

California Department of Education

Executive Office

SBE-005 (REV. 1/2018)

General Waiver

# California State Board of EducationJuly 2018 AgendaItem #W-21

## Subject

Request by six local educational agencies to waive the State Testing Apportionment Information Report deadline as stipulated in the *California Code of Regulations*, Title 5 (5 *CCR*), Section 11517.5(b)(1)(A), regarding the California English Language Development Test, or Title 5, Section 862(b)(2)(A), regarding the California Assessment of Student Performance and Progress System, or Title 5, Section 1225(b)(2)(A), regarding the California High School Exit Examination.

## Waiver Numbers

* Brentwood Union Elementary School 16-4-2018
* Chaffey Joint Union High School District 5-4-2018
* Covina-Valley Unified School District 25-3-2018
* Monrovia Unified School District 8-3-2018
* Monrovia Unified School District 7-3-2018
* Monrovia Unified School District 6-3-2018
* Santa Clara Unified School District 32-3-2018
* Wright Elementary School District 9-4-2018

## Type of Action

Action, Consent

## Summary of the Issue(s)

As a condition for local educational agencies (LEAs) to be eligible for apportionment reimbursement, state regulations for the California English Language Development Test (CELDT), the California Assessment of Student Performance and Progress (CAASPP) System, and California High School Exit Examination (CAHSEE) include an annual deadline for the return of a certified State Testing Apportionment Information Report for prior-year testing. The LEAs filing this waiver request missed the regulatory deadline for the State Testing Apportionment Information Report for the 2014–15, 2015–16, or 2016–17 school years.

## Authority for Waiver

California *Education Code* (*EC*) Section 33050

## Recommendation

* Approval: Yes
* Approval with conditions: No
* Denial: No

## Summary of Key Issues

Each fall, the California Department of Education (CDE) develops separate State Testing Apportionment Information Reports for the CELDT, CAASPP, and CAHSEE compiled from data produced by the testing contractors. The reports include the amount to be apportioned to the LEA on the basis of the number of students tested during the previous school year. The CDE distributes the reports to the LEAs. State regulations require each LEA to certify the accuracy of the report by returning a signed report to the CDE by the regulatory deadline.

The LEAs filing this waiver request missed the regulatory deadline for the State Testing Apportionment Information Report for the 2014–15, 2015–16, or 2016–17 school years.

CDE staff have verified that the LEAs submitted their reports after the deadline and that they are required to submit a waiver as a condition to receive the applicable apportionment reimbursement.

**Demographic Information:**

Brentwood Union Elementary School has a student population of 9,200 and is located in a suburban area of Contra Costa County.

Chaffey Joint Union High School District has a student population of 23,969 and is located in a suburban area of San Bernardino County.

Covina-Valley Unified School District has a student population of 11,716 and is located in a rural area of Los Angeles County.

Monrovia Unified School District has a student population of 5,903 and is located in an urban area of Los Angeles County.

Santa Clara Unified School District has a student population of 16,053 and is located in an urban area of Santa Clara County.

Wright Elementary School District has a student population of 1,555 and is located in a suburban area of Sonoma County.

**Because this is a general waiver, if the State Board of Education (SBE) decides to deny the waiver, it must cite one of the seven reasons in *EC* 33051(a), available at** <http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC&sectionNum=33051>.

## Summary of Previous State Board of Education Discussion and Action

The SBE has approved all previous LEA requests to waive the State Testing Apportionment Information Report deadline since deadlines for submission of the State Testing Apportionment Information Reports were added to the 5 *CCR*. The SBE Waiver Policy 08-#: State Testing Apportionment Information Report Deadline is available at <https://www.cde.ca.gov/re/lr/wr/documents/statetesting.doc>.

## Fiscal Analysis (as appropriate)

If this waiver is approved, the LEAs will be reimbursed for the costs of the CELDT, CAASPP, and/or the CAHSEE for the 2014–15, 2015–16, or 2016–17 school years. Total costs are indicated on the “Summary Table” (Attachment 1), and the waiver requests from the LEAs are included as “Brentwood Union Elementary School 16-4-2018” (Attachment 2), “Chaffey Joint Union High School District 5-4-2018” (Attachment 3), “Covina-Valley Unified School District 25-3-2018” (Attachment 4), “Monrovia Unified School District 8-3-2018” (Attachment 5), “Monrovia Unified School District 7-3-2018” (Attachment 6), “Monrovia Unified School District 6-3-2018” (Attachment 7), “Santa Clara Unified School District 32-3-2018” (Attachment 8), and “Wright Elementary School District 9-4-2018” (Attachment 9).

