

California Department of Education

Executive Office

SBE-005 (REV. 1/2018)

General Waiver

# California State Board of EducationMay 2018 AgendaItem #W-13

## Subject

Request by two 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.

## Waiver Numbers

* Cottonwood Union Elementary School District 1-3-2018
* Keppel Union Elementary School District 24-2-2018

## 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) and the California Assessment of Student Performance and Progress (CAASPP) System 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 2016–17 school year.

## 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 and CAASPP 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 2016–17 school year.

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:**

Cottonwood Union Elementary School has a student population of 867 and is located in a rural area of Shasta County.

Keppel Union Elementary School District has a student population of 2,639 and is located in a rural area of Los Angeles 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 and/or the CAASPP System for the 2016–17 school year. Total costs are indicated on the “Summary Table” (Attachment 1), and the waiver requests from the LEAs are included as “Cottonwood Union Elementary School General Waiver Request 1-3-2018” (Attachment 2) and “Keppel Union Elementary School District General Waiver Request 24-2-2018” (Attachment 3).

## Attachment(s)

* **Attachment 1:** Summary Table (1 Page)
* **Attachment 2:** Cottonwood Union Elementary School General Waiver Request 1-3-2018 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 3:** Keppel Union Elementary School General Waiver Request 24-2-2018 (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 |
| --- | --- | --- | --- | --- | --- | --- | --- |
| 1-3-2018 | Cottonwood Union Elementary School District | **Requested:**2/1/2016 – 6/30/2016**Recommended:**7/1/2015 – 3/1/2016 | California Assessment of Student Performance and Progress  | Yes | 2015–16 | $2,859.04 | Support |
| 24-2-2018 | Keppel Union Elementary School District | **Requested:**7/1/2017 – 12/31/2017**Recommended:**7/1/2017 – 12/31/2017 | California English Language Development Test | Yes | 2016–17 | $4,290.00 | Support |

Created by California Department of Education

March 2018

# Attachment 2: Cottonwood Union Elementary School

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 4569955

Waiver Number: 1-3-2018

Active Year: 2018

Date In: 3/1/2018 10:09:47 AM

Local Education Agency: Cottonwood Union Elementary School

Address: 20512 West First St.

Cottonwood, CA 96022

Start: 2/1/2016

End: 6/30/2016

Waiver Renewal: No

Waiver Topic: State Testing Apportionment Report

Ed Code Title: CAASPP

Ed Code Section: 60640

Ed Code Authority: 33050

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

Outcome Rationale: The submission deadline was missed due to internal factors. We are requesting reimbursement of the CAASPP per the 2015–2016 Apportionment Information Report. These reimbursement funds help the district cover the cost of administering the state assessments.

Student Population: 867

City Type: Rural

Public Hearing Date: 1/16/2018

Public Hearing Advertised: District Website, Reader boards, and board agenda posted at both schools with physical copies of the agenda.

Local Board Approval Date: 1/16/2018

Community Council Reviewed By: CWUSD School Board, School Site Council

Community Council Reviewed Date: 1/17/2018

Community Council Objection: No

Community Council Objection Explanation: N/a

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Theresa Wright

Position: Principal, LEA

E-mail: twright@cwusd.com

Telephone: 530-347-6584

Fax: 530-347-4788

Bargaining Unit Date: 01/17/2018

Name: Cottonwood Teachers Association

Representative: Teresa Madison

Title: Vice President

Position: Support

Comments: Cottonwood CTA is in support of the filing of the 2015/2016 Apportionment Waiver due to a missed deadline.

# Attachment 3: Keppel Union Elementary 24-2-2018

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 1964642

Waiver Number: 24-2-2018

Active Year: 2018

Date In: 2/23/2018 1:28:10 PM

Local Education Agency: Keppel Union Elementary School

Address: 34004 128th St. East

Pearblossom, CA 93553

Start: 7/1/2017

End: 12/31/2017

Waiver Renewal: No

Waiver Topic: State Testing Apportionment Report

Ed Code Title: CELDT

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

Ed Code Authority: 33050

*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 to December 31 of each year 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, the State Board of Education must approve the waiver before the LEA can be reimbursed for the local costs associated with assessments.

Outcome Rationale: There was a transition in personnel and the form was never submitted by current personnel. Funds are needed to continue providing resources to the district's EL population.

Student Population: 2639

City Type: Rural

Public Hearing Date: 2/22/2018

Public Hearing Advertised: Posted on Bulletin Board at District Office

Local Board Approval Date: 1/18/2018

Community Council Reviewed By: Keppel Union Governing Board

Community Council Reviewed Date: 1/18/2018

Community Council Objection: No

Community Council Objection Explanation: N/a

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Dr. Jesus Luna

Position: Assistant Superintendent of Instruction

E-mail: jluna@keppel.k12.ca.us

Telephone: 661-944-2155

Bargaining Unit Date: 01/11/2018

Name: Keppel Union Teacher's Association

Representative: Angela Shepherd

Title: Union President

Position: Support