Revised Board Agenda
January 12, 2006
9:00 a.m.

The January 2006 meeting of the State Board of Education will be a one-day meeting held on Thursday, January 12, 2006. The following items will be heard. Please see the original agenda below for the full titles of each item.

- Item 1 State Board Projects and Priorities
- Item 2 Public Comment
- Item 5 High Tech High
- Item 7 Youth Senate Program
- Item 9 Mathematics Primary Adoption Timeline
- Item 10 Science Primary Adoption--Appointment of IMAP and CRP
- Item 11 Visual and Performing Arts Primary Adoption--Appointment of IMAP and CRP
- Item 12 Williams Settlement--Remedy of Insufficient Instructional
- Item 17 Reading First Proposed Regulations
- Item 18 Highly Qualified Teacher Proposed Regulations
- Item 19 Response to Title II Monitoring Visit
- Item 20 LEA Plans
- Item 21 Consolidated Applications
- Item 22 Principal Training--Approval of Providers
- Item 23 Principal Training--Approval of Applications for Funding
- Item 24 Mathematics and Reading Professional Development--Approval of Training Providers
- Item 25 Mathematics and Reading Professional Development--Approval of Reimbursements
- Item 26 Administrator Training Program--Guidelines and Criteria
- Item 28 Academic Performance Index Base Methodology
- Item 30 Immediate Intervention/Underperforming Schools Program and High Priority Schools Grant Program--Interventions
- Item 31 Immediate Intervention/Underperforming Schools Program and High Priority Schools Grant Program--Approval of Expenditure Plan
- Item 35 STAR--Approval of District Apportionments
- Item 41 Assignment of Numbers for Charter School Petitions

All the Waiver Request Consent Matters

- Item W-1 Request by Alisal Union School District to waive Education Code (EC) Section 15102, to allow the district to exceed its bonding limit of 1.25 percent of the taxable assessed value of property. (Requesting 1.40 percent).
- Item W-2 Request by Hesperia Unified School District to waive Education Code (EC) Section 60851(d), the requirement that only certain dates designated by the Superintendent of Public Instruction may be used by districts for testing students on the California High School Exit Exam (CAHSEE).
- Item W-3 Request by the San Bernardino County Superintendent of Schools for a waiver of portions of Education Code (EC) Section 48663(a) and (c) relating to the minimum instructional day for a community day school.
- Item W-4 Request by Sacramento City Unified School District for a waiver of Education Code (EC) Section 48661(a) to permit the collocation of MET Charter High School on the same site as Success Community Day School (CDS).
- Item W-5 Request by Kern County Superintendent of Schools for a waiver of Education Code (EC) Section 48916.1(d) relating to county community school serving kindergarten through sixth grade students with seventh through eighth grade students in a combined program kindergarten through eighth grade, (commingling).
- Item W-6 Request by Anaheim City School District for a renewal to waive CCR, Title 5, Section 3043(d) requiring 20 school days (4 hours each) of attendance for extended school year for Special Education students.
- Item W-7 Request by Tamalpais Union High School District to waive portions of Education Code (EC) sections 52084 (a)(c) and 52086 (a) Grade Nine Class Size Reduction (Morgan-Hart), the requirement for a 20:1 student to teacher ratio so that the district may provide a 25:1 ratio across four core courses--English, math, science and social studies.
- Item W-8 Request by Lemoore Union High School District for Yokuts High School in the High Priority Schools Grant Program (HPSGP), to waive Education Code (EC) Section 52055.650, the assignment of a School Assistance and Intervention Team (SAIT) for failing to meet growth, and California Code of Regulations (CCR) Title 5, Section 1030.8, (the
Item W-9 Request by Lemoore Union High School District for Jamison High School in the High Priority Schools Grant Program (HPSPGP) to waive Education Code (EC) Section 52055.650, the assignment of a School Assistance and Intervention Team (SAIT) for failing to meet growth, and California Code of Regulations (CCR), Title 5, Section 1030.8, (the significant growth calculation). Also a request to waive the timelines in EC 52055.650(e)(1)(C) for this process.

Item W-10 Request by Hacienda La Puente Unified School District for Workman High School of the Immediate High Priority Schools Grant Program (HPSPGP) to waive the timelines in Education Code (EC) Section 52055.650(e)(1)(C) for the School Assistance and Intervention Team (SAIT) report of recommendations and the adoption of the report by the local governing board.

Item W-11 Petition request under Education Code (EC) Section 60421(d) and 60200(g) by Mountain Valley Unified School District to purchase non-adopted Instructional Resources (Houghton Mifflin Mathematics, grade six) using Instructional Materials Funding Realignment Program (IMFRP) monies.

Item W-12 Request by the Panoche Elementary School District to waive Education Code (EC) Section 35780(a), which requires lapisation of a district with an average daily attendance of less than six students.

Item W-13 Request by Yuba City Unified School District to waive portions of Education Code (EC) Section 51222(a), related to the statutory minimum of 400 minutes of physical education required each ten days for grades nine through twelve in order to implement a block schedule at River Valley High School.

Item W-14 Request by Desert Sands Unified School District to waive portions of Education Code (EC) sections 44512(c) and 44515(a)(b) regarding the timelines for school administrators involved in the Principal Training Program, established by Assembly Bill 75 (Statutes of 2001).

Item W-15 Request by Fallbrook Union Elementary School District to waive Education Code (EC) Section 56362(c); allowing the caseload of the resource specialist to exceed the maximum caseload of 28 students by no more than four students (32 maximum). Laurie Mack and Paula Mackey assigned at Potter Junior High.

Item W-16 Request by Rockford Elementary School District to waive a portion of Education Code (EC) Section 5018, so that the district may maintain a three member Board when district total enrollment is over 300.

Item W-17 Request by the Los Angeles County Office of Education to waive a portion of Education Code (EC) Section 35706, which requires a county committee on school district organization to approve or disapprove a petition for the transfer of territory between school districts within 120 days of holding public hearings on the petition.

All other items on the January Agenda, not listed above, will be put over to the next meeting of the State Board of Education which is expected to be in February 2006.

The Screening Committee will also be meeting at noon on Thursday, January 12, 2006.
Wednesday, January 11, 2006
9:00 a.m. ±

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

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

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

CLOSED SESSION AGENDA

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

- Acevedo, et al. v. State of California, et al., Sacramento County Superior Court, Case No. 03CS00827
- Adkins, et al. v. State of California, et al., Sacramento County Superior Court, Case No. 03CS00938
- Aguayo, et al. v. State of California, et al., Sacramento County Superior Court, Case No. 03CS00825
- Amy v. California Dept. of Education, et al., Los Angeles County Superior Court, Case No. 99CV2644LSP
- Boyd, et al. v. State of California, et al., Sacramento County Superior Court, Case No. 01CS00136
- Brian Ho, et al., v. San Francisco Unified School District, et al., United States District Court, Northern District of California, Case No. C-94-2418 WHO
- Buckle, et al. v. State of California, et al., Sacramento County Superior Court, Case No. 03CS00826
- California Association of Private Special Education Schools, et al., v. California Department of Education, et al., Los Angeles County Superior Court, Case No. BC272983
- California Department of Education, et al., v. San Francisco Unified School District, et al., San Francisco Superior Court, Case No. 994049 and cross-complaint and cross-petition for writ of mandate and related actions
- California State Board of Education v. Delaine Eastin, the Superintendent of Public Instruction for the State of California, Sacramento County Superior Court, Case No. 97CS02991 and related appeal
- Californians for Justice Education Fund, et al. v. State Board of Education, San Francisco City/County Superior Court, Case No. CPF-03-50227
- Centinela Valley Union High School District v. State Board of Education, et al., Los Angeles Superior Court, Case No. BS093054
- Centinela Valley Union High School District v. State Board of Education, et al., Los Angeles Superior Court, Case No. BS093483
- Chapman, et al. v. California Department of Education, et al., Alameda County Superior Court, Case No. 2002-049636
- City Council of the City of Folsom v. State Board of Education, Sacramento County Superior Court, Case No. 96-CS00954
- Coalition for Locally Accountable School Systems v. State Board of Education, Sacramento County Superior Court, Case No. 96-CS00939
- Comité de Padres de Familia v. Honig, Sacramento County Superior Court, Case No. 281124; 192 Cal.App.3d 528 (1987)
- Crawford v. Honig, United States District Court, Northern District of California, Case No. C-99-0014 DLJ
- CTA, et al. v. Wilson, United States District Court, Central District of California, Case No. 98-9694 ER (CWx) and related appeal
- Donald Urista, et al. v. Torrance Unified School District, et al., United States District Court, Central District of California, Case No. 97-6300 ABC
- Dutton v. State of California, et al. Sacramento County Superior Court, Case No. 03CS01723
- Educational Ideas, Inc. v. State of California, et al., Sacramento County Superior Court, Case No. 00CS00798
- EMS-BP, LLC, Options for Youth Burbank, Inc. et al. v. California Department of Education, et al., Sacramento County Superior Court, Case No. 03CS01078 / 03CS01079
Under Government Code section 11126(e)(2), the State Board of Education hereby provides public notice that it may meet in closed session to determine whether, based on existing facts and circumstances, any matter presents a significant exposure to litigation [see Government Code section 11126(e)(2)(B)(ii)] and, if so, to proceed with closed session consideration and action on that matter, as necessary and appropriate [see Government Code section 11126(e)(2)(B)(i)] or, based on existing facts and circumstances, if it has decided to initiate or is deciding whether to initiate litigation [see Government Code section 11126(e)(2)(C)].

Under Government Code section 11126(c)(14), the State Board of Education hereby provides public notice that it may meet in closed session to review and discuss the actual content of pupil achievement tests (including, but not limited to, the High School Exit Exam) that have been submitted for State Board approval and/or approved by the State Board.

Under Government Code section 11126(a), the State Board of Education hereby provides public notice that it may meet in closed session regarding the appointment, employment, evaluation of performance, or dismissal of employees exempt from civil service under Article VII, Section 4(e) of the California Constitution.

<table>
<thead>
<tr>
<th>SCHEDULE OF MEETING</th>
<th>LOCATION</th>
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<tr>
<td><strong>Wednesday, January 11, 2006</strong></td>
<td><strong>California Department of Education</strong></td>
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<td>9:00 a.m. ± (Upon Adjournment of Closed Session, if held)</td>
<td>1430 N Street, Room 1101</td>
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<tr>
<td>STATE BOARD OF EDUCATION</td>
<td>Sacramento, California</td>
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<td>Public Session</td>
<td>916-319-0827</td>
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</table>
Please see the detailed agenda for more information about the items to be considered and acted upon. The public is welcome.

**SCHEDULE OF MEETING**

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

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

**ALL TIMES ARE APPROXIMATE AND ARE PROVIDED FOR CONVENIENCE ONLY**

**ALL ITEMS MAY BE RE-ORDERED TO BE HEARD ON ANY DAY OF THE NOTICED MEETING**

**THE ORDER OF BUSINESS MAY BE CHANGED WITHOUT NOTICE**

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

**REASONABLE ACCOMMODATION FOR ANY INDIVIDUAL WITH A DISABILITY**

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

**CALIFORNIA STATE BOARD OF EDUCATION**

**FULL BOARD**

**Public Session**

**AGENDA**

January 11-12, 2006

**Wednesday, January 11, 2006 – 9:00 a.m. ± (Upon adjournment of Closed Session if held)**
Call to Order
Salute to the Flag
Approval of Minutes (November 2005 Meeting)
Announcements
Communications

REPORT OF THE SUPERINTENDENT

SPECIAL PRESENTATIONS

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

NOTE: Items not heard or completed on January 11, 2006, will be carried over to January 12, 2006.

<table>
<thead>
<tr>
<th>ITEM 1 (DOC; 162KB; 8pp.)</th>
<th>STATE BOARD PROJECTS AND PRIORITIES.</th>
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<tbody>
<tr>
<td></td>
<td>Including, but not limited to, future meeting plans; agenda items; State Board office budget; staffing, appointments, and direction to staff; declaratory and commendatory resolutions; update on litigation; bylaw review and revision; review of the status of State Board-approved charter schools as necessary; Board Liaison Reports; and other matters of interest.</td>
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<td>ACTION INFORMATION</td>
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<tr>
<th>ITEM 2 (DOC; 56KB; 1p.)</th>
<th>PUBLIC COMMENT.</th>
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<td>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.</td>
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<td>INFORMATION</td>
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<tr>
<th>ITEM 3 (DOC; 86KB; 3pp.)</th>
<th>State Board of Education-Approved Charter Schools: Update</th>
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<tr>
<th>ITEM 4 (DOC; 126KB; 6pp.)</th>
<th>New West Charter Middle School: Approve with Conditions a Material Revision to the Charter to Extend the Initial Approval Period by One Year (2006-07) to June 30, 2007</th>
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<tr>
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<td>• Attachment 1 (PDF; 1.57MB; 86pp.)</td>
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***PUBLIC HEARING***

Public Hearings on the following agenda item will commence no earlier than 9:30 a.m. The Public Hearings will be held after 9:30 a.m. as the business of the State Board permits.

<table>
<thead>
<tr>
<th>ITEM 5 (DOC; 745KB; 100pp.)</th>
<th>Petition by High Tech High to establish a Statewide Benefit Charter School under the oversight of the State Board of Education: Hold Public Hearing and Approve</th>
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<td>ACTION INFORMATION PUBLIC HEARING</td>
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### ***END OF PUBLIC HEARING***

<table>
<thead>
<tr>
<th>ITEM 6 (DOC; 68KB; 4pp.)</th>
<th>Charter Schools: Determination of Funding Requests for 2004-05 and 2005-06 for Nonclassroom-based Charter Schools</th>
<th>ACTION INFORMATION</th>
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<tr>
<td>ITEM 7 (DOC; 50KB; 1pp.)</td>
<td>2006 United States Senate Youth Program Presentation</td>
<td>INFORMATION</td>
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<td><strong>Attachment 1</strong></td>
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<tr>
<td>ITEM 8 (DOC; 74KB; 3pp.)</td>
<td>California Teachers of the Year 2006 Presentation</td>
<td>INFORMATION</td>
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<tr>
<td>ITEM 9 (DOC; 73KB; 3pp.)</td>
<td>2007 Mathematics Primary Adoption: Approval of Timeline</td>
<td>ACTION INFORMATION</td>
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<tr>
<td>ITEM 10 (DOC; 66KB; 2pp.)</td>
<td>2006 Science Primary Adoption of Instructional Materials: Appointment of Instructional Materials Advisory Panel Members and Content Review Panel Experts</td>
<td>ACTION INFORMATION</td>
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<td><strong>Attachment 1</strong> (PDF; 134KB; 17pp.)</td>
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<td><strong>Attachment 2</strong> (PDF; 72KB; 11pp.)</td>
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<td><strong>Last Minute Memorandum</strong> (DOC; 31KB; 1p.)</td>
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<tr>
<td>ITEM 11 (DOC; 63KB; 3pp.)</td>
<td>2006 Visual and Performing Arts Primary Adoption of Instructional Materials: Appointment of Instructional Materials Advisory Panel Members and Content Review Panel Experts</td>
<td>ACTION INFORMATION</td>
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<td><strong>Attachment 1</strong> (PDF; 52KB; 8pp.)</td>
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<td><strong>Last Minute Memorandum</strong> (DOC; 31KB; 1p.)</td>
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<tr>
<td>ITEM 12 (DOC; 54KB; 2pp.)</td>
<td>Williams Settlement Legislation, Senate Bill 550: Remedy Insufficiency of Instructional Materials, Pursuant to Education Code Section 1240(i) (4) (D)</td>
<td>ACTION INFORMATION</td>
</tr>
<tr>
<td>ITEM 13 (DOC; 124KB; 5pp.)</td>
<td>Regional Occupational Program or Center: Action on Request by San Juan County Office of Education to Establish a Second Regional Occupational Program or Center with Conditions.</td>
<td>ACTION INFORMATION</td>
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<tr>
<td>ITEM 14 (DOC; 116KB; 10pp.)</td>
<td>Guidelines for the evaluation of the California Fresh Start (CFS) Pilot Program, established by Senate Bill 281 (Maldonado).</td>
<td>ACTION INFORMATION</td>
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<tr>
<td>ITEM 15</td>
<td>California Fresh Start (CFS) Pilot Program, Senate Bill 281 (Maldonado) approval of the proposed amendment to add sections 15566 through 15569 to Title 5. Education, Division 1. California Department of Education, Chapter 15. Child Nutrition Programs, Subchapter 1. Food Sales, Food Service, Nutrition Education, Article 5. California Fresh Start Pilot Program.</td>
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<td>ITEM 16</td>
<td>No Child Left Behind Act of 2001: Update on current, relevant issues related to California’s implementation of No Child Left Behind</td>
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<td>ITEM 17</td>
<td>Reading First: Proposed Rulemaking for Reading First Achievement Index/Definition of Significant Progress</td>
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<td>ITEM 18</td>
<td>No Child Left Behind Act of 2001: Revision of <em>California Code of Regulations</em>, Title 5, Section 6113 to Meet Highly Qualified Requirements for Local Educational Agencies Pertaining to Rural Flexibility</td>
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<td>ACTION INFORMATION</td>
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<td>ITEM 19</td>
<td>Highly Qualified Teachers and Improving Teacher Quality State Grants, Elementary and Secondary Education Act, Title II, Part A: Response to the U.S. Department of Education Monitoring Report, Supplemental Submission</td>
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<td>ITEM 20</td>
<td>No Child Left Behind Act of 2001: Approve Local Educational Agency Plans, Title 1, Section 1112</td>
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<td>ITEM 21</td>
<td>Consolidated Applications 2005-06: Approval</td>
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<td>ITEM 22</td>
<td>The Principal Training Program, Assembly Bill 75 (Chapter 697, Statutes of 2001): Approval of Training Providers</td>
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<td>ITEM 23</td>
<td>The Principal Training Program, Assembly Bill 75 (Chapter 697, Statutes of 2001): Approval of Applications for Funding from Local Educational Agencies and Consortia</td>
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<td>ACTION INFORMATION</td>
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<tr>
<td>ITEM 24</td>
<td>Mathematics and Reading Professional Development Program, Assembly Bill 466 (Chapter 737, Statutes of 2001): Approval of Training Providers and Training</td>
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<td>ACTION INFORMATION</td>
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Curricula

Please note: a typographical error was made in the original Agenda Item. The Item has been corrected.

- Corrected item (DOC; 56KB; 3pp.)

**ITEM 25** (DOC; 237KB; 9pp.)
Mathematics and Reading Professional Development Program, Assembly Bill 466 (Chapter 737, Statutes of 2001): Approve Reimbursement Requests from Local Educational Agencies

**ITEM 26** (DOC; 434KB; 44pp.)
Administrator Training Program, Assembly Bill 430: Module 1, 2, and 3 Guidelines and Criteria (Also referred to as Assembly Bill 75 until July 1, 2006)

**ITEM 27** (DOC; 115KB; 6pp.)
Chief Business Officer Training Program – Approve Draft Criteria and Application

**ITEM 28** (DOC; 119KB; 12pp.)
2005 Academic Performance Index Base Methodology

**ITEM 29** (DOC; 124KB; 9pp.)
District Assistance and Intervention Team (DAIT): Standards and Criteria to be Applied by a DAIT in Local Educational Agencies in Program Improvement Corrective Action

**ITEM 30** (DOC; 104KB; 8pp.)
Immediate Intervention/Underperforming Schools Program (II/USP) and High Priority Schools Grant Program (HPSGP): Proposed Interventions for One Cohort 2 II/USP School and Four Cohort 1 HPSGP Schools Without Valid Academic Performance Index Data that Failed to Meet the Alternative Criteria for Significant Growth

**ITEM 31** (DOC; 71KB; 4pp.)
Immediate Intervention/Underperforming Schools Program and High Priority Schools Grant Program: School Assistance and Intervention Team (SAIT): Approval of Expenditure Plan to Support SAIT Activities and Corrective Actions in State-Monitored Schools

**ADJOURNMENT OF DAY’S SESSION**

**Thursday, January 12, 2006 – 8:00 a.m.± (Upon adjournment of Closed Session if held)**
California Department of Education, 1430 N Street, Room 1101, Sacramento, California

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

**ITEMS DEFERRED FROM PRECEDING DAY**
Any matters deferred from the previous day’s session may be considered.

**CLOSED SESSION**
The State Board of Education will also consider and take action as appropriate on the following agenda items:
<table>
<thead>
<tr>
<th>ITEM 32 (DOC; 108KB; 8pp.)</th>
<th>Standardized Testing and Reporting Program: Including but not limited to Program Update</th>
<th>ACTION INFORMATION</th>
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<tr>
<td></td>
<td>• Attachment 1a (Grade 4) (PDF; 58KB; 3pp.)</td>
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<td>• Attachment 1b (Grade 7) (PDF; 68KB; 3pp.)</td>
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| ITEM 33 (DOC; 78KB; 3pp.) | Standardized Testing and Reporting Program: Approval of Contract and Scope of Work for the Standardized Testing and Reporting Program | ACTION INFORMATION |

| ITEM 34 (DOC; 53KB; 2pp.) | Independent Evaluation of Standards and Assessment Program Request for Proposals | ACTION INFORMATION |

| ITEM 35 (DOC; 54KB; 2pp.) | Standardized Testing and Reporting Program: Approval of 2006 District Apportionment Amounts | ACTION INFORMATION |

| ITEM 36 (DOC; 51KB; 1p.) | California English Language Development Test: Including, but not limited to, update on California English Language Development Test Program | ACTION INFORMATION |

| ITEM 37 (DOC; 56KB; 3pp.) | California High School Exit Examination: including, but not limited to, California High School Exit Examination program and independent evaluation update | ACTION INFORMATION |

| ITEM 38 (DOC; 104KB; 4pp.) | California High School Exit Examination Alternatives Public Meeting | ACTION INFORMATION |
|                           | • Attachment 1 (PDF; 283KB; 2pp.)                                      |                   |

***PUBLIC HEARINGS***

Public Hearings on the following agenda item will commence no earlier than 10:00 a.m. The Public Hearings will be held after 10:00 a.m. as the business of the State Board permits.

| ITEM 39 (DOC; 613KB; 65pp.) | Environmental Effect of the Proposed Unification of Etna Union High School District with Etna Union Elementary School District, Fort Jones Union School District, and Quartz Valley School District in Siskiyou County | ACTION INFORMATION PUBLIC HEARING |

| ITEM 40 (DOC; 277KB; 29pp.) | Proposed Unification of the Etna Union High School District with the Etna Union Elementary School District, the Fort Jones Union School District, and the Quartz Valley School District in Siskiyou County | ACTION INFORMATION PUBLIC HEARING |

***END OF PUBLIC HEARINGS***

WAIVER REQUEST CONSENT MATTERS

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

CARL D. PERKINS VOCATIONAL AND TECHNICAL EDUCATION ACT
<p>| ITEM WC-1  (DOC; 59KB; 2pp.) | Request by John Swett Unified School District for a waiver of Section 131(d)(1) of the Carl D. Perkins Vocational and Technical Education act of 1998 (Public Law 105-332). Waiver Number: Fed-29-2005 (Recommended for APPROVAL) | ACTION |
| ITEM WC-5  (DOC; 58KB; 2pp.) | Request by Fall River Unified School District for a waiver of Section 131(d)(1) of the Carl D. Perkins Vocational and Technical Education Act of 1998 (Public Law 105-332). Waiver Number: Fed-33-2005 (Recommended for APPROVAL) | ACTION |
| ITEM WC-6  (DOC; 59KB; 2pp.) | Request by Durham Unified School District for a waiver of Section 131(d)(1) of the Carl D. Perkins Vocational and Technical Education Act of 1998 (Public Law 105-332). Waiver Number: Fed-34-2005 (Recommended for APPROVAL) | ACTION |</p>
<table>
<thead>
<tr>
<th><strong>ITEM WC-8</strong> (DOC; 59KB; 2pp.)</th>
<th>Request by San Luis Obispo County Office of Education for a waiver of Section 131(d)(1) of the Carl D. Perkins Vocational and Technical Education Act of 1998 (Public Law 105-332).</th>
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<tbody>
<tr>
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<td>Waiver Number: Fed-37-2005</td>
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<tr>
<th><strong>ITEM WC-9</strong> (DOC; 60KB; 2pp.)</th>
<th>Request by El Tejon Unified School District for a waiver of Section 131(d)(1) of the Carl D. Perkins Vocational and Technical Education Act of 1998 (Public Law 105-332).</th>
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<tr>
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<td>Waiver Number: Fed-38-2005</td>
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<tr>
<th><strong>ITEM WC-10</strong> (DOC; 59KB; 2pp.)</th>
<th>Request by Waterford Unified School District for a waiver of Section 131(d)(1) of the Carl D. Perkins Vocational and Technical Education Act of 1998 (Public Law 105-332).</th>
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<tr>
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<td>Waiver Number: Fed-39-2005</td>
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<tr>
<th><strong>ITEM WC-11</strong> (DOC; 59KB; 2pp.)</th>
<th>Request by Acton-Aqua Dulce Unified School District for a waiver of Section 131(d)(1) of the Carl D. Perkins Vocational and Technical Education Act of 1998 (Public Law 105-332).</th>
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<th><strong>ITEM WC-12</strong> (DOC; 59KB; 2pp.)</th>
<th>Request by Silver Valley Unified School District for a waiver of Section 131(d)(1) of the Carl D. Perkins Vocational and Technical Education Act of 1998 (Public Law 105-332).</th>
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<tr>
<th><strong>ITEM WC-13</strong> (DOC; 59KB; 2pp.)</th>
<th>Request by Golden Valley Unified School District for a waiver of Section 131(d)(1) of the Carl D. Perkins Vocational and Technical Education Act of 1998 (Public Law 105-332).</th>
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<tr>
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<tr>
<th><strong>SAFE AND DRUG FREE SCHOOLS</strong></th>
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<tr>
<td><strong>ITEM WC-14</strong> (DOC; 64KB; 3pp.)</td>
<td>Request by Lassen County Consortium (Lassen County Office of Education) and nine districts to waive No Child Left Behind Act (NCLB); Title IV, Part A, Section 4115</td>
</tr>
</tbody>
</table>

| ACTION |
(a)(1)(c) to use Safe and Drug Free Schools and Communities funds to support the cost of *Character Counts*, a Comprehensive Health, Substance Abuse, Violence Prevention Program.

Waiver Number: Various

(Recommended for with CONDITONS)

### SCHOOL SITE COUNCIL

| ITEM WC-15 (DOC; 59KB; 2pp.) | Request by Waugh School District under the authority of *Education Code (EC)* Section 53863 for a waiver of *EC* Section 52852, allowing one joint school site council to function for two schools (Meadow School and Corona Creek School).

Waiver Number: 1-10-2005

(Recommended for APPROVAL) |

| ITEM WC-16 (DOC; 59KB; 2pp.) | Request by Clovis Unified School District under the authority of *Education Code (EC)* Section 53863 to waive *EC* Section 52852, allowing two school site councils to function for four schools, one school site council for Gateway and Enterprise High Schools and one school site council for Clovis Community Day School (CDS) grades 4-8 and Excel CDS grades 9-12.

Waiver Number: 7-10-2005

(Recommended for APPROVAL) |

| ITEM WC-17 (DOC; 58KB; 2pp.) | Request by Shandon Joint Unified School District under the authority of *Education Code (EC)* Section 53863 for a waiver of *EC* Section 52852, allowing one joint school site council to function for two small rural schools (Shandon Elementary School and Shandon High/Middle School).

Waiver Number: 8-10-2005

(Recommended for APPROVAL) |

| ITEM WC-18 (DOC; 59KB; 2pp.) | Request by Surprise Valley Joint Unified School District under the authority of *Education Code (EC)* Section 53863 for a waiver of *EC* Section 52852, allowing one school site council to function for four schools (Surprise Valley Elementary, Surprise Valley High, Surprise Valley Community Day and Grand Basin Continuation High).

Waiver Number: 11-10-2005

(Recommended for APPROVAL) |

### NON-CONSENT (ACTION)

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

### BOND INDEBTEDNESS LIMIT
| ITEM W-1 (DOC; 65KB; 3pp.) | Request by Alisal Union School District to waive *Education Code (EC)* Section 15102, to allow the district to exceed its bonding limit of 1.25 percent of the taxable assessed value of property. (Requesting 1.40 percent).  
Waiver Number: 1-11-2005  
(Recommended for APPROVAL WITH CONDITIONS) | ACTION |
| --- | --- | --- |
| ITEM W-2 (DOC; 64KB; 3pp.) | Request by Hesperia Unified School District to waive *Education Code (EC)* Section 60851(d), the requirement that only certain dates designated by the Superintendent of Public Instruction may be used by districts for testing students on the California High School Exit Exam (CAHSEE).  
Waiver Number: 6-11-2005  
(Recommended for DENIAL) | ACTION |
| ITEM W-3 (DOC; 68KB; 3pp.) | Request by the San Bernardino County Superintendent of Schools for a waiver of portions of *Education Code (EC)* Section 48663(a) and (c) relating to the minimum instructional day for a community day school.  
Waiver Number: 9-7-2005  
(Recommended for APPROVAL WITH CONDITIONS)  
EC 33051(c) will not apply | ACTION |
| ITEM W-4 (DOC; 64KB; 3pp.) | Request by Sacramento City Unified School District for a waiver of *Education Code (EC)* Section 48661(a) to permit the collocation of MET Charter High School on the same site as Success Community Day School (CDS).  
Waiver Number: 10-11-2005  
(Recommended for APPROVAL)  
EC 33051(c) will not apply | ACTION |
| ITEM W-5 (DOC; 63KB; 3pp.) | Request by Kern County Superintendent of Schools for a waiver of *Education Code (EC)* Section 48916.1(d) relating to county community school serving kindergarten through sixth grade students with seven through eighth grade students in a combined program kindergarten through eighth grade, (commingling).  
Waiver Number: 3-11-2005  
(Recommended for APPROVAL)  
EC 33051(c) will not apply | ACTION |
| ITEM W-6 (DOC; 61KB; 2pp.) | Request by Anaheim City School District for a renewal to waive CCR, Title 5, Section 3043(d) requiring 20 school days (4 hours each) of attendance for extended school year | ACTION |
GRADE 9 CLASS SIZE REDUCTION

| ITEM W-7 (DOC; 64KB; 3pp.) | Request by Tamalpais Union High School District to waive portions of *Education Code (EC)* sections 52084 (a)(c) and 52086 (a) Grade Nine Class Size Reduction (Morgan-Hart), the requirement for a 20:1 student to teacher ratio so that the district may provide a 25:1 ratio across four core courses--English, math, science and social studies. | ACTION | Waiver Number: 2-11-2005
(Recommended for APPROVAL WITH CONDITIONS)
EC 33051(c) will not apply |

HIGH PRIORITY SCHOOLS GRANT PROGRAM (HPSGP)

| ITEM W-8 (DOC; 66KB; 3pp.) | Request by Lemoore Union High School District for Yokuts High School in the High Priority Schools Grant Program (HPSGP), to waive *Education Code (EC)* Section 52055.650, the assignment of a School Assistance and Intervention Team (SAIT) for failing to meet growth, and *California Code of Regulations (CCR)* Title 5, Section1030.8, (the significant growth calculation). Also a request to waive the timelines in *EC* 52055.650(e)(1)(C) for this process. | ACTION | Waiver Number: 3-12-2005
(Recommended for Denial / Partial Approval of Timelines)
- Attachment 1 (DOC; 66KB; 1p.) |

| ITEM W-9 (DOC; 66KB; 3pp.) | Request by Lemoore Union High School District for Jamison High School in the High Priority Schools Grant Program (HPSGP), to waive *Education Code (EC)* Section 52055.650, the assignment of a School Assistance and Intervention Team (SAIT) for failing to meet growth, and *California Code of Regulations (CCR)* Title 5, Section1030.8, (the significant growth calculation). Also a request to waive the timelines in *EC* 52055.650(e)(1)(C) for this process. | ACTION | Waiver Number: 4-12-2005
(Recommended for Denial / Partial Approval of Timelines)
- Attachment 1 (DOC; 28KB; 1p.) |

| ITEM W-10 (DOC; 60KB; 2pp.) | Request by Hacienda La Puente Unified School District for Workman High School of the Immediate High Priority Schools Grant Program (HPSGP) to waive the timelines in *Education Code (EC)* Section 52055.650(e)(1)(C) for the School Assistance and Intervention Team (SAIT) report of recommendations and the adoption of the report by the local governing board. | ACTION |
## INSTRUCTIONAL MATERIALS FUNDING REALIGNMENT PROGRAM (IMFRP)

<table>
<thead>
<tr>
<th>ITEM W-11</th>
<th>Petition request under <em>Education Code (EC)</em> Section 60421(d) and 60200(g) by Mountain Valley Unified School District to purchase non-adopted Instructional Resources (<em>Houghton Mifflin Mathematics</em>, grade six) using Instructional Materials Funding Realignment Program (IMFRP) monies.</th>
<th>ACTION</th>
</tr>
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<tbody>
<tr>
<td>Waiver Number: 4-10-200</td>
<td>(Recommended for APPROVAL)</td>
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## LAPSATION

<table>
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<tr>
<th>ITEM W-12</th>
<th>Request by the Panoche Elementary School District to waive <em>Education Code (EC)</em> Section 35780(a), which requires lapsation of a district with an average daily attendance of less than six students.</th>
<th>ACTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Waiver Number: 4-11-2005</td>
<td>(Recommended for APPROVAL) <em>EC 33051(c)</em> will not apply</td>
<td></td>
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</table>

## PHYSICAL EDUCATION

<table>
<thead>
<tr>
<th>ITEM W-13</th>
<th>Request by Yuba City Unified School District to waive portions of <em>Education Code (EC)</em> Section 51222(a), related to the statutory minimum of 400 minutes of physical education required each ten days for grades nine through twelve in order to implement a block schedule at River Valley High School.</th>
<th>ACTION</th>
</tr>
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<tbody>
<tr>
<td>Waiver Number: 23-6-2005</td>
<td>(Recommended for APPROVAL WITH CONDITIONS) <em>EC 33051(c)</em> will apply</td>
<td></td>
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</table>

## PRINCIPAL TRAINING PROGRAM

<table>
<thead>
<tr>
<th>ITEM W-14</th>
<th>Request by Desert Sands Unified School District to waive portions of <em>Education Code (EC)</em> sections 44512(c) and 44515(a)(b) regarding the timelines for school administrators involved in the Principal Training Program, established by Assembly Bill 75 (Statues of 2001).</th>
<th>ACTION</th>
</tr>
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<tbody>
<tr>
<td>Waiver Number: 1-8-2005</td>
<td>(Recommended for APPROVAL WITH CONDITIONS)</td>
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</table>

## RESOURCE SPECIALIST

<table>
<thead>
<tr>
<th>ITEM W-15</th>
<th>Request by Fallbrook Union Elementary School District to waive <em>Education Code (EC)</em> Section 56362(c); allowing the caseload of the resource specialist to exceed the maximum caseload of 28 students by no more than four students (32 maximum).</th>
<th>ACTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Waiver Number: 5-11-2005</td>
<td>Laurie Mack and Paula Mackey assigned at Potter Junior High.</td>
<td></td>
</tr>
</tbody>
</table>
### SCHOOL DISTRICT REORGANIZATION

**ITEM W-16**  
 DOC; 64KB; 3pp.)  
 Request by Rockford Elementary School District to waive a portion of *Education Code (EC)* Section 5018, so that the district may maintain a three member Board when district total enrollment is over 300.  
 Waiver Number: 9-10-2005  
 (Recommended for APPROVAL WITH CONDITIONS)

### TERRITORY TRANSFER

**ITEM W-17**  
 DOC; 64KB; 2pp.)  
 Request by the Los Angeles County Office of Education to waive a portion of *Education Code (EC)* Section 35706, which requires a county committee on school district organization to approve or disapprove a petition for the transfer of territory between school districts within 120 days of holding public hearings on the petition.  
 Waiver Number: 7-11-2005  
 (Recommended for APPROVAL WITH CONDITIONS)

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**Adjournment of Day’s Session**

***ADJOURNMENT OF MEETING***

Questions: State Board of Education | 916-319-0827  
Last Reviewed: Wednesday, August 03, 2011
SUBJECT
STATE BOARD PROJECTS AND PRIORITIES.
Including, but not limited to, future meeting plans; agenda items; State Board office budget, staffing, appointments, and direction to staff; declaratory and commendatory resolutions; update on litigation; bylaw review and revision; review of the status of State Board-approved charter schools as necessary; Board Liaison Reports; and other matters of interest.

