Date

Monique Ramos, Director
Government Affairs Division

2/13/15
Date

AAV of Item 19 Attachment 4

Accessible Alternative Version (AAV) of Item 19 Attachment 4 for the March 2015 SBE Meeting Agenda.

This page is the Accessible Alternative Version (AAV) of Item 19 Attachment 4 from the California State Board of Education (SBE) Meeting Agenda for March 2015. The scanned Item 19 Attachment 4 version is considered to be the official version of the document.

Economic and Fiscal Impact Statement

(REGULATIONS AND ORDERS). *User entries from the STD. 399 (REV. 12/2013) Form.*

Department Name: Education

Contact Person: Linda Hakala

E-mail Address: lhakala@cde.ca.gov

Telephone Number: 916-319-0658

Descriptive Title From Notice Register Or From 400: Procedures for Reviewing Proposed Revisions to Adopted Instructional Materials (dated January 6, 2015)

Notice File Number: Z

Economic Impact Statement

Section A. ESTIMATED PRIVATE SECTOR COST IMPACTS (Include calculations and assumptions in the rulemaking record.)

Section A.1. Check the appropriate box(es) below to indicate whether this regulation:

- Selected option is H: None of the above (Explain below)
- Option H explanation: *The regulations align to Education Code and would not impose additional private sector costs.*

Fiscal Impact Statement

Section A. FISCAL EFFECT ON LOCAL GOVERNMENT (Indicate appropriate boxes1 through 6 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.)

- Selected option is 6: Other. Explain. *The regulations do not impose any additional costs as they further define the Education Code related to publisher-proposed revisions to adopted instructional materials.*

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

- Selected option is 4: Other. Explain. *The regulations do not impoase any additional costs as they concur with existing regulations and serve only to define the procedure, including assessment of fees, for publisher-proposed revisions to adopted instructional materials as provided in the Education Code.*

Section C. FISCAL EFFECT ON FEDERAL FUNDING OF STATE PROGRAMS (Indicate appropriate boxes1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.)

- Selected option is 3: No fiscal impact exists. This regulation does not affect any federally funded State agency or program.

Fiscal Officer Signature: Signed by Linda Hakala dated February 10, 2015

The signature attests that the agency has completed the STD.399 according to the instructions in the State Administrative Manual (SAM) sections 6601-6616, and understands the impacts of the proposed rulemaking. State boards, offices, or department not under an Agency Secretary must have the form signed by the highest ranking official in the organization.

Agency Secretary: Contains signature dated February 19, 2015

Finance approval and signature is required when SAM sections 6601-6616 require completion of Fiscal Impact Statement in the STD. 399.

Department of Finance Program Budget Manager: No signature.

Economic and Fiscal Impact Analysis
Proposed Amendments of Title 5, CCR, Regulations
Procedures for Reviewing Proposed Revisions to Adopted Instructional Materials

The Fiscal Policy Office has reviewed for economic and fiscal impact the proposed regulations adding section 9526 to Article 2, Subchapter 1, Chapter 9, Division 1, of Title 5, of the *California Code of Regulations*, relating to the procedures for reviewing proposed revisions to State Board adopted instructional materials.

What would the proposed regulations do?

The proposed regulations are necessary to facilitate the review of publisher-proposed revisions to the adopted instructional materials. The regulations establish the revision review process, including the assessment of a fee as stipulated in statute.

ECONOMIC IMPACT STATEMENT

A. **A. ESTIMATED PRIVATE SECTOR COST IMPACTS**
None. The proposed regulations impose no additional costs upon the private sector.

FISCAL IMPACT STATEMENT

A. **A. FISCAL EFFECT ON LOCAL GOVERNMENT**
None. The proposed regulations impose no additional costs upon local government.

B. **B. FISCAL EFFECT ON STATE GOVERNMENT**
None. The proposed regulations would impose no additional costs upon the state. The fees imposed upon the publishers will cover the cost of the review incurred by the state.

C. **C. FISCAL EFFECT ON FEDERAL FUNDING OF STATE PROGRAMS**
None. The proposed regulations have no impact on a state program with federal funding.

Signed by Linda Hakala, Consultant, Government Affairs Division, dated February 10, 2015

Signed by Monique Ramos, Director, Government Affairs Division, dated February 13, 2015

California State Board of Education

Meeting Agenda Items for March 11-12, 2015

ITEM 20

CALIFORNIA STATE BOARD OF EDUCATION

MARCH 2015 AGENDA

SUBJECT	
2015 English Language Arts/English Language Development Primary Adoption of Instructional Materials: Approval of Revised Schedule of Significant Events and Approval of Facilitators Who are not Members of the Instructional Quality Commission.	☒ Action ☒ Information ☐ Public Hearing

SUMMARY OF THE ISSUES

Education Code (*EC*) Section 60211 authorized the State Board of Education (SBE) to adopt instructional materials for kindergarten and grades one through eight (K–8), inclusive, that are aligned to the *California Common Core State Standards for English Language Arts and Literacy in History/Social Studies, Science, and Technical Subjects* (*CA CCSS for ELA/Lit*eracy) and the *California English Language Development Standards* (*CA ELD Standards*) in November 2015.

In accordance with statute and regulations, and as recommended by the Instructional Quality Commission (IQC), the SBE approval of the Revised Timeline, which includes events and dates not previously known (Attachment 1) is required.

California Code of Regulations, Title 5 (5 *CCR*), Section 9510(k) requires that the SBE approve the participation of any instructional materials review panel facilitator who is not a current IQC member (Attachment 2).

RECOMMENDATION

The California Department of Education (CDE) recommends that the SBE approve the Revised Schedule of Significant Events (Revised Timeline).

The CDE recommends that the SBE appoint the list of facilitators who are not members of the IQC as recommended by the IQC.

BRIEF HISTORY OF KEY ISSUES

Recently, the SBE-approved Timeline needed to be revised to incorporate more events and date details that were not previously known when the Timeline was first approved. The major milestones remain unchanged.

In addition, due to the high number of program submissions that are anticipated for the 2015 English Language Arts/English Language Development Primary Adoption of Instructional Materials (ELA/ELD Adoption), there will not be enough IQC members to facilitate the estimated number of review panels that will be assigned to review materials during both sessions of the adoption process. The CDE has recruited experienced facilitators who are not members of the IQC to help fill the gap.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

January 2015: The SBE approved Cohorts 2 and 3 Instructional Material Reviewers (IMR) and Content Review Experts (CRE), based on IQC recommendations, approved the materials to be used for training reviewers, and approved revised Evaluation Criteria and Content Standards Maps for Program Type 5: Specialized ELD for Grades Four through Eight.

November 13–14, 2014: The SBE approved the Revised Timeline, appointed the first Cohort of IMR and CRE applicants, and approved the criteria maps and content standards maps, based on IQC recommendations.

July 2014: The SBE approved the 2014 *English Language Arts/English Language Development Framework for California Public Schools: Transitional Kindergarten Through Grade Twelve* (ELA/ELD Framework), which includes the Evaluation Criteria.

March 2014: The SBE approved the draft Timeline and the draft IMR and CRE Online Application for the ELA/ELD Adoption, based on IQC recommendations.