## Attachment(s)

* **Attachment 1:** Summary Table (3 Page)
* **Attachment 2:** Brentwood Union Elementary School General Waiver Request 16-4-2018 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 3:** Chaffey Joint Union High School District General Waiver Request 5-4-2018 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 4:** Covina-Valley Unified School District General Waiver Request 25-3-2018 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 5:** Monrovia Unified School District General Waiver Request 8-3-2018 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 6:** Monrovia Unified School District General Waiver Request 7-3-2018 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 7:** Monrovia Unified School District General Waiver Request 6-3-2018 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 8:** Santa Clara Unified School District General Waiver Request 32-3-2018 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 9:** Wright Elementary School District General Waiver Request 9-4-2018 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)

# Attachment 1: Summary Table

California *Education Code* Section 33050

| Waiver Number | Local Educational Agency | Period of Request | Test Report(s) Missing | Report Submitted | School Year(s) | Apportionment Amount | Union Position |
| --- | --- | --- | --- | --- | --- | --- | --- |
| 16-4-2018 | Brentwood Unified Elementary School | **Requested:**7/1/2017 – 6/1/2018**Recommended:**7/1/2017 – 12/31/2017 | California Assessment of Student Performance and Progress (CAASPP) | Yes | 2016–17 | $24,717.00 | Support |
| 5-4-2018 | Chaffey Joint Unified High School District | **Requested:**7/1/2017 – 12/31/2017**Recommended:**7/1/2017 – 12/31/2017 | California English Language Development Test (CELDT) | Yes | 2016–17 | $10,030.00 | Support |
| 25-3-2018 | Covina-Valley Unified School District | **Requested:**3/1/2016 – 6/30/2016**Recommended:**7/1/2016 – 12/31/2016 | CAASPP | Yes | 2015–16 | $27,326.12 | Support |
| 8-3-2018 | Monrovia Unified School District | **Requested:**7/1/2014 – 6/30/2015**Recommended:**7/1/2015 – 12/31/2015 | CELDT | Yes | 2014–15 | $7,715.00 | Support |
| 7-3-2018 | Monrovia Unified School District | **Requested:**7/1/2014 – 6/30/2015**Recommended:**7/1/2015 – 12/31/2015 | California High School Exit Examination | Yes | 2014–15 | $2,496.40 | Support |
| 6-3-2018 | Monrovia Unified School District | **Requested:**7/1/2014 – 6/30/2015**Recommended:**7/1/2015 – 12/31/2015 | CAASPP | Yes | 2014–15 | $10,258.98 | Support |
| 32-3-2018 | Santa Clara Unified School District | **Requested:**7/1/2016 – 6/30/2017**Recommended:**7/1/2017 – 12/31/2017 | CELDT | Yes | 2016–17 | $21,365.00 | Support |
| 9-4-2018 | Wright ElementaryWright Charter | **Requested:**7/1/2016 – 6/6/2017**Recommended:**7/1/2017 – 12/31/2017 | CAASPP | Yes | 2016–17 | $3,696.52 | Neutral |

Created by California Department of Education

May 2018

# Attachment 2: Brentwood Union Elementary School

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 0761655

Waiver Number: 16-4-2018

Active Year: 2018

Date In: 4/27/2018 12:34:46 PM

Local Education Agency: Brentwood Union Elementary School

Address: 255 Guthrie Ln.

Brentwood, CA 94513

Start: 7/1/2017

End: 6/1/2018

Waiver Renewal: No

Waiver Topic: State Testing Apportionment Report

*Education Code* Title: CAASPP

*Education Code* Section: 60640

*Education Code* Authority: 33050

*Education Code* or *CCR* to Waive: Section 862 Apportionment Information Report (B) if transmitted after March 1, 2018 the apportionment information report must be accompanied by a waiver request as provided by *Education Code* Section 33050.

Outcome Rationale: Due to internal factors, Brentwood Union School District did not meet the submission deadline. As instructed by the California Department of Education, a waiver to request approval from the State Board of Education to submit the CAASPP 2016–17 Apportionment Information Report is being filed. We are requesting reimbursement of the CAASPP per the 2016–17 Apportionment Information Report. The reimbursement funds assist the district in covering the cost of administering assessments.