RECOMMENDATION
Take action (as necessary and appropriate) regarding State Board Projects and Priorities.

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 liaison reports; and other matters of interest. The State Board has asked that this item be placed appropriately on each agenda.

SUMMARY OF KEY ISSUES
Board Member Liaison Reports
Board Members serve as liaisons to various committees, organizations, and issue areas. When appropriate, the Liaisons provide short oral reports on issues of interest to the State Board. At this time, there are several vacant liaison positions that Board Members may wish to accept.

FISCAL ANALYSIS (AS APPROPRIATE)
Not applicable for this “housekeeping” item.

ATTACHMENT(S)
Attachment 1 State Board Bylaws (as amended July 9, 2003) (10 pages)
Attachment 2: Agenda Planner 2005-2006 (6 Pages)
Attachment 3: Acronyms Chart (3 Pages)
**JANUARY 11-12, 2006**

Board Meeting
- Election of 2006 Board Officers
- Appointment of four members to the Curriculum Commission
- Presentation of the California Teacher of the Year Awards
- United States Senate Youth, presentation of awards
- STAR, update/action as necessary
- CAHSEE, update/action as necessary
- CELDT, update/action as necessary
- No Child Left Behind Act, update/action as necessary
- 2006 Visual and Performing Arts Primary Adoption, appointment of IMAP and CRP members
- 2006 Science Primary Adoption, appointment of IMAP and CRP members

Other Dates of Interest to the State Board:
- Advisory Commission on Charter Schools, Sacramento, January 18
- Advisory Commission on Special Education, Sacramento, January 19-20
- Contract expires for physical fitness test, January 31, 2006

**FEBRUARY 2006**

**NO MEETING SCHEDULED**

**MARCH 8-9, 2006**

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

Other Dates of Interest to the State Board:
- Advisory Commission on Special Education, Sacramento, Sacramento, March 23-24
- 2006 Science Primary Adoption, training for IMAP and CRP members, Sacramento, March 27-30

**APRIL 2006**

**NO MEETING SCHEDULED**
### AGENDA PLANNER 2005-2006

#### Dates of Interest to the State Board:
- Curriculum Development and Supplemental Materials Commission, Sacramento, April 3 (if necessary)
- 2006 Visual and Performing Arts Primary Adoption, training for IMAP and CRP members, Sacramento, April 4-7

#### MAY 10-11, 2006 ................................................................. SACRAMENTO

**Board Meeting**
- No Child Left Behind Act, approve supplemental educational service providers
- STAR, update/action as necessary
- CAHSEE, update/action as necessary
- CELDT, update/action as necessary
- No Child Left Behind Act, update/action as necessary

#### JUNE 2006 ............................................................................. NO MEETING SCHEDULED

**Dates of Interest to the State Board:**
- To be determined

#### JULY 12-13, 2006 ............................................................... SACRAMENTO

**Board Meeting**
- STAR, update/action as necessary
- CAHSEE, update/action as necessary
- CELDT, update/action as necessary
- No Child Left Behind Act, update/action as necessary

**Other Dates of Interest to the State Board:**
- 2006 Science Primary Adoption, IMAP/CRP deliberations, Sacramento, July 10-13
- 2006 Visual and Performing Arts Primary Adoption, IMAP/CRP deliberations, Sacramento, July 31 – August 3
- Biennial Report to the Governor on the State Board’s Actions and Operations for the Years 2004-2006.

#### AUGUST 2006 ............................................................................. NO MEETING SCHEDULED

**Dates of Interest to the State Board:**
- 2006 Visual and Performing Arts Primary Adoption, IMAP/CRP deliberations, Sacramento, July 31 – August 3

#### SEPTEMBER 6-7, 2006 ............................................................. SACRAMENTO
Board Meeting
- Consolidated Applications for 2006-07, for approval
- STAR, update/action as necessary
- CAHSEE, update/action as necessary
- CELDT, update/action as necessary
- No Child Left Behind Act, update/action as necessary
- Instructional Materials Fund budget, for approval

Other Dates of Interest to the State Board:
- Biennial report from State Board of Education due to State Legislature
- Curriculum Development and Supplemental Materials Commission, Sacramento, September 28-29
- 2006 Science Primary Adoption, Curriculum Commission action on IMAP/CRP recommendations, Sacramento, September 28-29
- 2006 Visual and Performing Arts Primary Adoption, Curriculum Commission action on IMAP/CRP recommendations, Sacramento, September 28-29

OCTOBER 2006.................................................................NO MEETING SCHEDULED

Dates of Interest to the State Board:
To be determined

NOVEMBER 8-9, 2006............................................................SACRAMENTO

Board Meeting
- Consolidated Applications for 2006-07, for approval
- STAR, update/action as necessary
- CAHSEE, update/action as necessary
- CELDT, update/action as necessary
- No Child Left Behind Act, update/action as necessary
- 2006 Science Primary Adoption, Curriculum Commission action on IMAP/CRP recommendations, Sacramento, September 28-29
- 2006 Visual and Performing Arts Primary Adoption, Public Hearing and action on Curriculum Commission adoption recommendations

Other Dates of Interest to the State Board:
- Curriculum Development and Supplemental Materials Commission, Sacramento, November 30 – December 1
DECEMBER 2006 ............................................................... NO MEETING SCHEDULED

Dates of Interest to the State Board:
- Curriculum Development and Supplemental Materials Commission, Sacramento, November 30-December 1
- California High School Proficiency Exam contract expires, December 31
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<th>ACRONYMS</th>
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<tr>
<td>NAEP</td>
<td>National Assessment of Educational Progress</td>
</tr>
<tr>
<td>NEA</td>
<td>National Education Association</td>
</tr>
<tr>
<td>NCLB</td>
<td>No Child Left Behind Act of 2001</td>
</tr>
<tr>
<td>NPS/NPA</td>
<td>Non Public Schools/Non Public Agencies</td>
</tr>
<tr>
<td>NRT</td>
<td>Norm-Referenced Test</td>
</tr>
<tr>
<td>OSE</td>
<td>Office of the Secretary for Education</td>
</tr>
<tr>
<td>PAR</td>
<td>Peer Assistance and Review Program for Teachers</td>
</tr>
<tr>
<td>PSAA</td>
<td>Public School Accountability Act</td>
</tr>
<tr>
<td>RDP</td>
<td>Regional Occupation Program</td>
</tr>
<tr>
<td>RLA/ELD</td>
<td>Reading/Language Arts/English Language Development</td>
</tr>
<tr>
<td>SABE/2</td>
<td>Spanish Assessment of Basic Education, 2nd Edition</td>
</tr>
<tr>
<td>SAIT</td>
<td>School Assistance and Intervention Team</td>
</tr>
<tr>
<td>SARC</td>
<td>School Accountability Report Card</td>
</tr>
<tr>
<td>SAT 9</td>
<td>Stanford Achievement Test, 9th Edition</td>
</tr>
<tr>
<td>ACRONYMS</td>
<td>Definition</td>
</tr>
<tr>
<td>--------------</td>
<td>------------------------------------------------</td>
</tr>
<tr>
<td>SB</td>
<td>Senate Bill</td>
</tr>
<tr>
<td>SEA</td>
<td>State Educational Agency</td>
</tr>
<tr>
<td>SELPA</td>
<td>Special Education Local Plan Area</td>
</tr>
<tr>
<td>SBCP</td>
<td>School Based Coordination Program</td>
</tr>
<tr>
<td>SBE</td>
<td>State Board of Education</td>
</tr>
<tr>
<td>SSPI</td>
<td>State Superintendent of Public Instruction (Jack O'Connell)</td>
</tr>
<tr>
<td>STAR</td>
<td>Standardized Testing and Reporting Program</td>
</tr>
<tr>
<td>TDG</td>
<td>Technical Design Group (PSAA Advisory Committee)</td>
</tr>
<tr>
<td>USD</td>
<td>Unified School District</td>
</tr>
<tr>
<td>USDE</td>
<td>United States Department of Education</td>
</tr>
<tr>
<td>UTLA</td>
<td>United Teachers-Los Angeles</td>
</tr>
<tr>
<td>WIA</td>
<td>Workforce Investment Act</td>
</tr>
</tbody>
</table>
SUBJECT
PUBLIC COMMENT. Public Comment is invited on any matter not included on the printed agenda. Depending on the number of individuals wishing to address the State Board, the presiding officer may establish specific time limits on presentations.

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

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION
N/A

SUMMARY OF KEY ISSUES
N/A

FISCAL ANALYSIS (AS APPROPRIATE)
N/A

ATTACHMENT(S)
None
## SUBJECT
State Board of Education-Approved Charter Schools: Update

### RECOMMENDATION
The California Department of Education (CDE) recommends that the State Board of Education (SBE) receive the regular update on SBE-Approved Charter Schools and take action as deemed necessary and appropriate.

### SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION
Since January 1999, the SBE has approved eleven charter school petitions that had been initially denied (or denied at renewal) at the local level. Of these, nine are currently operating under CDE oversight, and one now operates under the oversight of a local educational agency.

<table>
<thead>
<tr>
<th>Charter School Name</th>
<th>Approval Date</th>
<th>Opening Date</th>
<th>Renewal Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Oakland Military Institute*</td>
<td>Dec 2000</td>
<td>Sep 2001</td>
<td>N/A</td>
</tr>
<tr>
<td>Ridgecrest Charter School (Kern County)</td>
<td>Dec 2000</td>
<td>Sep 2001</td>
<td>Mar 2009</td>
</tr>
<tr>
<td>New West Charter Middle School (Los Angeles)***</td>
<td>Dec 2001</td>
<td>Sep 2003</td>
<td>Jul 2006</td>
</tr>
<tr>
<td>School of Arts and Enterprise (Pomona)</td>
<td>Sep 2002</td>
<td>Sep 2003</td>
<td>Sep 2006</td>
</tr>
<tr>
<td>Knowledge is Power Program (San Lorenzo)</td>
<td>Feb 2003</td>
<td>Aug 2003</td>
<td>Jun 2006</td>
</tr>
<tr>
<td>Academy of Culture and Technology (Pomona)</td>
<td>Nov 2003</td>
<td>Sep 2005</td>
<td>Nov 2006</td>
</tr>
<tr>
<td>Leadership Public Schools-San Rafael****</td>
<td>Nov 2003</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

* Approved by the SBE, but renewed by the Oakland Unified School District.

** Approved by the San Francisco Unified School District, but the SBE became the authorizer at the time of first renewal.

*** Initially scheduled to open in September 2002, but granted a one-year extension.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION (Cont.)

Since January 1994, the SBE has approved eight all-charter districts that include a total of fifteen schools. All-charter districts became operative in the year approved.

<table>
<thead>
<tr>
<th>District Name (County)</th>
<th>Approval Date</th>
<th>Renewal Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Delta View Joint Union Elementary School District (Kings)</td>
<td>Jun 1999</td>
<td>May 2009</td>
</tr>
<tr>
<td>Hickman Community Charter District (Stanislaus)</td>
<td>Jul 1994</td>
<td>Jan 2010</td>
</tr>
<tr>
<td>Alvina Elementary Charter School District (Fresno)</td>
<td>Jul 2000</td>
<td>May 2010</td>
</tr>
<tr>
<td>Island Union Elementary School District (Kings)</td>
<td>Oct 2000</td>
<td>May 2010</td>
</tr>
<tr>
<td>Jacoby Creek Charter School District (Humboldt)</td>
<td>Jun 2002</td>
<td>Jan 2009</td>
</tr>
</tbody>
</table>

SUMMARY OF KEY ISSUES

Pursuant to Education Code (EC) Section 47605(j), as of January 1, 1999, a charter school petition that had been denied approval by a local educational agency (LEA) could be presented directly to the SBE on appeal. As of January 1, 2003, a charter school petition (in most cases) must first be denied by both a local school district and a county office of education before it may be presented to the SBE on appeal.

EC Section 47605.8 allows a charter school petitioner to submit a petition directly to the SBE for the operation of a statewide benefit charter school that may operate at multiple sites throughout the state. The SBE may not approve the petition for a statewide benefit charter school unless it finds that the charter school will provide instructional services of statewide benefit that cannot be provided by a charter school operating in only one school district or only one county.

As the charter authorizer, the SBE has monitoring responsibilities for its charter schools. CDE Charter Schools Division staff monitors the charter schools on the SBE’s behalf and provides periodic reports on the charter schools. As a result of the passage of AB 1137 (Chapter 892, Statutes of 2003), the oversight responsibilities of authorizing entities, including the SBE, have been more clearly defined (EC Section 47604.32). All authorizing entities are required to identify a contact person, visit the charter school annually, ensure compliance with all reporting requirements, monitor the fiscal condition, and provide notification regarding renewal, revocation, or ceasing of operations. AB 1137 also amended EC Section 47607 pertaining to the renewal or revocation of charters including the addition of performance criteria to be met prior to receiving a charter renewal. The law provides that the cost of performing these duties shall be funded with supervisory oversight fees collected pursuant to EC Section 47613 (an amount not to exceed one percent of the school’s revenue in most cases).

There are currently two staff in the Charter Schools Division assigned to oversee the nine SBE-approved charter schools and eight all-charter districts. Assigned staff make periodic site visits to the SBE-authorized charter schools and all-charter districts.
SUMMARY OF KEY ISSUES (Cont.)

For charter schools authorized by the SBE on appeal, EC Section 47605(k)(1) currently provides that the SBE may, by mutual agreement, designate its supervisory and oversight responsibilities to any local educational agency in the county in which the charter school is located or to the governing board of the school district that first denied the petition (although this has never been done). Similarly, for statewide benefit charters, EC Section 47605.8(c) provides, as a condition of approval, that the SBE may enter into an agreement with a third party, at the expense of the charter school, to oversee, monitor, and report on the operations of the charter school.

With regard to all-charter districts, the local county offices of education currently provide a significant amount of assistance and oversight under AB 1200 (Chapter 1213, Statutes of 1991). Unlike the other two types of state approved charters, there is no specific provision for contracting or designating by agreement the oversight responsibility for all-charter districts.

FISCAL ANALYSIS (AS APPROPRIATE)

There is no specific action requested under this item, so no fiscal impact can be identified.

ATTACHMENT(S)

None
The California Department of Education (CDE) recommends that the State Board of Education (SBE) approve with the following conditions a material revision to New West’s charter to extend the initial approval period by one year (2006-07) to June 30, 2007, consistent with the five-year limit on an initial charter approval period, as specified in Education Code (EC) Section 47607(a)(1):

- On a continuing basis, New West shall implement all of the recommendations contained in the follow-up audit.

- In January 2006, New West shall present an action plan to the CDE addressing all of the follow-up audit recommendations. Further, beginning in February 2006, New West shall report to the CDE each month documenting its implementation of the audit’s recommendations, until such time as New West’s charter is renewed.

**SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION**

In December 2001, the SBE approved the New West charter for an initial period of three years (2002-03 through 2004-05). However, for a variety of reasons (principally related to facilities and special education), the school’s opening was delayed to 2003-04. Therefore, in November 2004, the SBE extended the initial charter approval period by one year (2005-06) to June 30, 2006.

In January 2005, the CDE Audits and Investigations (A&I) Division completed a limited-scope review of New West that noted, among other things, weak internal controls and related-party transactions. New West’s independent audit for 2003-04 found similar deficiencies.

In May 2005, the SBE directed that a “Notice to Cure” be sent to New West and that arrangements be made for a follow-up audit to the limited-scope review performed by the CDE A&I Division. The follow-up audit was conducted under the auspices of the Fiscal Crisis and Management Assistance Team (FCMAT) and the Los Angeles County Office of Education (LACOE) by MGT of America, Inc.
SUMMARY OF KEY ISSUES

In December 2005, the follow-up audit was released, and a copy is included as Attachment 1. The audit findings present a picture that is at once heartening and troubling. For example, the audit found that New West has “shown signs of improvement” since the CDE A&I Division’s review, but also found that school staff “do not consistently exercise proper internal controls.” As for prior-year (2003-04) issues identified by the CDE A&I Division, the auditor was able to resolve many, but not all. The audit includes numerous recommendations to help ensure that past deficiencies do not recur. The following table presents some of the recommendations.

<table>
<thead>
<tr>
<th>To improve administrative and accounting internal controls:</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Consistently implement and monitor procedures requiring the use of purchase orders and requisitions for purchases, original invoices prior to making payments, and goods received reports with dual signatures.</td>
</tr>
<tr>
<td>• Promptly investigate and resolve all items not in compliance with fiscal procedures.</td>
</tr>
<tr>
<td>• Closely control and monitor the use of the school’s debit card.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>To improve cash position and cash management abilities:</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Strive to accumulate cash reserves of at least one full payroll and continue efforts to secure a revolving line of credit for contingencies.</td>
</tr>
<tr>
<td>• Establish and implement policies for cash-flow management and cash budgeting, including a cash-flow contingency plan.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>To improve contracting practices, update the school’s contracting procedures to:</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Require contract monitoring to ensure all parties fulfill the terms of contracts.</td>
</tr>
<tr>
<td>• Ensure that staff maintain documentation in the contract file evidencing the competitive bids obtained and the justification of need.</td>
</tr>
<tr>
<td>• Require all contract modifications to be made in writing.</td>
</tr>
<tr>
<td>• Prohibit initiation of services or continuance of a contract until the contract is properly executed, including prior governing council authorization.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>To address the deficiencies identified in the A&amp;I Division’s review:</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Implement and adhere to all the recommendations in the A&amp;I Division’s memorandum.</td>
</tr>
<tr>
<td>• Prohibit payments for items that are (1) shipped to an address other than New West or (2) billed to an entity or individual other than New West or to personal credit cards without approval and proper receipts.</td>
</tr>
<tr>
<td>• Create a proper paper trail for all loans including (1) a loan agreement, (2) evidence of governing council approval, and (3) documentation showing approved loan repayment methods.</td>
</tr>
<tr>
<td>• Continue to seek evidence/justification or seek reimbursement for the unsupported expenditures identified in the audit.</td>
</tr>
</tbody>
</table>
SUMMARY OF KEY ISSUES

New West’s students produced a solid record of academic achievement in 2003-04 (the school’s first year of operation) and again in 2004-05. The following table displays key data, along with comparison figures for the Los Angeles Unified School District (LAUSD), the school district in which New West is situated.

<table>
<thead>
<tr>
<th>ACADEMIC PERFORMANCE INDEX</th>
<th>2003-04</th>
<th>2004-05</th>
</tr>
</thead>
<tbody>
<tr>
<td>2004 Ranking (Statewide / Similar Schools)</td>
<td>n/a</td>
<td>7 / 9</td>
</tr>
<tr>
<td>2004 Base</td>
<td>n/a</td>
<td>752</td>
</tr>
<tr>
<td>2005 Growth</td>
<td>n/a</td>
<td>783</td>
</tr>
<tr>
<td>Growth Target</td>
<td>n/a</td>
<td>2</td>
</tr>
<tr>
<td>Actual Growth</td>
<td>n/a</td>
<td>31</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>CALIFORNIA STANDARDS TESTS (Percent Proficient and Advanced)</th>
<th>2003-04</th>
<th>2004-05</th>
</tr>
</thead>
<tbody>
<tr>
<td>English/Language Arts (grades 6-8 combined)</td>
<td>45%</td>
<td>58%</td>
</tr>
<tr>
<td><strong>LAUSD Comparison Figure</strong></td>
<td>21%</td>
<td>25%</td>
</tr>
<tr>
<td>Mathematics (grades 6-7 combined)</td>
<td>37%</td>
<td>46%</td>
</tr>
<tr>
<td><strong>LAUSD Comparison Figure</strong></td>
<td>21%</td>
<td>25%</td>
</tr>
<tr>
<td>Algebra I (grade 8)</td>
<td>7%</td>
<td>20%</td>
</tr>
<tr>
<td><strong>LAUSD Comparison Figure</strong></td>
<td>14%</td>
<td>11%</td>
</tr>
<tr>
<td>History-Social Science (grade 8)</td>
<td>35%</td>
<td>40%</td>
</tr>
<tr>
<td><strong>LAUSD Comparison Figure</strong></td>
<td>16%</td>
<td>17%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>STUDENT DEMOGRAPHICS</th>
<th>2003-04</th>
<th>2004-05</th>
</tr>
</thead>
<tbody>
<tr>
<td>African American</td>
<td>40%</td>
<td>39%</td>
</tr>
<tr>
<td><strong>LAUSD Comparison Figure</strong></td>
<td>12%</td>
<td>12%</td>
</tr>
<tr>
<td>Asian</td>
<td>4%</td>
<td>6%</td>
</tr>
<tr>
<td><strong>LAUSD Comparison Figure</strong></td>
<td>4%</td>
<td>4%</td>
</tr>
<tr>
<td>Hispanic or Latino</td>
<td>14%</td>
<td>18%</td>
</tr>
<tr>
<td><strong>LAUSD Comparison Figure</strong></td>
<td>73%</td>
<td>73%</td>
</tr>
<tr>
<td>White</td>
<td>36%</td>
<td>37%</td>
</tr>
<tr>
<td><strong>LAUSD Comparison Figure</strong></td>
<td>9%</td>
<td>9%</td>
</tr>
<tr>
<td>Economically Disadvantaged*</td>
<td>22%</td>
<td>35%</td>
</tr>
<tr>
<td>*<em>LAUSD Comparison Figure</em></td>
<td>73%</td>
<td>77%</td>
</tr>
<tr>
<td>English Learners</td>
<td>0%</td>
<td>&lt;1%</td>
</tr>
<tr>
<td><strong>LAUSD Comparison Figure</strong></td>
<td>44%</td>
<td>43%</td>
</tr>
<tr>
<td>Students with Disabilities*</td>
<td>10%</td>
<td>9%</td>
</tr>
<tr>
<td>*<em>LAUSD Comparison Figure</em></td>
<td>11%</td>
<td>11%</td>
</tr>
</tbody>
</table>

* Based on students participating in the state assessment program.
SUMMARY OF KEY ISSUES (cont)

The situation confronting the SBE with respect to New West presents a unique and challenging combination of circumstances:

- The recently-released follow-up audit finds that progress has been made in correcting fiscal and organizational deficiencies, but it also expresses some continuing concerns and makes numerous recommendations.

- The school has performed quite well in the state assessment and accountability system.

The CDE believes that it would be appropriate to give New West an adequate opportunity to address the follow-up audit’s recommendations while continuing to focus on student academic achievement. Accordingly, the CDE recommends that the SBE conditionally approve a material amendment to New West’s charter that extends the initial charter approval period by one year (2006-07) to June 30, 2007. This action would be distinct from a renewal, and it would be consistent with EC Section 47607(a)(1), which specifies that an initial charter approval period may be up to five years at the discretion of the charter authorizer. The CDE recommends that approval of the material amendment (i.e., the one-year extension) be subject to the following conditions:

- On a continuing basis, New West shall implement all of the recommendations contained in the follow-up audit.

- In January 2006, New West shall present an action plan to the CDE addressing all of the follow-up audit recommendations. Further, beginning in February 2006, New West shall report to the CDE each month documenting its implementation of the audit’s recommendations, until such time as New West’s charter is renewed.

If the SBE chooses to extend for one year the initial charter approval period for New West, the CDE anticipates conducting periodic site visits to the school (both announced and unannounced) to observe operations and review records.

Moreover, if the initial charter approval period is extended, New West will have the opportunity to present its charter for renewal to the LAUSD Board of Education, in accordance with EC Section 47605(k)(3), in the fall of 2006. If the request for renewal is denied by the LAUSD, there will be ample time for the Advisory Commission on Charter Schools and the SBE to consider New West’s renewal request during the end of 2006 and beginning of 2007.

FISCAL ANALYSIS (AS APPROPRIATE)

Operation of New West, per se, has essentially no fiscal impact on the state as a whole. If affected students were not being served at New West, they would most likely be served at another public school. The CDE receives approximately one percent of New West’s general purpose revenues for CDE’s oversight activities.
ATTACHMENT(S)

Attachment 1: Report of the New West Charter Middle School Follow-Up Audit by MGT of America, Inc. (86 pages)

Attachment 2: Letter from New West requesting one-year extension of initial charter approval period (1 page)
December 2, 2005

Ms. Marta Reyes

Dear Marta:

Please regard this letter as a formal request by New West Charter Middle School for a one-year extension of the term of the school’s charter now scheduled to end on June 30, 2006. If the extension is granted, the new ending date would be June 30, 2007. This extension would allow New West the full five-year charter term allowed by California’s charter school law (i.e., July 1, 2002 – June 30, 2007). New West’s Governance Council passed a motion at its November 29, 2005, meeting asking for this extension.

Since this is a material change to the school’s charter, it must be approved by the State Board of Education (SBE). We ask you to have this matter put on the agenda of the SBE for its January 2006 meeting. We suggest that our request for an extension of the charter’s term should be heard immediately after the SBE considers the results of the MGT audit that is now concluding. I and other New West representatives will be at the SBE meeting in January to address the board and answer their questions about both the extension and the audit. It is our understanding in preliminary discussions with you that your office would be supportive of our request for an extension to June 30, 2007.

New West is seeking an extension of the charter’s term to end June 30, 2007, in order to have sufficient time before charter renewal to prove that the school can manage its financial affairs at the same high level as its already exemplary academic achievement. New West is proposing the development of an Implementation Plan in response to the MGT of Americas follow-up audit that will be released December 5, 2005. This plan will specify the actions New West must take to comply with the auditors recommendations for improving various aspects of the school’s financial affairs. The plan calls for 60 day, 6 month, and 12 month follow-up reports to the CDE that assess the school’s success in meeting the objectives of the Implementation Plan. The extension of the charter term to June 30, 2007, provides time to complete this Implementation Plan and present a charter renewal to the LAUSD or SBE that is without question in regard to fiscal policies and practices.

A secondary reason to request an extension to the charter term is so that the school can demonstrate stability in leadership. In my 10 months as Principal/Director, I have come to appreciate New West as a great school that has tremendous potential to be an exemplary model of charter school reform (including financial affairs). I am excited about my leadership role in fully developing the school into the dream the founders expressed in the charter. The one-year extension gives both me and the school time to show you how successful we can be.

Thank you for arranging to have our request for a one-year extension of the charter term put on the agenda of the January meeting of the SBE. As always, we thank you for your guidance and support.

Sincerely,

Dr. Sharon Weir.
Extraordinary Audit

of the
New West Charter Middle School

Commissioned by the Superintendent of Public Instruction in Cooperation with the Superintendent of the Los Angeles County Office of Education

December 5, 2005
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EXECUTIVE SUMMARY

As a result of a March 2005 audit memorandum from the Audits and Investigations Division (A&I) of the California Department of Education (Department), the State Superintendent of Public Instruction, the State Board of Education, and the Los Angeles County Superintendent of Schools requested that the Fiscal Crisis and Management Assistance Team (FCMAT) conduct a follow-up audit of New West Charter Middle School’s (New West) progress in implementing A&I’s recommendations and to follow-up on unresolved issues from the A&I review. MGT of America, Inc. (audit team) contracted with FCMAT to conduct the audit. Overall, the audit team found that New West has implemented numerous new policies and procedures to improve its internal controls; however, they have not been consistently implemented. The school appears to be fiscally viable with an improving fiscal outlook, but is not well prepared for any financial setbacks because of its limited cash reserves. Additionally, the audit team was able to resolve many of the unresolved issues from the A&I audit; however, some issues remain unsettled. Even though the audit team did not find evidence of improprieties, unresolved issues related to missing equipment and unsubstantiated expenditures remain. Until New West consistently implements adequate administrative internal controls, it cannot ensure it is adequately protecting its assets or giving itself the best opportunity to succeed.

New West, located in Los Angeles, California, began operations in September 2003. As of November 2005, New West has a student average daily attendance of approximately 285 students in grades 6 through 8. The goal of New West is to produce competent, independent, self-reliant students by creating a learning environment that promotes academic excellence and strong character. New West is open to all students who seek a rigorous core curriculum that provides a strong foundation in reading, language arts, mathematics, science, history, and social science.

New West Developed New Fiscal and Administrative Procedures But Has Not Consistently Implemented Them

Although New West has shown signs of improvement since the A&I audit, the audit team found that it does not consistently exercise proper internal controls. Specifically, the school fails to consistently obtain approval prior to making all purchases, document invoices and receipts, and prepare receipt of goods documentation. Further, New West does not consistently obtain two signatures on checks of $1,000 or more as recommended by A&I and required by the school’s own policies. Although improvement is evident, New West also does not consistently adhere to its policy for depositing checks in a timely manner. The audit team did find that New West implemented adequate control procedures for its fixed assets. Specifically, New West updates its fixed-asset spreadsheets and general ledger in a timely manner, includes detailed information about the assets, and tags each asset with a unique identification number. As a result of implementing these new procedures, New West found 10 fixed-asset items that were missing. They were unable to account for three of these items.
In reviewing New West’s fiscal viability, the audit team found that New West’s historical and projected cash flows appear to provide only a limited reserve for contingencies. Additionally, New West does not have written policies for cash-flow management and budgeting, cash-flow contingency plans, or adopted cash reserve goals, which would help mitigate cash flow issues. Although New West’s operating activities appear to be providing an adequate cash flow to support needed renovations to the school, the costs of renovations leave the school with minimal contingency funds. Moreover, the school’s net asset reserve fell below the state’s recommended reserve level in fiscal year (FY) 2004-05, but shows signs of improving in FY 2005-06. Given that the student enrollment increases are consistent with projections thus far in FY 2005-06 and that New West is making concerted efforts to contain and reduce expenses, it is reasonable to project that the school will realize a larger reserve in FY 2005-06 than in FY 2004-05. Indications are that the FY 2005-06 reserve will exceed the recommended five percent threshold. Finally, although New West appears fiscally viable at this time, it needs to closely monitor its cash flows, improve its cash management practices, and monitor contract and expenditure authorizations.

New West recently developed new contracting procedures; however, the school could improve these procedures by adding processes to require monitoring of contracts, documenting competitive bids obtained, and documenting the need for the product or service obtained. Moreover, New West did not follow its procedures or sound internal controls in two of the eight contracts reviewed. Well-designed contracts and contracting procedures help minimize the risk of experiencing misunderstandings and disputes over contract terms, which can sometimes result in costly losses or litigation.

New West improved its governing procedures and processes following the A&I audit. Specifically, the process used to tally the vote for a November 2005 governing board election was in accordance with New West’s election procedures and adequate to ensure a fair and impartial election. Moreover, New West readopted its conflict-of-interest code and obtained conflict-of-interest disclosures from all relevant personnel.

Many Prior Audit Questions Related to FY 2003-04 Resolved—Some Questions Remain

As part of the audit, the audit team followed up on unresolved issues from the A&I review, verified prior review observations, and assessed prior observations. The team then identified areas of concern or misconduct, quantified any irregularities, and made recommendations for improvement.

The audit team reviewed some questionable purchases identified by the A&I auditors. Specifically, A&I identified some FY 2003-04 purchases that were:

- Sent to locations other than the school.
- Billed to entities/individuals other than the school.
EXECUTIVE SUMMARY

- Supported by invoices that were questionable in appearance.
- Paid for using personal credit cards with no other supporting documentation.
- Not consistently supported with invoices or receipts.

For example, the audit team reviewed a $45,981 computer purchase made by a New West founder (who was also the council president at the time) on his personal credit card. The audit team accounted for 44 of the 48 computers purchased. Of the missing four, a homeless person stole one, and another was never returned by a teacher who left the school. The school cannot account for the other two computers from this purchase because it did not maintain inventory records. Moreover, the audit team followed up on the invoices that were incomplete or questionable in appearance by researching the vendors on the Internet and/or with the Secretary of State’s Office. The audit team also verified, where applicable, the existence of purchased assets by vouching the assets to the fixed-assets or textbooks register and physically viewing some of the assets, reviewing receipts and invoices, and verifying the purchases with the vendor. However, as discussed further on the next page, New West could not support some FY 2003-04 payments totaling more than $9,000 with receipts or invoices and was unable to identify the nature of some purchases. Nevertheless, the audit team found that all the vendors existed. Although the audit team did not find evidence of improprieties, it is clear that New West’s procedures and controls over fixed assets and expenditures were inadequate at the time of the A&I audit.

The audit team reviewed the propriety of four questionable loans obtained by New West during FY 2003-04. Although the loan administration was sometimes poor, the audit team found no evidence of impropriety. Specifically, The Eagles Peak Charter School (EPCS) provided New West with a cash flow loan of $50,000 in July 2004. Although the audit team found no evidence of improper relationships and found that both entities properly authorized and approved the loan, New West did not obtain formal approval from EPCS for two repayment extensions before missing the repayment deadlines. Moreover, in February 2004, New West’s business services manager, Delta Managed Solutions (Delta), wired $2,000 to the school’s account to cover an unexpected cash shortfall. The entities did not execute a loan agreement, and New West did not gain approval for the transaction from its governing council. Although this transaction raised concerns, the audit team found no evidence of improper relationships, and New West repaid the loan in full within three weeks. Further, in July 2003, New West signed a promissory note for an interest-free, short-term loan from a school parent. However, the parent issued a $100,000 check to New West drawn in her company’s name. When New West repaid the loan, it issued a check payable to the parent as specified in the promissory note, not the company, causing A&I to question the propriety of this transaction. The audit team found no evidence of an improper relationship, and found that the parent deposited New West’s repayment of the loan into her company’s account. Finally, in April 2002, New West obtained a line of credit (loan) from one of its founders to help pay for its start-up costs. The New West governance council could not approve the loan because it had not yet been formed. Further questions arose when the school made loan payments directly to the founder’s lending institutions. Although the school did not exercise
sound controls in this transaction, the audit team did not find any evidence of improprieties. New West has since refinanced this loan with a traditional lending institution.

The audit team reviewed the propriety of 20 checks from FY 2003-04 totaling $10,742.52 (identified in the A&I review), which New West staff members either wrote to “cash” or paid to themselves. New West was able to provide support for $9,296.44 (87 percent) of the questionable checks, but could not provide support for $1,446.08 (13 percent). Because of the lack of evidence for some items, the audit team could not determine whether any improprieties occurred.