October 2013: *EC* Section 60211 authorized the SBE to adopt basic instructional materials for grades K–8 that are aligned to the SBE-adopted content standards for ELA/ELD no later than November 30, 2015.

November 2012: The SBE approved the revised *CA ELD Standards* that are aligned with the *CA CCSS for ELA/Literacy*.

August 2010: The SBE adopted the *CA CCSS for ELA/Literacy*, developed by the Common Core State Standards Initiative, as proposed by the California Academic Content Standards Commission (modified on March 13, 2013, per Senate Bill 1200, Statues of 2012).

FISCAL ANALYSIS

SB 201 required the CDE to provide public notice to all publishers and manufacturers that they will be assessed a fee to offset the cost of conducting the adoption process. The CDE estimates that the cost of the upcoming ELA/ELD Adoption will be $350,000, exclusive of staff costs.

During the spring of 2015, the CDE will collect letters of intent to participate from publishers and manufacturers of ELA/ELD instructional materials. Thereafter, the CDE

will assess fees that will be payable by these entities based upon the number of programs and grade levels that they indicate will be submitted. Following receipt of the assessed fees, the CDE will begin the process of associating costs via the Department's approved accounting systems process.

ATTACHMENTS

Attachment 1: Revised Schedule of Significant Events (Timeline) (1 Page)

Attachment 2: Recommended Facilitators Who Are Not Members of the Instructional Quality Commission (1 Page)

2015 English Language Arts/English Language Development Instructional Materials Adoption Revised Schedule of Significant Events

(Revision to be Approved by SBE at March 11–12, 2015 Meeting)

Event	Date(s)
Instructional Quality Commission (IQC) approves reviewer application and Schedule of Significant Events (Timeline)	November 21–22, 2013
Survey of publisher interest	November 2013
State Board of Education (SBE) approves reviewer application and adoption Timeline	March 12–13, 2014
Recruitment of reviewers (at least 90 days per 5 *CCR* §9513)	April 1–December 1, 2014
SBE action on IQC's recommended *ELA/ELD Framework,* includes public hearing	July 9–10, 2014
Publisher Briefing: Overview of 2015 ELA/ELD Adoption Evaluation Criteria	July 30, 2014
IQC recommends reviewers and revised Timeline to SBE	September 18–19, 2014
Publisher Briefing: In-Depth Review of 2015 ELA/ELD Adoption Evaluation Criteria	October 23, 2014
SBE appoints reviewers and approves revised Timeline	November 13–14, 2014
IQC recommends reviewers and approves training materials (§9512h)	November 20–21, 2014
SBE appoints reviewers and approves training materials (§9512h)	January 14–15, 2015
Invitation to Submit Meeting (Sacramento)	January 28, 2015
IQC recommends revised Timeline and non-Instructional Quality Commissioner facilitators to SBE	February 5–6, 2015
Small publisher fee reduction requests due	February 11, 2015
SBE takes action on publisher fee reduction requests, revised Timeline, non-Instructional Quality Commissioner facilitators	March 11–12, 2015
Submission List information for programs due by 5 p.m. PST	March 17, 2015
Reviewer Training (2 sessions)	**Session I:** Facilitator Training: April 13, 2015 Reviewer Training: April 14–17, 2015 **Session II:** Facilitator Training: April 27, 2015 Reviewer Training: April 28–May 1, 2015
Non-refundable publisher participation fees due	April 20, 2015
Publishers provide samples of instructional materials to reviewers and Learning Resource Display Centers on or before 5 p.m. PDT	Session I: May 1, 2015 Session II: May 15, 2015
Independent Review	Session I: May 1–July 12, 2015 Session II: May 15–July 26, 2015
Publisher pricing due by 5 p.m. PDT	July 2, 2015
Reviewer Deliberations (2 sessions)	Session I: July 13–17, 2015 Session II: July 27–31, 2015
IQC holds public meeting to receive comment (5 *CCR* §9524(a))	August 20, 2015
IQC makes recommendation	September 24–25, 2015
SBE holds public hearing to receive comment (*Education Code* 60203 and 5 *CCR* §9524(b))	November 19–20, 2015
SBE takes action on recommendation	November 19–20, 2015

Recommended Facilitators Who Are Not Members of the Instructional Quality Commission

ID	First Name	Last Name	Current Status	Agency
1.	Kristyn	Bennett	Former Commissioner	Santa Paula USD
2.	Jose	Dorado	Former Commissioner	LAUSD
3.	Martha	Hernandez	Former Commissioner	Fillmore USD
4.	Bama	Medley	Former Commissioner	Santa Maria-Bonita SD
5.	Becky	Sullivan	Former Commissioner	Sacramento COE
6.	Jose	Velasquez	Former Commissioner	Los Angeles USD
7.	Christine	Anderson	Appointed Reviewer	Sacramento COE
8.	Kathe	Gonsalves	Appointed Reviewer	San Joaquin COE
9.	Janis	Stallones	Appointed Reviewer	Corona Norco USD
10.	David	Almquist	Staff Facilitator	CDE
11.	Kristen	Cruz-Allen	Staff Facilitator	CDE
12.	Cynthia	Gunderson	Staff Facilitator	CDE
13.	Ken	McDonald	Staff Facilitator	CDE
14.	Carrie	Roberts	Staff Facilitator	CDE

California State Board of Education

Meeting Agenda Items for March 11-12, 2015

ITEM 21

CALIFORNIA STATE BOARD OF EDUCATION

MARCH 2015 AGENDA

SUBJECT	
After School Program Attendance Adjustments for Programs Temporarily Closed due to Natural Disasters	☒ Action ☒ Information ☐ Public Hearing

SUMMARY OF THE ISSUE(S)

Individual after school program sites are required to meet specific annual attendance goals or else the program is subject to a funding reduction in the next year. California *Education Code (EC)* Section 8482.8(d) enables the State Board of Education (SBE) to approve crediting the attendance of After School Education and Safety Education (ASES) and 21st Century after school program sites if they are unable to operate due to a natural disaster.

RECOMMENDATION

The California Department of Education (CDE) recommends that the SBE approve adjusting the program attendance for after school programs located at the schools listed in Attachment 1 with their average annual attendance for those days following a natural disaster.

BRIEF HISTORY OF KEY ISSUES

Currently the CDE allocates over $670 million in state ASES and 21st Century after school program grants. Individual school sites are required to meet specific annual attendance goals in order to maintain their funding. When these goals are not met, the program is subject to a reduction in their funding in their next fiscal year allocation. The CDE then accumulates these site reduction funds and redistributes them in the next year to new after school grant applicants.

EC Section 8482.8(d) provides that, in the event of civil unrest, natural disaster or imminent danger to students or staff, the CDE may seek SBE approval of payment equal to the amount of ASES funding that the grantees would have received if they had been able to operate their program.

Governor Brown issued an emergency proclamation for several natural disasters in 2014 including:

- On May 14, 2014 in San Diego County wildfires burned thousands of acres, destroyed homes and other structures, damaged critical infrastructure and caused the evacuation of thousands of residents. Consequently, twenty-nine school districts in San Diego County were closed during May 14-15 and twenty school districts were closed on May 16.