Student Population: 9200

City Type: Suburban

Public Hearing Date: 4/11/2018

Public Hearing Advertised: Website per board agenda and notice of public hearing posted at all local schools as well as the public library.

Local Board Approval Date: 4/11/2018

Community Council Reviewed By: BUSD Board of Trustees: Scott Dudek, Emil Geddes, Johnny Rodriguez, Carlos Sanabria, Jim Cushing

Community Council Reviewed Date: 4/11/2018

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Mr. Michael Bowen

Position: Director, Curriculum & Instruction

E-mail: mbowen@brentwood.k12.ca.us

Telephone: 925-513-6330

Bargaining Unit Date: 05/16/2018

Name: Brentwood Teacher Association

Representative: Darrin Spencer

Title: President

Position: Support

# Attachment 3: Chaffey Joint Union High School District

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 3667652

Waiver Number: 5-4-2018

Active Year: 2018

Date In: 4/13/2018 9:11:54 AM

Local Education Agency: Chaffey Joint Union High School District

Address: 211 West Fifth St.

Ontario, CA 91762

Start: 7/1/2017

End: 12/31/2017

Waiver Renewal: No

Waiver Topic: State Testing Apportionment Report

*Education Code* Title: CELDT

*Education Code*: Title 5, Section 11517.5 (b)(1)(A)

*Education Code* Authority: 33050

*Education Code* or *CCR* to Waive: Title 5, Section 11517.5 (b)(1)(A)

Outcome Rationale: Desired Outcome/Rationale.

Our district was in a transitional phase pertaining to the CELDT Coordinator. The CELDT apportionment report was sent to the previous CELDT Coordinator who was no longer employed with the district that time, thus we did not return the report by the stated deadline of December 31, 2017. We are now requesting approval of this waiver which wold allow us to receive our CELDT apportionment for the 2016–17 school year.

Student Population: 23969

City Type: Suburban

Public Hearing Date: 4/10/2018

Public Hearing Advertised: Notice posted at each school.

Local Board Approval Date: 4/10/2018

Community Council Reviewed By: School Board, Teachers Association

Community Council Reviewed Date: 4/10/2018

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Mr. Martin Alvarado

Position: Director of Categorical Programs

E-mail: martin.alvarado@cjuhsd.net

Telephone: 909-988-8511 x2590

Fax: 909-467-5177

Bargaining Unit Date: 03/21/2018

Name: Associated Chaffey Teachers

Representative: Kurt Burger

Title: President

Position: Support

# Attachment 4: Covina-Valley Union School District

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 1964436

Waiver Number: 25-3-2018

Active Year: 2018

Date In: 3/19/2018 3:24:08 PM

Local Education Agency: Covina-Valley Unified School District

Address: 519 East Badillo St.

Covina, CA 91723

Start: 3/1/2016

End: 6/30/2016

Waiver Renewal: No

Waiver Topic: State Testing Apportionment Report

*Education Code* Title: CAASPP

*Education Code* Section: 60640

*Education Code* Authority: 33050

*Education Code* or *CCR* to Waive: Section 862 Apportionment Information Report (B) if transmitted after March 1, the apportionment information report must be accompanied by a waiver request as provided by *Education Code* Section 33050.

Outcome Rationale: A deadline was missed due to internal factors. We are requesting reimbursement of the CAASPP per the 2015–16 Apportionment Information Report. The reimbursement funds help the district cover the cost of administering assessments.

Student Population: 11716

City Type: Rural

Public Hearing Date: 2/20/2018

Public Hearing Advertised: District Website, Notice posted at the District Office and Dr. Mary Hanes Center

Local Board Approval Date: 2/20/2018

Community Council Reviewed By: DELAC

Community Council Reviewed Date: 2/15/2018

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Mr. Robert McEntire

Position: Assistant Superintendent, Business/CBO

E-mail: rmcentire@c-vusd.org

Telephone: 626-974-7000 x800121

Bargaining Unit Date: 03/05/2018

Name: California School Employees Association

Representative: Vivian Garcia

Title: President

Position: Support

Bargaining Unit Date: 03/05/2018

Name: Covina Unified Education Association

Representative: Sita Rampershad

Title: President

Position: Support

Bargaining Unit Date: 02/23/2018

Name: Covina Valley Association of School Psychologists

Representative: Martha Engle

Title: President

Position: Support

# Attachment 5: Monrovia Unified School District

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 1964790

Waiver Number: 8-3-2018

Active Year: 2018

Date In: 3/6/2018 9:50:58 AM

Local Education Agency: Monrovia Unified School District

Address: 325 East Huntington Dr.