As discussed in Chapter 2, New West has since implemented a Fiscal Procedures Manual that establishes procedures and safeguards for issuing checks. Although the manual does not specifically prohibit writing checks to “cash” or “bearer,” the audit team did not find any such checks during its review of the school’s general ledgers for FY 2004-05 and FY 2005-06.

The audit team was asked to follow up on missing receipts for 16 invoices totaling $32,841.89 identified during A&I’s audit of New West’s FY 2003-04 transactions. In all, New West provided the audit team with full support for 10 of the 16 items, and partial support for two. In conclusion, the audit team was able to verify the validity of $23,547.16 of the expenditures identified by A&I, but could not evaluate the remaining $9,294.73 (28 percent) for reasonableness or propriety due to the lack of receipts or invoices. It is clear that New West neither had nor followed good accounting controls at the time of these transactions.

The audit team was also asked to review debit card transactions, follow up on charges that were questionable in appearance, and review (for adequacy) the safeguarding of New West debit and credit cards. The audit team found no significant irregularities in the debit card purchases, and the school now has only one debit card issued in the name of both the school and the principal. This card is locked in a file cabinet when not in use. An employee also reimbursed the school for an improper debit card transaction identified in the A&I review.

The audit team was asked to determine whether New West developed and implemented procedures to distinguish invoices as “paid” upon the issuance of checks. The audit team found that only 50 percent of the FY 2004-05 invoices and all of the FY 2005-06 invoices tested were marked as “paid.” New West should continue its efforts to implement the practice of distinguishing invoices as “paid” to minimize the risk of making unnecessary duplicate payments.

In following up on some questionable construction contracts and related-party transactions, the audit team did not find evidence of improper relationships, violations of laws, or improper personal benefits.
KEY RECOMMENDATIONS

The following highlights some of the key recommendations from this report. Please refer to the end of each chapter for a complete list of recommendations.

To improve its administrative and accounting internal controls, New West should:

- Consistently implement and monitor its procedures requiring the use of purchase orders and requisitions for purchases, original invoices prior to making payments, and goods received reports with dual signatures.
- Promptly investigate and resolve all items not in compliance with its fiscal procedures.
- Closely control and monitor the use of its debit card.
- Implement a policy for receiving goods during school closures to ensure delivery of all school purchases to the school.
- Revise its policy requiring dual signatures on checks greater than $1,000 to require dual signatures on all checks.
- Maintain a log of cash and checks received and deposit all cash and checks within seven days of receipt.

To improve its cash position and cash management abilities, New West should:

- Strive to accumulate cash reserves of at least one full payroll and continue its efforts to secure a revolving line of credit for contingencies.
- Establish and implement policies for cash-flow management and cash budgeting, including a cash-flow contingency plan.

To improve its contracting practices, New West should update its contracting procedures to require:

- Contract monitoring to ensure all parties fulfill the terms of contracts.
- Staff to maintain documentation in the contract file evidencing the competitive bids obtained and the justification of need.
- Staff to make all contract modifications in writing and prohibit initiation of services or continuance of a contract until the contract is properly executed, including prior governing council authorization.

The audit team provides the following recommendations to address the deficiencies identified in the A&I audit and in the follow-up of the A&I audit work for FY 2003-04.
To further improve its administration and accounting internal controls, New West should:

- Implement and adhere to all the recommendations in the A&I audit memorandum.
- Prohibit payments for items shipped to an address other than New West, billed to an entity or individual other than New West, or to personal credit cards without approval and proper receipts.
- Create a proper paper trail for all loans including a loan agreement, evidence of governing council approval, and documentation showing approved loan repayment methods.
- Prohibit the writing of checks to “cash” or “bearer.”
- Require staff to distinguish all paid invoices as “paid.”

Finally, New West should continue to seek evidence/justification or seek reimbursement for the unsupported expenditures identified in this report.
CHAPTER 1: BACKGROUND
Charter Schools in California

California Education Code Section 47601, also known as the Charter Schools Act of 1992 (Act), was enacted “... to provide opportunities for teachers, parents, pupils, and community members to establish and maintain schools that operate independently from the existing school district structure.” According to this Act, the legislative intent of this law was to:

- Improve pupil learning.
- Increase learning opportunities for all pupils, especially those identified as low academic achievers.
- Encourage the use of different and innovative teaching methods.
- Create new professional opportunities for teachers.
- Provide parents and pupils with expanded choices in the types of educational opportunities that are available.
- Hold the schools accountable for meeting measurable pupil outcomes, and change from rule-based to performance-based accountability systems.
- Provide vigorous competition within the public school system to stimulate continual improvements in all public schools.

Charter schools are a part of the public school system and may provide instruction in grades kindergarten through 12. Charter schools differ from traditional public schools in that they are exempt from many state laws relating to specific education programs. Because of these exemptions, charter schools have greater fiscal and programmatic flexibility than traditional public schools. A charter school is usually created or organized by a group of teachers, parents, and community leaders or a community-based organization; and is usually authorized by an existing local public school board or county board of education. An agreement (or “charter”) between the authorizing board and charter organizers detail the specific goals and operating procedures for the charter school. Under California law the local school district governing board serves as the primary chartering authority in most cases. County school boards and the State Board of Education (State Board) may also authorize charters under certain circumstances.

Overview of New West Charter School
In May 2000, a group of West Los Angeles parents and community members commenced efforts to create a new charter middle school. New West Charter Middle School (New West) incorporated as a public nonprofit educational entity in November 2000. After denial of its charter by the Los Angeles Unified School District, New West received a charter from the State Board on December 5, 2001. The State Board granted the original charter for the period of July 1, 2002 to June 30, 2005, but after delays in opening the school, extended the period to June 30, 2006.
New West began operations on September 8, 2003, enrolling approximately 275 students in grades six through eight. New West is located in West Los Angeles in a two-storied structure that formerly served as a furniture auction warehouse. The school site has approximately 10,000 square feet of space on the lower level and approximately 5,000 square feet of space on the upper level. In 2003, New West contracted to have the building renovated to accommodate 11 classrooms, administrative offices, library space, an art area, student and adult restrooms, conference rooms, and faculty and parent work areas. The initial renovation also included installation of wheelchair ramps and a lift, making the building fully compliant with the Americans with Disabilities Act. New West further renovated to add a 12th classroom in 2004 and updated its library, added a 13th classroom, and a media center in 2005.

The goal of New West is to provide an academically rigorous, highly individualized education for 21st Century students. New West strives to produce competent, independent, self-reliant students by creating a learning environment that promotes academic excellence and strong character. New West is open to all students in grades six through eight who seek a rigorous core curriculum that provides a strong foundation in reading, language arts, mathematics, science, history, and social science.

New West Staffing and Organization
The number and types of staff employed at New West varies depending on the level of funding and the number of students enrolled. The chart depicted in Exhibit 1a (please see the following page) shows the current organizational structure of New West.

In 2003, New West’s principal/director (principal) worked with founding parents to hire teachers and other staff to prepare for the opening of the school. During 2004, the school experienced some instability in its leadership. The original principal resigned in May 2004. A second principal was hired after a two-month vacancy, but resigned after 3 1/2 months due to health reasons. The school contracted with an interim principal until it could hire a permanent principal in January 2005. As of this November report date, the permanent principal continues in this role.

The school’s support staff includes the office manager and three office assistants. The office manager is responsible for a variety of functions including providing support to the principal, handling the admissions process, cash collections, and purchasing. The office staff members assist the office manager and are responsible for maintaining the school’s attendance system. New West’s teaching staff consists of two special education teachers, three lead teachers, and nine regular education teachers.
New West outsources its student attendance accounting, human resources, purchasing system, and fiscal services functions to a company called Delta Managed Solutions (Delta), a Sacramento-based firm. The school initially contracted with Delta in July 2003. According to the contract with Delta, its responsibilities include, among other functions, maintaining the school’s general ledger system, processing payroll, reconciling general ledger and bank accounts, and maintaining the school’s purchasing system. New West’s principal informed the audit team that the school plans to bring the financial functions in-house by hiring a full-time chief financial officer. As a result, the current contract with Delta is on a month-to-month basis.

**Limited Scope Review**

Because of specific complaints and questionable transactions that came to the attention of the California Department of Education (Department) and the State Board, the Charter Schools Division of the Department requested a special investigative audit of New West. Specifically, the Department’s Audits and Investigations (A&I) Division began a limited

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*Source: Delta Managed Solutions.*
scope review of New West in December 2004. The audit period selected for review was July 2003 through June 2004. The A&I audit memorandum, issued in March 2005, contained findings and observations related to the following four primary areas: Internal Controls, Expenditures, Related-Party Transactions, and Other. Appendix A contains a complete summary of the A&I audit findings for fiscal year 2003-04.

In response to the A&I audit findings, the State Board issued a “Notice to Cure” to New West. In its notice to New West, the State Board requested that New West address the issues reported in the A&I audit as well as some findings from New West’s 2003-04 external financial audit. The State Board wrote that these audits “... contain findings and conclusions that are of substantial concern to the State Board and must be addressed immediately.” The State Board’s notice further stated that the directive constituted “... a formal Notice to Cure or Face Revocation under Education Code Section 47607(c).” This section of California’s Education Code states that the granting authority may revoke a charter if it finds the charter has done any of the following:

- Committed a material violation of any of the conditions, standards, or procedures set forth in its charter.
- Failed to meet or pursue any of the pupil outcomes identified in its charter.
- Failed to meet generally accepted accounting principles, or engaged in fiscal mismanagement.
- Violated any provision of law.

The State Board’s Notice to Cure contained 13 items requesting documentation from New West as detailed in Appendix B. New West provided a response to the State Board by the July 1, 2005 deadline.

**Scope and Methodology**

As a result of concerns from the State Superintendent of Public Instruction (State Superintendent), the State Board, and the Los Angeles County Superintendent of Schools (County Superintendent), the State Superintendent and County Superintendent made a joint request for the Fiscal Crisis and Management Assistance Team (FCMAT) to conduct a follow-up audit of New West’s progress in implementing the A&I’s nine recommendations and to assess the fiscal and administrative condition of the charter school. In July 2005, FCMAT contracted with MGT of America, Inc., as the audit team to conduct this follow-up audit.

The audit team pursued a number of approaches to obtain the information necessary to accomplish the objectives of this audit. To develop an in-depth understanding of the issues and potential outcomes pertaining to each of the work plan tasks, the audit team interviewed New West employees, council members, and Delta employees.
The audit team developed specific audit procedures to address each of the observations outlined in the A&I audit. For each task, the audit team evaluated whether New West had implemented corrective actions including the implementation of policies and procedures. The audit team performed various tests and analyses to identify areas of continued weaknesses and to assess the degree to which New West improved its internal controls. As part of this audit, the audit team conducted an extensive document review of New West’s contract and vendor files, financial statements, accounting records, and governing council records.

As part of the audit, the audit team also reviewed the work-paper documents prepared by the A&I auditors. The audit team reviewed relevant laws and regulations and interviewed A&I staff and Charter School Division staff. In addition, the audit team interviewed Delta staff to obtain an understanding of the accounting processes, procedures put in place, and to obtain background information about why some of the irregularities occurred and what actions New West took to prevent those irregularities in the future.

The audit team conducted the audit in accordance with generally accepted government auditing standards promulgated by the Comptroller General of the United States. These standards pertain to the auditor’s professional qualifications, the quality of the audit effort, and the characteristics of professional and meaningful audit reports. Specifically, the audit followed the general standards pertaining to qualifications, independence, and due professional care. The audit team also followed the standards pertaining to conducting the audit fieldwork and preparing the audit report. By following these standards, the audit team ensured the independence and objectivity of the audit team, the analysis, and the resulting findings and recommendations offered in this report.

Audit Team

*For FCMAT*
Thomas E. Henry, Chief Executive Officer
Roberta Mayor, Ed.D., Chief Management Analyst
Marshall H. Wiley, CPA, Chief Administrative Officer
Leonel Martinez, Public Information Specialist

*For MGT of America*
Fred S.C. Forrer, CEO
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Tyler Covey, CPA, CMA, Senior Consultant
Suzanne Bradford, CPA, Senior Consultant
CHAPTER 2: SAFEGUARDING OF ASSETS

Controls over Disbursements

Sound internal controls over purchasing and payment processes generally necessitate the following:

- Evidence of prior purchase authorization in the form of either a purchase order or a signed contract or lease.
- Separation of duties. The same individual should not perform the following functions: approve purchase requisitions, receive merchandise, approve invoices for payment, record transactions in the books, or review and reconcile monthly account statements.
- Evidence of inspection validating that items received were in good condition and in the correct quantities.
- An original invoice.

By requiring purchase approval prior to expending funds, organizations are better able to control their finances, ensure they do not exceed budgets, and prevent unauthorized purchases. It is also critical that organizations only make payment from original invoices. The risk of incurring errors or irregularities increases when organizations make disbursements without an invoice or from a photocopy of an invoice. Segregation of duties is an internal control designed to prevent or decrease the occurrence of inadvertent errors or intentional fraud. Accomplishing this requires that no single individual has control over all phases of a transaction. Finally, verification of item receipt without damage and in the correct quantities helps to ensure the validity of payments.

Summary of A&I Audit Findings for Fiscal Year 2003-04 (Observations 1, 4, and 8)

New West Disbursement Functions Had Significant Control Weaknesses

The A&I auditors conducted a limited scope review of New West’s internal controls to assess the adequacy of its fiscal management and compliance with its charter. This review identified several weaknesses in the school’s disbursement functions that fall into one of the following categories:

Lack of Separation of Duties. The A&I auditors found that New West’s office manager had the ability to purchase goods and services, receive goods and services, generate checks, and sign checks. The auditors also found that the council’s chair had similar access to the school’s funds and made several unrestricted purchases that New West subsequently reimbursed without question.
**Failure to Follow Fiscal Guidelines.** A&I auditors reported that New West’s council approved guidelines for its bank accounts in July 2004 specifying that “. . . any check above $2,500 requires a signature from two of the following people – the council chair, the council vice chair, the chief financial officer, the finance manager, and the executive director.” In spite of this check-signing requirement, the auditors found that New West staff did not consistently follow the dual signature procedure.

**Lack of Supporting Documentation and Audit Trail.** The A&I auditors found that “Documentation maintained by New West as support for their expenditures does not provide an adequate audit trail to ensure that . . . costs are related and necessary to the school.” Examples of inadequate documentation cited in the audit include:

- Expenditures paid based on credit card statements without original invoices.
- Payment of invoices billed to entities other than New West.
- Payments made without an original invoice.

**Duplicate Payments made and Items Shipped to Addresses other than the School’s Address.** The A&I auditors noted that because New West made payments without original receipts, they found instances of duplicate payments. In addition, some invoices tested had addresses other than the school’s address.

The A&I auditors reported that these weaknesses resulted in the school making duplicate payments and being unable to justify the reasonableness and necessity of its expenditures.

**Status of New West’s Corrective Action as Determined by the Audit Team**

**New West Has Developed Policies for Procurement and Disbursement, but is Not Consistently Following Them**

New West continues to be deficient in maintaining adequate internal controls over its expenditures. Specifically, it still fails to gain proper approval prior to making all purchases, document invoices, and prepare receipt of goods documentation. Without proper controls and documentation, New West cannot ensure its purchases are valid or necessary and exposes itself to a greater potential for fraud or misappropriation.

New West’s Fiscal Procedures Manual, revised and updated as a result of the A&I audit, now requires documented evidence to ensure prior authorization for purchases that do not require a contract. New West’s Fiscal Procedures Manual states, in part, “A Purchase Requisition Form or other documented evidence of principal approval must be obtained prior to purchase—reimbursements will not be acceptable unless specifically exempted by the principal or board from this reimbursement policy.” The manual further restricts purchasing authority by setting spending limits on amounts that the executive director
can authorize without council approval. Specifically, the manual states: “The primary person responsible for approving all purchases is the principal. For certain purchases exceeding $5,000, board approval is also required . . .” The manual also requires that when the school receives goods: “at least two staff members must be present to ensure that the items received match the packing slip—both members should sign the packing slip if all delivered items are accounted for.”

To test New West’s adherence to its purchasing and payment procedures, the audit team reviewed a sample of 49 invoices dated between July 2004 and June 2005 and an additional 16 invoices dated between July 2005 and September 2005. Please see Exhibit 2a for a summary of testing results. As the exhibit shows, 92 percent of the FY 2004-05 documents and 44 percent of the FY 2005-06 documents contained exceptions. Specifically, expenditures lacking prior approval ranged from 67 percent in FY 2004-05 to 13 percent for the three-month period in FY 2005-06. Twenty-five percent of expenditures in FY 2004-05 and six percent of expenditures in FY 2005-06 lacked adequate documentation. New West showed little improvement in following its procedure that requires staff to document the receipt of goods. Specifically, 12 of the 17 transactions for goods (71 percent) in FY 2004-05 and four of the six FY 2005-06 transactions for goods (67 percent) did not have adequate receiving documentation. The two FY 2005-06 items tested that had a receiving report contained dual signatures as required. Although New West shows improvement in each area since it implemented its new procedures in April 2005, the results indicate that staff are not consistently following New West’s procedures.

**Exhibit 2a**

**Summary of Findings from Testing of New West’s Procurement/Disbursement Practices**

<table>
<thead>
<tr>
<th>Exception</th>
<th>2004-05 Sample Period</th>
<th>2005-06 Sample Period</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Number of Expenditures</td>
<td>Percent</td>
</tr>
<tr>
<td>Contained one or more exceptions</td>
<td>45</td>
<td>92</td>
</tr>
<tr>
<td>No authorization prior to purchase</td>
<td>33</td>
<td>67</td>
</tr>
<tr>
<td>No supporting invoice</td>
<td>12</td>
<td>25</td>
</tr>
<tr>
<td>Receipt of goods not documented</td>
<td>12&lt;sup&gt;c&lt;/sup&gt;</td>
<td>71&lt;sup&gt;c&lt;/sup&gt;</td>
</tr>
<tr>
<td>Payment not made within 30 days of invoice date</td>
<td>6</td>
<td>12</td>
</tr>
</tbody>
</table>

Notes:  
(a) Sample size = 49 documents.  
(b) Sample size = 16 documents.  
(c) Only 17 of the 49 documents were for the receipt of goods.  
(d) Only 6 of the 16 documents were for the receipt of goods.
Moreover, the audit team scanned the school’s general ledger detail for unusual activity and identified several items with notations such as “missing receipts” or “missing requisition.” Exhibit 2b summarizes the results of this general ledger review.

### Exhibit 2b
**Payment Irregularities Noted in New West’s General Ledger**  
**As of June 30, 2005**

<table>
<thead>
<tr>
<th>Date</th>
<th>Expense</th>
<th>Account</th>
<th>Payment Type</th>
<th>General Ledger Notation</th>
</tr>
</thead>
<tbody>
<tr>
<td>2/14/2005</td>
<td>$51.96</td>
<td>Other supplies/office</td>
<td>Debit card</td>
<td>Needs to be categorized</td>
</tr>
<tr>
<td>4/8/2005</td>
<td>1,484.47</td>
<td>Instructional materials</td>
<td>Debit card</td>
<td>Missing requisition/receipt</td>
</tr>
<tr>
<td>4/12/2005</td>
<td>99.32</td>
<td>Temporary adjustment account</td>
<td>Check</td>
<td>Requisition/receipt missing</td>
</tr>
<tr>
<td>4/12/2005</td>
<td>7.90</td>
<td>Temporary adjustment account</td>
<td>Check</td>
<td>Requisition/receipt missing</td>
</tr>
<tr>
<td>4/12/2005</td>
<td>197.10</td>
<td>Temporary adjustment account</td>
<td>Check</td>
<td>Requisition/receipt missing</td>
</tr>
<tr>
<td>4/13/2005</td>
<td>25.00</td>
<td>Temporary adjustment account</td>
<td>Check</td>
<td>Requisition/receipt missing</td>
</tr>
<tr>
<td>4/13/2005</td>
<td>25.00</td>
<td>Temporary adjustment account</td>
<td>Check</td>
<td>Requisition/receipt missing</td>
</tr>
<tr>
<td>4/18/2005</td>
<td>42.02</td>
<td>Other supplies/office</td>
<td>Debit card</td>
<td>Missing requisition/receipt</td>
</tr>
<tr>
<td>4/18/2005</td>
<td>62.44</td>
<td>Other supplies/office</td>
<td>Debit card</td>
<td>Missing requisition/receipt</td>
</tr>
<tr>
<td>4/21/2005</td>
<td>162.31</td>
<td>Other supplies/office</td>
<td>Debit card</td>
<td>Missing requisition/receipt</td>
</tr>
<tr>
<td>4/28/2005</td>
<td>25.00</td>
<td>Temporary adjustment account</td>
<td>Check</td>
<td>Requisition/receipt missing</td>
</tr>
<tr>
<td>5/11/2005</td>
<td>10.00</td>
<td>Temporary adjustment account</td>
<td>Check</td>
<td>Requisition/receipt missing</td>
</tr>
<tr>
<td>5/12/2005</td>
<td>16.51</td>
<td>Travel and conferences</td>
<td>Debit card</td>
<td>Missing requisition/receipt</td>
</tr>
<tr>
<td>5/17/2005</td>
<td>458.82</td>
<td>Other supplies/office</td>
<td>Debit card</td>
<td>Missing actual receipts—cannot determine exact amounts</td>
</tr>
<tr>
<td>6/1/2005</td>
<td>478.12</td>
<td>Other supplies/office</td>
<td>Check – reimbursement</td>
<td>Missing requisition/receipt</td>
</tr>
<tr>
<td>6/6/2005</td>
<td>264.70</td>
<td>Lunch program</td>
<td>Check</td>
<td>Missing receipt</td>
</tr>
<tr>
<td>6/30/2005</td>
<td>460.00</td>
<td>Silent auction</td>
<td>Check</td>
<td>Missing requisition</td>
</tr>
<tr>
<td>6/30/2005</td>
<td>128.56</td>
<td>Other supplies/office</td>
<td>Debit card</td>
<td>Missing requisition/receipt</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$3,999.23</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
It is important to note that of the 18 transactions listed in Exhibit 2b, eight transactions were made with debit cards, indicating a weakness in New West’s internal controls related to the use of the debit card. This issue is discussed further in the next section. Delta’s financial officer explained to the audit team that when transactions occur (at the school site) for which documentation is lacking, Delta records the transaction in the books, and then it requests documentation from the school. After the audit team pointed these items out to New West, the school was able to provide receipts and invoices for all but four of these items. However, the fact that four items still lack adequate documentation and that New West did not follow up on most of these items for more than six months raises concerns about the monitoring and controls in place over expenditures. In addition, failure to have an approved requisition or making a payment without an original invoice is against New West policy and generally accepted accounting practices, and could lead to unauthorized transactions or misappropriation of funds.

Because the A&I audit uncovered duplicate payments and questioned the validity of items shipped to locations other than the school, the audit team tested a sample of FY 2004-05 and FY 2005-06 transactions to determine whether New West had addressed these concerns. Although the audit team did not find any instances of duplicate payments made by New West in the sample, the audit team did find one purchase made from an online bookseller for $463.57 that contained a “ship to” address that did not match the school’s address. Delta’s financial officer explained that New West made this purchase just before the winter break school closure. The teacher responsible for ordering the books had the books delivered to her home address so the books would be ready for use when the school reopened. Although the audit team was able to verify the invoice and the existence of the books, having items shipped to locations other than the school increases the possibility for embezzlement or invalid transactions.

The audit team also reviewed the transactions in the sample to ensure that all invoices named New West as the invoicee. The test found no instances in which New West made payments for items billed to other entities.

Moreover, the audit team found several transactions recorded to an account called “As-Yet Uncategorized.” Delta’s financial officer explained that Delta uses this account to temporarily record items (purchased at the school site) lacking sufficient detail and that these items are later reviewed and reclassified to the correct account. Exhibit 2c (please see following page) shows the detail of this activity.
Exhibit 2c
Detail of New West’s Uncategorized Accounting Activity
As of June 30, 2004

<table>
<thead>
<tr>
<th>Date</th>
<th>Amount</th>
<th>Revenues</th>
<th>Expenditures</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/16/04</td>
<td>$1,397.13</td>
<td></td>
<td></td>
</tr>
<tr>
<td>12/20/04</td>
<td>559.24</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1/3/05</td>
<td>2,604.59</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1/4/05</td>
<td>12.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1/13/05</td>
<td></td>
<td>330.91</td>
<td></td>
</tr>
<tr>
<td>1/21/05</td>
<td></td>
<td>100.00</td>
<td></td>
</tr>
<tr>
<td>6/7/05</td>
<td></td>
<td>28.50</td>
<td></td>
</tr>
<tr>
<td>6/15/05</td>
<td></td>
<td>45.00</td>
<td></td>
</tr>
<tr>
<td>Totals</td>
<td>$4,572.96</td>
<td>$504.41</td>
<td></td>
</tr>
</tbody>
</table>

* According to Delta’s financial officer, New West could not identify which fundraising activity to attribute the revenue to.

Together, these uncategorized entries represent $5,077 ($4,573 in revenues and $504 in expenditures) in school transactions that New West had not properly accounted for as of July 26, 2005, the date of the detailed general ledger the audit team reviewed. Delta recorded more than one-half of these unresolved transactions more than five months earlier. Delta has stated that it properly reclassified these items in New West’s general ledger when it closed the books in September 2005. However, failure to properly investigate and trace unidentified activity in a timely manner not only results in erroneous financial records, but also makes correction more difficult as time passes.

**New West Does Not Consistently Follow Its Procedure Requiring Dual Signatures on Checks for More Than $1,000**

Although New West’s procedures now require two signatures on any check of $1,000 or more, the audit team found that New West does not consistently follow this procedure. This is an important control designed to reduce the possibility of embezzlement or misappropriation of large amounts of funds.

New West’s April 2005 fiscal procedures state: “For payments exceeding $1,000, a second signature is required. The second signatory should be the office manager or a designated alternate when the office manager is not available.” To test whether New West follows this procedure, the audit team examined all checks of more than $1,000 that cleared the school’s bank account for the months of May through August 2005. Although the effective date of the procedure was in April 2005, none of the 26 May checks the audit team
reviewed contained a dual signature. Of the 21 checks greater than $1,000 and clearing New West’s bank account in June, 15 (71 percent) contained dual signatures. All 13 of the July checks, but 19 of 23 August checks (83 percent) that were greater than $1,000 contained the required dual signatures. The principal told the audit team that even though all checks go to the office manager for review, this step is sometimes overlooked because of distractions in the office. Additionally, during the principal’s vacation in August, a council member who is authorized to sign checks in the principal’s absence failed to obtain dual signatures for three of the four checks that were written for more than $1,000. The principal wrote the fourth check, but wrote it while away from the school site and therefore was unable to obtain a second signature. To ensure that New West does not overlook the dual signature requirement in the future, the principal told the audit team that she now flags each check needing the office manager’s signature. However, until the charter school follows its own procedures, New West is not adequately safeguarding itself against improprieties.

**Controls Over Cash**

Sound internal controls are particularly important in collecting, safeguarding, and recording cash and checks. Sound internal controls over the cash receipt function include the following:

- Written policies and procedures covering the cash receipting process.
- Segregation of duties.
- Management monitoring.
- Qualified and properly trained staff.
- Timely deposits.

Organizations should clearly define and document procedures for collecting, recording, authorizing, depositing, and reporting cash transactions and should indicate who is responsible for performing duties, and when and how to perform the duties. As discussed earlier, dividing key duties and responsibilities among different staff members, —including segregating the responsibilities for authorizing transactions, processing and recording transactions, and reviewing transactions—is important for any organization.

Small organizations such as New West have difficulty in segregating duties because of the limited number of individuals available to perform tasks. The lack of personnel necessitates the implementation of additional controls such as conducting surprise cash counts on a periodic basis, utilizing a cash receipts register, and investigating deposit variances at least monthly. Having properly trained staff is another important part of sound internal controls. Training employees to know and address what their responsibilities are, and who should approve their work, helps ensure that staff members perform tasks properly, and minimizes the chance for errors or irregularities. Making timely deposits helps reduce the chance of significant losses by preventing the accumulation of large amounts of cash.
Summary of A&I Audit Findings for Fiscal Year 2003-04
(Observations 1, 3, and 7)

New West Had Several Weaknesses in Controls Over Cash
The A&I audit contained several findings regarding the school’s controls over cash. These findings include:

  * **Lack of Separation of Duties.** The A&I auditors noted that New West’s office manager was responsible for receiving cash, preparing cash deposits, and transporting the deposits to the bank with little or no management monitoring. In addition, the auditors had concerns about the New West council chair having unmonitored check-signing authority.

  * **Debit Cards Not Adequately Safeguarded.** Although New West’s debit cards were supposed to be secured at the school when not in use, the A&I auditors found that both the school’s principal and office manager carried their cards with them at all times. Moreover, use of the cards did not require any advance authorization. As a result, one person made inappropriate purchases at Disneyland.

  * **Other Control Weaknesses.** The auditors also reported that New West used four checking accounts and two savings accounts. While the auditors considered the number of bank accounts acceptable, the lack of control over the accounts raised concerns. Specifically, their audit testing found 15 checks that individuals wrote to themselves for expense reimbursements. The auditors also found that parent volunteers, having sole access to the fundraising checking account, wrote five checks that were payable to “cash.”

Status of New West’s Corrective Action as Determined by the Audit Team

New West Updated Its Fiscal Procedures Manual and Conducted Training for Staff
As a result of the A&I audit, New West updated its Fiscal Procedures Manual to comply with the A&I audit recommendations and then conducted training for all staff to ensure they understood the new policies. New West first implemented written guidelines for its cash receipts processes in April 2005 and then updated the guidelines in July 2005. The Fiscal Procedures Manual requires, among other things, that all transactions involving deposit of cash and checks are witnessed by two people (dual review), that all receipts are kept in a lockbox, and that staff make all deposits within seven days of collecting fundraising cash or checks from volunteer events. The audit team reviewed New West’s new Fiscal Procedures Manual and found that it was clear, and contained adequate procedures for ensuring sound internal controls when followed.
Moreover, all central office staff attended training for these procedures in April 2005 and refresher training in July 2005. During audit team interviews, the office manager and staff exhibited familiarity with the policies and indicated that they understood the procedures as well as the importance of having an adequate separation of duties.

New West is More Timely in Making Deposits, but Does Not Consistently Make Deposits Within Seven Days as Its Procedures Require

New West receives cash and checks for a variety of purposes including student payments for items such as physical education uniforms, field trips, lunch, and special events. The school holds many fundraisers for which parent volunteers collect cash and checks that they submit to the school’s office manager for deposit. In addition, the school receives miscellaneous cash receipts for reimbursements and donations. The office manager is the primary person responsible for ensuring that New West properly documents cash and checks and securely stores and deposits the items. In response to the A&I audit, New West developed procedures to improve its controls over receiving and depositing cash and checks. Among other requirements, the procedures call for dual review and verification of all transactions involving cash receipts and require staff to make all bank deposits for fundraising within seven days of receipt. However, the audit team found that New West does not consistently follow or enforce its policy for depositing checks.

A review of 21 bank deposits dated between July 2004 and June 2005 revealed that although New West is showing improvement, the school does not consistently meet the “seven day” deposit policy. Because New West does not keep cash or check receipt logs, the audit team had to rely upon the date of the checks to determine the length of time from receipt to deposit. Exhibit 2d provides a summary of the deposits reviewed. The average time New West took to deposit checks decreased from 31 to 10 days after New West implemented its seven-day policy. This is a marked improvement; however, it is still three days longer than the time specified in the Fiscal Procedures Manual. A few of the most lengthy deposit times included a $400 deposit dated January 20, 2004 that took 174 days before being deposited; a $3,158 deposit dated September 21, 2004 that took 27 days; a $295.21 deposit dated November 3, 2004 that took 65 days; and a $35 check dated May 5, 2005 that took 29 days.

Exhibit 2d
Summary of New West's Average Days to Deposit Checks
July 2004 through June 2005

<table>
<thead>
<tr>
<th>Description</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of deposits tested</td>
<td>21</td>
</tr>
<tr>
<td>Average Number of Days to Deposit – Total Sample</td>
<td>24</td>
</tr>
<tr>
<td>Average Number of Days to Deposit – 7/12/04 through 1/7/05</td>
<td>31</td>
</tr>
<tr>
<td>Average Number of Days to Deposit – 4/8/05 through 6/14/05</td>
<td>10</td>
</tr>
</tbody>
</table>
Depositing cash and checks into a bank account shortly after receipt provides a higher degree of security for funds than locking the funds in filing cabinets or desk drawers. In addition, any errors that can occur are more difficult to correct with the passage of time. For organizations like New West that do not record revenues and receipts until after deposit, timely deposits result in improved financial record accuracy. Interest revenue is also lost when deposits are not timely.

**New West Maintains Adequate Controls Over Bank Reconciliations and the Issuance of Its Debit Card**

In response to the A&I observations and recommendations, New West implemented new and improved controls over its bank accounts by limiting the number of individuals having signature authority to three: the school’s executive director, the council chair, and a parent governing council representative. It is important to note that the school’s management company and the office manager do not have signature authority on this bank account. In addition, in June 2005, the school closed all bank accounts except one to make deposits and issue operating and payroll checks, and one to receive electronic transfers of revenue from the state.

In accordance with its new procedures, New West eliminated all its debit cards except one, which bears both the school’s and the principal’s names. The Fiscal Procedures Manual also requires that the debit card “... should be kept under locked supervision in the principal’s office at all times. Any debit card is to remain on school property unless expressly required for a particular purchase by the principal.” The audit team observed that the debit card was kept locked in the principal’s file cabinet.

Moreover, the audit team’s review of New West’s bank statements, account reconciliation reports, and reconciliation processes revealed that New West now reconciles bank statements with an adequate separation of duties. New West’s management company conducts the reconciliations and, as noted earlier, does not have signature authority on the account, thus providing a separation of the deposit and reconciliation functions. Bank statements, however, were not consistently reconciled on a timely basis. Specifically, the audit team found that Delta did not reconcile New West’s April, May, and June 2005 bank statements until July 2005. New West should continue to conduct timely reconciliations of its bank statements to ensure it uncovers and resolves any irregularities in a prompt manner.

**Controls Over Fixed Assets and Textbooks**

Fixed assets represent all tangible assets owned by an organization and include equipment, furniture, buildings, land, and leasehold improvements. Adequate internal controls are necessary to ensure that an organization records its assets properly and in a timely manner, and that it protects the assets from loss by theft. Maintaining accurate, up-to-date, and detailed records is also important to ensure that periodic depreciation adjustments are reasonable and that records are sufficient for documenting insurance claims if a catastrophic loss such as a flood or fire occurs.
Controls over textbooks are important so that schools can hold the assigned teacher or student accountable for any losses or damages that occur. Detailed records that include textbook titles, original cost, condition, and the student or classroom assignment are critical pieces of information. Good controls also require periodic inventoring of books to ensure identification of losses in a timely manner so that schools can seek reimbursement from parents or teachers responsible for the textbooks’ custody.