- On August 24, 2014, an earthquake in the Napa region caused some schools in the Napa Unified School District to close.

- On December 11-12, 2014, a severe storm swept through northern California that caused the closure of many schools due to widespread floods, winds up to 140 mph, power outages, and safety problems.

Also included in the list is Santa Paula Unified School District who closed several schools for two days during September 15-16, 2014, for an intense heat wave. CDE program staff confirmed the schools were closed for the traditional school day as well as the after school programs.

The after school programs closed because of the natural disasters are requesting the CDE apply their program's average annual 2014 attendance during the days that their respective schools were closed. All of these after school programs have provided proof of the school closures to the CDE.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The State Board of Education has not previously considered this matter.

FISCAL ANALYSIS (AS APPROPRIATE)

If this request is approved, there will be no fiscal effect to the CDE beyond the original grant allocation.

ATTACHMENT(S)

Attachment 1: List of Schools with After School Programs Closed Due to Natural Disasters. (11 pages)

List of Schools with After School Programs Closed Due to Natural Disasters (Prepared by the California Department of Education, 11/28/2014)

District	School	CDS Code	# Days Closed	Reported Reason
Alameda Unified	Ruby Bridges Elementary	01-611190-111765	1	Floods, High Winds and Power Outages
Alameda Unified	Henry Haight Elementary	01-611196-090047	1	Floods, High Winds and Power Outages
Alameda Unified	Maya Lin	01-611190-126656	1	Floods, High Winds and Power Outages
Alameda Unified	The Academy of Alameda	01-611190-122085	1	Floods, High Winds and Power Outages
Antelope Elementary	Antelope Elementary	52-714726-053466	1	Floods, High Winds and Power Outages
Antelope Elementary	Manton Elementary	52-714726-053599	1	Floods, High Winds and Power Outages
Antelope Elementary	Plum Valley Elementary	52-714726-053615	1	Floods, High Winds and Power Outages
Antelope Elementary	Berrendos Middle	52-714726-066328	1	Floods, High Winds and Power Outages
Aspire Public Schools	Aspire ERES Academy	01-612590-120188	1	Floods, High Winds and Power Outages
Aspire Public Schools	Aspire Lionel Wilson Preparatory Academy	01-612590-130666	1	Floods, High Winds and Power Outages
Aspire Public Schools	Aspire California College Preparatory Academy	19-647330-126797	1	Floods, High Winds and Power Outages
Bella Vista Elementary	Bella Vista Elementary	45-698726-050074	1	Floods, High Winds and Power Outages
Berkeley Unified	John Muir Elementary	01-61143-6105316	1	Floods, High Winds and Power Outages
Big Valley Joint Unified	Big Valley Junior-Senior High	18-640891-831601	2	Floods, High Winds and Power Outages
Big Valley Joint Unified	Big Valley Elementary	18-640896-010698	2	Floods, High Winds and Power Outages
Black Butte Union Elementary	Black Butte Junior High	45-698806-050082	1	Floods, High Winds and Power Outages
Bonsall Unified	Bonsall Elementary	37-768516-037543	2	Wildfires
Bonsall Unified	Vivian Banks Charter	37-768516-113468	2	Wildfires
Butte County Office of Education	Cedarwood Elementary	04-615316-113526	1	Floods, High Winds and Power Outages
Butte County Office of Education	Berry Creek Elementary	04-733796-002927	1	Floods, High Winds and Power Outages
Butte County Office of Education	Ishi Hills Middle	04-615070-110072	1	Floods, High Winds and Power Outages
Butte County Office of Education	Bird Street Elementary	04-615076-003214	1	Floods, High Winds and Power Outages
Butte County Office of Education	Central Middle – RISE	04-615076-003230	1	Floods, High Winds and Power Outages
Butte County Office of Education	Oakdale Heights Elementary	04-615076-003255	1	Floods, High Winds and Power Outages
Butte County Office of Education	Stanford Avenue Elementary	04-615076-003271	1	Floods, High Winds and Power Outages
Butte County Office of Education	Wyandotte Avenue Elementary	04-615076-094957	1	Floods, High Winds and Power Outages
Butte County Office of Education	Palermo Middle School (6-8)	04-615236-003297	2	Floods, High Winds and Power Outages
Butte County Office of Education	Honcut	04-615236-089080	2	Floods, High Winds and Power Outages
Cabrillo Unified	El Granada Elementary	41-688906-043624	1	Floods, High Winds and Power Outages

District	School	CDS Code	# Days Closed	Reported Reason
Cajon Valley Union	EJE Elementary Academy Charter	37-679910-108563	2	Wildfires
Cajon Valley Union	Los Coches Creek Middle	37-679910-111005	2	Wildfires
Cajon Valley Union	EJE Middle Academy	37-679910-119255	2	Wildfires
Cajon Valley Union	Anza Elementary	37-679916-037568	2	Wildfires
Cajon Valley Union	Bostonia Elementary	37-679916-037576	2	Wildfires
Cajon Valley Union	Cajon Valley Middle	37-679916-037584	2	Wildfires
Cajon Valley Union	Chase Avenue Elementary	37-679916-037592	2	Wildfires
Cajon Valley Union	Emerald Middle	37-679916-037626	2	Wildfires
Cajon Valley Union	Greenfield Middle	37-679916-037659	2	Wildfires
Cajon Valley Union	Johnson Elementary	37-679916-037675	2	Wildfires
Cajon Valley Union	Lexington Elementary	37-679916-037683	2	Wildfires
Cajon Valley Union	Madison Avenue Elementary	37-679916-037691	2	Wildfires
Cajon Valley Union	Magnolia Elementary	37-679916-037709	2	Wildfires
Cajon Valley Union	Meridian Elementary	37-679916-037717	2	Wildfires
Cajon Valley Union	Naranca Elementary	37-679916-037725	2	Wildfires
Cajon Valley Union	W. D. Hall Elementary	37-679916-037741	2	Wildfires
Cajon Valley Union	Montgomery Middle	37-679916-093207	2	Wildfires
Cajon Valley Union	Hillsdale Middle	37-679916-112890	2	Wildfires
Cajon Valley Union	Cajon Valley Community Day	37-679916-117295	2	Wildfires
Calistoga Unified	Calistoga Junior-Senior High	28-662412-831758	2	Floods, High Winds and Power Outages
Carlsbad Unified	Buena Vista Elementary	37-735516-037774	2	Wildfires
Carlsbad Unified	Jefferson Elementary	37-735516-037782	2	Wildfires
Corning Union Elementary	Woodson Elementary	52-714980-102301	1	Floods, High Winds and Power Outages
Corning Union Elementary	West Street Elementary	52-714986-053482	1	Floods, High Winds and Power Outages
Corning Union Elementary	Olive View Elementary	52-714986-053490	1	Floods, High Winds and Power Outages
Corning Union Elementary	Maywood Middle	52-714986-093546	1	Floods, High Winds and Power Outages
Corning Union Elementary	Rancho Tehama Elementary	52-714986-112486	1	Floods, High Winds and Power Outages
Douglas City Elementary	Douglas City Elementary	53-716966-053722	1	Floods, High Winds and Power Outages
Encinitas Union Elementary	Capri Elementary	37-680806-066989	2	Wildfires
Escondido Union	Farr Avenue Elementary	37-680980-102608	2	Wildfires