Monrovia, CA 91016

Start: 7/1/2014

End: 6/30/2015

Waiver Renewal: No

Waiver Topic: State Testing Apportionment Report

*Education Code* Title: CELDT

*Education Code* Section: 33050-33053

*Education Code* Authority: *CCR*, Title 5, Section 11517.5(b)(1)(A)

*Education Code* or *CCR* to Waive: CELDT – *CCR*, Title 5, [Section 11517.5(b)(1)(A) …postmarked by December 31…]

Outcome Rationale: Monrovia Unified School District respectfully requests a waiver for the 2014–15 academic year of the requirement that the apportionment information report for the CELDT be postmarked by December 31. This waiver request is being made as the result of several significant staff changes which caused this reporting deadline to be missed.

Student Population: 5903

City Type: Urban

Public Hearing Date: 2/14/2018

Public Hearing Advertised: Noitce posted at each school

Local Board Approval Date: 2/14/2018

Community Council Reviewed By: DAC and DELAC

Community Council Reviewed Date: 1/26/2018

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Dr. Katherine Thorossian

Position: Superintendent

E-mail: kthorossian@monroviaschools.net

Telephone: 626-471-2010

Bargaining Unit Date: 01/11/2018

Name: CSEA

Representative: Lori Schlater

Title: President

Position: Support

Bargaining Unit Date: 01/25/2018

Name: Monrovia Teachers Association

Representative: Anne Battle

Title: President

Position: Support

# Attachment 6: Monrovia Unified School District

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 1964790

Waiver Number: 7-3-2018

Active Year: 2018

Date In: 3/6/2018 9:44:26 AM

Local Education Agency: Monrovia Unified School District

Address: 325 East Huntington Dr.

Monrovia, CA 91016

Start: 7/1/2014

End: 6/30/2015

Waiver Renewal: No

Waiver Topic: State Testing Apportionment Report

*Education Code* Title: CAHSEE

*Education Code* Section: *CCR*, Title 5, Section 1225(b)(2)(A)

*Education Code* Authority: Ed Code 33050-33053

*Education Code* or *CCR* to Waive: CAHSEE – *CCR*, Title 5, [Section 1225(b)(2)(A) postmarked by December 31]

Outcome Rationale: Monrovia Unified School District respectfully requests a waiver for the 2014–15 academic year of the requirement that the apportionment information report for the CAHSEE be postmarked by December 31. This waiver request is being made as the result of several significant staff changes which caused this reporting deadline to be missed.

Student Population: 5903

City Type: Urban

Public Hearing Date: 2/14/2018

Public Hearing Advertised: Notice posted at each school

Local Board Approval Date: 2/14/2018

Community Council Reviewed By: DAC and DELAC

Community Council Reviewed Date: 1/26/2018

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Dr. Katherine Thorossian

Position: Superintendent

E-mail: kthorossian@monroviaschools.net

Telephone: 626-471-2010

Bargaining Unit Date: 01/11/2018

Name: CSEA

Representative: Lori Schlater

Title: President

Position: Support

Bargaining Unit Date: 01/25/2018

Name: MTA

Representative: Anne Battle

Title: President

Position: Support

# Attachment 7: Monrovia Unified School District

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 1964790

Waiver Number: 6-3-2018

Active Year: 2018

Date In: 3/6/2018 9:31:22 AM

Local Education Agency: Monrovia Unified School District

Address: 325 East Huntington Dr.

Monrovia, CA 91016

Start: 7/1/2014

End: 6/30/2015

Waiver Renewal: No

Waiver Topic: State Testing Apportionment Report

*Education Code* Title: CAASPP

*Education Code* Section: *CCR*, Title 5, Section 862(b)(2)(A)

*Education Code* Authority: Ed Code 33050-33053

*Education Code* or *CCR* to Waive: CAASPP - *CCR*, Title 5, [Section 862(b)(2)(A)...postmarked by March 1...]

Outcome Rationale: Monrovia Unified School District respectfully requests a waiver for the 2014–15 academic year of the requirement that the apportionment information report for the CAASPP be postmarked by March 1. This waiver request is being made as the result of several significant staff changes which caused this reporting deadline to be missed.