Sound controls for protecting an organization’s assets include the following:

- Recording fixed assets in a timely fashion.
- Maintaining adequate identifying information such as acquisition cost, location of the asset, model and serial numbers, and estimated useful life.
- Affixing unique identification tags.
- Regular inspections of fixed assets to ensure timely identification of missing or stolen items.

Exhibit 2e shows a breakdown of New West’s fixed assets as of June 30, 2004—the most recently audited records. As this exhibit shows, leasehold improvements represent the most significant portion of the school’s assets. Leasehold improvements include renovations to convert the leased building space into classrooms in 2003, before the school opened. In addition, subsequent leasehold improvements include renovations to classrooms and the teachers’ lounge in 2004, and remodeling to improve the library and add a media center, which New West will complete in 2005. This exhibit does not include remodeling costs incurred after June 30, 2004.

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Equipment</td>
<td>$45,981</td>
</tr>
<tr>
<td>Furniture</td>
<td>46,194</td>
</tr>
<tr>
<td>Leasehold Improvements</td>
<td>584,996</td>
</tr>
<tr>
<td></td>
<td>677,171</td>
</tr>
<tr>
<td>Depreciation</td>
<td>(38,834)</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$638,337</strong></td>
</tr>
</tbody>
</table>

*Source: Delta Managed Solutions.*
Although New West does not capitalize textbooks on its balance sheet, the school’s Fiscal Procedures Manual requires that all textbooks are labeled with an identification number, recorded, and tracked. Specifically, Section 5 of the procedures states “... an inventory must be maintained for all items with a value of $50 or more, and for all textbooks regardless of value.” The procedures allow the textbook inventory to be kept separate from the overall inventory, which New West does. Procedures further require that the inventory record include the “… asset description, location, identification tag/serial number, acquisition date, and cost....”

Exhibit 2f shows New West’s textbook and reference material expenditures for the past three years.

**Exhibit 2f**

| Schedule of New West’s Textbook/Reference Material Expenditures
<p>| Fiscal Years 2003-04 through 2005-06 |
|-------------------------------------|-----------------------------------|</p>
<table>
<thead>
<tr>
<th>Description</th>
<th>2003-04</th>
<th>2004-05</th>
<th>2005-06*</th>
<th>Totals</th>
</tr>
</thead>
<tbody>
<tr>
<td>Textbooks</td>
<td>$72,856</td>
<td>$32,840</td>
<td>$7,651</td>
<td>$113,347</td>
</tr>
<tr>
<td>Reference Materials</td>
<td>131</td>
<td>2,745</td>
<td>188</td>
<td>3,064</td>
</tr>
<tr>
<td>Totals</td>
<td>$72,987</td>
<td>$35,585</td>
<td>$7,839</td>
<td>$116,411</td>
</tr>
</tbody>
</table>


Source: Delta Managed Solutions.

As these exhibits illustrate, New West spends a significant amount of money for assets and textbooks. The value of the assets increases the importance of having sound internal controls to safeguard them.

**Summary of A&I Audit Finding for Fiscal Year 2003-04 (Observation 2)**

**New West’s Fixed Asset Controls Were Inadequate**

At the time of the A&I audit, New West did not have a detailed listing of the school’s assets, did not conduct periodic inspections to verify the existence of assets, and did not inventory its assets. The audit states “... the school did not maintain pertinent information such as: asset descriptions, acquisition dates, serial numbers, asset numbers, acquisition cost by asset, and accumulated depreciation by asset.” Additionally, New West did not use identification labels, which are used to provide identifying asset inventory numbers and to tag the equipment as school property, for any of the equipment.

The school’s June 30, 2004 year-end regular external audit reported similar concerns. The auditors reported that even though New West did not have a fixed asset program, the auditors were able to reconcile fixed assets to invoices on a test basis without exception.
New West Implemented a Fixed Asset and Textbook Inventory Tracking System and Procedures

After the completion of the A&I audit, New West added fixed asset procedures to its Fiscal Procedures Manual and inventoried and recorded its fixed assets. The manual now requires that staff prepare two sets of asset records: (1) a fixed asset register for capitalized assets, which are balance sheet assets having a value of $1,000 or more and that are depreciated over time; and (2) an inventory record for all assets with a value between $50 and $999 and all textbooks, regardless of their value. The audit team verified that New West maintains a fixed-asset register, an inventory record, and textbook records. New West currently maintains these asset records in electronic spreadsheets. The manual calls for updating the spreadsheets as New West purchases items and for sending the spreadsheets to Delta who updates the general ledger with new items. Furthermore, its procedures call for conducting an annual physical inventory count and for reconciling the spreadsheets and the general ledger to the inventory count.

The audit team found that New West is now following adequate control procedures for its assets. Specifically, it updates the spreadsheets and general ledger in a timely manner, includes detailed information about the assets, and tags each asset with a unique identification number.

New West should be able to improve the simplicity and accuracy of its asset tracking by utilizing a system designed specifically for tracking assets. Fixed-asset systems are readily available and affordable. When properly interfaced with the main accounting system, these systems can eliminate the need for double entries; automatically calculate depreciation; simplify and standardize the recording of asset acquisitions, transfers, and retirements; and can help to ensure accurate reconciliations between the fixed-asset register and the general ledger.

In addition, bar code scanning software is now readily available to supplement the asset inventory process. Bar code scanning software utilizes bar code tags placed on furniture and equipment for scanning during the inventory process, thereby eliminating the manual counting and identification process. Bar code scanning systems have the further advantage of making it more difficult to record a missing asset as accounted for since the inventory process requires the scanning of the tags in order to include items in the inventory count. In contrast, electronic spreadsheets generally have limited security functions, can be easily altered, and do not leave an audit trail. Although Delta helped New West purchase a bar code fixed-asset scanning system in September 2004, New West is not using the scanning system because the bar coding and scanning functions do not work properly. However, as noted above, fixed-asset systems can improve the ease of tracking and controls over assets.
CHAPTER TWO

New West Determined that it had Several Missing Items Upon Completion of Its Inventory Count of Fixed Assets

Upon inventorying its fixed assets during the summer of 2005, New West identified 10 missing items. School staff researched these items and pursued asset recovery when possible, resulting in the return of one laptop computer and a determination that four items were broken and discarded. However, as of October 2005, five items remained missing, four computers and a computer monitor. According to New West’s office manager, one computer was stolen, and the thief was seen on the school’s security cameras. Additionally, a school employee claimed that a former teacher did not return a laptop computer; however, the school was unable to locate the former teacher to pursue recovery of the laptop. The school staff does not know what happened to the other three missing items. These losses, which occurred while New West was without an inventory-tracking system, illustrate the importance of having such a system to facilitate timely identification of losses. With its new procedures and systems in place, New West has reduced the likelihood of further losses.

New West’s Asset Tracking Systems are Working as Designed

To test the adequacy of the fixed-asset procedures and the accuracy of the fixed-asset register, the audit team selected a judgmental sample of assets from the school’s asset listing and traced these to the physical item. The audit team targeted 40 computers and high-dollar items for the sample, but also included 10 items having nominal values. In addition, the audit team also selected a sample of eight items and traced them back to the fixed-asset register. Although a few items were not in the location designated on the fixed-asset listing (one DVD/VCR player, one TV stand, one external hard drive, one notebook computer, and one microwave), the audit team was able to locate all items in the sample and all physical items selected traced back to the fixed-asset register.

Recommendations

To improve its controls over purchasing and disbursements, New West should:

- Fully implement and monitor its procedures requiring the use of purchase orders and requisitions for purchases, original invoices prior to making payments, and receiving reports with dual signatures for goods received.
- Promptly investigate and resolve all items not in compliance with New West’s fiscal procedures.
- Closely monitor and control the use of its debit card and promptly investigate any deviations from its procedures.
- Implement a policy for receipt of goods during school closures to ensure delivery of all school purchases to the school.
- Revise its policy requiring dual signatures on checks greater than $1,000 to require dual signatures on all checks.
• Notify the bank of its policy requiring dual signatures on all checks.

To improve its controls over cash, New West should:

• Maintain a log of cash and checks received and deposit all cash and checks within seven days of receipt.
• Conduct surprise cash counts periodically to ensure staff receive and record all cash promptly and accurately.
• Ensure it completes bank reconciliations in a timely manner.

To improve its controls over its fixed assets, New West should:

• Consider implementing electronic fixed-asset and textbook tracking and inventory systems.
• Implement a checkout system for portable equipment to track the user and location of the asset.
• Follow its policy for conducting annual physical inventory counts.
CHAPTER 3: NEW WEST’S FISCAL VIABILITY

Overview of School Financial Management

Generally accepted accounting principles require not-for-profit schools to prepare three types of financial statements: the Statement of Financial Position, the Statement of Activities and Net Assets, and the Statement of Cash Flows. The first two statements focus on assets, liabilities, revenues, and expenses. The Statement of Financial Position reports the assets, liabilities, and changes in net assets (difference between assets and liabilities) of a school. The Statement of Activities reports the ending net assets or “reserve” for a school. California Code of Regulations Section 15443 sets different target net assets (reserves) for school districts based on their student average daily attendance (ADA). Specifically, this section states that “… available reserves cannot be less than the following percentages as applied to total expenditures, transfers out and other use…:

- The greater of 5 percent or $50,000 for districts with 0 to 300 ADA.
- The greater of 4 percent or $50,000 for districts with 301 to 1,000 ADA.
- Three percent for districts with 1,001 to 30,000 ADA.
- Two percent for districts with 30,001 to 400,000 ADA.
- One percent for districts with 400,001 and over ADA.

The agreement between the State Board and any charter school it approves requires that charter schools follow these guidelines, though the reserve targets are not legally mandated.

Reserves represent a measure of financial resources available for future use after all obligations have been met. Reserves are one of the primary measures of solvency for an entity such as a school and are viewed as an important measure of financial condition. However, reserves do not necessarily represent cash because they may involve revenues and expenses recorded on the books, but not yet received or paid. Rather, the amount of cash on hand could be higher or lower depending upon whether the entity has larger amounts of accrued revenues or expenses/liabilities.

The third required financial statement, the Statement of Cash Flows, measures the cash on hand at a point in time. It traces the flow of funds (or working capital) into and out of an entity during an accounting period. The Statement of Cash Flows can be useful in assessing the following:

- Ability of an entity to generate future cash flows.
- Ability of an entity to pay its debts as the debts mature.
- Need to seek outside financing.
- Reasons for differences between cash flows from operations and operating income.
Effect on an entity’s financial position of cash and noncash transactions from investing, capital, and financing activities.

Cash management is important for any entity, especially new or relatively new organizations such as New West that may not have had time to establish sufficient cash reserves. Cash management is ultimately about cash flow and anticipating or planning for when an organization will receive cash and need to use cash. Prudent financial management requires accumulating sufficient cash to cover cash outflows that might otherwise leave a negative balance. The following highlights some basic tenets about managing cash flow:

- Make financial projections. Forecast both expenses and anticipated revenues for at least the coming year and maintain a cash reserve if possible.
- Create contingency plans. Have several budget projections including best-and worst-case scenarios and lay out how the organization would respond.
- Monitor expenditures. Try to get as much value as possible out of every transaction.
- Delay hiring some employees until the revenue is available to support those employees.
- Do not be wasteful. Reuse what you can.

Following these basic tenets and monitoring the Statement of Cash Flows can help an entity to ensure it has adequate cash to meet its ongoing obligations.

Summary of A&I “Other” Audit Finding for Fiscal Year 2003-04

Cash Flow Loans Cause Concern About New West’s Financial Viability

The A&I auditors reported concerns about New West’s cash flows and its ability to continue to effectively operate as a viable charter school. Specifically, the A&I auditors had concerns about three cash flow loans New West procured and three comments made in a school newsletter. The comments, in the context of soliciting contributions from student families, were as follows:
“We are in immediate danger of having to cut back or cut out some of our enrichment programs at New West.”

“Our budget is based on the fact that we need to raise $2,500 per student in able to provide these programs. The State gives us basic funds for our core subjects and support materials like textbooks. But they don’t provide the funding for these other things. So, we must rely on fundraising, grants, and gifts to make up that $2,500 per student difference.”

“We must raise $100,000 by June.”

These items were outside the A&I’s initial review period and as such, the audit requestors asked FCMAT to look into the cash flows and ongoing viability of New West.

Moreover, New West’s FY 2003-04 external auditors noted that “…although New West is financially stable, its financial condition is highly dependent upon the economic condition of the State of California.” The auditors noted two factors that could negatively affect every public agency including New West: the state’s budget deficit and the continued rising costs of insurance.

**Status of New West’s Corrective Action as Determined by the Audit Team**

**New West’s Limited Cash Reserves Make it Vulnerable to Insolvency If Circumstances Change**

New West’s historical and projected cash reserves appear to provide only a limited cushion for contingencies. Limited cash reserves can become problematic if there is an interruption or reduction in revenues or if unexpected expenses arise.

Exhibit 3a (please see the following page) presents a comparison of New West’s audited cash flows for FY 2003-04, unaudited cash flows for FY 2004-05, and projected cash flows for FY 2005-06. This cash-flow statement has three categories, cash flow from operating, investing, and financing activities. The statements reveal limited cash reserves each year, with a FY 2005-06 projected reserve of less than two weeks’ worth of average expenditures. As Exhibit 3a shows, New West’s cash limitations are directly attributable to its investing and financing activities, which mostly account for costs of and loans for New West’s extensive renovation of its school site to meet code requirements and to make the school suitable for the students. New West’s operating activities appear to be providing an adequate cash flow to support these renovations but leave the school with minimal cash left over.
Exhibit 3a
New West's Cash Flow Statements
Fiscal Years 2003-04 through 2005-06

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>2003-04 Audited</th>
<th>2004-05 Unaudited</th>
<th>2005-06 Unaudited Projections</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Cash Flows From Operating Activities</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Increases (decreases) in net assets</td>
<td>$124,578</td>
<td>$(51,154)</td>
<td>$126,898</td>
</tr>
<tr>
<td>Adjustments to reconcile net income to net cash provided by operations:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accounts Receivable</td>
<td>(45,463)</td>
<td>(42,648)</td>
<td>8,111</td>
</tr>
<tr>
<td>Grant Receivable</td>
<td>-</td>
<td>(20,000)</td>
<td>-</td>
</tr>
<tr>
<td>Depreciation</td>
<td>38,834</td>
<td>72,543</td>
<td>73,031</td>
</tr>
<tr>
<td>Accounts Payable</td>
<td>83,705</td>
<td>3,629</td>
<td>(3,724)</td>
</tr>
<tr>
<td>Accrued Payroll</td>
<td>107,262</td>
<td>15,425</td>
<td>-</td>
</tr>
<tr>
<td>Deferred Revenue</td>
<td>9,521</td>
<td>(9,521)</td>
<td>-</td>
</tr>
<tr>
<td>Payroll Liabilities</td>
<td>-</td>
<td>86,237</td>
<td>(32,428)</td>
</tr>
<tr>
<td>Note Payable</td>
<td>90,000</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Other</td>
<td>-</td>
<td>(7,752)</td>
<td>(5,755)</td>
</tr>
<tr>
<td><strong>Net Cash Provided By Operating Activities</strong></td>
<td>408,437</td>
<td>46,759</td>
<td>166,133</td>
</tr>
<tr>
<td><strong>Cash Flows From Investing Activities</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fixed Assets - Leasehold Improvements</td>
<td>(677,171)</td>
<td>(14,002)</td>
<td>-</td>
</tr>
<tr>
<td>Fixed Assets - Library</td>
<td>-</td>
<td>(1,125)</td>
<td>(17,467)</td>
</tr>
<tr>
<td>Fixed Assets - Equipment</td>
<td>-</td>
<td>(8,555)</td>
<td>(3,500)</td>
</tr>
<tr>
<td>Fixed Assets - Furniture</td>
<td>-</td>
<td>(4,592)</td>
<td>(2,513)</td>
</tr>
<tr>
<td><strong>Net Cash Used In Investing Activities</strong></td>
<td>(677,171)</td>
<td>(28,274)</td>
<td>(23,480)</td>
</tr>
<tr>
<td><strong>Cash Flows From Financing Activities</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nova Derm Loan</td>
<td>100,000</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Repayment of Nova Derm Loan</td>
<td>(100,000)</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Eagles Peak Charter School Cash Flow Loan</td>
<td>-</td>
<td>50,000</td>
<td>(50,000)</td>
</tr>
<tr>
<td>Founder’s Loan (Eagle)</td>
<td>-</td>
<td>(214,950)</td>
<td>-</td>
</tr>
<tr>
<td>Pacific Western Rollover Loan</td>
<td>-</td>
<td>165,750</td>
<td>(39,000)</td>
</tr>
<tr>
<td>State Revolving Fund Loan</td>
<td>250,000</td>
<td>(50,000)</td>
<td>(50,000)</td>
</tr>
<tr>
<td><strong>Net cash provided by financing activities</strong></td>
<td>250,000</td>
<td>(49,200)</td>
<td>(139,000)</td>
</tr>
<tr>
<td><strong>Net cash increase (decrease) for period</strong></td>
<td>(18,734)</td>
<td>(30,715)</td>
<td>3,653</td>
</tr>
<tr>
<td><strong>Cash at beginning of period</strong></td>
<td>84,818</td>
<td>66,084</td>
<td>35,369</td>
</tr>
<tr>
<td><strong>Cash at end of period</strong></td>
<td>$66,084</td>
<td>$35,369</td>
<td>$39,022</td>
</tr>
</tbody>
</table>

Sources: Feddersen and Company, LLP, Certified Public Accountants (FY 2003-04) and Delta Managed Solutions (FY’s 2004-05 and 2005-06).
According to Delta’s financial officer, he expects that this situation will continue for three more years until the school has paid off the renovation debts. In the meantime, it will be important for New West to closely monitor and manage its cash to ensure it has adequate funds to deal with contingencies, missed projections, or unforeseen operating needs. This is of particular importance since New West has been unable to obtain a business line of credit to help deal with temporary cash shortages.

**New West Lacks Written Policies for Cash Management**
The audit team also found that New West does not have written policies for cash-flow management and budgeting, cash-flow contingency plans, or adopted cash reserve goals. Delta’s financial officer explained that New West and Delta are moving forward with debt and cash-flow management plans and that he expects the council will complete and adopt the plans by the end of 2005. However, given the school’s limited cash reserves and resources, effective planning and monitoring are essential to avoid or mitigate potential problems. Until it documents and follows its cash-flow policies, contingency plans, and cash goals, it will be difficult for the school to ensure it is managing its cash as effectively as possible.

**New West’s Reserve Balance Dipped, but Shows Recovery in Coming Year**
In addition to analyzing the school’s cash-flow projections and policies, the audit team also considered New West’s net asset or “reserve” balances. The school’s reserve fell below the state’s recommended reserve balance in FY 2004-05, but shows signs of improving in FY 2005-06.

As illustrated in Exhibit 3b, New West was able to end FY 2003-04 with a 5.9 percent reserve, or $104,446, more than five times the level of its reserve in its first year of operation (FY 2002-03). Its FY 2003-04 reserve exceeded the state’s recommended reserve levels of 5 percent of expenditures or $50,000, whichever is greater. However, in FY 2004-05, the school’s reserve decreased to $53,292, or 2.8 percent of expenditures, a 49 percent drop from FY 2003-04 and just over one-half the assets-to-expenditures ratio recommended by the state. Delta’s financial officer attributes this drop to its repayments of loans taken to pay for renovating the school.
Exhibit 3b

New West’s Statements of Net Assets
Fiscal Years 2003-04 through 2005-06

<table>
<thead>
<tr>
<th>Description</th>
<th>2003-04 Audited</th>
<th>2004-05 Unaudited</th>
<th>2005-06 Projected</th>
</tr>
</thead>
<tbody>
<tr>
<td>State Aid Portion of General Purpose Block Grant</td>
<td>$725,798</td>
<td>$954,550</td>
<td>$1,109,918</td>
</tr>
<tr>
<td>Other State Revenue:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Categorical Block Grant</td>
<td>35,318</td>
<td>79,398</td>
<td>87,495</td>
</tr>
<tr>
<td>Implementation Grant</td>
<td>380,000</td>
<td>20,000</td>
<td>0</td>
</tr>
<tr>
<td>All Other</td>
<td>6,035</td>
<td>172,826</td>
<td>148,508</td>
</tr>
<tr>
<td>Federal Revenue:</td>
<td>0</td>
<td>2,922</td>
<td>3,000</td>
</tr>
<tr>
<td>Local Revenue:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cash in-lieu-of Property Taxes</td>
<td>414,870</td>
<td>335,898</td>
<td>355,823</td>
</tr>
<tr>
<td>All Other</td>
<td>99,952</td>
<td>111,207</td>
<td>115,944</td>
</tr>
<tr>
<td>Other Revenue:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Contributions, Fundraising, and Related Activities</td>
<td>231,565</td>
<td>154,921</td>
<td>135,000</td>
</tr>
<tr>
<td>Interest Income</td>
<td>2,081</td>
<td>692</td>
<td>1,250</td>
</tr>
<tr>
<td><strong>Total Revenues</strong></td>
<td>1,895,619</td>
<td>1,832,414</td>
<td>1,956,938</td>
</tr>
<tr>
<td>Program expenses</td>
<td>1,622,122</td>
<td>1,728,673</td>
<td>1,646,264</td>
</tr>
<tr>
<td>Management &amp; administrative expenses</td>
<td>148,919</td>
<td>154,895</td>
<td>183,776</td>
</tr>
<tr>
<td><strong>Total Expenses</strong></td>
<td>1,771,041</td>
<td>1,883,568</td>
<td>1,830,040</td>
</tr>
<tr>
<td>Change in Net Assets, increase/ (decrease)</td>
<td>124,578</td>
<td>(51,154)</td>
<td>126,898</td>
</tr>
<tr>
<td>Prior Year Net Assets (deficiency)</td>
<td>(20,132)</td>
<td>104,446</td>
<td>53,292</td>
</tr>
<tr>
<td>End of Year Net Assets/Reserve</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Unrestricted</td>
<td>$104,446</td>
<td>$53,292</td>
<td>$180,190</td>
</tr>
<tr>
<td>Percent of Net Assets To Expenditures</td>
<td>5.9%</td>
<td>2.8%</td>
<td>9.8%</td>
</tr>
</tbody>
</table>

Sources: Feddersen and Company, LLP, Certified Public Accountants (FY 2003-04) and Delta Managed Solutions (FY’s 2004-05 and 2005-06).

New West’s projected reserve levels for FY 2005-06 show a marked increase from FY 2004-05, an increase of almost $127,000 in its year-end balance and one that represents 9.8 percent of expenditures. Delta’s financial officer attributes the significant projected reserve increase to larger revenues resulting from higher student attendance and savings and cuts in operational expenses, such as cuts in legal expenses, savings from bringing arts and music programs in-house, and savings in telecommunications consulting costs. Exhibit 3b shows the expected increase in FY 2005-06 program revenues from student attendance, an increase of more than $140,000 from FY 2004-05. According to Delta’s financial officer, as of early November 2005 ADA levels were matching projections for enrollment.

Given that the student enrollment increases are consistent with projections thus far in FY 2005-06 and that New West is making concerted efforts to contain and reduce expenses, it is reasonable to assume that the school will realize a larger reserve in FY 2005-06 than in...
FY 2004-05, and one that exceeds the recommended five percent threshold. The true test for New West will be whether it can continue to exceed the recommended reserve in the out-years.

The Assumptions Behind New West’s Cash-Flow Projections Seem Reasonable

The audit team reviewed the assumptions New West used to prepare its cash flow projections and found that the assumptions appear reasonable. These assumptions include projections regarding the timing of revenue streams and payment of expenditures, anticipated salary increases, local fund-raising efforts, and student ADA. As the comparisons in Exhibits 3a and 3b show, the increase in net assets in FY 2003-04 was $124,578, but for FY 2004-05, the school anticipates a decrease in net assets of $51,154. This is due primarily to New West’s focus on reducing the debt load taken on during its initial years of operations and for renovations. Specifically, in FY 2003-04, the school took on $250,000 in debt, and in FY 2004-05, it decreased its net debt load by $49,200. Analysis of FY 2005-06 projected cash flows shows that the school anticipates a further reduction of its debt by $139,000, while projecting that its net assets will increase by almost $127,000. These FY 2005-06 projections result in a projected ending net cash balance of $39,022 by the end of FY 2005-06. These projections appear realistic if the school can meet its projected student ADA levels.

Exhibit 3c shows the school’s ADA levels for FY 2003-04 and FY 2004-05, along with a projection of FY 2005-06 levels.

<table>
<thead>
<tr>
<th>Year</th>
<th>ADA</th>
<th>Percentage Increase from Prior Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>2003-04</td>
<td>242</td>
<td>n/a</td>
</tr>
<tr>
<td>2004-05</td>
<td>266</td>
<td>10</td>
</tr>
<tr>
<td>2005-06</td>
<td>285a</td>
<td>7</td>
</tr>
</tbody>
</table>

* Projected.

Source: Delta Managed Solutions.

The increase in the ADA projection seems reasonable, given that the principal told the audit team the school lost many students last year due to the instability of administrative leadership and that New West has largely eliminated the issues that caused parents to take their children out of the school.
RECOMMENDATIONS
To improve its cash position and cash management abilities, New West should:

- Strive to accumulate cash reserves of at least one full payroll and continue its efforts to secure a revolving line of credit for contingencies.
- Establish and adhere to written policies for cash-flow management and cash budgeting, including a cash-flow contingency plan.
CHAPTER 4: CONTRACTING PROCESSES

Controls Over Contracting
In the course of educating its students, New West finds occasional needs to contract for services that it does not have the expertise, workers, or equipment to perform. Sound contracting procedures require the following:

- Organizations obtain multiple bids to better ensure they obtain the highest quality goods or services at the best cost.
- Contracts are properly executed, including a review by a lawyer if necessary.
- Contracts include a detailed scope of work and price to prevent misunderstandings.
- All contract modifications or changes are made in writing.
- A governing council approves certain contracts meeting specific criteria.
- The terms of the contract are properly managed to ensure that the entity is receiving the services paid for under the terms of a contract.

Summary of A&I Audit Finding for Fiscal Year 2003-04 (Observation 5)
New West Had Little or No Controls Over Its Contracting Practices
The March 2005 A&I audit found that New West did not receive competitive bids or have a clearly defined scope of work for several significant contracts relating to construction work at the school. Although New West staff members told the A&I auditors that they obtained several bids, the bids were verbal with no written documentation to support the bidding process.

Status of New West’s Corrective Action as Determined by the Audit Team
New West Developed But Does Not Fully Comply With Its Contracting Procedures
New West recently developed new contracting procedures; however, the audit team found that the school could improve these procedures and did not follow its procedures in two of the eight contracts reviewed. Well-designed contracts and contracting procedures help to minimize the risk of misunderstandings and disputes over contract terms that could result in costly losses or litigation.

To test compliance with New West’s contracting procedures, the audit team tested several contracts to determine if the following requirements had been met:
The contract was complete with terms, expectations, and price clearly spelled out.

The council approved the contract, if applicable.

All parties to the contracts fulfilled their responsibilities.

The executive director signed the contract.

New West’s new Fiscal Procedures Manual also contains its contracting and purchasing procedures, which require the school to obtain competitive bids “. . . where required by law or otherwise deemed appropriate and in the best interests of the school.” These procedures allow the executive director to negotiate and execute all contracts. In addition, the executive director may execute contracts of less than $5,000 before council ratification, but the council must ratify contracts of $5,000 or more prior to execution by the executive director. These procedures also require a complete and detailed scope of work and price for each contract.

The audit team found New West’s written procedures for executing contracts to be inadequate. Specifically, the procedures are silent with regard to the monitoring of contracts to ensure all parties fulfill their responsibilities. In addition, New West’s procedures do not require staff to document competitive bids obtained or to document the need for the product or service obtained.

The audit team also found that New West does not consistently follow its procedures. In addition to the facility lease for the main school complex, New West entered into an agreement for the use of space near the school. New West used the space for elective classes and based the lease payments on an estimate of the hours of monthly use. The audit team found that the council did not vote to approve the contract; however, New West entered into the contract prior to establishing its policy requiring the council to ratify all contracts. Following the lapse of this lease agreement in June 2004, the audit team found that the school continued to use the space through March 2005 without a formal agreement in place. New West made no payments for the use of this space during this period. Delta’s financial officer explained that there was no formal agreement in place because the school and the property owner could not agree on the terms. The property owner wanted to increase the lease price. The financial officer explained that a New West parent volunteer who felt a reduced lease fee could be negotiated offered to address the proposed payment with the landlords. However, the parent was unsuccessful, and New West did not enact a new agreement. As a result, in March 2005, the property owner submitted an invoice to New West based on the increased rate it initially proposed, and New West made payment at this increased rate.

Other issues arose with the adjacent space that New West may have been able to avoid or mitigate by using proper contracting procedures. Specifically, the property owner assessed New West for damages purportedly caused to the property by New West
parents and students. Over the 19-month period in which New West used the facilities, the property owner charged the school $5,488.47 for damages and failed to return New West’s $5,000 deposit. The following are two examples of the property owner’s charges. In correspondence dated April 2004, the property owner claimed that students damaged the top of a piano by using it as a writing surface. The property owner charged, and New West paid, $1,200 for refinishing the piano’s surface. In addition, the property owner charged New West for the cost of cleaning and relocating the piano. Because of the lack of a contract during the end of the lease term and because the original contract did not contain adequate details about how New West should maintain and utilize the property or how the landlord would handle the deposit, the audit team could not determine whether the additional charges paid by New West were reasonable.

Moreover, upon review of documents related to New West’s five-year lease agreement for its school site, the audit team found that New West did not make full lease payments for eight of the first 12 months of the lease term. Delta’s financial officer explained that New West and the property owner verbally agreed to this payment reduction in exchange for New West paying for needed air-conditioning repairs. However, without a written contract modification, the audit team cannot verify the validity of the agreement, and New West exposes itself to unnecessary disputes over the verbal terms. Furthermore, unwritten contract modifications are not a part of sound contracting procedures as previously discussed and could potentially result in disputes.

RECOMMENDATIONS

To improve its contracting practices, New West should update its contracting procedures to require:

- Contract monitoring to ensure all parties fulfill the terms of contracts.
- Staff to maintain documentation in the contract file evidencing the competitive bids obtained and the justification of need.
- Staff to make all contract modifications in writing and prohibit initiation of services or continuance of a contract until the contract is properly executed, including prior governing council authorization.
CHAPTER 5: GOVERNANCE

Overview of Governing Council
New West’s governing council includes 14 members who act as the chief decision-making authority for the school. The council members include eight voting members who are not employees of the school and six nonvoting members who are school employees. The governing council positions include:

*Principal (Nonvoting).* The governance council appoints the school’s principal.

*Three Parent Representatives (Voting).* Parents whose children attend New West elect three parent representatives and two alternates. They elect two representatives and one alternate in odd-numbered years and one representative and one alternate in even-numbered years. The parent representatives serve two-year terms.

*Three Founder Representatives (Voting).* New West’s founding parents elect three founder representatives and two alternates with one representative and one alternate elected in odd-numbered years and two representatives and one alternate elected in even-numbered years. The founder representatives also serve two-year terms.

*Three Teacher Representatives (Nonvoting).* New West’s full-time credentialed teachers elect three teacher representatives and two alternates with one representative and one alternate elected in odd-numbered years and two representatives and one alternate elected in even-numbered years. Teacher representatives serve two-year terms.

*Staff Employee Representative (Nonvoting).* New West’s full-time noninstructional employees elect one staff employee representative and one alternate. The staff employee representative serves a two-year term. Normally, the staff representative is elected in odd-numbered years and the alternate is elected in even-numbered years.

*Two Community Representatives (Voting).* The governing council also appoints two community representatives and one alternate from a list of volunteers who express an interest in the school. One representative must have experience in education and the other experience in business, and the alternate can have a background in either. These representatives cannot be founders, parents of children attending New West, or employees of the school.

*Oversight Representative (Nonvoting).* The State Board, as chartering authority for New West, has the right to designate a monitoring agent to the governing council.

New West’s council is responsible for managing the school and has sole authority for all aspects of the school’s operation and educational program including, but not limited to, the development and implementation of policies related to curriculum, enrichment
and extracurricular educational activities, student evaluation, personnel, professional
development, budget and finance, facilities and maintenance, admissions, scheduling,
community relations, classroom usage, use of the school site, safety, discipline, proposals
for charter revision and renewal, dispute resolution, and interactions with the chartering
authority and other educational agencies. The New West’s Corporate Bylaws govern the
council’s operations and actions. The council appoints and employs the principal and
vests that person with the authority to hire employees, work with volunteers, establish
school policies, and take actions as necessary to operate the school in accordance with the
school’s charter.

New West also maintains an executive committee that works along with the council to
conduct the school’s business. The chair of the council, the principal, and one teacher
elected each year by the teacher governing council representatives make up the executive
committee. Responsibilities of the executive committee include the following:

- Setting council meeting agendas.
- Handling routine matters that do not require the attention of the full council.
- Referring issues to the council.

New West’s Charter requires that the school have a written policy to limit actual or
potential conflicts of interest. The charter states that the conflict-of-interest policies are
to apply to governance council members, committee members, administrators, teachers,
staff, parents, community members, and any other person or party who participates in the
school’s operation and educational program, all of whom should be asked in writing to
uphold the policy. The charter further specifies four essential elements that the conflict-of-
interest policy should contain the following:

**Full Disclosure.** Stakeholders shall make known any potential or actual conflict of
interest.

**Abstention from Discussion and Decision-Making.** Stakeholders who have an actual
or potential conflict of interest shall not participate in discussions or votes on matters
related in any way to the area of conflict.

**Abstention from Decision-Making.** Stakeholders who have an actual or potential
conflict of interest shall not be substantively involved in decision-making on matters
related in any way to the area of conflict.

**Violation of Policy.** Anyone can report violations of the conflict-of-interest policy and
shall be referred to the school’s dispute resolution procedures.
Summary of A&I Audit Findings for Fiscal Year 2003-04
(Observations 6 and 9)

New West’s Governing Processes Did Not Ensure Integrity

The A&I audit pointed to two weaknesses found in the school’s governance procedures. First, the A&I audit pointed to irregularities in the governing council’s election process. Specifically, New West’s governing council did not ensure the integrity of ballot counting during the October 2003 council elections by allowing a governing council candidate to count the ballots by which the candidate was elected as a founder representative. Second, the school engaged in several related-party contracting agreements and arrangements. The auditors considered these practices improper and reported that they could potentially lead to opportunities for misappropriation of funds or personal gain for the related parties.

In response to the A&I audit, the Department’s Notice to Cure requested documentation from New West related to New West’s governance. Specifically, the Notice to Cure requested that New West provide the following:

- Written policies and procedures delineating the governing council selection process to ensure that individuals running for election are not a part of the vote-tallying process, and to provide evidence that New West implemented the new policies and procedures.

- Evidence of a written conflict-of-interest policy that includes full disclosure, abstention from discussion, and abstention from decision-making requirements if a related-party transaction exists.

The A&I audit also found that the school’s governing council engaged in activities that could be deemed conflicts of interest. Specifically, the audit identified the following three primary transactions that led to this finding:

- The governing council did not ratify a $300,000 loan dated April 2002 to New West from one of the original founders. This loan was made before the school had a governing council, and although the loan was later ratified by the school’s governing council and subsequently refinanced through a bank loan, the repayment practices for the original loan were deemed questionable by the A&I auditors. In order to loan the money to New West, the founder took out a mortgage line of credit. Rather than having the school make loan payments to the founder, New West made payments directly to the mortgage company that issued the line of credit.