District	School	CDS Code	# Days Closed	Reported Reason
Escondido Union	Central Elementary	37-680986-038178	2	Wildfires
Escondido Union	Conway Elementary	37-680986-038186	2	Wildfires
Escondido Union	Del Dios Middle	37-680986-038194	2	Wildfires
Escondido Union	Felicita Elementary	37-680986-038202	2	Wildfires
Escondido Union	Mission Middle	37-680986-038210	2	Wildfires
Escondido Union	Juniper Elementary	37-680986-038228	2	Wildfires
Escondido Union	Lincoln Elementary	37-680986-038236	2	Wildfires
Escondido Union	Oak Hill Elementary	37-680986-038244	2	Wildfires
Escondido Union	Rose Elementary	37-680986-038251	2	Wildfires
Escondido Union	Glen View Elementary	37-680986-038939	2	Wildfires
Escondido Union	Orange Glen Elementary	37-680986-038947	2	Wildfires
Escondido Union	Hidden Valley Middle	37-680986-093215	2	Wildfires
Escondido Union	Rincon Middle	37-680986-105944	2	Wildfires
Escondido Union	Pioneer Elementary	37-680986-110381	2	Wildfires
Escondido Union	Rock Springs Elementary	37-680986-111769	2	Wildfires
Escondido Union High	San Pasqual High	37-681063-730058	2	Wildfires
Escondido Union High	Valley High (Continuation)	37-681063-732054	2	Wildfires
Escondido Union High	Escondido High	37-681063-732062	2	Wildfires
Escondido Union High	Orange Glen High	37-681063-735313	2	Wildfires
Evergreen Union	Evergreen Elementary	52-715226-053516	1	Floods, High Winds and Power Outages
Evergreen Union	Evergreen Middle	52-715226-111629	1	Floods, High Winds and Power Outages
Fallbrook Union Elementary	La Paloma Elementary	37-681146-038269	2	Wildfires
Fallbrook Union Elementary	James E. Potter Intermediate	37-681146-038277	2	Wildfires
Fallbrook Union Elementary	Fallbrook Street Elementary	37-681146-038285	2	Wildfires
Fallbrook Union Elementary	Live Oak Elementary	37-681146-109524	2	Wildfires
Fallbrook Union Elementary	William H. Frazier Elementary	37-681146-116420	2	Wildfires
Fallbrook Union High	Fallbrook High	37-681223-732179	2	Wildfires
Fallbrook Union High	Ivy High (Continuation)	37-681223-732195	2	Wildfires
Flournoy Union Elementary	Flournoy Elementary	52-715306-053524	2	Floods, High Winds and Power Outages
Gateway Unified	Shasta Lake	45-752670-110221	1	Floods, High Winds and Power Outages

District	School	CDS Code	# Days Closed	Reported Reason
Gateway Unified	Buckeye School of Arts	45-752676-050090	1	Floods, High Winds and Power Outages
Gateway Unified	Grand Oaks Elementary	45-752676-050579	1	Floods, High Winds and Power Outages
Gerber Union Elementary	Gerber Elementary	52-715486-053532	2	Floods, High Winds and Power Outages
Grossmont Union High	El Cajon Valley High	37-681303-731692	2	Wildfires
Grossmont Union High	Chaparral High	37-681303-732559	2	Wildfires
Grossmont Union High	Helix High	37-681303-732732	2	Wildfires
Grossmont Union High	Monte Vista High	37-681303-734548	2	Wildfires
Grossmont Union High	Mount Miguel High	37-681303-734761	2	Wildfires
Happy Camp Union Elementary	Happy Camp Elementary	47-703346-050785	2	Wildfires
Hayward Unified	Stonebrae Elementary	01-611920-111815	1	Floods, High Winds and Power Outages
Hayward Unified	Hayward High School	01-611920-133629	1	Floods, High Winds and Power Outages
Hayward Unified	Mt. Eden High	01-611920-135319	1	Floods, High Winds and Power Outages
Hayward Unified	Tennyson High	01-611920-138339	1	Floods, High Winds and Power Outages
Hayward Unified	Bowman Elementary	01-611926-000889	1	Floods, High Winds and Power Outages
Hayward Unified	Burbank Elementary	01-611926-000905	1	Floods, High Winds and Power Outages
Hayward Unified	Cherryland Elementary	01-611926-000913	1	Floods, High Winds and Power Outages
Hayward Unified	East Avenue Elementary	01-611926-000921	1	Floods, High Winds and Power Outages
Hayward Unified	Eldridge Elementary	01-611926-000947	1	Floods, High Winds and Power Outages
Hayward Unified	Fairview Elementary	01-611926-000962	1	Floods, High Winds and Power Outages
Hayward Unified	Glassbrook Elementary	01-611926-000988	1	Floods, High Winds and Power Outages
Hayward Unified	Harder Elementary	01-611926-000996	1	Floods, High Winds and Power Outages
Hayward Unified	Longwood Elementary	01-611926-001044	1	Floods, High Winds and Power Outages
Hayward Unified	Lorin A. Eden Elementary	01-611926-001051	1	Floods, High Winds and Power Outages
Hayward Unified	Palma Ceia Elementary	01-611926-001093	1	Floods, High Winds and Power Outages
Hayward Unified	Park Elementary	01-611926-001101	1	Floods, High Winds and Power Outages
Hayward Unified	Ruus Elementary	01-611926-001127	1	Floods, High Winds and Power Outages
Hayward Unified	Schafer Park Elementary	01-611926-001135	1	Floods, High Winds and Power Outages
Hayward Unified	Southgate Elementary	01-611926-001176	1	Floods, High Winds and Power Outages
Hayward Unified	Treeview Elementary	01-611926-001192	1	Floods, High Winds and Power Outages
Hayward Unified	Bret Harte Middle	01-611926-056931	1	Floods, High Winds and Power Outages