Student Population: 5903

City Type: Urban

Public Hearing Date: 2/14/2018

Public Hearing Advertised: Notice posted at each school

Local Board Approval Date: 2/14/2018

Community Council Reviewed By: District Advisory Committee & District English Learner Advisory Committee

Community Council Reviewed Date: 1/26/2018

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Dr. Katherine Thorossian

Position: Superintendent

E-mail: kthorossian@monroviaschools.net

Telephone: 626-471-2010

Bargaining Unit Date: 01/11/2018

Name: CSEA

Representative: Lori Schlater

Title: President

Position: Support

Bargaining Unit Date: 01/25/2018

Name: Monrovias Teachers Association

Representative: Anne Battle

Title: President

Position: Support

# Attachment 8: Santa Clara Unified School District

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 4369674

Waiver Number: 32-3-2018

Active Year: 2018

Date In: 3/23/2018 1:39:43 PM

Local Education Agency: Santa Clara Unified School District

Address: 1889 Lawrence Rd.

Santa Clara, CA 95052

Start: 7/1/2016

End: 6/30/2017

Waiver Renewal: No

Waiver Topic: State Testing Apportionment Report

*Education Code* Title: CELDT

*Education Code*: *CCR*, Title 5, Section 11517.5 (b)(1)(A)

*Education Code* Authority: 33050

*Education Code* or *CCR* to Waive: All three regulations for the State Testing Apportionment Information Report were amended in 2005 to include an annual deadline of December 31 of each year (highlighted below) for the return of the Apportionment Information Report for prior year testing for STAR, CAHSEE, and CELDT to receive reimbursement.

If an LEA misses this deadline, they need to complete the entire local process to request a waiver of this deadline, and the State Board of Education must approve the waiver before the LEA can be reimbursed for the local costs associated with the assessments.

Outcome Rationale: The CELDT Apportionment report was received by email on November 2, 2018 by the Coordinator of Data and Assessment who was on personal necessity leave and then bereavement during that time period and only had access to email via cell phone. She did not see the email during that time on her phone and did not realize that the email had been sent/received until January 25, 2018 when another apportionment report was received (for CAASPP), and she thought to search for the CELDT report in her email.

Student Population: 16053

City Type: Urban

Public Hearing Date: 3/22/2018

Public Hearing Advertised: District Website, District Display Bulletin Board

Local Board Approval Date: 3/22/2018

Community Council Reviewed By: DELAC

Community Council Reviewed Date: 3/21/2018

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Elizabeth Gordon-Stoll

Position: Coordinator, Data and Assessment Department

E-mail: egordonstoll@scusd.net

Telephone: 408-423-2229

Bargaining Unit Date: 02/04/2018

Name: CSEA

Representative: Patty Picard

Title: President

Position: Support

# Attachment 9: Wright Elementary School District

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 4971035

Waiver Number: 9-4-2018

Active Year: 2018

Date In: 4/24/2018 10:19:30 AM

Local Education Agency: Wright Elementary School District

Address: 4385 Price Ave.

Santa Rosa, CA 95407

Start: 7/1/2016

End: 6/6/2017

Waiver Renewal: No

Waiver Topic: State Testing Apportionment Report

*Education Code* Title: CAASPP

*Education Code* Section: 60640

*Education Code* Authority: 33050

*Education Code* or *CCR* to Waive: Section 862 Apportionment Information Report if transmitted after March 1, the apportionment report must be accompanied by a waiver request as provided by *Education Code* Section 33050.

Outcome Rationale: Due to internal factors, Wright Elementary School District did not meet the submission deadline. As instructed by the California Department of Education, a waiver to request approval from the State Board of Education to submit the CAASPP 2016–17 Apportionment Report is being filed. We are requesting reimbursement of the CAASPP per the 2016–17 Apportionment Report. The reimbursement funds assist the district in covering the cost of administering assessments.

Student Population: 1555

City Type: Suburban

Public Hearing Date: 4/19/2018

Public Hearing Advertised: Website per board agenda and posted at all three district schools

Local Board Approval Date: 4/19/2018

Community Council Reviewed By: School Site Council - Council Members: Laura Drake, Marcie Ritch, Queti Gomez, Xochitl Cano, Lori Po

Community Council Reviewed Date: 3/19/2018

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Margo Addison

Position: Wright District Testing Coordinator

E-mail: maddison@wrightesd.org

Telephone: 707-575-8883 x359

Bargaining Unit Date: 03/09/2018

Name: WEA

Representative: Katie Finegan

Title: WEA Vice-President

Position: Neutral

Comments: None