- During 2003, New West again borrowed money, free of interest, from a parent having a child in attendance at the school. New West repaid the $100,000 loan five months later. However, the A&I auditors reported that the parent’s business granted the original loan, yet the school made the check for the loan repayment payable to the parent.
During 2004, the school’s financial management company, Delta, granted a $2,000 interest-free loan to the school to meet short-term obligations. The A&I auditors questioned the apparent close relationship between Delta and New West.

Status of New West’s Corrective Action as Determined by the Audit Team

New West’s Governing Council Has Adopted and Implemented Election Procedures

During October 2005, the audit team visited New West to observe its process for tallying the ballots for the election of founder representatives to the governance council. The audit team found that the process used to tally the votes was in accordance with New West’s election procedures.

On June 10, 2005, the governing council passed a resolution that authorizes and approves the Governing Board Selection Process policy. The election procedures detail the membership of the governing council and define eligibility requirements for allowing an individual to run for an office, and define voting eligibility. The procedures also describe the voting system, election and voting processes, and requirements for posting election results.

As described in the election procedures, the voting system is cumulative, allowing each voter a number of votes on each ballot that totals the number of representatives plus alternates to be elected. Under this system, the voter may choose to cast more than one vote for a candidate, limited to the total number of votes allowed on the ballot. The candidate(s) receiving the highest number of votes is (are) elected as representative(s) and the candidate(s) receiving the next highest number of votes is (are) elected as the alternate(s).

Counting procedures for parent and founder elections require storage of ballots in a locked ballot box until the official opening and tallying. Further, the principal is to monitor the opening and tallying of ballots together with at least two witnesses who are not candidates and are not related to candidates in the election. In addition, the procedures call for maintaining all ballots in a secure location for two years. Teacher and staff elections take place during an election meeting in which the principal counts secret votes during the meeting.

In observing the founder election, the audit team found that the vote count began at the stated time with four New West staff members; the principal, the office manager, and two office assistants; conducting the count. No one from outside the school attended to observe the process. To ensure all the ballots were counted accurately, the New West staff conducted two tallies. First, the two office assistants removed envelopes containing the
votes from a sealed box where they had been stored and divided the envelopes between each of them. Each office assistant then opened envelopes one by one and called out the names of the candidates on the ballot. The principal tracked the number of votes received for each candidate on a large white board. After conducting the first count, the office assistants traded envelopes and repeated the process, this time with the office manager tallying the votes on the white board. Each count returned the same results. Moreover, the audit team asked to view the ballots from prior elections to ensure New West was safeguarding the ballots and found that New West kept the old ballots in a locked file cabinet. Overall, the audit team found New West’s processes for counting and securing election ballots to be reasonable for ensuring an accurate and impartial result.

**New West Established and Implemented Conflict-Of-Interest Policies and Procedures**

In response to the A&I audit, New West readopted its conflict-of-interest code and obtained conflict-of-interest disclosures from all relevant personnel. New West will need to continue to follow its procedures as personnel changes occur to ensure adequate protection against potential unscrupulous related-party transactions.

New West originally adopted a conflict-of-interest code in May 2004. The council resolution adopting the code states that in accordance with Government Code Section 87300, which requires New West to adopt a conflict-of-interest code, the school will adopt the Fair Political Practices Commission’s (FPPC) code as a model conflict-of-interest code. This code requires governing council members and certain employees to file FPPC Form 700.

In response to the A&I audit and the State Board’s Notice to Cure, which requested that New West adopt a conflict-of-interest policy, New West again adopted a resolution that specifically “… authorizes and reapproves the previously approved Conflict-of-interest policy.” New West’s council approved and the council secretary signed this most recent resolution in June 2005. The code contains two disclosure categories for designated employees. Category 1 employees must disclose all business interests in entities engaged in activities such as accounting, banking, computers, communication, education, insurance, office equipment, personnel, printing, securities, or title. Category 2 employees must disclose any relationship to a business of the type to provide to schools: personnel, services, supplies, materials, machinery, or equipment. The code requires that voting governance council members, the principal, and the office manager disclose all interests in both categories. The audit team found that New West’s principal, office manager, and voting governance council members each completed a FPPC Form 700 in August 2005 in accordance with this code.
The Audit Team Found No Evidence of Fraud or Preferential Treatment Concerning the Related-Party Transactions

The audit team reviewed the school’s council minutes and banking records and did not identify any misappropriations, fraud, or preferential treatment concerning the loans from the parent founder ($300,000), Delta ($2,000), or a New West parent ($100,000). This finding is discussed further in Chapter 6.

RECOMMENDATION

To ensure sound governance of the school, New West should continue its efforts to implement and adhere to the recommendations made by the A&I auditors with respect to governance and related-party transactions.
CHAPTER 6: FOLLOW-UP ON A&I'S AUDIT WORK RELATED TO FISCAL YEAR 2003-04

Overview and Conclusion
As a part of the audit, FCMAT requested that the audit team:

- Investigate and follow up on all unresolved issues from A&I’s March 2, 2005 review for FY 2003-04.
- Verify and assess observations from A&I’s March 2, 2005 review.
- Identify any areas of concern or misconduct, quantify any misappropriations or irregularities, and make recommendations for improvement.

(See the specific requests in italics in the following paragraphs)

As indicated below, the audit team was able to resolve many of the unresolved issues from the A&I audit; however, some issues remain unsettled. Even though the audit team did not find evidence of improprieties, the unresolved issues remain susceptible to improprieties. Until New West consistently implements adequate administrative internal controls, it cannot ensure it is adequately protecting its assets or giving itself the best opportunity to succeed.

A. Inventories

Verify that computers and other significant assets purchased by David Eagle with New West funds exist and are being utilized at New West. Reconcile the computers and other significant assets to the school’s inventory listing. Trace the serial numbers appearing on the invoices to the serial numbers on the computer hardware.

The audit team obtained the Dell invoices showing the 2003 computer purchases made by David Eagle. Of the 48 computers included on the invoices, the audit team verified that New West recorded 44 of the 48 items in its fixed-asset register, resulting in a difference of four unaccounted for computers.

As discussed in the Fixed Assets section of Chapter 2, at the time that school staff inventoried its assets during the summer of 2005, New West found that four computers were missing; three of these computers were purchased by David Eagle. The audit team identified an additional computer purchased by David Eagle that was missing from the fixed-assets register. According to New West’s records for the missing items, one computer was stolen by a homeless person and one teacher did not return his laptop. Both computers were from the David Eagle purchase. New West does not know what happened to the other two computers purchased by David Eagle; however, given...
that one computer was stolen and one was not returned, it is conceivable that the other computers were unaccounted for due to similar circumstances.

The audit team also selected a sample of 19 computers to verify the accuracy of New West’s fixed-assets register. The audit team was able to locate all 19 computers by tracing the serial numbers on the invoices to the serial numbers on the units, which combined with the other testing discussed in Chapter 2, indicates that all items listed in the fixed-assets register exist. The audit team also tested other large assets purchased by David Eagle including locker units, a conference table, and a digital projector. In addition, the audit team observed the existence of the school’s bell system and security system. The audit team was able to locate all items selected in the sample. However, even though the audit team was able to locate all of the items in its sample, the missing items discovered by New West and the audit team indicates that the fixed-asset procedures and controls in effect at the time were inadequate.

B. Loans

Review the propriety of New West’s loans and loan repayments. Specifically, review the Eagle’s Peak ($50,000), Delta Managed Solutions ($2,000) and Nova Derm/Chantel Burnison ($100,000) loans by analyzing loan agreements, loan payments, and cancelled checks. If necessary, contact and interview the lender to obtain additional information. Additionally, determine the propriety of the personal loans (and repayment of those loans) made to New West by David Eagle and his parents. Furthermore, review the payments made by New West to lenders in fulfillment of David Eagle’s personal financial obligations for propriety.

**Loan from Eagles Peak Charter School (EPCS).** The EPCS provided New West with a cash flow loan of $50,000 on July 15, 2004. According to Delta’s financial officer (who also provides financial consulting services for EPCS), EPCS had already planned to loan funds to another charter school to cover cash flow, so he put New West into contact with EPCS. Approval for entering into this transaction came from New West’s governance council on July 9, 2004. Terms of the loan required New West to pay four percent interest and had an original repayment date of July 1, 2005. However, at New West’s request, EPCS’s governing board agreed to an extension and passed a resolution extending the due date to October 31, 2005. As of November 2005, New West had not yet repaid the loan and is seeking a further extension until April 2006. The financial officer told the audit team that the reason for the second extension is that New West will be in a more favorable cash position in April 2006 due to anticipated state funding increases for its increased ADA. The EPCS executives have verbally committed to the extension, but the EPCS board will not vote on the matter until December 7, 2005. According to the financial officer, EPCS agreed to the extension as its own cash-flow requirements are not affected by this extension and the loan bears interest similar to what it would otherwise be earning.
The audit team compared the staff and governing council rosters of New West and EPCS. Other than the financial officer, the audit team did not find any individuals working for both schools. Overall, the audit team did not find any evidence of improprieties involved in this transaction and found that both schools authorized and approved the loan and the first extension. However, New West did not gain formal EPCS board approval of either extension before the loan payment due date. This practice could become problematic if the EPCS governing board does not agree with the recommendations of its staff.

**Loan from Delta.** Early in 2004, Delta made an interest-free loan of $2,000 to New West. Delta’s financial officer explained that during February 2004, both Delta and the school were issuing checks from the school’s bank account. On February 25, 2004, when Delta discovered that New West was at risk of overdrawning its bank account, they wired $2,000 to the school’s account to cover the amount of the cash shortfall. On March 14, 2004, New West repaid Delta the $2,000 and an additional $30 to cover the wire transfer fee.

Delta’s financial officer told the audit team that New West obtained this loan without prior governance council approval and without committing the terms of the loan in writing because of the immediacy of the situation and because it fell within the spending authority limits of the principal. In hindsight, Delta’s financial officer explained, there should have been some written agreement to document the transaction. The audit team agrees that New West should ensure it creates a proper paper trail, including the execution of a loan agreement, for all loan transactions to prevent potential misunderstandings regarding the terms of the loan.

**Loan from Chantal Burnison.** On July 1, 2003, New West signed a promissory note for an interest-free, short-term loan from a school parent, Chantal Burnison. The promissory note lists Ms. Burnison as the payee on the loan. However, Ms. Burnison issued a check to New West drawn in her company’s name, Nowa Derm. Ms. Burnison, as the chief operating officer of Nowa Derm, signed the check to New West for $100,000 on July 8, 2003.

On November 21, 2003, New West repaid the loan by issuing a $100,000 check payable to Chantal Burnison as specified in the promissory note. The audit team verified that Ms. Burnison deposited the check into Nowa Derm’s account.

**Loan from David Eagle.** In April 2002, New West entered into a multiple advance promissory note with David Eagle. Terms of the note included an interest rate set at the Prime Rate (as defined in the Wall Street Journal on the first business day of each month). Between April 2002 and July 2003, New West received draws of $274,950 on this note. As noted in the A&I audit, this loan was never approved by the New West governance council because, as David Eagle explained, the school’s first governance council elections were not held until October 2003; therefore, there was no governing
council to approve the loan. In addition, David Eagle took out personal loans to cover the loan to the school, and rather than having the school make payments to him, David Eagle had the school make payments to his lending institutions directly.

In May 2004, David Eagle issued a revised note to New West for $219,950, with an annual interest rate of 0.375 percent over the prime rate. This revised note required the school to make monthly payments of $5,000. New West’s governance council retroactively approved the revised loan on July 9, 2004.

In August 2004, New West refinanced the Eagle note with a promissory note from Pacific Western Bank for $195,000. The governance council approved the Pacific Western loan on July 9, 2004, prior to executing it. Governance council meeting minutes show that David Eagle recused himself from the discussions and the vote on each of these loan approvals at the July governance council meeting.

The audit team recognizes New West’s need for start-up funding to ready its school site and the difficulty New West experienced in obtaining traditional funding through a lending institution. However, New West did not create a proper paper trail for this loan, which would include a waiver from David Eagle to receive direct payments and an authorization to pay his creditors directly. Though New West could have better handled the administration of the Eagle loans, the governance council has since remedied these concerns and ameliorated any appearance of impropriety by paying off the Eagle note with the proceeds from a loan with Pacific Western Bank.

C. Expenditures

Assess the propriety of questionable expenditures. Specifically:

C.1. Follow-up on questionable-looking or incomplete invoices to validate that the vendor exists and provided the goods/services to New West.

The audit team followed up on the invoices that were incomplete or questionable in appearance by researching the vendors on the Internet and/or with the Secretary of State’s office. The audit team also verified, where applicable, the existence of the purchased assets by vouching the assets to the fixed-asset register and physically viewing some of the assets. The audit team found that all of the vendors existed and was able to locate all items tested.

C.2. Review payments made by New West on behalf of other companies/individuals, including David Eagle and David Eagle Productions, to verify that the goods/services purchased actually benefited New West.

Refer to sections A. and C.6. of this chapter. Where possible, the audit team tested for existence of the items, reviewed receipts and invoices, and attempted
to verify the purchases with the vendor. However, several of the payments made to credit card companies were for consumables such as office supplies and copies and the audit team was therefore, unable to verify that New West received the items. In addition, several of the items reimbursed or paid on David Eagle’s behalf (as shown in Exhibit 6b) were not substantial in amount and therefore, the audit team did not attempt to verify them with the vendor. New West also could not support some payments with receipts or invoices and it was unable to identify the nature of the purchases (detailed in section C.6.). However, for the large purchases such as computers and equipment, the audit team was able to test the existence of the items purchased, as detailed in section A. of this chapter. Although the audit team did not find any evidence of improprieties, it is clear that New West’s procedures and controls over expenditures were inadequate during FY 2003-04.

C.3. Follow-up on invoices for goods delivered to and/or services provided at addresses other than New West, such as books delivered to William Neil. Verify that New West received the goods and/or that services were rendered at New West.

During the period that New West was renovating its school site location, vendors delivered some items such as computers and textbooks to addresses other than that of the school. The audit team’s testing of fixed assets showed that New West received and is using the Dell computers (shipped to an address other than the school) with the exception of the four missing computers discussed previously. The audit team viewed the inventory of textbooks stored in classrooms and the storage area and reviewed New West’s textbook register. In doing so, the audit team verified the existence of similar quantities of books like those purchased by William Neil.

C.4. Verify that New West has developed and implemented procedures to discontinue the use of personal credit cards to procure goods and/or services on behalf of New West.

New West implemented procedures requiring approval of all purchases, regardless of the method of purchase, prior to procurement. The audit team did not find any instances of individuals using personal credit cards to purchase goods or services on behalf of New West.

C.5 Verify that Governing council resolutions are implemented and operational, specifically, the requirements passed in regard to established check issuance safeguards. Determine the propriety of all checks issued to “cash” or “bearer,” and ensure that the policies include the prohibition of checks issued to “cash” or “bearer.” Furthermore, ensure that checks are not made “payable to” the check signer.
The audit team reviewed the propriety of 20 checks from FY 2003-04 totaling $10,742.52 (identified in the A&I review), which New West staff either wrote to “cash” or paid to themselves. All the questionable checks fell into one of three categories: (1) Payments for field trip buses, (2) expense reimbursements, or (3) earned salary advances. As shown in Exhibit 6a, New West was able to provide adequate support for $9,296.44 (87 percent) of the questionable checks, but could not provide support for $1,446.08 (13 percent).

**Exhibit 6a**

**New West is Only Able to Support 87 Percent of the Questionable 2003-04 Checks**

<table>
<thead>
<tr>
<th>Payee</th>
<th>Signature</th>
<th>Total Number of Similar Checks</th>
<th>Total Amount of Checks</th>
<th>Amount for Which New West Provided Adequate Support</th>
<th>Unsupported Amounts</th>
<th>New West’s Stated Purpose</th>
<th>Audit Team Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cash</td>
<td>Meade</td>
<td>5</td>
<td>$2,850.71</td>
<td>$2,850.71</td>
<td>$-</td>
<td>Cash paid to bus company for school field trips</td>
<td></td>
</tr>
<tr>
<td>Cash</td>
<td>Gill</td>
<td>1</td>
<td>$270.00</td>
<td>$270.00</td>
<td>$-</td>
<td>School bus money</td>
<td></td>
</tr>
<tr>
<td>Gill</td>
<td>Gill</td>
<td>6</td>
<td>$2,943.23</td>
<td>$2,889.13</td>
<td>$54.10</td>
<td>Expense reimbursements</td>
<td>No support or identification of the nature of the reimbursement for $54.10.</td>
</tr>
<tr>
<td>Campbell</td>
<td>Campbell</td>
<td>5</td>
<td>$566.99</td>
<td>$431.23</td>
<td>$135.76</td>
<td>Expense reimbursements</td>
<td>No support for $70 in books, $6.36 in supplies, or $59.40 for keys.</td>
</tr>
<tr>
<td>Gill</td>
<td>Wire transfer (Gill)</td>
<td>1</td>
<td>$1,465.59</td>
<td>$209.37</td>
<td>$1,256.22</td>
<td>Cobra expense reimbursements</td>
<td>One of seven monthly receipts ($209.37) provided. Delta’s financial officer stated that he initiated the transfer based on the single monthly receipt and Gill’s indication on the receipt that he incurred the expenses for seven months. New West was unable to provide support for the other six months.</td>
</tr>
<tr>
<td>Campbell</td>
<td>Campbell</td>
<td>2</td>
<td>$2,646.00</td>
<td>$2,646.00</td>
<td>$-</td>
<td>Earned salary advances</td>
<td></td>
</tr>
<tr>
<td><strong>Totals</strong></td>
<td></td>
<td>20</td>
<td>$10,742.52</td>
<td>$9,296.44</td>
<td>$1,446.08</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Delta’s financial officer explained that the six checks written to “cash” were to pay bus companies the school used for field trips because the bus companies required either cash or a cashier’s check. The audit team was able to verify that all these expenditures were valid by reviewing copies of the cashier’s checks purchased by New West staff and by reviewing the bus company invoices.
The audit team was able to fully verify seven of the 12 expense reimbursements for Gill and Campbell by reviewing the cancelled checks and supporting receipts. Eleven of the reimbursement checks were for items such as educational conferences, phone charges, and school supplies. As shown in Exhibit 6a, the audit team verified all but approximately $190 of these expenses. Regarding the reimbursement to Gill for Cobra expenses, Delta’s financial officer reported that the check in question was for seven months worth of Cobra reimbursements. Although the explanation is plausible, New West could provide a receipt for only one month, leaving $1,256.22 unverified.

Moreover, Delta’s financial officer explained that the earned salary advances (ESA) are mid-month advances to all New West employees so that employees can be paid twice a month. The ESA amount is equal to one-half of their monthly total net pay after deductions, and New West deducts this amount from each monthly paycheck. According to the financial officer, in writing these checks to all employees during a payroll conversion period, Campbell inappropriately wrote the two ESA checks in question to herself. The audit team was able to verify that New West deducted the amounts from these ESA checks from Campbell’s monthly check.

Because of the lack of evidence for some items, the audit team could not completely rule out that any improprieties occurred. However, given that New West could not fully substantiate five of the 20 questionable items, it is clear that New West’s internal controls at the time were inadequate.

As discussed in Chapter 2, subsequent to the A&I audit, New West implemented a Fiscal Procedures Manual that establishes procedures and safeguards for issuing checks. Although the manual does not specifically prohibit writing checks to “cash” or “bearer,” the audit team did not find any such checks during its review of the school’s general ledgers for FY 2004-05 and FY 2005-06.

C.6. Follow-up on missing receipts for the 16 invoices New West failed to provide during A&I’s prior review:

The A&I auditors requested a sample of 76 FY 2003-04 expenditures from New West to test the adequacy of the school’s internal controls and the reasonableness and propriety of expenditures. At the time of the audit, however, New West was only able to supply documentation to support 60 of the expenditures selected. Subsequent to the close of the A&I audit, New West produced further documentation on some of these expenditures.

The 16 “missing” expenditure items totaled $32,841.89. Of this amount, $10,000 represented lease payments for the school’s use of the BackStreet
Gallery space. These payments are supported by the lease itself and do not require the submission of invoices.

New West provided the audit team with full support for ten of the missing 16 items (including the BackStreet payments), and partial support for two expenditure transactions as discussed below. The audit team could not find documentation for the following items:

- $933.80 paid to the City of Los Angeles for fines against the property owner during the process of obtaining building permits for the school’s renovation work. This payment was in the form of a reimbursement to Jennifer Wen, the community representative on the governance council and school’s pro bono architect. The total reimbursement paid to the architect was $1,261.23; however, New West was able to provide receipts only for the $327.43 permit fee and not the fines.

- $1,368 reimbursed to Amy Lemoine, a parent volunteer, for enrollment and admissions materials.

- $6,992.93 reimbursed to one of the school’s founders, David Eagle. New West reimbursed these expenditures based on credit card statements, for which several receipts could not be located. New West was able to provide receipts for two items listed in the credit card statements. Details of the unsupported items in the credit card statements are shown in Exhibit 6b.

### Exhibit 6b

**Items New West Paid from David Eagle’s Credit Card Statements for Which Receipts could not be Found**

<table>
<thead>
<tr>
<th>Date</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>8/20/03</td>
<td>Bode Research Group (school bell system)</td>
<td>$1,713.35</td>
</tr>
<tr>
<td>8/21/03</td>
<td>New York Pizza and Pasta</td>
<td>23.30</td>
</tr>
<tr>
<td>8/22/03</td>
<td>Staples</td>
<td>82.53</td>
</tr>
<tr>
<td>8/29/03</td>
<td>Staples</td>
<td>25.96</td>
</tr>
<tr>
<td>9/2/03</td>
<td>Office Depot</td>
<td>66.68</td>
</tr>
<tr>
<td>9/2/03</td>
<td>Super Fast Copying</td>
<td>44.60</td>
</tr>
<tr>
<td>10/18/03</td>
<td>B&amp;B Hardware</td>
<td>38.18</td>
</tr>
<tr>
<td>10/20/03</td>
<td>Staples</td>
<td>714.21</td>
</tr>
<tr>
<td>10/22/03</td>
<td>B&amp;B Hardware</td>
<td>22.59</td>
</tr>
<tr>
<td>10/22/03</td>
<td>Office Depot</td>
<td>32.64</td>
</tr>
<tr>
<td>10/22/03</td>
<td>Smart &amp; Final</td>
<td>9.93</td>
</tr>
<tr>
<td>11/6/03</td>
<td>PBI Postage Meter</td>
<td>30.00</td>
</tr>
<tr>
<td>10/27/03</td>
<td>No receipts available – General Ledger entry is for “Other Supplies/Office”</td>
<td>3,034.25</td>
</tr>
<tr>
<td>1/24/04</td>
<td>No receipts available – General Ledger entry is for “Other Supplies/Office”</td>
<td>1,154.70</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>$6,992.92</strong></td>
</tr>
</tbody>
</table>
In conclusion, the audit team was able to verify the validity of $23,547.16 of these expenditures, but could not evaluate the remaining $9,294.73 (28 percent of the amount identified as having missing receipts by A&I), for reasonableness or propriety because New West could not provide supporting documentation. It is clear that New West neither had nor followed good accounting controls at the time of these transactions.

C.7. **Review personal credit card purchases identified in A&I’s expenditure review.** Trace all transactions identified on credit card statements to the supporting receipts. If New West cannot provide receipts, attempt to verify through third parties.

Refer to item C.6. discussed previously. The audit team reviewed the personal credit card purchases identified in the A&I audit and were able to verify some, but not all of the transactions listed on the credit card statements. The audit team verified the propriety of the purchases by reviewing invoices or receipts and by verifying the existence of the assets. Some purchases were of consumable assets, and the audit team could not verify their existence. In some cases, the detail was inadequate to identify the item purchased and in two cases, the audit team could not identify the vendor. It is clear that New West neither had nor followed good accounting controls at the time of these transactions. Without valid receipts or other evidence that the school received these items, the propriety of these items cannot be verified.

C.8. **Review debit card transactions and follow-up on questionable-looking charges, including the two debit card transactions at Disneyland identified during the A&I review. Furthermore, the safeguarding of New West debit and credit cards should be reviewed for adequacy.**

The audit team reviewed the general ledgers for FY 2004-05 and FY 2005-06 for all debit card purchases and found no significant irregularities, other than those listed in Exhibit 2b. In addition, the audit team vouched all debit card transactions for the months of May 2005 through July 2005 from the general ledger to the bank statements and found that New West had accounted for all debit card transactions. Regarding the Disney Christmas Store purchase made on October 12, 2004, New West reported that an employee used the card by accident, thinking that she was using her personal credit card. Upon realizing her mistake, she notified the school and Delta, and upon returning from vacation on October 14, 2004, reimbursed the school for the purchases made on the card. The audit team verified the reimbursement.

Finally, the audit team verified, as discussed in Chapter 2, that the school now has only one debit card issued in the name of both the school and the principal, and that it keeps the card locked in a file cabinet when not in use.
C.9. **Ensure that procedures have been developed to properly distinguish invoices as paid upon the issuance of checks. Furthermore, ensure that mitigating procedures are established and operating for payments from invoice copies.**

A review of invoices selected in a sample revealed that for FY 2004-05, only 50 percent of the invoices that should have been stamped or somehow noted as “paid” were actually marked so. New West’s performance of this practice improved in FY 2005-06 with all invoices tested that should have been distinguished as “paid” being distinguished as such. Even though the audit team did not find any duplicate payments related to the 2004-05 invoices, New West should continue its efforts to consistently implement the practice of stamping or somehow noting invoices as “paid,” to minimize the risk of making duplicate payments.

**D. Construction Projects**

*Review construction contracts for FY 2002-03 and FY 2003-04 for propriety and for evidence of competitive bids. Verify that New West has developed and implemented policies and procedures regarding its subsequent construction contracts. Also, investigate the relationships between New West and architect Jennifer Wen and Golden Star Construction.*

As noted in the A&I audit, New West did not receive competitive bids for the construction projects performed in 2003 and 2004. However, due to the recommendation contained in the A&I audit the school pursued obtaining bids for the 2005 construction work.

The audit team reviewed documentation, provided by New West, showing its attempts to obtain competitive bids for the 2005 renovations for its library and media center. The documentation shows that the school contacted five companies for construction bids. Only two of the five submitted bids. Two of the firms contacted never returned New West’s calls; and one firm made an appointment to view the job site and pick up architectural plans, but failed to keep the appointment. The two firms that provided bids for the renovation work were Golden Star Construction and KRB Construction, with bids of $92,320 and $97,670, respectively. New West selected Golden Star Construction, the firm that had performed the prior two renovation projects.

To determine if a relationship existed between New West, Golden Star Construction, and Jennifer Wen, the audit team conducted searches and reviews of: company ownership information with the Secretary of State, the Internet, invoices, and bank statements. The audit team also interviewed New West staff and the owner of Golden Star Construction. The audit team found no evidence of improprieties or a relationship between any of the parties and no evidence that Ms. Wen received any benefits from her pro bono work as the school’s architect.
E. Related-Party Transactions

Determine whether any related-party transactions exist. Ensure that charter school funds were not used for the personal benefit of any governing council member, director, or fiduciary of New West. Specifically, the relationship between Jennifer Wen and New West should be further investigated to ensure that her work as the remodel architect did not result in preferential treatment or status as a “founder.” If she is identified as a founder, her status as such should be further investigated to ensure that she met the criteria as established in New West’s approved charter.

The audit team’s detailed testing did not uncover any evidence of personal benefit to governing council members or the principal of New West. However, as discussed in the A&I audit, it is improper for governing council members to write checks to themselves or to pay their own credit cards, especially without complete supporting documentation.

Further, the audit team did not find evidence that Ms. Wen gained personal benefit from acting as the school’s pro bono architect. Ms. Wen is not designated as a school founder.

RECOMMENDATIONS

In addition to the recommendations contained in chapters 1 through 5, which address the current state of New West and are not restated here, the audit team provides the following recommendations to address the deficiencies identified in the A&I audit and in the follow-up of the unfinished A&I work contained in this chapter.

New West should implement and adhere to all the recommendations in the A&I audit memorandum.

To improve its administration and controls over loan transactions, New West should:

- Ensure it is seeking loan repayment extensions, when necessary, prior to the due date of the payment.
- Before entering into the transaction, create a proper paper trail for all loans including a loan agreement, evidence of governing council approval, and documentation showing approved loan repayment methods.

To strengthen its administration and controls over expenditures, New West should update its Fiscal Procedures Manual and implement policies:

- Prohibiting payments for items shipped to an address other than New West, billed to an entity or individual other than New West, or to personal credit cards without approval and proper receipts.
• Prohibiting the writing of checks to “cash” or “bearer” or to the person signing the check.
• Requiring staff to stamp or somehow mark all paid invoices as “paid.”
• To eliminate the appearance of improprieties, New West should continue to seek evidence/justification or seek reimbursement for the unsupported expenditures identified in this chapter, particularly the October 27, 2003 and January 24, 2004 items listed in Exhibit 6b.

(Endnotes)
1. Please see Appendix A for a complete summary of the California Department of Education’s A&I Division’s March 2005 findings and recommendations.
2. One vice principal is also a teacher.
3. Feddersen and Company, LLP, Certified Public Accountants, conducted New West’s fiscal year (FY) 2003-04 external financial audit. This is an annual, recurring audit designed to express an opinion on New West’s financial statements.
4. The principal or her designee made these transactions.
5. New West fits into this category.
6. The person who stole the computer was caught on the school’s surveillance system and reported to the police. According to school staff, although the police arrested the perpetrator, they did not recover the computer.
7. Although Delta’s financial officer is a financial advisor for EPCS, he does not sit on the EPCS or New West Board of Directors/Governing Council or have authority to make loans.
8. P-2 represents the Second Principal Apportionment in which funding is distributed to schools pursuant to a statutory student attendance based formula.
## APPENDIX A

**Summary of March 2005 Audit Findings and Recommendations From the California Department of Education Audits and Investigations Division**

<table>
<thead>
<tr>
<th>Weak Internal Controls</th>
<th>Addressed in This Report, Chapter:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Observation 1</strong></td>
<td></td>
</tr>
<tr>
<td>New West does not have adequate internal controls over purchasing and does not adequately segregate duties for significant accounting processes.</td>
<td></td>
</tr>
<tr>
<td><strong>Findings</strong></td>
<td>2</td>
</tr>
<tr>
<td>• New West’s office manager received cash, prepared cash deposits, and made deposits.</td>
<td></td>
</tr>
<tr>
<td>• New West’s office manager purchased goods and services, received goods and services, generated checks, and signed checks.</td>
<td></td>
</tr>
<tr>
<td>• New West’s council chair had check-signing authority and was authorized to make purchases on behalf of the school with no secondary signature required on checks.</td>
<td></td>
</tr>
<tr>
<td>• New West allowed its council chair to make unrestricted credit card purchases that were subsequently reimbursed to him.</td>
<td></td>
</tr>
<tr>
<td>• New West allowed its council chair to commingle personal purchases with school purchases on personal credit cards.</td>
<td></td>
</tr>
<tr>
<td>• New West council and staff were not following its guidelines that called for all checks amounting to $2,500 or more to contain dual signatures.</td>
<td></td>
</tr>
<tr>
<td><strong>Recommendation 1</strong></td>
<td></td>
</tr>
<tr>
<td>Implement policies and procedures to ensure separation of duties and safeguarding of assets.</td>
<td></td>
</tr>
<tr>
<td><strong>Observation 2</strong></td>
<td></td>
</tr>
<tr>
<td>New West did not maintain adequate controls over its fixed assets.</td>
<td></td>
</tr>
<tr>
<td><strong>Findings</strong></td>
<td>2</td>
</tr>
<tr>
<td>• New West did not maintain adequate fixed asset information to ensure that it properly accounts for its assets.</td>
<td></td>
</tr>
<tr>
<td>• New West did not affix identification labels to its fixed assets.</td>
<td></td>
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<tr>
<td>• New West did not conduct regular inspections of fixed assets.</td>
<td></td>
</tr>
<tr>
<td><strong>Recommendation 2</strong></td>
<td></td>
</tr>
<tr>
<td>Maintain complete inventory records containing asset descriptions, acquisition dates, useful life, location, serial numbers, cost, and accumulated depreciation; conduct annual physical inventories of assets.</td>
<td></td>
</tr>
<tr>
<td><strong>Observation 3</strong></td>
<td></td>
</tr>
<tr>
<td>Debit cards were not adequately safeguarded or secured to prevent unauthorized or personal purchases.</td>
<td></td>
</tr>
<tr>
<td><strong>Findings</strong></td>
<td>2</td>
</tr>
<tr>
<td>• New West issued debit cards in the name of the individual holding them, not in the name of the school.</td>
<td></td>
</tr>
<tr>
<td>• New West allowed debit cards to be carried by individuals rather than safeguarding the cards at the school while not in use.</td>
<td></td>
</tr>
<tr>
<td>• Poor internal controls led to the debit cards being inadvertently used for personal purchases by New West employees.</td>
<td></td>
</tr>
<tr>
<td><strong>Recommendation 3</strong></td>
<td></td>
</tr>
<tr>
<td>Implement safeguards over the custody and use of debit cards; issue debit cards in the name of the school to avoid use for personal purchases.</td>
<td></td>
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</tbody>
</table>

New West Charter Middle School
<table>
<thead>
<tr>
<th>Weak Internal Controls (continued)</th>
<th>Addressed in This Report, Chapter:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Observation 4</strong></td>
<td></td>
</tr>
<tr>
<td>New West did not maintain adequate documentation for expenditures or provide an adequate audit trail to ensure costs are related and necessary to the school. At times, these weaknesses resulted in duplicate payments.</td>
<td></td>
</tr>
<tr>
<td><strong>Findings</strong></td>
<td></td>
</tr>
<tr>
<td>• New West often paid expenditures based on credit card statements without original purchase receipts.</td>
<td>2</td>
</tr>
<tr>
<td>• New West used credit cards that were not in the name of the school to make major purchases for the school.</td>
<td></td>
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<tr>
<td>• New West routinely paid invoices billed to other entities.</td>
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<tr>
<td>• New West did not require original invoices for payment or reimbursement.</td>
<td></td>
</tr>
<tr>
<td>• New West did not employ consistent methods to distinguish invoices as paid.</td>
<td></td>
</tr>
<tr>
<td><strong>Recommendation 4</strong></td>
<td></td>
</tr>
<tr>
<td>Implement a process to document purchase requests, approvals, and payment of school expenditures; maintain original invoices to provide an audit trail for support of all school expenditures.</td>
<td></td>
</tr>
<tr>
<td><strong>Observation 5</strong></td>
<td></td>
</tr>
<tr>
<td>New West had little or no controls over contracting.</td>
<td></td>
</tr>
<tr>
<td><strong>Finding</strong></td>
<td></td>
</tr>
<tr>
<td>• New West did not obtain multiple bids and/or establish a clear scope of work for several significant construction contracts awarded to renovate the school building.</td>
<td>4</td>
</tr>
<tr>
<td><strong>Recommendation 5</strong></td>
<td></td>
</tr>
<tr>
<td>Develop procedures to ensure that all contracts and agreements clearly identify the scope of work and institute a governing council approval process to ensure all contracts, loans, and agreements are in the best interest of the school and reflect reasonable market value.</td>
<td></td>
</tr>
<tr>
<td><strong>Observation 6</strong></td>
<td></td>
</tr>
<tr>
<td>The election process did not ensure the integrity of ballot tallying.</td>
<td></td>
</tr>
<tr>
<td><strong>Finding</strong></td>
<td></td>
</tr>
<tr>
<td>• A council candidate was responsible for tallying votes of the council election for which he won.</td>
<td>5</td>
</tr>
<tr>
<td><strong>Recommendation 6</strong></td>
<td></td>
</tr>
<tr>
<td>Develop and implement written policies and procedures delineating the governing council selection process to ensure that individuals running for election are not part of the vote tallying process.</td>
<td></td>
</tr>
<tr>
<td><strong>Observation 7</strong></td>
<td></td>
</tr>
<tr>
<td>Internal controls over bank accounts were not adequate to detect recording errors or irregularities in a timely manner.</td>
<td></td>
</tr>
<tr>
<td><strong>Findings</strong></td>
<td></td>
</tr>
<tr>
<td>• Fifteen checks from one account were payable to individuals that were also the sole signer on the checks.</td>
<td>2</td>
</tr>
<tr>
<td>• Checks from the fundraising activity account were payable to “cash.”</td>
<td></td>
</tr>
<tr>
<td>• Debit card use did not require advance authorization.</td>
<td></td>
</tr>
<tr>
<td><strong>Recommendation 7</strong></td>
<td></td>
</tr>
<tr>
<td>Reconcile bank statements to accounting records on a monthly basis to timely detect errors or irregularities.</td>
<td></td>
</tr>
</tbody>
</table>
## Expenditures

**Observation 8**
New West was not maintaining adequate support for expenditures to provide substantiation for the reasonableness and propriety of expenditures.