District	School	CDS Code	# Days Closed	Reported Reason
Hayward Unified	Cesar Chavez Middle	01-611926-056949	1	Floods, High Winds and Power Outages
Hayward Unified	Anthony W. Ochoa Middle	01-611926-056956	1	Floods, High Winds and Power Outages
Hayward Unified	Winton Middle	01-611926-056972	1	Floods, High Winds and Power Outages
Hayward Unified	Strobridge Elementary	01-611926-062160	1	Floods, High Winds and Power Outages
Hayward Unified	Martin Luther King, Jr. Middle	01-611926-066476	1	Floods, High Winds and Power Outages
Hayward Unified	Eden Gardens Elementary	01-611926-090583	1	Floods, High Winds and Power Outages
Hayward Unified	Tyrrell Elementary	01-611926-104566	1	Floods, High Winds and Power Outages
Hayward Unified	Faith Ringgold School of Arts and Science	01-611926-113815	1	Floods, High Winds and Power Outages
Healdsburg Unified	Healdsburg Charter	49-753900-124230	2	Floods, High Winds and Power Outages
Healdsburg Unified	Marce Becerra Academy	49-753904-930251	2	Floods, High Winds and Power Outages
Healdsburg Unified	Healdsburg High School	49-753904-932554	2	Floods, High Winds and Power Outages
Healdsburg Unified	Healdsburg Elementary	49-753906-051791	2	Floods, High Winds and Power Outages
Healdsburg Unified	Healdsburg Junior High	49-753906-060222	2	Floods, High Winds and Power Outages
Howell Mountain	Howell Mountain Elementary	28-662586-026751	2	Floods, High Winds and Power Outages
Igo, Ono, Platina Union Elementary	Igo-Ono Elementary	45-700296-050355	1	Floods, High Winds and Power Outages
Kelseyville Unified	Riviera ASES	17-640146-112759	1	Floods, High Winds and Power Outages
Kirkwood Elementary	Kirkwood Elementary	52-715556-053540	1	Floods, High Winds and Power Outages
La Mesa-Spring Valley	Avondale Elementary	37-681976-038400	2	Wildfires
La Mesa-Spring Valley	Bancroft Elementary	37-681976-038418	2	Wildfires
La Mesa-Spring Valley	Casa de Oro Elementary	37-681976-038434	2	Wildfires
La Mesa-Spring Valley	Highlands Elementary	37-681976-038459	2	Wildfires
La Mesa-Spring Valley	Kempton Street Elementary	37-681976-038467	2	Wildfires
La Mesa-Spring Valley	La Mesa Dale Elementary	37-681976-038475	2	Wildfires
La Mesa-Spring Valley	La Presa Elementary	37-681976-038509	2	Wildfires
La Mesa-Spring Valley	Rancho Elementary	37-681976-038566	2	Wildfires
La Mesa-Spring Valley	Spring Valley Middle	37-681976-038590	2	Wildfires
La Mesa-Spring Valley	La Presa Middle	37-681976-067003	2	Wildfires
Lakeside Union Elementary	Lakeside Middle	37-681896-038350	2	Wildfires
Lakeside Union Elementary	Lindo Park Elementary	37-681896-038376	2	Wildfires
Lakeside Union Elementary	Tierra del Sol Middle	37-681896-085047	2	Wildfires

District	School	CDS Code	# Days Closed	Reported Reason
Lakeside Union Elementary	Lemon Crest Elementary	37-681896-110092	2	Wildfires
Lassen View Union Elementary	Lassen View Elementary	52-715636-053557	2	Floods, High Winds and Power Outages
Lemon Grove	Lemon Grove Academy for the Sciences and Humanities	37-682056-038608	2	Wildfires
Lemon Grove	Monterey Heights Elementary	37-682056-038624	2	Wildfires
Lemon Grove	Mt. Vernon Elementary	37-682056-038632	2	Wildfires
Lemon Grove	San Altos Elementary	37-682056-038657	2	Wildfires
Lemon Grove	San Miguel Elementary	37-682056-038665	2	Wildfires
Lemon Grove	Vista La Mesa Academy	37-682056-038673	2	Wildfires
Lewiston Elementary	Lewiston Elementary	53-717466-053789	1	Floods, High Winds and Power Outages
Los Molinos Elementary	Los Molinos Elementary	52-715716-053565	2	Floods, High Winds and Power Outages
Los Molinos Elementary	Vina Elementary	52-715716-053581	2	Floods, High Winds and Power Outages
Mountain Valley Unified	Hayfork Valley Elementary	53-750286-053730	1	Floods, High Winds and Power Outages
Napa Valley Unified	McPherson Elementary	28-662666-026850	2	Earthquake
Napa Valley Unified	Redwood Middle	28-662666-058788	2	Earthquake
New Haven Unified	Searles Elementary	01-612426-001622	1	Floods, High Winds and Power Outages
New Haven Unified	Cesar Chavez Middle	01-612426-097679	1	Floods, High Winds and Power Outages
Newark Unified	August Schilling Elementary	01-612346-001440	1	Floods, High Winds and Power Outages
Newark Unified	James A. Graham Elementary	01-612346-001481	1	Floods, High Winds and Power Outages
Newark Unified	Newark Junior High	01-612346-102917	1	Floods, High Winds and Power Outages
Oceanside Unified	Louise Foussat Elementary	37-735690-113514	2	Wildfires
Oceanside Unified	Cesar Chavez Middle	37-735690-113522	2	Wildfires
Oceanside Unified	Oceanside High	37-735693-735206	2	Wildfires
Oceanside Unified	El Camino High	37-735693-739018	2	Wildfires
Oceanside Unified	Ocean Shores High (Continuation)	37-735693-739026	2	Wildfires
Oceanside Unified	Jefferson Middle	37-735696-038830	2	Wildfires
Oceanside Unified	Laurel Elementary	37-735696-038848	2	Wildfires
Oceanside Unified	Libby Elementary	37-735696-038855	2	Wildfires
Oceanside Unified	Lincoln Middle	37-735696-038863	2	Wildfires
Oceanside Unified	Mission Elementary	37-735696-038871	2	Wildfires
Oceanside Unified	Palmquist Elementary	37-735696-038897	2	Wildfires

District	School	CDS Code	# Days Closed	Reported Reason
Oceanside Unified	San Luis Rey Elementary	37-735696-038905	2	Wildfires
Oceanside Unified	Santa Margarita Elementary	37-735696-038913	2	Wildfires
Oceanside Unified	South Oceanside Elementary	37-735696-038921	2	Wildfires
Oceanside Unified	E. G. Garrison Elementary	37-735696-069108	2	Wildfires
Oceanside Unified	Del Rio Elementary	37-735696-088991	2	Wildfires
Oceanside Unified	Reynolds Elementary	37-735696-106546	2	Wildfires
Oceanside Unified	Martin Luther King Jr. Middle	37-735696-111777	2	Wildfires
Palermo Union Elementary	Golden Hills Elementary	04-615230-110510	2	Floods, High Winds and Power Outages
Palermo Union Elementary	Helen M. Wilcox Elementary	04-615236-003289	2	Floods, High Winds and Power Outages
Poway Unified	Meadowbrook Middle	37-682966-038988	2	Wildfires
Poway Unified	Valley Elementary	37-682966-039010	2	Wildfires
Poway Unified	Twin Peaks Middle	37-682966-070866	2	Wildfires
Poway Unified	Black Mountain Middle	37-682966-093223	2	Wildfires
Poway Unified	Bernardo Heights Middle	37-682966-107460	2	Wildfires
Poway Unified	Mesa Verde Middle	37-682966-111306	2	Wildfires
Ramona City Unified	Montecito High (Continuation)	37-683043-735958	2	Wildfires
Ramona City Unified	Ramona High	37-683043-735974	2	Wildfires
Ramona City Unified	Hanson Elementary	37-683046-039028	2	Wildfires
Ramona City Unified	Ramona Elementary	37-683046-039036	2	Wildfires
Ramona City Unified	Olive Peirce Middle	37-683046-105563	2	Wildfires
Ravenswood City Elementary	Los Robles Magnet Academy	41-689990-126649	2	Floods, High Winds and Power Outages
Ravenswood City Elementary	Ronald McNair Academy	41-689996-044317	2	Floods, High Winds and Power Outages
Ravenswood City Elementary	Green Oaks Academy	41-689996-044341	2	Floods, High Winds and Power Outages
Red Bluff Joint Union High	Rebound	52-716395-230040	1	Floods, High Winds and Power Outages
Red Bluff Joint Union High	Red Bluff Independent Study High	52-716395-230065	1	Floods, High Winds and Power Outages
Red Bluff Joint Union High	Salisbury High (Continuation)	52-716395-237151	1	Floods, High Winds and Power Outages
Red Bluff Joint Union High	Red Bluff High	52-716395-237201	1	Floods, High Winds and Power Outages
Red Bluff Union Elementary	Bidwell Elementary	52-716216-053623	1	Floods, High Winds and Power Outages
Red Bluff Union Elementary	Jackson Heights Elementary	52-716216-053631	1	Floods, High Winds and Power Outages
Red Bluff Union Elementary	Vista Preparatory Academy	52-716216-053656	1	Floods, High Winds and Power Outages

District	School	CDS Code	# Days Closed	Reported Reason
Red Bluff Union Elementary	William M. Metteer Elementary	52-716216-106686	1	Floods, High Winds and Power Outages
Redwood City Unified	John F. Kennedy Middle	41-690056-044531	1	Floods, High Winds and Power Outages
Redwood City Unified	McKinley Institute of Technology Middle School	41-690056-044556	1	Floods, High Winds and Power Outages
Reeds Creek Elementary	Reeds Creek Elementary	52-716476-053664	1	Floods, High Winds and Power Outages
Richfield Elementary	Richfield Elementary	52-716546-053672	2	Floods, High Winds and Power Outages
San Francisco Unified	Wells (Ida B.) High	38-684783-830031	1	Floods, High Winds and Power Outages
San Francisco Unified	Independence High School	38-684783-830197	1	Floods, High Winds and Power Outages
San Francisco Unified	Balboa High	38-684783-830288	1	Floods, High Winds and Power Outages
San Francisco Unified	International Studies Academy	38-684783-830353	1	Floods, High Winds and Power Outages
San Francisco Unified	Thurgood Marshall High	38-684783-830403	1	Floods, High Winds and Power Outages
San Francisco Unified	Cobb (William L.) Elementary	38-684786-040968	1	Floods, High Winds and Power Outages
San Francisco Unified	Monroe Elementary	38-684786-041446	1	Floods, High Winds and Power Outages
San Francisco Unified	Redding Elementary	38-684786-041511	1	Floods, High Winds and Power Outages
San Francisco Unified	Sheridan Elementary	38-684786-041560	1	Floods, High Winds and Power Outages
San Francisco Unified	Malcolm X Academy	38-684786-041586	1	Floods, High Winds and Power Outages
San Francisco Unified	Spring Valley Elementary	38-684786-041594	1	Floods, High Winds and Power Outages
San Francisco Unified	Martin Luther King Jr. Academic Middle	38-684786-059885	1	Floods, High Winds and Power Outages
San Francisco Unified	Aptos Middle	38-684786-062020	1	Floods, High Winds and Power Outages
San Francisco Unified	Marina Middle	38-684786-062061	1	Floods, High Winds and Power Outages
San Francisco Unified	San Francisco Community Alternative	38-684786-093488	1	Floods, High Winds and Power Outages
San Francisco Unified	Tenderloin Community	38-684786-115901	1	Floods, High Winds and Power Outages
San Francisco Unified	Thomas Edison Charter Academy	38-684786-040935	1	Floods, High Winds and Power Outages
San Marcos Unified	Joli Ann Leichtag Elementary	37-737910-116467	2	Wildfires
San Marcos Unified	Twin Oaks High	37-737913-730215	2	Wildfires
San Marcos Unified	San Marcos High	37-737913-737632	2	Wildfires
San Marcos Unified	Alvin M. Dunn Elementary	37-737916-039069	2	Wildfires
San Marcos Unified	San Marcos Elementary	37-737916-039085	2	Wildfires
San Marcos Unified	San Marcos Middle	37-737916-039093	2	Wildfires
San Marcos Unified	Woodland Park Middle	37-737916-095061	2	Wildfires
San Mateo Foster City	North Shoreview Montessori Elementary	41-690396-044978	1	Floods, High Winds and Power Outages

District	School	CDS Code	# Days Closed	Reported Reason
San Mateo Foster City	College Park	41-690396-044952	1	Floods, High Winds and Power Outages
Santa Paula Unified School	Barbara Webster	56-768286-055545	2	Heat Day
Santa Paula Unified School	Blanchard Elementary	56-768286-055552	2	Heat Day
Santa Paula Unified School	Glen City	56-768286-055578	2	Heat Day
Santa Paula Unified School	Grace S. Thille Elementary	56-768286-055586	2	Heat Day
Santa Paula Unified School	Isbell Middle	56-768286-055594	2	Heat Day
Santa Paula Unified School	McKevett Elementary	56-768286-055602	2	Heat Day
Santa Paula Unified School	Thelma B. Bedell Elementary	56-768286-055610	2	Heat Day
Santee	PRIDE Academy at Prospect Avenue	37-683616-040380	2	Wildfires
Seiad Elementary	Seiad Elementary	47-704586-050926	2	Wildfires
South San Francisco Unified	Los Cerritos Elementary	41-690706-045082	2	Floods, High Winds and Power Outages
South San Francisco Unified	Martin Elementary	41-690706-045090	2	Floods, High Winds and Power Outages
South San Francisco Unified	Spruce Elementary	41-690706-045140	2	Floods, High Winds and Power Outages
Trinity Alps Unified	Weaverville Elementary	53-765136-053821	1	Floods, High Winds and Power Outages
Upper Lake Union Elementary	Upper Lake Elementary	17-640636-010680	1	Floods, High Winds and Power Outages
Vallecitos Elementary	Vallecitos Elementary	37-684376-040562	2	Wildfires
Valley Center-Pauma Unified	Valley Center High	37-756143-731114	2	Wildfires
Valley Center-Pauma Unified	Oak Glen High	37-756143-731312	2	Wildfires
Valley Center-Pauma Unified	Pauma Elementary	37-756146-038962	2	Wildfires
Vista Unified	Temple Heights Elementary	37-684520-100925	2	Wildfires
Vista Unified	Hannalei Elementary	37-684520-100933	2	Wildfires
Vista Unified	Foothill Oak Elementary	37-684520-105882	2	Wildfires
Vista Unified	Maryland Elementary	37-684520-111237	2	Wildfires
Vista Unified	Major General Raymond Murray High	37-684520-115451	2	Wildfires
Vista Unified	Rancho Buena Vista High	37-684523-730728	2	Wildfires
Vista Unified	Alta Vista High (Continuation)	37-684523-732039	2	Wildfires
Vista Unified	Vista High	37-684523-738705	2	Wildfires
Vista Unified	Beaumont Elementary	37-684526-040588	2	Wildfires
Vista Unified	Bobier Elementary	37-684526-040596	2	Wildfires
Vista Unified	Bobier Elementary	37-684526-040596	2	Wildfires