### Findings
- Out of a sample of 76 expenditures selected for testing, the school could provide support for only 60.
- Not all of the supporting documents provided for the 60 expenditures provided adequate substantiation for the purchase.
- New West paid several invoices billed to other businesses rather than to New West.
- Some invoices indicated shipping addresses other than the school’s address.
- Several invoices contained such limited information that it was impossible to determine whether the school received the goods or services.

### Recommendation 8
Implement control procedures to ensure all expenditures are adequately documented with purchase requests, approvals, and original invoices; ensure that all expenditures are reasonable and necessary to the operation of the school.

## Related-Party Transactions

**Observation 9**
New West entered into several related-party contracting agreements and arrangements that the auditors considered improper business transactions because they increased the opportunity for misappropriation or personal gain to the related parties.

### Findings
- One of the founding governing council members loaned New West $300,000 in 2002 via a personal line of credit. New West’s council retroactively approved the loan note in 2004.
- The school engaged in questionable practices on the $300,000 loan by making direct payments of credit card and mortgage bills for the founder.
- New West secured a $100,000 short-term, interest free loan in 2003 from a parent. A company called Nowa Derm issued the loan proceeds check to New West; however, the school’s repayment of the loan was made payable directly to the parent and not to Nowa Derm.
- In 2004, New West obtained a $2,000 interest free loan from Delta Managed Solutions; the school’s contracted financial manager.

### Recommendation 9
Implement written conflict-of-interest policies, which include full disclosure, abstention from discussion, and abstention from decision-making requirements if a related-party transaction exists.

## Other

### Findings
The A&I audit identified other concerns that were outside the scope of its audit objectives. The other findings led the auditors to express concern over New West’s cash flow and its ability to continue to effectively operate as a viable charter school.
- During 2004, New West secured an interim cash flow loan for $50,000 from Eagle’s Peak Charter School.
- New West actively and aggressively solicited contributions from student families.
# APPENDIX B

## Items Requested by the California State Board of Education in its May 2005 Notice to Cure Letter to New West Charter School

<table>
<thead>
<tr>
<th>Documentation Requested</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Evidence of the maintenance of complete inventory records containing asset descriptions, acquisition dates, useful life, location, serial numbers, cost, and accumulated depreciation.</td>
</tr>
<tr>
<td>2. Evidence that the school conducts annual physical inventories of assets and reconciles the inventories to the accounting records.</td>
</tr>
<tr>
<td>3. Policy requiring the capitalization of property for accounting purposes when the property has a normal life of at least one year and a per-unit cost of at least $1,000, and evidence that accounting staff have been trained on the methods and procedures for the capitalization of the property in the general ledger and record retention procedures.</td>
</tr>
<tr>
<td>4. Evidence that bank accounts, credit cards, and debit cards are assigned in the name and address of New West to avoid the use of personal credit cards, and that the school maintains secure school credit and debit cards to prevent unauthorized or personal purchases.</td>
</tr>
<tr>
<td>5. Evidence the school has implemented a process to document purchase requests, approvals, and payment of school expenditures, and that it maintains original invoices to provide an audit trail and support for all school expenditures.</td>
</tr>
<tr>
<td>6. Procedures to ensure that all contracts and agreements clearly identify the scope of work to be performed.</td>
</tr>
<tr>
<td>7. Evidence of a governing council approval process to ensure that all of New West’s contracts loans, and agreements are in the best interest of the school and reflect reasonable market values.</td>
</tr>
<tr>
<td>8. Policy requiring the approval from the governing council and proper documentation and execution of the notes for all borrowings over $5,000, and evidence that accounting staff has been trained on methods and procedures for recording borrowings in the general ledger and records retention procedures.</td>
</tr>
<tr>
<td>9. Written policies and procedures delineating the governing council selection process to ensure that individuals running for election are not part of the vote tallying process, and evidence that new policies have been implemented.</td>
</tr>
<tr>
<td>10. Procedures that require: (1) annual approval by the governing council of all authorized signers and bank accounts; (2) reconciliation of bank statements in a timely manner by someone other than the persons that participate in the receipt and disbursement of cash; (3) preparation of checks to vendors and representatives of the school only from original invoices; and, (4) establishment of certain threshold dollar amount over which governing council approval and two signatures are required.</td>
</tr>
<tr>
<td>11. Evidence of a written conflict-of-interest policy, which includes full disclosure, abstention from discussion, and abstention from decision-making requirements if a related-party transaction exists.</td>
</tr>
<tr>
<td>12. Evidence of the installation of a system and implementation of a written policy on procedures and instructions in order to maintain and reconcile the attendance of the school. Evidence that appropriate members of school staff have been cross-trained in the policies and procedures.</td>
</tr>
</tbody>
</table>
December 1, 2005

Mr. Thomas E. Henry  
Executive Officer  
Fiscal Crisis & Management Assistance Team  
1300 – 17th Street, City Center  
Bakersfield, CA 93301

Dear Mr. Henry,

New West Charter School has reviewed your draft audit report entitled “Internal Draft Report of the New West Charter Middle School Follow-Up Audit”. We appreciate the opportunity to respond to the draft report. Enclosed is the New West Charter School response to the report’s recommendations.

We truly appreciate the attention to accuracy and detail that the MGT auditors put into the process. MGT staff have been professional and at all times available to discuss the issues. Please extend our appreciation to those who participated in this review.

As indicated in the enclosed response, New West continues to improve its financial management and is committed to making further improvements by addressing the issues presented in this report. If you have any questions concerning the response, please contact me at 310-943 5444.

Sincerely,

(signed by Sharon Weir)

Sharon Weir, Ed. D.  
Director/Principal

New West Charter Middle School
New West Overview Response to
Follow-Up Audit by MGT of America
Dated November 30, 2005

Presented to:
Mr. Thomas E. Henry, Chief Executive Officer
Fiscal Crisis & Management Assistance Team
1300 - 17th Street - City Centre
Bakersfield, California 93301-4308

December 1, 2005
Overview of New West Response to MGT Audit

New West accepts the factual findings of the MGT Follow-up Audit of November 30, 2005, and will implement all of the auditor’s recommendations to continue to improve the school’s financial management and administrative procedures. New West believes that the audit exceptions are typical of what should and can be expected of any new charter school or any other small start-up business. New West regrets the tone of certain pessimistic language reflective of past inadequacies of a new school going through the labors of opening. New West would prefer a more optimistic tone about the achievements of a successful school committed to continued improvement in the management of its financial affairs. The audit exceptions in the months before and after the school’s opening in September 2003 are attributable to the lack of any substantive written fiscal policies at the time. In contrast, the few audit exceptions in the last six months are typical of a fledgling charter school in substantial compliance with its new Fiscal Procedures Manual and sound business practices. New West is pleased to have independent confirmation that there has been no financial impropriety, misuse of public funds, conflict of interest, fraud, embezzlement, or other fiscal irregularities. There is the embarrassment, however, that New West is less than 100% compliant with some of its fiscal policies and procedures. New West welcomes the auditor’s detailed recommendations for improvement. New West will not be satisfied with its financial management until the school meets standards as high as the school’s exemplary academic performance.

New West’s fiscal affairs have been audited three times in the last year covering the school’s start-up to the present (June 2003 to September 2005). Most audit exceptions took place in the first six months when the school site was developed and the school opened in a new building with new teachers, new parents, and new students. Unfortunately, the founding Principal/Director and the outside firm responsible for the school’s financial management failed to develop and implement written fiscal policies and procedures. The Governance Council, which did not begin oversight until its first meeting on October 28, 2003, eventually negotiated the resignation of the Principal/Director at the end of the 2003-04 school year. Equally damaging were the complaints of a group of dissonant parents who advanced their agenda through personal attacks on the school’s founder, including unsubstantiated charges of financial improprieties. These complaints, now known to be without merit, led to the CDE’s A&I audit and the eventual resignation of the school’s founder from the Governance Council in June 2005. New West leadership during 2004-05 became problematic because of the health-related resignation of the school’s second Principal/Director and stewardship for several months under an excellent but temporary interim Principal/Director.

New West is now stable administratively under the leadership of Dr. Sharon Weir, who came to New West in February 2005 from her position as director of the highly regarded Seashore Learning Center in South Padre Island, Texas. New West now has a Fiscal Procedures Manual approved by its Governance Council in April 2005. The manual was then

New West Charter Middle School
revised in July 2005 in response to the recommendations of the A&I audit. The school staff was trained in April and July 2005 in the fiscal procedures that must be followed. Dr. Weir has extensive knowledge of the school’s fiscal policies and procedures because of her involvement with the A&I and MGT audits. She is as committed to resolving any and all audit exceptions as she is to further improving New West’s academic standing.

New West is pleased to find that the MGT audit revealed that the school is already in full compliance with many policies in its Fiscal Procedures Manual. New West is also already 100% compliant with other policies that the auditor suggests should be added in writing to the Fiscal Procedures Manual. In the remaining instances, where audit exceptions were noted, New West intends to continue to improve its practices as recommended by the auditors. New West will take the following actions to guarantee improvement in the school’s fiscal management:

- Implement, immediately, financial and management practices that bring the school into full compliance with all audit recommendations as of December 1, 2005.
- Formulate a formal, written Implementation Plan by January 15, 2006, that specifies how the school intends to address the concerns raised in the A&I and MGT audits. New West will work with the Charter Schools Division of the CDE in developing this plan and will submit 60 day, 6 month, and 12 month reports on the school’s progress toward meeting the goals of the Implementation Plan.
- Hire an on-campus business manager to take over the fiscal and administrative management services now performed by Delta Managed Solutions in Sacramento.
- Revise the Fiscal Procedures Manual to take into account all A&I and MGT audit recommendations.
- Conduct annual and ongoing training of staff on sound fiscal practices in accordance with the Fiscal Procedures Manual (to be conducted by the on-campus business manager).
- Institute a voluntary program of monthly, on-site, “snap-shot” small sample audits conducted to assure continued compliance with the Fiscal Procedures Manual (to be conducted by Ms. Bessie Wong, CPA, who is an elected parent representative on the Governance Council).
- Continue the strategy of paying down loans for the school’s start-up costs as aggressively as possible while maintaining adequate cash reserves to guarantee the school’s fiscal viability.
- Apply to the SBE for a one-year extension of the school’s Charter to a full five years ending June 30, 2007. This extension provides time to demonstrate to the LAUSD and the SBE, in anticipation of charter renewal beginning July 1, 2007, that New West has fulfilled the Implementation Plan and can manage its fiscal affairs without exception.
New West Individual Response to Follow-Up Audit by MGT of America Dated November 23, 2005

Presented to:

Mr. Thomas E. Henry, Chief Executive Officer
Fiscal Crisis & Management Assistance Team
1300 - 7th Street - City Centre
Bakersfield, California 93301-4308

December 1, 2005
EXECUTIVE SUMMARY

**MGT Finding:** “New West Developed New Fiscal and Administrative Procedures but Has Not Consistently Implemented Them”

1) **New West Response:** New West has been working to improve the implementation of the internal controls and will continue to strive to perfect the system to ensure all recommended controls are put in place CONSISTENTLY.

**MGT Finding:** “Many Prior Audit Questions Related to FY 2003-04 Resolved — Some Questions Remain”

2) **New West Response:**

While there was some inconsistency with putting into practice the fiscal procedures in the first year, it is very clear from the MGT Audit Report that New West has indeed made a significant improvement in year 2004-05 and even more so in year 2005-06. As the Audit Report stated, “Although the school did not exercise sound controls in this transaction, the audit team did not find any evidence of improprieties.”

Furthermore, MGT Audit Report states that since 87% of the checks were properly substantiated there were only 13% with no support provided. “Although the school did not exercise sound controls in this transaction, the audit team did not find any evidence of improprieties.” A reasonable conclusion should be that there were no improprieties at all.

3) **MGT Recommendations** - New West agrees to all of the following recommendations to improve its fiscal management:

“The following highlights some of the key recommendations from this report. Please refer to the end of each chapter for a complete list of recommendations.”

“To improve its administrative and accounting internal controls, New West should:

- Consistently implement and monitor its procedures requiring the use of purchase orders and requisitions for purchases, original invoices prior to making payments, and goods received reports with dual signatures.
- Promptly investigate and resolve all items not in compliance with its fiscal procedures.
- Closely control and monitor the use of its debit card.
- Implement a policy for receiving goods during school closures—to ensure delivery of all school purchases to the school.
• Revise its policy requiring dual signatures on checks greater than $1,000 to require
dual signatures on all checks.

• Maintain a log of cash and checks received and deposit all cash and checks within
seven days of receipt.”

“To improve its cash position and cash management abilities, New West should:

• Strive to accumulate cash reserves of at least one full payroll and continue its efforts
to secure a revolving line of credit for contingencies.

• Establish and implement policies for cash-flow management and cash budgeting,
including a cash-flow contingency plan.”

“To improve its contracting practices, New West should update its contracting procedures
to require:

• Contract monitoring to ensure all parties fulfill the terms of contracts.

• Staff to maintain documentation in the contract file evidencing the competitive bids
obtained and the justification of need.

• Staff to make all contract modifications in writing and prohibit initiation of services
or continuance of a contract until the contract is properly executed—including prior
governing council authorization.”

“The audit team provides the following recommendations to address the deficiencies
identified in the A&I audit and in our follow-up of the A&I audit work for FY 2003-04. To
further improve its administration and accounting internal controls, New West should:

• Implement and adhere to all the recommendations in the A&I audit memorandum.

• Prohibit payments for items shipped to an address other than New West, billed to an
entity or individual other than New West, or to personal credit cards without ap-
proval and proper receipts.

• Create a proper paper trail for all loans including a loan agreement, evidence of
governing council approval, and documentation showing approved loan repayment
methods.

• Prohibit the writing of checks to ‘cash’ or ‘bearer.’

• Require staff to stamp all paid invoices as ‘paid.’”

“Finally, New West should continue to seek evidence/justification or seek reimbursement
for the unsupported expenditures identified in this report.”
It is evidenced by the result of the MGT audit that New West continues to tighten up the controls with new procedures, and the plan to put additional procedures in place. The “exceptions” were substantially reduced year by year.

CHAPTER 1: BACKGROUND

CHAPTER 2: SAFEGUARDING OF ASSETS (Year 2003-04)

A. Controls over Disbursements

MGT Finding: “New West Disbursement Functions Had Significant Control Weaknesses”

4) New West Response: 2003-4 was the very first year of operation for New West and the audit proves that significant improvement has been made since.

MGT Finding: “New West Has Developed Policies for Procurement and Disbursement but is Not Consistently Following Them”

5) New West Response: The audit noted substantial improvement in following the purchasing and payment procedures in the school’s Fiscal Procedures Manual, i.e.: the Fiscal Procedures Manual had been revised and updated to ensure prior authorization for purchases; proper approval for reimbursements; control is also now in place when goods are received by staff of New West; the control of the usage of debit card; the elimination of the potential for duplicate payments, and shipping of goods to an address other than New West. These have not occurred since 2004. As a result of the commitment the exceptions have decreased significantly (from 87% to 13% of the sample tested by MGT) within a short period of 3 months. New West understands that these must be followed consistently

MGT Finding: “New West Does Not Consistently Follow Its Procedure Requiring Dual Signatures on Checks for More Than $1,000”

6) New West Response: The dual signatures policy was introduced to New West in April 2005. In the short period of 4 months New West had shown significant improvement ranging from 71% compliance to 100% as evidenced by the MGT audit result. This will be increased to 100% compliance consistently.
B. Controls Over Cash

MGT Finding: “New West Updated Its Fiscal Procedures Manual and Conducted Training for Staff”

7) New West Response: As indicated in the MGT Audit Report New West did not receive any written guidelines or training for its cash control until April 2005. The MGT audit shows that “….the office manager and staff exhibited familiarity with the policies and indicated that they understood the procedures as well as the importance of having an adequate separation of duties.” New West will continue to adhere to policy on cash controls as we understand that this is a vital procedure to follow.

MGT Finding: “New West Is More Timely in Making Deposits, but Does Not Consistently Make Deposits within Seven Days as Its Procedures Require”

8) New West Response: New West will review in its entirety the manner of depositing and recording checks. We will make every necessary adjustment to accomplish a timely system for depositing checks.

MGT Finding: “New West Maintains Adequate Controls over Bank Reconciliations and the Issuance of Its Debit Card”

9) New West Response: Noted and Agreed

C. Controls Over Fixed Assets and Textbooks

MGT Finding: “New West Implemented a Fixed Asset and Textbook Inventory Tracking System and Procedures”

10) New West Response: Noted and agreed

MGT Finding: “New West Determined that It Had Several Missing Items upon Completion of Its Inventory Count of Fixed Assets”

11) New West Response: New West agrees that this is an unfortunate occurrence and has taken proper measures to safeguard all the assets as suggested in the MGT Audit Report. We are confident that “With its new procedures and systems in place, New West has reduced the likelihood of further losses” as outlined in the MGT Audit Report.

MGT Finding: “New West’s Asset Tracking Systems are Working as Designed”
12) New West Response: Noted and Agreed

D. MGT Recommendations
New West agrees to all of the following recommendations to improve its fiscal management:

“To improve its controls over purchasing and disbursements, New West should:

• Fully implement and monitor its procedures requiring the use of purchase orders and requisitions for purchases, original invoices prior to making payments, and receiving reports with dual signatures for goods received.
• Promptly investigate and resolve all items not in compliance with New West’s fiscal procedures.
• Closely monitor and control the use of its debit card and promptly investigate any deviations from its procedures.
• Implement a policy for receipt of goods during school closures to ensure delivery of all school purchases to the school.
• Revise its policy requiring dual signatures on checks greater than $1,000 to require dual signatures on all checks.
• Notify the bank of its policy requiring dual signatures on all checks.”

“To improve its controls over cash, New West should:

• Maintain a log of cash and checks and deposit all cash and checks within seven days of receipt.
• Conduct surprise cash counts periodically to ensure staff receive and record all cash promptly and accurately.
• Ensure it completes bank reconciliations in a timely manner.”

“To improve its controls over its fixed assets, New West should:

• Consider implementing electronic fixed-asset and textbook tracking and inventory systems.
• Implement a checkout system for portable equipment to track the user and location of the asset.
• Follow its policy for conducting annual physical inventory counts.”
CHAPTER 3: NEW WEST’S FISCAL VIABILITY

MGT Finding: “New West’s Limited Cash Reserves Make it Vulnerable to Insolvency if Circumstances Change”

13) New West Response: The school indeed continues to face low cash reserves for the remainder of the fiscal year as a result of lower than expected ADA in 2004-5, but is on track to improve the balances significantly by the end of the 2005-6 year. New West understands the importance of building up reserves for unforeseen financial needs and is working hard to accumulate sufficient cash reserves.

MGT Finding: “New West Lacks Written Policies for Cash Management”

14) New West Response: New West will adopt written cash management and debt management policies and incorporate them into our fiscal procedures manual immediately.

MGT Finding: “New West’s Reserve Balance Dipped, but Shows Recovery in Coming Year”

15) New West Response: As shown in the MGT Audit Report New West has shown steady improvement in the reserve balance. New West will make this one of its priority to ensure that the school continues to be financially viable.


16) New West Response: Noted and Agreed

MGT Recommendations
New West agrees to all of the following recommendations to ensure continued financial viability:

“To improve its cash position and cash management abilities, New West should:

• Strive to accumulate cash reserves of at least one full payroll and continue its efforts to secure a revolving line of credit for contingencies.
• Establish and adhere to written policies for cash-flow management and cash budgeting, including a cash-flow contingency plan.”
CHAPTER 4: CONTRACTING PROCESSES

Controls Over Contracting

**MGT Finding:** “New West Developed But Does Not Fully Comply With Its Contracting Procedures”

**17) New West Response:** New West will make sure all future contracts are reviewed by the Governing Board and a qualified attorney before execution. New West will also monitor all future contracts to ensure all parties fulfill the terms of contracts.

**MGT Recommendations**
New West agrees to all of the following recommendations to improve its contracting processes:

“To improve its contracting practices, New West should update its contracting procedures to require:

- Contract monitoring to ensure all parties fulfill the terms of contracts.
- Staff to maintain documentation in the contract file evidencing the competitive bids obtained and the justification of need.
- Staff to make all contract modifications in writing and prohibit initiation of services or continuance of a contract until the contract is properly executed—including prior governing council authorization.”

CHAPTER 5: GOVERNANCE

**MGT Finding:** “New West’s Governing Council Has Adopted and Implemented Election Procedures”

**19) New West Response:** Noted and Agreed

**MGT Finding:** “New West Established and Implemented Conflict-Of-Interest Policies and Procedures”

**20) New West Response:** Noted and Agreed
MGT Finding: “The Audit Team Found No Evidence of Fraud or Preferential Treatment Concerning the Related-Party Transactions”

21) New West Response: Noted and Agreed

MGT Recommendations
Noted and Agreed

“To ensure sound governance of the school, New West should continue its efforts to implement and adhere to the recommendations made by the A&I auditors with respect to governance and related-party transactions.”

CHAPTER 6: FOLLOW-UP ON A&I’S AUDIT WORK

MGT Recommendations
New West agrees to all of the following recommendations to improve its fiscal management:

“In addition to the recommendations contained in Chapters 1 through 5 — which address the current state of New West and are not restated here — the audit team provides the following recommendations to address the deficiencies identified in the A&I audit and in our follow-up of the unfinished A&I work contained in this Chapter.”

“New West should implement and adhere to all the recommendations in the A&I audit memorandum.”

“To improve its administration and controls over loan transactions, New West should:

• Ensure it is seeking loan repayment extensions, when necessary, prior to the due date of the payment.

• Create a proper paper trail for all loans including a loan agreement, evidence of governing council approval, and documentation showing approved loan repayment methods—in advance of entering into the transaction.”

“To strengthen its administration and controls over expenditures, New West should update its Fiscal Procedures Manual and implement policies:
• Prohibiting payments for items shipped to an address other than New West, billed to an entity or individual other than New West, or to personal credit cards without approval and proper receipts.

• Prohibiting the writing of checks to ‘cash’ or ‘bearer’ or to the person signing the check.

• Requiring staff to stamp all paid invoices as ‘paid.’

• To eliminate the appearance of improprieties, New West should continue to seek evidence/justification or seek reimbursement for the unsupported expenditures identified in this Chapter—particularly the October 27, 2003 and January 24, 2004 items listed in Exhibit 6a.”

(Endnotes)

1. The three audits are: (1) New West’s annual independent audit of December 2004 for 2003-04 fiscal year by Fedderson and Company, LLP, Certified Public Accountants; (2) CDE’s Audits and Investigations Division audit received by New West on April 19, 2005, but dated March 2, 2005, covering the period July 2003 to June 2004 (i.e., the A&I audit); and (3) the present MGT of America, Inc., follow-up audit issued December 5, 2005, covering the period from June 2003 to October, 2005 (i.e., the MGT audit).

2. These complaints were communicated to the CDE but not shared with New West for months until the CDE was informed of the school’s intent to file a Freedom of Information request for copies of all complaints against the school.
The Audit Team’s Comments on the Response from New West Charter Middle School

To provide clarity and perspective, we are commenting on the New West Charter Middle School’s (New West) response to our audit. The numbers correspond to the numbers we have placed in New West’s response.

1. The audit team believes that the tone of the audit is fair and reasonable based on the facts and findings presented. We find it disconcerting that New West finds the tone of the audit to be “pessimistic” and question whether New West fully understands the magnitude of problems that can occur—as we outline in the report—when sound internal control practices are not followed.

2. New West’s statement is misleading and overstates the findings in the audit report. Although the audit team did not find specific evidence that improprieties occurred, some items remain unresolved. Specifically, New West is unable to provide evidence to support the validity of several expenditures or the existence of three fixed asset items—leaving open the question as to whether improprieties occurred. Therefore, it is inaccurate for New West to assert that “there has been no financial impropriety, misuse of public funds, fraud, embezzlement, or other fiscal irregularities.” More accurately, as stated in the report: although the audit team found no improprieties, the unresolved items remain susceptible to impropriety.

3. The audit team found no evidence that New West is already 100 percent compliant with the recommended additions to its Fiscal Procedures Manual. For example, as discussed in the report, the audit team found that New West:

- Does not promptly investigate and resolve items not in compliance with its procedures,
- Neither has nor follows a policy for receiving goods during school closures,
- Neither has nor follows a policy requiring dual signatures on all checks,
- Does not maintain a log of cash and checks received,
- Does not conduct surprise cash counts,
- Does not have a checkout system for portable equipment, and
- Neither has nor follows cash management practices.

4. It does not seem plausible that New West could bring itself into full compliance with all the audit recommendations immediately when New West asserts (in the next bulleted response) that it will not develop an implementation plan for addressing the audit concerns until January 15, 2006.
New West is wrong. Its statement is misleading and overstates the findings in the audit report. Although the audit team did not find specific evidence that improprieties occurred, some items remain unresolved. Specifically, as New West reiterates in its response, New West is unable to provide evidence to support the validity of several expenditures—leaving open the question as to whether improprieties occurred. Without sufficient, competent evidential matter to support all expenditures, New West’s definitive assertion that a reasonable conclusion is “there were no improprieties at all” is unreasonable. More accurately, as stated in the report: although the audit team found no improprieties, the unresolved items remain susceptible to impropriety.

It is inaccurate to imply that the audit results provide evidence that New West has a “plan to put additional procedures in place.” New West did not mention or provide any such plan to the audit team.

The audit reveals that although New West has improved its accounting and administrative controls, further improvements are needed.

New West’s response only addresses three of the four months reviewed after New West implemented its procedure requiring dual signatures on all checks greater than $1,000. To be accurate, the audit team found that New West’s compliance ranged from zero to 100 percent (zero percent in May, 71 percent in June, 100 percent in July, and 83 percent in August).
BEGIN TEXT

The California Department of Education (CDE) recommends that the State Board of Education (SBE) hold a public hearing and conditionally approve the High Tech High (HTH) petition to establish a statewide benefit charter, assigning it charter number 757, for a five-year period as follows:

- The five-year term of the charter shall be from July 1, 2006, to June 30, 2011, if the first two schools open between July 1 and September 30, 2006.
- The five-year term of the charter shall be from July 1, 2007, to June 30, 2012, if the first two schools open between July 1 and September 30, 2007.

If the first two schools do not open on or before September 30, 2007, approval of the HTH statewide benefit charter will be terminated.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

AB 1994 (Chapter 1058, Statutes of 2002) added Education Code (EC) Section 47605.8 providing for the creation of statewide benefit charter schools to operate at multiple sites throughout the state. Statewide benefit charter petitions are submitted directly to the SBE, in contrast to individual charter petitions that come to the SBE from time to time because the petitions have been denied (for initial approval or renewal) at the local level.

In November 2004, the SBE adopted the Title 5 regulations called for in AB 1994 to implement EC Section 47605.8, and the regulations took effect (following approval by the Office of Administrative Law) in June 2005.

At its September 2005 meeting, the SBE received a presentation by HTH on its statewide benefit charter petition.

END TEXT
SUMMARY OF KEY ISSUES

HTH is the nonprofit public benefit corporation established to support the development of High Tech High schools throughout California. Incorporated in 2001, HTH currently operates two high schools and one middle school. HTH also provides program support and technical assistance to a network of nine additional High Tech High-inspired schools located in communities across the United States. In California, HTH is known for its strong academic program and Academic Performance Index (API) scores.

HTH formally submitted its statewide benefit petition (and the first of this type of charter to be submitted) on May 16, 2005. It was reviewed by the Advisory Commission on Charter Schools (ACCS) on May 23, 2005, following which some revisions were made. The CDE staff review of the petition (reflecting the revisions that followed consideration by the ACCS) is included as Attachment 1.

The CDE recommends approval, pending the satisfactory resolution of all findings and conditions, for a fall 2006 or fall 2007 opening of the first two HTH schools as listed in the petition.

Recommended Conditions

Based upon the review and discussion of this petition by the ACCS and continuing discussion with (and guidance from) representatives of the ACCS and SBE, the CDE recommends the following conditions be imposed if the SBE chooses to approve the HTH statewide benefit charter petition:

1. As a condition for the opening of additional schools, each of the first two schools opened under the statewide benefit petition shall demonstrate student academic achievement on the API of either:
   - A schoolwide API ranking of 7 or better and a similar schools ranking of 6 or better (7/6); or
   - A schoolwide API ranking of 6 or better and a similar schools ranking of 7 or better (6/7).

2. HTH shall present a plan for the opening of each new school site with a copy sent to the SBE charter liaisons. The plan shall be considered part of the statewide benefit charter, and any material revision of it shall require the SBE’s approval. The plan shall have the following elements:
   - The first two sites shall be located in different school districts and/or different counties and shall be located in areas where most neighboring public schools serving the same grade levels are in Program Improvement.
SUMMARY OF KEY ISSUES (cont)

- After the first two sites have operated for two years, and provided the first two sites achieve at least the API rankings specified above, one or more sites may be opened each year. Each additional site shall be located in areas where most neighboring public schools serving the same grade levels are in Program Improvement and shall be opened only with prior approval of the CDE, which shall notify the SBE of the location of the additional site(s). In addition, all existing HTH school sites must maintain no less than a 7/6 or 6/7 (schoolwide and similar schools, respectively) and must be meeting their API growth targets for schoolwide and for subgroups.

- The SBE will consider accelerating by one year the schedule for opening additional sites (as a material revision to the plan) upon a showing by HTH of outstanding student achievement at all existing statewide charter school sites.

- Each site shall initially open between July 1 and September 30.

- The specific location of each site shall be identified to the CDE in the January immediately preceding its opening.

3. The petition shall be amended to delete any requirement on the part of the SBE pertaining to Regional Occupational Program (ROP) funding. HTH must have ROP programmatic and fiscal details resolved before any school sites open.

4. Through legal review, the CDE and SBE staff shall ensure that the first two HTH schools to be opened under the statewide benefit charter are not currently authorized by a school district or county office of education (e.g., Bayshore and Media Arts).

5. All CDE final findings and recommendations must be addressed in the specified timelines and to the satisfaction of the CDE and SBE staff before HTH is authorized by the CDE to open any individual school under the statewide benefit charter.

6. For each school opened under the HTH statewide benefit charter, a target of at least 40 percent shall be established for the portion of the school’s student body who are socioeconomically disadvantaged students (for API purposes). Each school site shall implement student recruitment efforts and establish admission preferences, as permitted by law, to achieve the target.

7. Prior to the opening of any schools, a memorandum of understanding (MOU) shall be developed between HTH and the CDE that covers essential elements of the schools’ operation that are pertinent to effective state oversight and that are not incorporated in the charter itself.
SUMMARY OF KEY ISSUES (cont)

8. In the annual report HTH submits to the SBE on the statewide benefit charter, HTH will provide detailed information regarding student achievement at each school site, with particular emphasis on core subjects, as may be specified by the CDE and SBE staff.

In addition to the foregoing conditions, the CDE recommends that all the standard conditions of approval for individual charter petition appeals (as displayed in Attachment 4) be incorporated in the MOU specified above with appropriate modifications both:

- To address matters covered in the foregoing conditions; and
- To properly reflect the broader nature of a statewide benefit charter.

The CDE recommends that similar conditions be applied to all future statewide benefit charters approved by the SBE.

FISCAL ANALYSIS (AS APPROPRIATE)

Approval of a statewide benefit charter per se has little (if any) effect on the total amount of state local assistance funding to public schools. To the extent students attend the proposed statewide benefit charter schools, the funding to support them is merely redirected from other public schools. State costs overall are essentially the same.

There are currently two CDE staff positions assigned to oversee the SBE-approved charter schools and all-charter districts, as well as to provide some essential business functions that support them, such as certifying attendance, and reviewing fiscal, budget, and audit reports.

ATTACHMENT(S)

Attachment 1: Statewide Benefit Charter School Petition Review Form 2005-06 (22 pages)

Attachment 2: HTH Model Application to Operate a Statewide Benefit Charter School (70 Pages)

Attachment 3: Title 5 Regulations for Submission of Statewide Benefit Charter School Petitions to the State Board of Education (4 pages)

Attachment 4: Recommended Conditions of Operation for Statewide Benefit of Charter Schools to be Incorporated in a Memorandum of Understanding (3 pages)
California Department of Education
STATEWIDE BENEFIT CHARTER SCHOOL PETITION REVIEW FORM 2005-06

School Name: High Tech High

Deborah Connelly
Print name of person completing form

This form is designed as a tool to evaluate a statewide benefit charter school petition submitted to the State Board of Education in order to insure that the charter meets all the requirements and standards intended by State law. After evaluating the charter petition, please respond to each of the questions below and provide additional comments, as needed.

REQUIREMENTS FOR SUBMISSION OF A PETITION

<table>
<thead>
<tr>
<th>COPY OF THE CHARTER PETITION - Title 5, California Code of Regulations Section 11967.6</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Complete copy of the charter petition is provided</td>
</tr>
<tr>
<td>• Petition contains the number of signatures required by Education Code (EC) Section 47605 (a)</td>
</tr>
<tr>
<td>Comments: N/A</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>CERTIFICATION OF COMPLIANCE - Title 5, California Code of Regulations Section 11967 (b)(3)</th>
</tr>
</thead>
<tbody>
<tr>
<td>• A signed certification of compliance with applicable law is provided.</td>
</tr>
<tr>
<td>Comments:</td>
</tr>
</tbody>
</table>

EVALUATION OF THE CHARTER PETITION

CDE STAFF OVERALL RECOMMENDATION:
CDE staff recommends that this petition be approved by the SBE with the standard conditions recommended by CDE staff on charter appeals and with the additional conditions recommended by the Advisory Commission on Charter Schools (see the SBE agenda item discussion of conditions recommended by the ACCS).
The petitioners have reasonably described a statewide benefit that cannot accrue if HTH was operating in only one district or county. HTH is proposing to open two high schools, each in separate districts within San Diego County (Escondido and Chula Vista) in the fall of 2006. They are proposing to bring a total of 10 schools online by 2010 in various districts and counties in the state.