District	School	CDS Code	# Days Closed	Reported Reason
Vista Unified	Grapevine Elementary	37-684526-040620	2	Wildfires
Vista Unified	Monte Vista Elementary	37-684526-040638	2	Wildfires
Vista Unified	Olive Elementary	37-684526-040646	2	Wildfires
Vista Unified	Vista Academy of Visual and Performing Arts	37-684526-040653	2	Wildfires
Vista Unified	Rancho Minerva Middle	37-684526-059802	2	Wildfires
Vista Unified	Vista Innovation and Design Academy **(Formerly Washington Middle)**	37-684526-059810	2	Wildfires
Vista Unified	Casita Center for Science/Math/Technology	37-684526-069124	2	Wildfires
Vista Unified	Alamosa Park Elementary	37-684526-107031	2	Wildfires
Vista Unified	Roosevelt Middle	37-684526-107577	2	Wildfires
Weed Union Elementary	Weed Elementary	47-704826-050942	4	Wildfires
West Contra Costa Unified	Bayview Elementary	07-617966-004600	1	Floods, High Winds and Power Outages
West Contra Costa Unified	Cesar E. Chavez Elementary	07-617966-114094	1	Floods, High Winds and Power Outages
West Contra Costa Unified	Coronado Elementary	07-617966-004667	1	Floods, High Winds and Power Outages
West Contra Costa Unified	Crespi Junior High	07-617966-061170	1	Floods, High Winds and Power Outages
West Contra Costa Unified	Lovonya DeJean Middle	07-617966-120885	1	Floods, High Winds and Power Outages
West Contra Costa Unified	Dover Elementary	07-617966-004691	1	Floods, High Winds and Power Outages
West Contra Costa Unified	Edward M. Downer Elementary	07-617966-057210	1	Floods, High Winds and Power Outages
West Contra Costa Unified	Fairmont Elementary	07-617966-004758	1	Floods, High Winds and Power Outages
West Contra Costa Unified	Ford Elementary	07-617966-004766	1	Floods, High Winds and Power Outages
West Contra Costa Unified	Grant Elementary	07-617966-004774	1	Floods, High Winds and Power Outages
West Contra Costa Unified	Helms Middle	07-617966-057228	1	Floods, High Winds and Power Outages
West Contra Costa Unified	Highland Elementary	07-617966-004741	1	Floods, High Winds and Power Outages
West Contra Costa Unified	King Elementary	07-617966-004915	1	Floods, High Winds and Power Outages
West Contra Costa Unified	Lake Elementary	07-617966-004824	1	Floods, High Winds and Power Outages
West Contra Costa Unified	Lincoln Elementary	07-617966-004832	1	Floods, High Winds and Power Outages
West Contra Costa Unified	Mira Vista Elementary	07-617966-004857	1	Floods, High Winds and Power Outages
West Contra Costa Unified	Montalvin Manor Elementary	07-617966-004865	1	Floods, High Winds and Power Outages
West Contra Costa Unified	Murphy Elementary	07-617966-004873	1	Floods, High Winds and Power Outages
West Contra Costa Unified	Nystrom Elementary	07-617966-004881	1	Floods, High Winds and Power Outages
West Contra Costa Unified	Peres Elementary	07-617966-004907	1	Floods, High Winds and Power Outages

District	School	CDS Code	# Days Closed	Reported Reason
West Contra Costa Unified	Fred T. Korematsu Middle **(Formerly Portola Junior High)**	07-617966-057244	1	Floods, High Winds and Power Outages
West Contra Costa Unified	Riverside Elementary	07-617966-004931	1	Floods, High Winds and Power Outages
West Contra Costa Unified	Sheldon Elementary	07-617966-004964	1	Floods, High Winds and Power Outages
West Contra Costa Unified	Stege Elementary	07-617966-004972	1	Floods, High Winds and Power Outages
West Contra Costa Unified	Tara Hills Elementary	07-617966-004998	1	Floods, High Winds and Power Outages
West Contra Costa Unified	Verde Elementary	07-617966-005011	1	Floods, High Winds and Power Outages
West Contra Costa Unified	Washington Elementary	07-617966-005037	1	Floods, High Winds and Power Outages
West Contra Costa Unified	Wilson Elementary	07-617966-005045	1	Floods, High Winds and Power Outages
Westwood Unified	Fletcher Walker Elementary	18-642046-010847	1	Floods, High Winds and Power Outages

California State Board of Education

Meeting Agenda Items for March 11-12, 2015

ITEM 22

CALIFORNIA STATE BOARD OF EDUCATION

MARCH 2015 AGENDA

SUBJECT	
Elementary and Secondary Education Act: Approval of Local Educational Agency Plans, Title I, Section 1112.	☒ Action ☒ Information ☐ Public Hearing

SUMMARY OF THE ISSUE(S)

The Elementary and Secondary Education Act (ESEA) provides federal funding that may be available to local educational agencies (LEAs) (defined as districts, county offices of education, and direct-funded charter schools) for a variety of programs. Currently, 41 direct-funded charter schools submitted an LEA Plan as part of the application for ESEA funding. California Department of Education (CDE) program staff review LEA Plans for compliance with the requirements of ESEA before recommending approval to the State Board of Education (SBE).

CDE program staff continue to work with 3 LEAs whose LEA Plans are not yet ready for recommendation to the SBE for approval.

RECOMMENDATION

The CDE recommends that the SBE approve 41 direct-funded charter school LEA Plans, listed in Attachment 1.

The CDE recommends that the SBE provisionally approve 3 direct-funded charter school LEA Plans, listed in Attachment 3. These LEAs have until Friday, March 27, 2015, to complete their LEA Plans. After this date, LEAs with incomplete LEA Plans will not be eligible to receive federal funding until they receive SBE approval at a later date.

BRIEF HISTORY OF KEY ISSUES

The federal ESEA Section 1112(e)(2) states that the state educational agency (SEA) shall approve an LEA Plan if the SEA determines that the LEA Plan is designed to enable the LEA's schools to substantially help children meet the academic standards expected for all children. As a requirement for receiving federal funding sub-grants for ESEA programs, the local governing board and the SBE must approve the original LEA Plan. Subsequent approval of revisions to LEA Plans is made by the local governing

board and kept on file with the original LEA Plan. The LEA Plan includes specific descriptions and assurances as outlined in the provisions included in the ESEA.

The purpose of the LEA Plan is to develop an integrated, coordinated set of actions that LEAs will take to meet certain programmatic requirements, including student academic services designed to increase student achievement and performance, coordination of services, needs assessments, consultations, school choice, supplemental services, services to homeless students, and others as required.

CDE program staff review LEA Plans for compliance with the requirements of the ESEA including evaluation of goals and activities designed to improve student performance in reading and mathematics; improve programs for English learner students; improve professional development and ensure the provision of highly qualified teachers; and promote efforts regarding graduation rates, dropout prevention, and advanced placement. If an LEA Plan lacks the required information, CDE program staff work with the LEA to ensure the necessary information is included in the LEA Plan before recommending approval.

Following initial CDE review and SBE approval, all LEAs are expected to annually review their LEA Plan and update the LEA Plan as necessary. Any changes to an LEA Plan must be approved by the LEA's local governing board.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Since the current LEA Plan process was developed in July 2003 as a requirement of the ESEA, the SBE has approved 1,766 LEA Plans.

FISCAL ANALYSIS (AS APPROPRIATE)

There is no fiscal impact to state operations.

ATTACHMENT(S)

Attachment 1: Direct-Funded Charter Schools Recommended for State Board of Education Approval (3 Pages)

Attachment 2: Academic Performance for Direct-Funded Charter Schools Recommended for State Board of Education Approval of Local Educational Agency Plans (1 Page)

Attachment 3: Direct-Funded Charter Schools Recommended for State Board of Education Provisional Approval (1 Page)

Direct-Funded Charter Schools Recommended for State Board of Education Approval

Local Educational Agency Name	County-District-School Code	Academic Performance Data
Acacia Elementary Charter School	39 68627 0128553	None available; opened in August 2013.
Acacia Middle Charter School	39 68627 0128546	None available; opened in August 2013.
ACE Alum Rock	43 69369 0129254	None available; opened in August 2014.
ACE Franklin McKinley	43 69450 0129247	None available; opened in August 2014.
American Indian Public Charter	01 61259 6113807	None available; exempted in 2014.*
American Indian Public High	01 61259 0111856	See Attachment 2.
Animo Ellen Ochoa Charter Middle School	19 64733 0123992	None available; opened in August 2014.
Animo Mae Jemison Charter Middle School	19 64733 0129270	None available; opened in August 2014.
Aspire Antonio Maria Lugo Academy	19 10199 0109660	None available; exempted in 2014.*
Aspire Ollin University Preparatory Academy	19 10199 0112128	None available; exempted in 2014.*
Aspire Triumph Technology Academy	01 61259 0130732	None available; opened in August 2014.
Beacon Classical Academy Elementary Charter School	37 68163 0130815	None available; opened in August 2014.
CORE Placer Charter School	31 10314 0119214	None available; exempted in 2014.*
Creative Arts Charter School	38 68478 6112601	None available; exempted in 2014.*
Da Vinci Communications High School	19 76869 0131128	None available; opened in August 2014.

Local Educational Agency Name	County-District-School Code	Academic Performance Data
Downtown Charter Academy	01 61259 0129635	None available; opened in August 2014.
East Bay Innovation Academy	01 61259 0129932	None available; opened in August 2014.
Empire Springs Charter School	36 67736 0128439	None available; opened in July 2013.
Empower Charter School	37 68338 0129387	None available; opened in August 2014.
Epic Charter School	01 61259 0129403	None available; opened in July 2014.
Extera Public School No. 2	19 64733 0128132	None available; opened in August 2013.
Fusion Charter School	50 75739 0131185	None available; opened in September 2014.
Global Education Academy 2	19 64733 0129833	None available; opened in September 2014.
Grace Hopper STEM Academy	19 64634 0128991	None available; opened in September 2013.
Harbor Springs Charter School	37 68163 0128421	None available; opened in July 2013.
Horizon Charter School	31 66951 3130168	None available; exempted in 2014.*
Ingenium Charter Middle School	19 64733 0127985	None available; opened in August 2013.
John Adams Academy	31 66845 0121418	None available; exempted in 2014.*
Luis Valdez Leadership Academy	43 69427 0130856	None available; opened in August 2014.
New Horizons Charter Academy	19 64733 0128371	None available; opened in August 2013.
Partnerships for Student-Centered Learning	31 66951 0122507	None available; exempted in 2014.*
Prepa Tec – Los Angeles	19 64733 0127936	None available; opened in August 2013.

Local Educational Agency Name	County-District-School Code	Academic Performance Data
PUC Community Charter Elementary School	19 64733 0129619	None available; opened in September 2014.
PUC Inspire Charter Academy	19 64733 0129593	None available; opened in September 2014.
River Islands Technology Academy	39 68486 0127134	None available; opened in August 2013.
Rowland Heights Charter Academy	19 73452 0129031	None available; opened in September 2013.
Taft T. Newman Leadership Academy	36 67876 0126706	None available; exempted in 2014.*
Thrive Public School	37 76901 0131193	None available; opened in September 2014.
Village Charter Academy	19 64733 0129866	None available; opened in August 2014.
Vista Oaks Charter	07 61663 0130930	None available; opened in August 2014.
Woodward Leadership Academy	36 67876 0126714	None available; exempted in 2014.*

* For 2014, only high schools and high school local educational agencies (LEAs) that enrolled students in grades nine, ten, eleven, and/or twelve on Fall Census Day in October 2013 will receive an Adequate Yearly Progress (AYP) Report.

Because students in grades three through eight participated in the Smarter Balanced Field Test during the 2013–14 academic year, the U.S. Department of Education approved a determination waiver for California which exempts elementary schools, middle schools, elementary school districts, and unified school districts from receiving a 2014 AYP Report.

Academic Performance for Direct-Funded Charter Schools Recommended for State Board of Education Approval of Local Educational Agency Plans

LEA Name: American Indian Public High **CDS CODE:** 01 61259 0111856	Made Adequate Yearly Progress (AYP) Criteria	**English-Language Arts**		**Mathematics**		**Academic Performance Index (API)*** **		
Groups		Percent At or Above Proficient (100.0%)	Met 2014 AYP Criteria	Percent At or Above Proficient (100.0%)	Met 2014 AYP Criteria	2013 Base API	2014 Growth API	Met 2014 API Criteria
Schoolwide	Yes, met 4 of 4	91.2	Yes (SH)	100.0	Yes	N/A	N/A	N/A
Black or African American		**	**	**	**			
American Indian or Alaska Native		--	--	--	--			
Asian		90.9	**	100.0	**			
Filipino		--	--	--	--			
Hispanic or Latino		**	**	**	**			
Native Hawaiian or Pacific Islander		--	--	--	--			
White		--	--	--	--			
Two or More Races		**	**	**	**			
Socioeconomically Disadvantaged		92.0	**	100.0	**			
English Learners		81.1	**	100.0	**			
Students with Disabilities		--	--	--	--			

-- Indicates no data are available.

** Indicates AYP criteria are not applied because there are too few students in this student group to be numerically significant.

*** No 2014 Growth API calculated. On March 13, 2014, the State Board of Education (SBE) approved not to calculate the 2014 Growth and Base APIs and 2015 Growth APIs for elementary, middle, and high schools, and local educational agencies (LEAs). Since the first Smarter Balanced assessment results will be available after the spring 2015 administration of the assessments, Base to Growth comparisons will be reported in 2015–16. Specifically, the 2016 Smarter Balanced assessment results will be used to calculate the 2016 Growth API for comparison to the 2015 Base API.

SH Passed by safe harbor: The school, LEA, or student group met the criteria for safe harbor, which is an alternate method of meeting the percent proficient (AMO) if a school, an LEA, or a student group shows progress in moving students from scoring at the below proficient level to the proficient level.

Direct-Funded Charter Schools Recommended for State Board of Education Provisional Approval

Local Educational Agency Name	County-District-School Code	Academic Performance Data
Anahuacalmecac International University Preparatory High School of North America	19 76885 0130799	None available; opened in August 2014.
Richmond Charter Elementary-Benito Juarez	07 61796 0129643	None available; opened in August 2014.
STREAM Charter School	04 61507 0129577	None available; opened in August 2014.