The petitioners have demonstrated success in improving student academic performance in their other schools previously approved within the state. The curriculum and instructional methodologies proposed are generally the same ones that have been used in HTH’s other existing schools and has apparently served students well. API scores for the two existing schools have been consistently high. HTH claims that all graduates in the classes of 2003 and 2004 were admitted to college and all students chose to attend. The California Commission on Teacher Credentialing has authorized HTH to operate a teacher credentialing program.

HTH appears to have built the organizational and administrative structure, and the capacity to operate schools in a fiscally sound and prudent manner as demonstrated through the success of HTH’s existing schools. They have previously successfully secured facilities and appear to have a sophisticated understanding of various funding mechanisms that are available for facilities.

The petitioners have requested that the term of the charter be for a five-year period. Although the SBE has consistently taken action to limit charters on appeal to three-year terms, CDE staff recommends a five-year initial term for this charter petition. It is difficult to establish solid academic performance within a three-year period because of the timing of the availability of STAR test data and the long lead time for petition renewals.

Finally, there are minor, technical changes that need to be made to the language of the petition, if the SBE approves this petition.

**Education Code §47605.8(b)**

<table>
<thead>
<tr>
<th>INSTRUCTIONAL SERVICES OF A STATEWIDE BENEFIT</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Evaluation Criteria</strong></td>
</tr>
<tr>
<td>The State Board of Education may not approve a petition for the operation of a statewide benefit charter school unless the State Board of Education finds that the proposed statewide benefit charter school will provide instructional services of statewide benefit that cannot be provided by a charter school operating in only one school district, or only one county. Instructional services of a statewide benefit include, but are not limited to:</td>
</tr>
<tr>
<td>(1) Unique factors and circumstances related to the statewide benefit charter school’s educational program that can only be accomplished as a statewide benefit charter and not as a single district- or single county-authorized charter, including specific benefits to the following:</td>
</tr>
<tr>
<td>(A) The pupils who would attend the statewide benefit charter school.</td>
</tr>
<tr>
<td>(B) The communities (including the school districts and the counties) in which the individual schools would be located.</td>
</tr>
<tr>
<td>(C) The state, to the extent applicable.</td>
</tr>
<tr>
<td>(D) The statewide benefit charter school itself.</td>
</tr>
</tbody>
</table>
Charter petition proposes to provide instructional services of a statewide benefit. The SBE may not approve a petition unless it finds that the charter school will provide instructional services of a statewide benefit that cannot be provided by a charter school operating in only one district or only one county. (Indicate “No” if denial is recommended for this reason).

Recommend Approval

Comments:
The petition addresses all of the unique factors and circumstances that would benefit pupils, communities, the state, and the school itself in a reasonably comprehensive manner. The benefits to students are described as innovative learning opportunities that combine academic rigor with real world experience in a small school setting (approximately 450 students) that is demographically diverse. In addition, HTH has created an alumni program to support former students while they attend colleges and universities.

HTH asserts that the benefit to communities would be in catalyzing redevelopment and other civic initiatives. Because of HTH’s local reputation it has served as a catalyst for a collaborative redevelopment project that involved community based organizations, universities, and the city leadership. HTH believes it can foster those collaborations in other areas of the state. This type of collaboration in turn increases the business community confidence and support in public education and also results in mutually beneficially internship programs for students.

The petition states the benefit to the state is that HTH with its proven model of successful high schools can contribute to statewide initiatives to improve low performing schools by locating in low income areas eligible for New Markets Tax Credits. Thus, HTH will be able to provide alternative school choices for those students in greatest need. By replicating this successful high school model across the state, HTH will be expanding the number of students who are capable of entering the workforce with the knowledge and ability to solve real world problems. In addition, by operating its own teacher credentialing program, HTH will graduate approximately 50 new highly qualified teachers annually.

Finally, HTH describes the principle benefit to the school as that of being able to better leverage New Markets Tax Credits with a proposed statewide presence in low income areas, than on an individual school basis. This is important because the HTH facilities need to be technologically equipped and sophisticated to support the educational program. HTH also believes it can provide better statewide alumni support to students attending colleges and universities outside the San Diego area.

I. Education Code §47605(b)(1)

<table>
<thead>
<tr>
<th>UNSOUND EDUCATIONAL PRACTICE</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Evaluation Criteria</strong></td>
</tr>
<tr>
<td>For purposes of Education Code §47605(b)(1), a charter petition shall be “an unsound educational program” if it is either of the following:</td>
</tr>
<tr>
<td>(1) A program that involves activities that the State Board of Education determines would present the likelihood of physical, educational, or psychological harm to the affected pupils.</td>
</tr>
<tr>
<td>(2) A program that the State Board of Education determines not to be likely to be of educational benefit to the pupils who attend.</td>
</tr>
</tbody>
</table>
Charter petition is “an unsound educational program”. (Indicate “Yes” if denial is recommended for this reason.)

No
Recommend Approval

Comments: The education program proposed by HTH appears to be sound and based on the track record of its existing schools, it will likely result in increased academic performance by students. CDE staff believes this model is worthy of replication. CDE staff does have a few specific comments about some aspects of the education program as described in the charter petition. These comments are provided under each of the required elements below.

II. Education Code §47605(b)(2)

<table>
<thead>
<tr>
<th>DEMONSTRABLY UNLIKELY TO IMPLEMENT THE PROGRAM</th>
<th>Petitioners are &quot;demonstrably unlikely to successfully implement the program&quot;. (Indicate “Yes” if denial is recommended for this reason.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Evaluation Criteria</td>
<td>No Recommend Approval</td>
</tr>
</tbody>
</table>
| The State Board of Education shall take the following factors into consideration in determining whether charter petitioners are "demonstrably unlikely to successfully implement the program."

(1) If the petitioners have a past history of involvement in charter schools or other education agencies (public or private), the history is one that the State Board of Education regards as unsuccessful, e.g., the petitioners have been associated with a charter school of which the charter has been revoked or a private school that has ceased operation for reasons within the petitioners’ control.

(2) The petitioners are unfamiliar in the State Board of Education’s judgment with the content of the petition or the requirements of law that would apply to the proposed charter school.

(3) The petitioners have presented an unrealistic financial and operational plan for the proposed charter school. (See details: Title 5, California Code of Regulations §11967.5.1. (c)(3) (A-D))

(4) The petitioners personally lack the necessary background in the following areas critical to the charter school’s success, and the petitioners do not have plan to secure the services of individuals who have the necessary background in these areas:

A. Curriculum, instruction, and assessment.
B. Finance and business management.
Comments: The petitioners appear to have a good grasp of the requirements of the law and have a background in the financial and legal aspects of operating charter schools. HTH has a past history of operating successful charter schools and the organization has expertise in curriculum and instruction as well as finance and business management. The budget contains detailed information about each of the proposed schools.

CDE staff notes that the petitioners have identified the San Diego County Office of Education as the agency they would like to establish accounts in the county treasury on HTH’s behalf in accordance with Title 5 regulations (Section 11967.8). HTH has entered into discussions with the county office, which has indicated that it is willing to serve as the agency for HTH schools located in San Diego County. However, the county is apparently unwilling to serve as a fiscal agent for schools located outside of San Diego County. This does not pose a problem for the first year, because both schools proposed for opening are within the county. However, in future years, the SBE may have to appoint a designated county office (as provided for in regulations) to be responsible for setting up accounts for HTH. CDE staff will work with the petitioners to resolve this issue, if the petition is approved.

III. Education Code §47605 (b)(4)

<table>
<thead>
<tr>
<th>Education Code §47605(d)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Affirmation of each of the conditions described in subdivision (d) of Education Code §47605</strong></td>
</tr>
<tr>
<td><strong>Evaluation Criteria</strong></td>
</tr>
<tr>
<td>A charter petition that &quot;does not contain an affirmation of each of the conditions described in subdivision (d)&quot; of <em>Education Code</em> Section 47605 shall be a petition that fails to include a clear, unequivocal affirmation of each such condition. Neither the charter nor any of the supporting documents shall include any evidence that the charter will fail to comply with the conditions described in <em>Education Code</em> Section 47605(d).</td>
</tr>
</tbody>
</table>

(1) In addition to any other requirement imposed under this part, a charter school shall be nonsectarian in its programs, admission policies, employment practices, and all other operations, shall not charge tuition, and shall not discriminate against any pupil on the basis of ethnicity, national origin, gender, or disability. Except as provided in paragraph (2), admission to a charter school shall not be determined according to the place of residence of the pupil, or of his or her parent or guardian, within this state, except that any existing public school converting partially or entirely to a charter school under this part shall adopt and maintain a policy giving admission preference to pupils who reside within the former attendance area of that public school.

(2) (A) A charter school shall admit all pupils who wish to attend the school.

(B) However, if the number of pupils who wish to attend the charter school exceeds the school's capacity, attendance, except for existing pupils of the charter school, shall be determined by a public random drawing. Preference shall be extended to pupils currently attending the charter school and pupils who reside in the district except as provided for in Section 47614.5. Other preferences may be permitted by the chartering authority on an individual school basis and only if consistent with the law.

(C) In the event of a drawing, the chartering authority shall make reasonable efforts to accommodate the growth of the charter school and, in no event, shall take any action to impede the charter school from expanding enrollment to meet pupil demand.
Charter petition contains an affirmation of each of the conditions described in subdivision (d) of Education Code §47605. (Yes or No.)

Comments: The petitioners have included the affirmations addressed in Education Code Section 47605. However, the regulations governing statewide benefit charter petitions (CCR Title 5, Section 11967.6(a)(5) and 11967.6(a)(10) require the petitioners to provide assurances that the instructional services will be essentially the same at each school site and that HTH will notify the school district and county superintendents where each school site is to be located at least 120 days prior to commencement of instruction. CDE staff recommends these assurances be included on the assurances page submitted by the petitioners.

IV. Education Code §47605 (b)(5)

REASONABLY COMPREHENSIVE DESCRIPTION OF THE SPECIFIED ELEMENTS

There are 16 Required Elements (A-P). Please indicate whether or not the information provided for each element overall meets the requirement for being “reasonably comprehensive” by circling the appropriate response at the end of each of the 16 sections. “Reasonably comprehensive,” as used herein, means that the given information: (1) Is substantive and is not, for example, a listing of topics with little elaboration; (2) For elements that have multiple aspects, addresses essentially all aspects of the elements, not just selected aspects; and (3) is specific to the charter petition being proposed, not to charter schools or charter petitions generally.

Required Element
1. Educational Program - EC §47605(b)(5)(A)

<table>
<thead>
<tr>
<th>Evaluation Criteria</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>(A) Indicates the proposed charter school’s target student population, including, at a minimum, grade levels, approximate numbers of pupils, and specific educational interests, backgrounds, or challenges.</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>(B) Specifies a clear, concise school mission statement with which all elements and programs of the school are in alignment and which conveys the petitioners' definition of an &quot;educated person in the 21st century, belief of how learning best occurs, and goals consistent with enabling pupils to become or remain self-motivated, competent, and lifelong learners.</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>(C) Includes a framework for instructional design that is aligned with the needs of the pupils that the charter school has identified as its target student population.</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>(D) Indicates the basic learning environment or environments (e.g., site-based matriculation, independent study, community-based education, technology-based education).</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>(E) Indicates the instructional approach or approaches the charter school will utilize, including, but not limited to, the curriculum and teaching methods (or a process for developing the curriculum and teaching methods) that will enable the school’s pupils to master the content standards for the four core curriculum areas adopted by the State Board of Education pursuant to Education Code section 60605 and to achieve the objectives specified in the charter.</td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>
(F) Indicates how the charter school will identify and respond to the needs of pupils who are not achieving at or above expected levels. 

(G) Indicates how the charter school will meet the needs of students with disabilities, English learners, students achieving substantially above or below grade level expectations, and other special student populations.

(H) Specifies the charter school’s special education plan, including, but not limited to, the means by which the charter school will comply with the provisions of Education Code section 47641, the process to be used to identify students who qualify for special education programs and services, how the school will provide or access special education programs and services, the school’s understanding of its responsibilities under law for special education pupils, and how the school intends to meet those responsibilities.

### Required Element

**1. Educational Program - EC §47605(b)(5)(A) - CONTINUED**

<table>
<thead>
<tr>
<th>Evaluation Criteria</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Note: If serving high school students, describes how district/charter school informs parents about:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• transferability of courses to other public high schools</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>• eligibility of courses to meet college entrance requirements</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Courses that are accredited by the Western Association of Schools and Colleges (WASC) may be considered transferable and courses approved by the University of California (UC) or the California State University (CSU)as creditable under the &quot;A&quot; to &quot;G&quot; admissions criteria may be considered to meet college entrance requirements.)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Comments on element as a whole:**
The petition as a whole is reasonably comprehensive and provides detailed descriptions of each of the evaluation criteria. However, there are a few areas that CDE staff recommend be amended if the SBE approves the charter petition. They are as follows:

**Regional Occupation Programs (ROP)** – the language of the petition states that the petitioners will work with the SBE to develop a method by which the school may access an equitable share of federally provided ROP funding. This language should be eliminated. The ACCS, as one of its recommended conditions of approval, strongly indicated that HTH must resolve ROP programmatic and fiscal details themselves before the schools open. Gaining admittance into an ROP program is similar to applying for admittance to a SELPA and HTH must initiate that process. The SBE has neither the authority nor the responsibility to intercede on behalf of HTH to secure admittance to any of these regional organizations.

**Plan for Special Education** – CDE staff recommends that HTH provide additional information regarding how it intends to secure the resources typically needed by students with disabilities. For example, will it hire staff for each school or contract out for services? If HTH is contracting for services, with whom is it contracting? HTH has secured admittance into the Desert Mountain SELPA, but it is not clear if the SELPA intends on providing the necessary staff to support the school’s special needs students.
**Transferability of Credits** – statute requires charter high schools to describe how they are going to notify parents of the transferability of courses to other high schools and the eligibility of courses to meet college entrance requirements. HTH states that “upon request from parents” it will notify them of course transferability and eligibility. CDE staff recommends that all parents be notified as a matter of course, not just upon request. The current language places the burden on the parents to know to request such information.

**Overall this element describes a program that is “consistent with sound educational practice”** (Yes or No) | Yes

---

**Required Element**

2. **Measurable Pupil Outcomes - EC §47605(b)(5)(B)**

<table>
<thead>
<tr>
<th>Evaluation Criteria</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>(A) Specify skills, knowledge, and attitudes that reflect the school’s educational objectives and can be assessed, at a minimum, by objective means that are frequent and sufficiently detailed enough to determine whether pupils are making satisfactory progress. It is intended that the frequency of objective means of measuring pupil outcomes vary according to such factors as grade level, subject matter, the outcome of previous objective measurements, and information that may be collected from anecdotal sources. To be sufficiently detailed, objective means of measuring pupil outcomes must be capable of being used readily to evaluate the effectiveness of and to modify instruction for individual students and for groups of students.</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>(B) Include the school's Academic Performance Index growth target, if applicable.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Comments on element as a whole:**

The petition contains many school-wide objectives that are quantifiable. However, the student outcomes described in the petition do not quantify expected numbers of students to perform and at what levels on the tests. CDE staff recommends that the Charter Schools Division work with HTH over the next year to develop quantifiable and measurable student outcomes that will be reflected in the Memorandum of Understanding being developed for statewide benefit charters.

Further, language under the section on the API states that it is the goal of HTH that every site will achieve a statewide API ranking of 7 or higher by its fifth year of operation. This is inconsistent with the ACCS recommendation that all sites approved as part of this petition demonstrate student academic achievement annually as evidenced by a statewide API ranking of 7 or better or a similar schools ranking of 6 or better before additional schools may be added under the statewide benefit charter. CDE staff recommends HTH amend language in the petition to be consistent with the condition that HTH demonstrate annual achievement at these levels.

**Overall this element meets the criteria for “reasonably comprehensive”** (Yes or No) | No
### Required Element
#### 3. Method by Which Pupil Progress in Meeting the Pupil Outcomes Will Be Measured – EC §47605(b)(5)(C)

<table>
<thead>
<tr>
<th>Evaluation Criteria</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>(A) Utilizes a variety of assessment tools that are appropriate to the skills, knowledge, or attitudes being assessed, including, at minimum, tools that employ objective means of assessment consistent with the Measurable Pupil Outcomes.</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>(B) Includes the annual assessment results from the Statewide Testing and Reporting (STAR) program.</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>(C) Outlines a plan for collecting, analyzing, and reporting data on pupil achievement to school staff and to pupils’ parents and guardians, and for utilizing the data continuously to monitor and improve the charter school’s educational program.</td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

**Comments on element as a whole:**
Petition is reasonably comprehensive in addressing this element.

*Overall this element meets the criteria for “reasonably comprehensive” (circle one)*  
Yes

### Required Element
#### 4. Governance Structure of School Including, But Not Limited to, Parental Involvement – EC §47605(b)(5)(D)

<table>
<thead>
<tr>
<th>Evaluation Criteria</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>(A) Includes evidence of the charter school’s incorporation as a non-profit public benefit corporation, if applicable.</td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>
| (B) Includes evidence that the organizational and technical designs of the governance structure reflect a seriousness of purpose necessary to ensure that:  
  1. The charter school will become and remain a viable enterprise.  
  2. There will be active and effective representation of interested parties, including, but not limited to parents (guardians).  
  3. The educational program will be successful. | X   |    |

**Comments on element as a whole:**
The petition states that the statewide benefit schools will be governed by the HTH Board of Directors and that advisory boards will be established at each of the school sites that will provide input regarding site issues, including the use of categorical funding. The advisory boards will be composed of the school director, teachers, parents, and community members. This should satisfy the requirement under NCLB and the Perkins Vocational Education Act that there be formal and active parent involvement in the planning and implementation of the programs and activities funded with these federal funds. In addition, there are a number of activities that parent associations may undertake, such as creating newsletters, websites, student directories, etc.

*Overall this element meets the criteria for “reasonably comprehensive” (circle one)*  
Yes
## Required Element
5. Qualifications to be Met by Individuals to be Employed by The School – EC §47605(b)(5)(E)

<table>
<thead>
<tr>
<th>Evaluation Criteria</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>(A) Identify general qualifications for the various categories of employees the school anticipates (e.g., administrative, instructional, instructional support, non-instructional support). The qualifications shall be sufficient to ensure the health, and safety of the school's faculty, staff, and pupils.</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>(B) Identify those positions that the charter school regards as key in each category and specify the additional qualifications expected of individuals assigned to those positions.</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>(C) Specify that all requirements for employment set forth in applicable provisions of law will be met, including, but not limited to credentials as necessary.</td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

**Comments on element as a whole:**
The petition states that HTH is well on its way to full compliance with NCLB highly qualified teacher provisions. However, the petition goes on to state that if the teacher of record cannot meet the NCLB requirements, students will have access to tutoring or consultation as needed with an NCLB compliant teacher. CDE staff is concerned that this language is not quite consistent with NCLB guidance issued by CDE in March 2004, which states that the “access to teachers meeting the requirement could be through in-person meetings or through distance learning arrangements.” In other words, the school is still responsible for ensuring that teachers who teach core academic classes are NCLB compliant. It is not sufficient to provide only tutoring or consultation as needed. CDE staff recommends that, if approved, the petition be amended to ensure that all teachers of core academic courses are NCLB compliant.

**Overall this element meets the criteria for “reasonably comprehensive” (Yes or No)**

No

## Required Element

<table>
<thead>
<tr>
<th>Evaluation Criteria</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>(A) Require that each employee of the school furnish the school with a criminal record summary as described in Education Code section 44237.</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>(B) Include the examination of faculty and staff for tuberculosis as described in Education Code section 49406.</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>(C) Require immunization of pupils as a condition of school attendance to the same extent as would apply if the pupils attended a non-charter public school.</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>(D) Provide for the screening of pupils’ vision and hearing and the screening of pupils for scoliosis to the same extent as would be required if the pupils attended a non-charter public school.</td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

**Comments on element as a whole:**
The petition states that HTH will develop health, safety and risk management policies, but nothing is included with the petition. Further, CDE
staff recommends that the petition, if approved, be amended to state that the employer rather than the employee will be responsible for obtaining criminal record summaries from the Department of Justice. This removes the potential for unscrupulous employees to tamper with records.

| Overall this element meets the criteria for “reasonably comprehensive” (Yes or No) | No |

### Required Element

#### 7. Means to Achieve a Reflective Racial and Ethnic Balance – EC §47605(b)(5)(G)

<table>
<thead>
<tr>
<th>Evaluation Criteria</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Recognizing the limitations on admissions to charter schools imposed by Education Code section 47605(d), describe the means by which the school(s) will achieve a racial and ethnic balance among its pupils that is reflective of the general population residing within the territorial jurisdiction of the school district.</td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

**Comments on element as a whole:**
The petition is reasonably comprehensive in addressing this element.

| Overall this element meets the criteria for “reasonably comprehensive” (Yes or No) | Yes |

### Required Element

#### 8. Admissions Requirements – EC §47605(b)(5)(H)

<table>
<thead>
<tr>
<th>Evaluation Criteria</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>A description of admission requirements in compliance with the requirements of Education Code section 47605(d) and any other applicable provision of law.</td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

**Comments on element as a whole:**
The petition lists a priority for admissions that includes; returning students at a site, children of employees or board members of HTH sites, children of employees or board members of the High Tech High Foundation and of HTH, children who are being promoted or are transferring from another HTH school, all other students. CDE staff recommends that HTH provide information on what percentage of the student body is expected to fall under these preferences. CDE staff further recommends that a 10% limitation be placed on the number of students out of total enrolled who may be given priority preference each year.

| Overall this element meets the criteria for “reasonably comprehensive” (Yes or No) | No |
Required Element

<table>
<thead>
<tr>
<th>Evaluation Criteria</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Describe the manner in which annual, independent, financial audits shall be conducted, which shall employ generally accepted accounting principles, and the manner in which audit exceptions and deficiencies shall be resolved to the satisfaction of the chartering authority.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(A) Specify who is responsible for contracting and overseeing the independent audit.</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>(B) Specify that the auditor will have experience in education finance.</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>(C) Outline the process of providing audit reports to the State Board of Education, California Department of Education, or other agency as the State Board of Education may direct, and specifying the timeline in which audit exceptions will typically be addressed.</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>(D) Indicate the process that the charter school(s) will follow to address any audit findings and/or resolve any audit exceptions.</td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

Comments on element as a whole:
The petition is reasonably comprehensive in addressing this element. However, CDE staff recommends that HTH be directed to employ an audit firm listed on the State Controller’s Office list of approved auditors if this petition is approved.

Overall this element meets the criteria for “reasonably comprehensive” (Yes or No)  Yes

Required Element

<table>
<thead>
<tr>
<th>Evaluation Criteria</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>(A) Identify a preliminary list, subject to later revision pursuant to subparagraph (E), of the offenses for which students in the charter school must (where non-discretionary) and may (where discretionary) be suspended and, separately, the offenses for which students in the charter school must (where non-discretionary) or may (where discretionary) be expelled, providing evidence that the petitioners’ reviewed the offenses for which students must or may be suspended or expelled in non-charter public schools.</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>(B) Identify the procedures by which pupils can be suspended or expelled.</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>(C) Identify the procedures by which parents, guardians, and pupils will be informed about reasons for suspension or expulsion and of their due process rights in regard to suspension or expulsion.</td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>
(D) Provide evidence that in preparing the lists of offenses specified in subparagraph (A) and the procedures specified in subparagraphs (B) and (C), the petitioners reviewed the lists of offenses and procedures that apply to students attending non-charter public schools, and provide evidence that the charter petitioners believe their proposed lists of offenses and procedures provide adequate safety for students, staff, and visitors to the school and serve the best interests the school’s pupils and their parents (guardians).

(E) If not otherwise covered under subparagraphs (A), (B), (C), and (D):
   1. Provide for due process for all pupils and demonstrate an understanding of the rights of pupils with disabilities in regard to suspension and expulsion.
   2. Outline how detailed policies and procedures regarding suspension and expulsion will be developed and periodically reviewed, including, but not limited to, periodic review and (as necessary) modification of the lists of offenses for which students are subject to suspension or expulsion.

Comments on element as a whole:
The petition addresses suspension and expulsion procedures in very general terms. If approved, CDE staff recommends the petition be amended to address the above criteria with specificity.

Overall this element meets the criteria for “reasonably comprehensive” (Yes or No) No

### Required Element

11. Staff Retirement System – EC §47605(b)(5)(K)

<table>
<thead>
<tr>
<th>Evaluation Criteria</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Describes the manner by which staff members of the charter schools will be covered by the State Teachers' Retirement System, the Public Employees' Retirement System, or federal social security, at a minimum, specifies the positions to be covered under each system and the staff who will be responsible for ensuring that appropriate arrangements for that coverage have been made.</td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

Comments on element as a whole:
The petition does not describe the positions to be covered under each system, nor does it describe who will be responsible for ensuring that appropriate arrangement for coverage have been made.

Overall this element meets the criteria for “reasonably comprehensive” (Yes or No) No
### Required Element
#### 12. Attendance Alternatives – EC §47605(b)(5)(L)

<table>
<thead>
<tr>
<th>Evaluation Criteria</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Describes the public school attendance alternatives for pupils residing within the school district who choose not to attend charter schools, at a minimum, specify that the parent or guardian of each pupil enrolled in the charter school shall be informed that the pupils has no right to admission in a particular school of any local education agency (or program of any local education agency) as a consequence of enrollment in the charter school, except to the extent that such a right is extended by the local education agency.</td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

**Comments on element as a whole:**

The petition should be amended to include language stating “...that the parent or guardian of each pupil enrolled in the charter school shall be informed that the pupil has no right to admission in a particular school of any local education agency (or program of any local education agency) as a consequence of enrollment in the charter school, except to the extent that such a right is extended by the local education agency.”

**Overall this element meets the criteria for “reasonably comprehensive” (Yes or No)**

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>No</td>
</tr>
</tbody>
</table>

### Required Element
#### 13. Description of Employee Rights – EC §47605(b)(5)(M)

<table>
<thead>
<tr>
<th>Evaluation Criteria</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>The description of the rights of any employees of the school district upon leaving the employment of the school district to work in a charter school, and of any rights of return to the school district after employment at a charter school, at a minimum, specifies that an employee of the charter school shall have the following rights:</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>(A) Any rights upon leaving the employment of a local education agency to work in the charter school that the local education agency may specify.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(B) Any rights of return to employment in a local education agency after employment in the charter school as the local education agency may specify.</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>(C) Any other rights upon leaving employment to work in the charter school and any rights to return to a previous employer after working in the charter school that the State Board of Education determines to be reasonable and not in conflict with any provisions of law that apply to the charter school or to the employer from which the employee comes to the charter school or to which the employee returns from the charter school.</td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

**Comments on element as a whole:**

CDE staff recommends the petition be amended to add language from the above criteria that states charter school employees have any rights
upon leaving or returning to employment in a local education agency (LEA) that the LEA may specify, and any other rights that the SBE
determines to be reasonable and not in conflict with any other applicable provisions of law.

**Overall this element meets the criteria for “reasonably comprehensive” (Yes or No)**

No

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### Required Element

14. Dispute Resolution Process – *EC §47605(b)(5)(N)*

<table>
<thead>
<tr>
<th>Evaluation Criteria</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Describes the procedures to be followed by the charter school and the entity granting the charter to resolve disputes relating to provisions of the charter, at a minimum:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(A) Include any specific provisions relating to dispute resolution that the State Board of Education determines necessary and appropriate in recognition of the fact that the State Board of Education is not a local education agency. (CCR 11967.5.1)</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>(B) Describe how the costs of the dispute resolution process, if needed, would be funded.</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>(C) Recognize that, because it is not a local education agency, the State Board of Education may choose resolve a dispute directly instead of pursuing the dispute resolution process specified in the charter, provided that if the State Board of Education intends to resolve a dispute directly instead of pursuing the dispute resolution process specified in the charter, it must first hold a public hearing to consider arguments for and against the direct resolution of the dispute instead of pursuing the dispute resolution process specified in the charter.</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>(D) Recognize that if the substance of a dispute is a matter that could result in the taking of appropriate action, including, but not limited to, revocation of the charter in accordance with <em>EC Section 47604.5</em>, the matter will be addressed at the State Board of Education’s discretion in accordance with that provision of law and any regulations pertaining thereto.</td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

**Comments on element as a whole:**

The petition describes a plan for arbitration of disputes that may be useful in some cases. The petition also expressly recognizes that “because the SBE is not a local education agency, it may choose to resolve a dispute directly instead of pursuing the dispute resolution process.” The only limitation placed on the SBE’s exercise of direct dispute resolution is that “it must first hold a public hearing to consider arguments for and against the direct resolution of the dispute.” Given that all SBE meetings are public meetings (with very limited exceptions for closed sessions within the public meetings), the public hearing requirement would create little additional work for the SBE. The existence of the dispute resolution provisions does not impair the statutory authority to make reasonable requests for information or to revoke the charter for major deficiencies, such as gross financial mismanagement, illegal or substantially improper use of funds, or substantial and sustained departure from measurably successful practices related to educational development.

**Overall this element meets the criteria for “reasonably comprehensive” (Yes or No)**

Yes
### Required Element
15. Labor Relations – EC §47605(b)(5)(O)

<table>
<thead>
<tr>
<th>Evaluation Criteria</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contains a declaration of whether or not the district shall be deemed the exclusive public school employer of the employees of the charter school(s) for the purposes of the Educational Employment Relations Act (Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code), recognizes that the State Board of Education is not an exclusive public school employer and that, therefore, the district must be the exclusive public school employer of the employees of the charter school(s) for the purposes of the Educational Employment Relations Act (Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code).</td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

**Comments on element as a whole:**

The petition is reasonably comprehensive in addressing this element.

*Overall this element meets the criteria for “reasonably comprehensive” (Yes or No)*

| Yes |

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### Required Element

<table>
<thead>
<tr>
<th>Evaluation Criteria</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Describes the procedures to be followed if the charter school closes.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(A) The process for conducting a final audit of the charter school/district that includes specific plans for disposition of any net assets, and</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>(B) The process for notifying parents/guardians and for the maintenance and transfer of pupil records.</td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

**Comments on element as a whole:**

The petition is reasonably comprehensive in addressing this element.

*Overall this element meets the criteria for “reasonably comprehensive” (Yes of No)*

| Yes |
V. EDUCATION CODE §47605 (c)

<table>
<thead>
<tr>
<th>Requirements Set Forth in EC §47605 (c)</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Specific evidence, procedures and/or assurance (check appropriate box for each)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Evaluation Criteria</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(1) Meets all statewide standards and conducts pupil assessments required pursuant to EC §60605 and any other statewide standards authorized in statute or pupil assessments applicable to pupils in non-charter public schools. Statement of assurance and list of pupil assessments included in petition.</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>(2) Consults on a regular basis with parents and teachers regarding the school's educational programs. Describes parental and teacher participation regarding the educational program.</td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

Comments:
The petition addresses this element in a reasonably comprehensive manner.

This criterion has been met (Yes or No). Yes

VI. EDUCATION CODE §47605 (d)

<table>
<thead>
<tr>
<th>Requirements Set Forth in EC §47605 (d)</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Specific evidence, procedures and/or assurance (check appropriate box for each)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Evaluation Criteria</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(1) Statements of assurance are provided stating that district and/or charter school(s) shall be nonsectarian in its programs, admission policies, employment practices, and all other operations; shall not charge tuition, and shall not discriminate against any pupil on the basis of ethnicity, national origin, gender, or disability. Also that admission to the district and/or charter school shall not be determined according to the place of residence of the pupil, or of his or her parent or guardian, within this state. (Note: Any existing public school converting partially or entirely to a charter school under this part shall adopt and maintain a policy giving admission preference to pupils who reside within the former attendance area of that public school.)</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>(2) (A) A charter school shall admit all pupils who wish to attend the school. (B) If the number of pupils who wish to attend a charter school exceeds the school's capacity, attendance, except for existing pupils of the charter school, shall be determined by a public random drawing. (Note: Preference shall be extended to pupils currently attending the charter school and pupils who reside in the district except as provided for in EC §47614.5. Other preferences may be permitted by the chartering authority on an individual school basis and only if consistent with the law.) Describes how public random drawing will be conducted. Clearly describes admissions requirements, including any preferences (must be consistent with the law). (C) In the event of a drawing, the chartering authority shall make reasonable efforts to accommodate the growth of the charter school and, in no event, shall take any action to impede the charter school from expanding enrollment to meet pupil demand.</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Comments:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>The petition is reasonably comprehensive in addressing this element.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>This criterion has been met (Yes or No).</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Yes</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

VII. **EDUCATION CODE §47605 (e)**

<table>
<thead>
<tr>
<th>REQUIREMENTS SET FORTH IN <strong>EDUCATION CODE §47605 (e)</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Specific evidence, procedures and/or assurance (check appropriate box)</td>
</tr>
<tr>
<td>Evaluation Criteria</td>
</tr>
<tr>
<td>No governing board of a school district shall require any employee of the school district to be employed in a charter school.</td>
</tr>
<tr>
<td>Statement of assurance included in petition.</td>
</tr>
<tr>
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VIII. **EDUCATION CODE §47605 (f)**

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<td>Specific evidence, procedures and/or assurance (check appropriate box)</td>
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<tr>
<td>Evaluation Criteria</td>
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<td>No governing board of a school district shall require any pupil enrolled in the school district to attend a charter school.</td>
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<td>Statement of assurance included in petition.</td>
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<td>Comments: The criterion has been met.</td>
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### IX. EDUCATION CODE §47605 (g) 

**REQUIREMENTS SET FORTH IN EDUCATION CODE §47605 (f)**

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<td><strong>Evaluation Criteria</strong></td>
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<tr>
<td>The petitioner or petitioners shall provide information regarding the proposed operation and potential effects of the school including, but not limited to:</td>
<td></td>
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<tr>
<td>1) Facilities to be used by the school including where the school intends to locate</td>
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<td></td>
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<tr>
<td>2) Manner in which administrative services of the school are to be provided</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>3) Potential civil liability effects, if any, upon the school and upon the school district</td>
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<td></td>
</tr>
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<td>4) First-year operational budget, including startup costs</td>
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<tr>
<td>5) Cash flow and financial projections for the first three years of operation</td>
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**Comments:**
Tentative sites have been identified for both the Escondido and Chula Vista schools proposed to open in 2006.

**This criterion has been met (Yes or No).**

Yes
High Tech High

A MODEL APPLICATION TO OPERATE
A STATEWIDE BENEFIT CHARTER
SCHOOL

December 5th, 2005

For Presentation to
the
State Board of Education
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INTRODUCTION TO STATEWIDE BENEFIT CHARTER APPLICATION

In a recent white paper, Improving Student Achievement in California’s High Schools, the California Department of Education finds that “the majority of California’s 1,700,000 high school students simply are not reaching the academic levels needed to succeed in tomorrow’s economy, in postsecondary education, or as effective citizens.”1 High Tech High was created precisely to address this problem.

Launched by a coalition of San Diego civic leaders and educators in September 2000, the Gary and Jerri-Ann Jacobs High Tech High is a small public charter school serving 450 students. The school combats the twin issues of student disengagement and low academic achievement by creating a personalized, project-based learning environment where students are known well and challenged to meet high expectations.

At High Tech High, all students use technology to engage in scientific, mathematical, literary, historical, and artistic pursuits. The curriculum is rigorous, providing the foundation for entry and success at the University of California and elsewhere. Assessment is performance-based: students develop projects, solve problems, and present findings to community panels. The learning environment extends to the community beyond school: all students must complete academic internships in local businesses or non-profit organizations. Over the past three years, HTH students have completed 350 internships in 135 organizations.

The track record of HTH schools in San Diego demonstrates that our innovative approach to secondary education works for all students. All 155 students in the first two graduating classes in 2003 and 2004 were admitted to college, and all have entered. Of these, 58% were first generation college attendees as defined by the University of California system. On state accountability measures, High Tech High scores near the top statewide in raw scores on standardized tests and scored second among 100 similar schools in terms of achievement of Latino and socioeconomically disadvantaged students. High Tech High was the only high school in San Diego Unified to score 10,10 API rankings for three consecutive years.

As High Tech High has grown as an organization, we have received local and national attention for our innovative approach to education, including funding from the Bill & Melinda Gates Foundation to support the development of High Tech High-modeled schools nationwide. We have also established HTH (HTH), a nonprofit public benefit corporation whose mission is to support the development of new High Tech High schools. Finally, we have become the first charter school organization in the State of California to receive authorization from the California Commission on Teacher Credentialing to operate a teacher credentialing program.

Encouraged by our success to date, HTH has articulated a Theory of Action for expanding the High Tech High model, comprising four key strategies:

- **Inspire** others to implement HTH design principles by serving as an exemplary model school;
- **Enable** others to establish schools adopting HTH design elements by making available tangible tools and support;
- **Enact** change by directly establishing and managing new HTH schools; and
- **Influence** policy makers and thought leaders to improve the ecosystem within which public schools operate.

1 [http://www.cde.ca.gov/eo/in/se/yr05highschoolwp.asp](http://www.cde.ca.gov/eo/in/se/yr05highschoolwp.asp)

HTH Statewide Benefit Charter School Application
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These four strategies have already contributed to a change in the local climate that is now strongly supportive of high school reform efforts:

- High Tech High has served as an inspiration to the San Diego community by creating a successful small public high school which hosts visits from many local educators, politicians and community leaders.
- We have helped enable reform with the San Diego Unified School District by providing key supports to district staff as they prepared their Gates Application that is resulting in the breakdown of three high schools into 16 autonomous small schools;
- We have enacted change directly by opening additional schools in San Diego as applications for admission to HTH grew far beyond our capacity to serve students
- We diplomatically exerted influence with San Diego to encourage policy makers to adopt policies that support innovative schools like HTH.

San Diego is now witnessing a broad scale transformation of its public high schools to adopt practices that have been commonplace at HTH since our inception. We are optimistic that by more broadly applying the four hallmarks of our change theory, we may have a profound impact on secondary education in the State of California.

Therefore, HTH submits this petition to establish a Statewide Benefit Charter School to the State Board of Education. Under this charter petition, HTH would open 10 sites over the next 4-5 years, each serving approximately 470 students in grades 9-12. We believe that the opening of such sites in many different regions will allow HTH and the SBE to catalyze an improvement of educational options available to secondary students across the State of California.

Creating a Statewide Benefit and Demonstrating Need for Chartering at a Statewide Level

California’s schools are not serving students effectively. Only 70% of enrolling ninth graders graduate four years later, and a meager 23% of those ninth graders will graduate with a grade of “C” or better in the courses required to qualify for the University of California and California State University systems.\(^2\) Broken down by racial groups, the weaknesses of our schools are even more apparent. Only 12% of Latinos graduate with mastery to qualify for university systems, compared to 14% of African Americans, 31% of white students, and 50% of Asian Americans.\(^3\)

These statistics are not simply abstract figures—they represent a crisis in our schools that not only diminishes the likelihood of social mobility for the underserved, but also threatens our state’s premier status in the global economy. The statistics occur at a time when California’s workforce is undergoing a radical transformation requiring that the state’s workers possess the knowledge-based skills needed to maintain competitiveness with global sources of labor which are increasingly better-educated and better positioned, via information technology, to compete for jobs in our state. As such, it is during this unique era when the greatest social challenge of our time – providing

\(^2\) “California: Only 70% graduate high school on time, Less than 1 in 4 have ‘C’ grade in core college courses,” Knight, Heather. San Francisco Chronicle. June 4, 2004. (http://sfgate.com/cgi-bin/article.cgi?f=/c/a/2004/06/04/BAGJ370QUK1.DTL)

\(^3\) Ibid.
more equitable opportunities for historically underserved racial and socioeconomic groups – merges with the greatest economic imperative of our time – improving workforce competitiveness – that High Tech High submits this application to operate a Statewide Benefit Charter School.

We firmly believe that the HTH Statewide Benefit Charter School will provide statewide benefit to the pupils, to communities, to the state and to the school itself as is demonstrated below:

**Benefit to Pupils**

As ever, our first focus is on our students. Specifically, we believe that the HTH Statewide Benefit Charter School will:

**Provide Pupils with Innovative Learning Opportunities**

- We believe that in order to change educational outcomes, we must change our pedagogical approach, which is why High Tech High schools offer an instructional program featuring the design principles of Personalization, Adult-world Connection and Common Intellectual Mission. These design elements find full expression in HTH schools, which demonstrate project-based learning, interdisciplinary teaching, and frequent public presentations of student work.
- We also hold the view that every student should be prepared for both the world of college and meaningful careers when they graduate from high school. Thus we offer all our students rigorous, college-preparatory curriculum and real-world work experience which prepares them to be successful citizens in 21st century America.
- We believe that the integration of academic and vocational programs best prepares students to succeed in an economy that requires workers to not only have the book smarts necessary to solve complex problems, but to have the hands-on skills necessary to apply learning to real-world situations.

**Provide Pupils with Small, Integrated Learning Environments**

- We believe that, in sharp contrast to the comprehensive high school model, students thrive best when they are enrolled within a school community small enough to know them well. HTH schools are small schools, approximately 450 students, with class sizes smaller than 25, where all students are assigned an advisor who visits the student and the family in their home and grows to know the students well. Core classes are taught in two-hour interdisciplinary blocks where teachers have enough time with students to know them individually. Instead of teachers having a student load of 150-180 students as is common in comprehensive high schools, teachers of the HTH Statewide Benefit Charter School maintain a teaching load averaging approximately 50-60 students, further ensuring that students are well-known by school staff.
- We believe that one way to address the California-wide challenge of low-performing high schools is to create integrated learning environments which bring together students from neighborhoods with a high prevalence of Program Improvement schools with students who have historically been better served by our public education system. The outreach and admissions procedures used by the HTH Statewide Benefit Charter School are designed to achieve, to the extent permissible under law, a student body within each site that represents the demography of the larger surrounding area, allowing for a level of integration that is not commonly found in California’s public schools.
• We also hold the view that it is imperative to avoid intra-school racial and socioeconomic segregation that is commonly found within traditional public schools that group students by ability. Sites of the HTH Statewide Benefit Charter School will not group students by ability but will instead maintain a common intellectual mission where students of all demographic groups are provided the same college preparatory curriculum and where all students will be expected upon graduation to enroll in an institution of higher learning.

Provide Pupils with Ongoing Support after Graduation

• Finally, we believe that high school graduates, especially first-generation college attendees, require support beyond high school graduation to ensure success in institutions of higher learning. This is why we have created the HTH Alumni Program, which maintains relationships with HTH alumni and supports them while they are enrolled in colleges and universities.

Benefit to Communities

The HTH Statewide Benefit Charter School has worked in extensive collaboration with communities in different regions of California. Collaboration has included significant interaction with elected officials, civic groups, business leaders, representatives of community based organizations and parent groups. We believe that a continuation of this collaborative approach will result in sites being established which create benefit within the local communities where our sites will be located.

Specifically, we believe that the HTH Statewide Benefit Charter School will:

Achieve Greater Civic Level Support for the Creation of Innovative High Schools

• Many of the HTH Statewide Charter School sites already enjoy high levels of support from local civic leaders who wish to see HTH sites catalyze redevelopment efforts or other local civic initiatives. As an example, we point to the proposed National City site which would be part of a larger collaboration between the City of National City, the Sweetwater Union High School District, local universities and local community based organizations to create a 20 block redevelopment that would serve the economic and educational interests of the community for years to come. The presence of HTH is seen by local leaders as an incentive for other partners to join the discussion, allowing for the development of a vision that will result in the sharing and pooling of community resources at a level that is unprecedented for the area.

• The flexible, project-based nature of HTH programs allows the sites to engage in project work that actually serves the civic interests of local communities. Students also engage in academic internships in public agencies or community-based organizations addressing local problems. This has led to a high level of integration and collaboration between site programs and civic institutions. At our flagship site, for example, one student’s internship and senior thesis involved serving as the chair of the mayor’s student advisory council.

Engage and Enroll Local Business Communities to Support Public Education

• High Tech High has a proven track record of encouraging local business leaders to provide higher-profile leadership in public education. More than 40 San Diego based companies participated in the discussions which led to the creation of our original schools in San Diego. Many of the participants had grown frustrated because of the poor returns that their previous investments in the traditional public education system had generated. The success of HTH programs to date has re-instilled a level of confidence in the business community that their involvement can in fact make a crucial difference in public education. The business community’s support for HTH
programs only continues to grow, allowing for a level of business community engagement that has little precedent in the San Diego region.

- High Tech High also has a proven track record of recruiting local businesses to offer academic internships to students. Approximately 80-85 for-profit businesses have participated in our internship program over the past four years and our San Diego schools currently have many more offers for internships than there are students to fill them. Businesses’ engagement in the internship program increases their employees’ understanding of public education issues, and we have found that businesses become more supportive as they understand how specifically they may participate in public education.
- Approximately 20-25 for-profit companies have made sizable financial contributions to support the development of specific HTH initiatives and we find that the generosity of the business community only grows as HTH continues to deliver improved outcomes for students.

**Leverage Community Assets to Improve Student Access to Learning Opportunities**

- Many of the sites of the HTH Statewide Benefit Charter School are establishing relationships with local community based organizations that are wanting to increase their support for public education. As an example, we point to preliminary conversations regarding the HTH Escondido site, which have involved the San Diego Wild Animal Park. The Park has developed a renowned animal hospital and research facility that could be laboratories for student learning. Thus far, however, the Park has found it difficult to partner with traditional public schools which do not have the flexibility necessary to make full use of Park assets. The involvement of HTH, then, may allow the Escondido community to leverage community learning resources that have heretofore gone underused.

**Benefit to the State**

We believe that the HTH Statewide Benefit Charter School will assist the state to address critical statewide problems. Specifically, the school will:

**Dovetail with other high priority state initiatives to improve educational opportunity for all students**

- Forward thinking policy makers in the State of California have directed the state’s focus toward making successful secondary school models more available to all public school students, particularly to those living in low-income areas. Both Governor Schwarzenegger’s Failing Schools Initiative and State Superintendent O’Connell’s High Performing High Schools program are designed to address the state’s crisis in secondary education. It is in the spirit of wanting to do our part to assist the Governor and the State Superintendent in their important work that HTH submits this Statewide Charter School Application.
- As has been well documented, the number of California students who attend, or who will be soon attending Program Improvement schools, is growing at an alarming rate. The state is now engaged in high-level efforts to improve learning opportunities for students attending Program Improvement schools. By making concerted efforts to locate our sites in areas eligible for New Markets Tax Credits – areas identified by the Federal Government to be low income areas – HTH will have access to the very students that the state is most motivated to improve services for.

**Graduate Students with the Skills Necessary to Meet the Workforce Needs of the 21st Century**

HTH Statewide Benefit Charter School Application

December 5, 2005
• As was quoted above, only a small percentage of students attending California public schools are graduating prepared to be successful in institutions of higher learning and the workforce. By creating a Statewide Benefit Chart School that will ultimately serve approximately 4,500 to 4,700 students in communities across California, HTH will be able to graduate more than a 1,000 students annually who will have completed all A-G requirements and who will enroll in and be prepared to be successful in institutions of higher learning.

• A constant refrain being heard from the major employers of the State of California is that our education system is not producing workers with the ability to solve real-world problems using knowledge-based skills. High Tech High’s project-based, multi-disciplinary instructional approach was designed specifically to address this problem. In addition, by situating a significant portion of student learning in an adult/professional milieu, our students are developing a better understanding for how their learning in school has direct application to real-world problems.

**Address the State’s Critical Shortage of Highly Qualified Teachers**

• The State of California is clearly challenged by No Child Left Behind to recruit and train Highly Qualified Teachers. HTH, as the first charter school organization authorized to operate its own teacher credentialing program, is doing its part to address California’s critical teacher shortage. By drawing into the public school system – many times directly from industry or from graduate-level programs in highly reputable universities – large numbers of high achieving individuals with deep content knowledge, especially in the areas of math and science, HTH is credentialing a new generation of teachers who are having a profound impact on students. As we know from our own interviews with newly hired teachers, HTH is able to recruit such talented people precisely because we offer a credentialing program that is inexpensive to the participants, convenient, and of great relevance because it is implemented within the context of our highly successful schools.

• Currently, on an ongoing basis, approximately 1 in 5 HTH teachers are enrolled in our teacher credentialing program. Under this Statewide Charter School Application, HTH estimates that it will employ over 250 additional teachers at HTH sites across California. If the current percentage of HTH teachers participate in the program going forward, HTH will provide 50 new highly-qualified teachers annually to different communities across the state of California.

**Benefit to the School**

Aside from providing statewide benefit to the pupils, communities and to the state itself, HTH is also seeking the HTH Statewide Benefit Charter School because our organization understands that it is not possible to create the benefits described in this application in any manner except through statewide chartering by the SBE. As such, receiving a statewide charter from the SBE would be of great benefit to the school itself.

Specifically, we believe that the following aspects of our program, each providing benefit to the pupils, communities and the state as well as to the HTH organization itself, **would only be possible through the establishment of this Statewide Charter School.**

**Locating HTH sites where they may serve students who would otherwise be required to attend California’s failing schools**

• HTH is doing its part to address California’s critical need to provide students currently attending Program Improvement schools other enrollment alternatives. By adopting a lottery system based upon zip codes that creates ample enrollment slots for students from Program Improvement schools, by heavily recruiting in neighborhoods with high numbers of Program Improvement schools,
and by locating our sites in low income areas with close proximity to many Program Improvement schools, the HTH Statewide Benefit Charter School is ensuring that many students who would otherwise be required to attend Program Improvement Schools in many different communities across California will have improved enrollment alternatives.

- To offer students all of the instructional innovations contained within the HTH model requires that HTH develop facilities that are conducive to our program. Building such facilities, ones that meet all HTH architectural design specifications, is an expensive undertaking. HTH estimates that it invests approximately $9 million in each new high school facility. Because HTH seeks to locate sites in areas eligible for New Markets Tax Credits (NMTCs), HTH estimates that under this Statewide Charter School approximately $90 million in modern school facilities will be located in communities identified by the federal government to be low-income areas.

- To take on the challenge of financing such a large-scale initiative to locate innovative school facilities in low income areas of California, HTH is assisting in the development of a Community Development Enterprise (CDE), which will apply for NMTCs. The investment strategies and parameters of the CDE are being specifically written to support the establishment of innovative small schools in the State of California. Because CDE applications for NMTCs are highly competitive, it is crucial that CDE be able to show to those evaluating the NMTC application that HTH has the authority to open many sites in different low income areas across California. That may only be demonstrated through approval of this Statewide Charter School Application. Short of fundraising $4-5 million per facility – an impractical amount of fundraising – HTH is not aware of another method that would allow for the financing of HTH facilities. As such, the only way that HTH can accomplish its goal of locating many new schools within low-income areas in California is to do so within the context of this Statewide Charter School Application.

Addressing California’s critical shortage of highly qualified teachers

- To have the capacity to operate the teacher credentialing program at the scale described above, HTH will have to make significant investments in its CTC approved program, including investing in information technology to enable remote learning and hiring highly trained and talented staff to support the program. For HTH to make such investments, it must know with certainty that it has the authorization to open programs at the scale described in this Statewide Charter School Application. As such, the only way that HTH can make the kind of contribution described above regarding California’s teacher shortage is to do so within the context of this Statewide Charter School Application.

Supporting Alumni enrolled in colleges and universities across California

- While great focus has been placed of late upon the crisis in secondary education, another pressing problem is the low completion rates for students enrolled in institutions of higher learning. The problem is particularly acute among first-generation college attendees. Recent statistics suggest that fewer than 20% of first generation college attendees complete their degrees within 6 years of initiating their studies. The HTH Alumni Program was created to address this problem by tracking alumni post graduation, creating supports for all graduates as they progress through institutions of higher learning, and, when necessary, offering intervention to assist those who may be struggling – especially those who are first-generation college attendees.

- Currently, HTH alumni are enrolled in colleges and universities across the state of California. One way that HTH supports alumni is by using our existing schools
as bases of support, developing alumni resource centers that provide face-to-face counseling, offering work-study employment and other assistance to alumni. While HTH is having little difficulty doing so for students attending schools in central San Diego, our ability to provide such ongoing assistance to our grads attending schools outside San Diego is severely limited. As HTH sites open under this Statewide Benefit Charter, the sites will enable fuller implementation of supports to alumni attending colleges and universities outside San Diego.

- Within the next five years, HTH intends to develop the capacity to provide onsite assistance to our alumni attending schools in San Diego, San Bernardino, San Mateo and Santa Clara Counties, with a long term goal of providing onsite assistance to alumni in many other locations across California. It is not practical to seek charters in as many locations as HTH alumni will attend colleges and universities, and it is certain that some local chartering authorities near universities attended by HTH alumni are hesitant if not unwilling to issue charters to HTH. As such, the only way that HTH can ensure that it will be able to improve college completion rates of its alumni – especially those of first generation college attendees – is to do so within the context of this Statewide Charter School Application.

Finally, High Tech High, as one of the strongest brands in the national charter school movement – known both for delivering exceptional academic outcomes and for following sound management practices – understands that a unique opportunity exists for partnership with the SBE to develop a model authorizer-operator relationship. As the charter school movement in California moves well into its second decade, it is incumbent upon both operators and authors to demonstrate that collaboration around efficient and thorough chartering and oversight can become a hallmark of the larger movement. HTH pledges to work in partnership with the SBE to maintain a high level of transparency and documentation about how charter operations and oversight activities occur within the context of this Statewide Benefit Charter School. It is our hope that this transparency and documentation may serve as a resource for other authorizers and operators in the state wanting to adopt improved oversight practices. Ultimately, then, it is our intention that the HTH Statewide Benefit Charter School lead to invigorated relationships between authorizers and operators across California - relationships which would better support the development of highly innovative, autonomous and accountable charter schools.

FOUNDING GROUP

High Tech High was originally conceived by an ad hoc group of about 40 civic leaders, high tech industry leaders and educators in San Diego, assembled by the Economic Development Corporation and the Business Roundtable. This group met regularly in 1995-96 to discuss the challenge of finding qualified individuals for the high-tech work force, particularly women and people of color. By 1997, as the group grew less optimistic about the capacity of the local schools to graduate students with basic skills and problem-solving abilities, members began to consider starting a school. Gary Jacobs, Director of Education Programs at Qualcomm, and Kay Davis, Director of the Business Roundtable, were key participants in this discussion.

In 1998 the High Tech High founding group hired Larry Rosenstock to develop and implement a new small high school to address this need. The founding group was clear about its intent: to create a school where students would be passionate about learning and would acquire the basic skills of work and citizenship. Rosenstock, a former carpentry teacher, lawyer, and educator who had recently directed the U.S. Department of Education’s New Urban High School project, brought to the project a vision and a sense of the design principles by which this mission might be accomplished. From January 1998 to the opening of High Tech High in September of 2000, Rosenstock and the founding group, led by Gary Jacobs, worked in tandem, Rosenstock locating a site, preparing the charter application, hiring staff, and

HTH Statewide Benefit Charter School Application
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overseeing the development of the program, while Jacobs and the business community took the lead in addressing issues of financing and facilities development. Rosenstock was supported in these efforts by two other educators from the New Urban High School project: Rob Riordan, an expert in project-based learning and bridging academic content with vocational education methodologies, and David Stephen, an architect and graphic designer with extensive experience designing educational environments. Riordan and Stephen continue to work with HTH and support expansion efforts.

The Gary and Jerri-Ann Jacobs High Tech High, the flagship High Tech High school, opened in 2000 and rapidly demonstrated the success of this educational model for a diverse population of students. As demand has grown, we opened a middle school, High Tech Middle, in 2003 and a second high school, High Tech High International, in 2004. In 2005 we opened a second middle school, High Tech Middle Media Arts, and a third high school, High Tech High Media Arts. Further, the board of trustees the former San Carlos High School in San Mateo County recently petitioned to be included within the Charter Management Organization operated by High Tech High. Our fourth high school, High Tech High Bayshore, is thus in its first year of operation as a High Tech High school in its new location in Redwood City.

HTH takes a “mitochondria” approach to new school development, on the assumption that a replication effort is more likely to be successful if there is a base of experience with the High Tech High model in the founding “nucleus.” As HTH commits to opening new schools, current staff are surveyed to determine if any qualified employees wish to assume leadership roles at the new sites. If no existing qualified employees are interested in the new positions, HTH will recruit instructional leaders and lead teachers from the community where the school will be located, with the agreement that these new employees wishing to become HTH principals or lead teachers will be required to work for at least three months in an existing HTH school. We will assist staff recruited from distant areas to find temporary housing near an existing HTH school. Ideally, we seek for each new school to be led by a combination of experienced HTH staff and local teacher-leaders from the area where the school is to be located.

EDUCATIONAL PHILOSOPHY AND PROGRAM

Mission

The mission of High Tech High schools is to provide students with rigorous and relevant academic and workplace skills, preparing its graduates for postsecondary success and productive citizenship. The primary goals of High Tech High schools are:

- To integrate technical and academic education in schools that prepare students for post-secondary education and for leadership in the high technology industry.
- To increase the number of educationally disadvantaged students in math and engineering who succeed in high school and post-secondary education and become productive members and leaders in the new economy, particularly in California.
- To provide all HTH students with an extraordinary education, and to graduate students who will be thoughtful, engaged citizens prepared to take on the difficult leadership challenges of the 21st century.
Educational Philosophy
High Tech High is guided by three design principles.

Personalization: HTH personalizes the learning by providing an advisor for each student and encouraging students to pursue personal interests through projects. Each student creates a personal digital portfolio of work samples and reflections on learning.

Adult World Connection: High Tech High students engage in real world projects that enable them to learn while working on problems of interest and concern to the larger community. All students in 11th grade engage in off-site, semester-long, academic internships. Younger students prepare for this experience through worksite visits and “power lunches” at the school, where adults from the community discuss their work lives and choices.

Common Intellectual Mission: Centered on the five High Tech High Habits of Mind (perspective, evidence, relevance, connection, and supposition), our curriculum is engaging and rigorous. Our schools avoid “tracking” and other forms of ability grouping, and our curriculum ensures that all students who graduate from HTH high schools meet the University of California A-G requirements.

High School Programs
All core courses at High Tech High in San Diego have been approved by the University of California. We anticipate that courses offered at all HTH schools are as transferable as those of a traditional district high school to other schools, and are recognized as such by colleges and universities. The flagship High Tech High recently received six-year accreditation by WASC, and we will support all HTH schools to achieve full accreditation as well. Student transcripts take a standard form for universal acceptance. We routinely inform prospective parents and students of such matters in public meetings and school publications, including recruiting materials, parent and student handbooks, website text and occasional newsletters.

Students to be Served
High Tech High schools established under the Statewide Benefit Charter will be high schools serving approximately 470 students in grades 9-12 (100-120 students per grade). In San Diego and other locales where HTH-affiliated schools are established, we strive to serve a population of students that represents the racial, ethnic and socioeconomic diversity of the local community. The target composition for each school will differ depending on the community, but we will design a legally admissible admissions process that ensures a high degree of student diversity.

Curriculum and Instructional Design
High Tech High teachers work in teams to create curriculum that is integrated across subjects and aligned with California’s academic content standards. The guiding pedagogy at High Tech High schools is project-based learning, an approach which transforms teaching from "teachers telling" to "students doing." More specifically, project-based learning can be defined as:

- Engaging learning experiences that involve students in complex, real-world projects through which they develop and apply skills and knowledge
- A strategy that recognizes that significant learning taps students' inherent drive to learn, capability to do work, and need to be taken seriously
- Learning in which curricular outcomes can be identified up front, but in which the outcomes of the student's learning process are neither predetermined nor fully predictable
- Learning that requires students to draw from many information sources and disciplines in order to solve problems
- Experiences through which students learn to manage and allocate resources such as time and materials\(^4\).

At High Tech High, our project-based learning approach is a key ingredient to our success in serving a diverse population of students. Our students become active participants in their learning and are required to publicly demonstrate their learning through presentations and portfolios, introducing an element of accountability more motivating than any multiple-choice test.

**Cross-Walking Projects to Standards**

As High Tech High teachers develop projects that engage student interests, they are mindful of California State Content Standards for grades 9-12. For example, a High Tech High chemistry teacher may have each student create a documentary about the harmful effects of illicit drugs on the human body. The unit addresses many state standards in chemistry, such as functional groups, bonding, the periodic table, and molecular structures. At the same time, however, such a project integrates well with math and humanities and achieves real-world relevance as students use technology to create educational videos that can be shared with other schools as part of a broader drug and alcohol abuse prevention initiative.

Below are examples of High Tech High interdisciplinary projects mapped to California standards.

Examples of Projects Mapped to Standards
[these are presented for illustrative purposes only; see Supplemental Materials for sample syllabi and fuller project descriptions]

<table>
<thead>
<tr>
<th>PROJECT TITLE</th>
<th>SUBJECT/GRADE</th>
<th>STANDARDS ADDRESSED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mock Trials in the Humanities Classroom</td>
<td>11th grade History and English</td>
<td>CA History Standards 11.1, 11.3, CA E/LA Standards: Reading (1.0, 1.1, 2.0, 2.1, 2.3, 2.4, 2.5), Expository Critique 2.6, Listening and Speaking 1.0, Comprehension 1.1, 1.2, 1.3, Organization and Delivery of Oral Communication (1.4, 1.5, 1.6, 1.7, 1.8, 1.9, 1.10), Analysis and Critique of Oral and Media Communication 1.11, 1.12</td>
</tr>
<tr>
<td>UV Radiation Project</td>
<td>10th grade Chemistry</td>
<td>CA Chemistry Standards (4a, 4c, 4e, 4f, 4g, 9b); Investigation and Experimentation Standards (1a, 1b, 1m)</td>
</tr>
<tr>
<td>This New House (Environmentally Sustainable Dream House)</td>
<td>10th grade Math, Chemistry</td>
<td>CA Geometry Standards (5.0, 7.0, 8.0, 9.0, 10.0, 11.0, 15.0, 18.0, 19.0, 20.0); CA Chemistry Standards (3a, 3b, 3c, 3d, 4a, 4b, 4c, 4e, 4f, 4g, 4h, 4i, 7a)</td>
</tr>
<tr>
<td>Rock Climbing Project (learn the physics and write a guidebook)</td>
<td>11th grade Math, English, Multimedia</td>
<td>CA E/LA Standards: Writing (1.1, 1.4, 1.5, 1.8, 2.3), Written and Oral Language Conventions (1.1, 1.3) CA Physics Standards (1a, 1b, 1e, 2c, 2h); Trigonometry Standards (12.0, 14.0, 19.0); Algebra Standards 14.0, 19.0)</td>
</tr>
<tr>
<td>Drug Project</td>
<td>10th grade Humanities, Science (Chemistry and Biology), Statistics, Multimedia</td>
<td>CA E/LA Standards: Reading Comprehension (2.1, 2.3, 2.4, 2.5, 2.6, 2.8); Literary Response and Analysis (3.2, 3.5, 3.12), Writing (1.1, 1.2, 1.3, 1.4, 1.5, 1.6, 1.7, 1.8, 1.9); Writing Applications (2.2, 2.3); Mathematics: Probability and Statistics (5.0, 6.0, 7.0, 8.0); World History, Culture, and Geography (10.4), Biology (1b), Physiology (9a, b, c, d, e, i); Conservation of Matter and Stoichiometry (3a, b, c, d, e, f, g); Acids and Bases (5a, 5b, 5c, 5d, 5e, 5f, 5g); Organic Chemistry and Biochemistry (10a, 10e); Investigation and Experimentation (1a, 1b, 1c, 1d, 1j, 1l, 1m)</td>
</tr>
<tr>
<td>Virtual Museum</td>
<td>10th grade Humanities, Multimedia</td>
<td>CA History-Social Science Standards 10.1, 10.4</td>
</tr>
</tbody>
</table>
At High Tech High schools, teachers work in teaching teams, grade level teams, and disciplines to align and articulate standards coverage within and across courses and grades. Accountability mechanisms we have in place to ensure that our teachers are covering state standards are as follows:

- Required teacher posting of syllabi showing year-long approach to meeting standards
- Administrative observation in classrooms to verify that teachers, within the context of project-based learning, are covering the content specified in their syllabi
- Required teacher posting of sample projects in the High Tech High online project archive with evidence of crosswalking to standards
- Administrative observation to ensure that student work addresses content standards during Presentations of Learning (POLs), Exhibitions and other public displays of student work
- Regular morning meetings where in the context of discussing student work teachers address how projects and assignments connect to standards
- Libraries of text books, primary source material, and other resources available to all schools to assist teachers in teaching to standards
- Annual review of teachers where coverage of standards is an established criteria

**Coursework at HTH Schools**

Students at High Tech High schools complete the following sequence of courses:

9th grade
- Humanities (English and Ancient World History)
- Integrated Math-Physics
- Spanish (one semester)
- Graphic Arts (one quarter),
- Inventions (Business, one quarter)

10th grade
- Humanities (English and Modern World History),
- Integrated Math-Chemistry
- Spanish (one semester)
- Graphic Arts (one quarter)
- Robotics/Inventions/Other, at discretion of teaching team (one quarter)

11th grade
- Humanities
- Biology
- Math
- Internship (one semester)
- Principles of Engineering (one semester)
- Elective

12th grade
- English
- Science
- Math
- Senior Concentration
- Senior Project
- Other courses to fill graduation requirements and student schedule

**Regional Occupation Programs (ROP)**
HTH has developed a reputation for implementing a successful hands-on, vocationally oriented ROP program within the structure of an academically rigorous, college preparatory curriculum. Each site within the HTH Statewide Charter will offer a similar ROP program featuring the following ROP Course Offerings:

- Engineering Principles, Engineering Design and Development
- Multimedia Production
- Digital Art and Mixed Media, Computerized Graphic Design
- Biotechnology

The HTH Statewide Benefit Charter School pledges to work collaboratively with the SBE to develop a method by which the school may access an equitable share of federally provided ROP funding.

**Assurance of Similarity of Instructional Services Across HTH Schools**
All High Tech High schools offer about 90% the same instructional program. Based on the same three design principles (personalization, adult world connection, and common intellectual mission), all emphasize project-based learning, preparation for both college and careers, advisory, internships, parent-teacher conferences, home visits for all students, alternative assessments, presentations of learning, and adherence to the state standards which guide our curriculum. Where the schools may differ is in the focus of that curriculum. Using the example from above, at the flagship High Tech High a teacher in chemistry may address state standards by having each student create a video documentary about the harmful effects of drugs on the human body. In contrast, at a HTH school with an environmental focus, the chemistry teacher would address the same standards, but the project and resulting videos might be about the components of hazardous waste and its effects on the environment. The standards are the same, and the process may be identical, but the specific curricular focus may vary.

**Plan for Students Who Are Low Achieving**
High Tech High has developed a number of strategies to address the needs of students with a wide range of prior experience and achievement.

1. We provide support to students both in and out of the core courses. This may take the form of after school tutoring or tutoring during lunch or elective time. We have an active peer tutoring program at High Tech High and HTH alumni who remain in the local area often return to the school to volunteer.

2. Because of the project-based curriculum and small class size, teachers are able to spend time with students needing extra support on both projects and basic skills.

3. Project-based learning lends itself nicely to building basic skills because students are able to see the math, humanities, or science being applied to something real.

4. Literature Circles allow for building content knowledge while reading levels are improved through books at varied levels of difficulty.

5. We offer summer bridging for students entering High Tech High schools with below-level skills in math and English and summer school programs for current students needing additional support in the core areas.

Plan for Students Who Are High Achieving
At High Tech High, we personalize our offerings to individual students. For two students in the same physics class, one might be building a hovercraft while another is building a sailboat. Our teachers work to challenge and support each student to aim for their personal best. We believe this is a better way to acknowledge differences between students rather than offering “honors” vs. “regular courses.” Nonetheless, we recognize that one reason that students take honors courses is the weighted GPA that comes with these courses, which helps for college admissions. Therefore, we allow students to take junior and senior core classes for honors credit. Students who choose the honors option must complete additional assignments and/or are held to a higher standard of performance on projects or exams.

Plan for English Learners
High Tech High schools will meet all requirements of federal and state law relative to equal access to the curriculum for English language learners. The goal is to develop high quality instructional programs and services for English learners that allow them, within a reasonable amount of time, to achieve the same challenging grade level and graduation standards as native-English speaking students. Additionally, High Tech High teachers will be trained in SDAIE methodologies and prepared to use the California English Language Development standards. Our project-based approach is particularly effective with English Learners for a number of reasons. First, the small group instruction that accompanies projects allows for teachers to differentiate supports for students based on individual needs. Second, EL students participate in group problem-solving with non-EL students and learn from those interactions. Third, our focus on applying knowledge to real-world projects encourages comprehension and learning for all students. At High Tech High schools, content knowledge is not inert or solely textbook-driven; rather, it is applied, and transformed.
in ways that deepen the learning for all students. As an additional support, we also offer tutoring during and after school with volunteers specifically prepared to work with EL students.

As required by California law, all High Tech High schools will administer the California English Language Development Test (CELDT) to all new students with a home language other than English and to all English Learners annually to determine each student’s individual proficiency level and to reclassify students to Fluent English Proficient (FEP) where appropriate. Once an English Learner is identified, a conference will be scheduled with the parent to outline the instructional program, the teacher’s role in implementation, and the teacher’s, parents’ and school’s role in providing support. At least twice each semester, the instructional program will be reviewed and discussed.

**Plan for Special Education**
As required by federal and state statutes and regulations, each special education student eligible under the Individuals with Disabilities Education Act will be provided a free, appropriate public education in the least restrictive environment. To meet our students’ needs, High Tech High focuses on the provision of educational enhancement services such as assistive technology, in-class tutorial assistance, small group and individual instruction and note-taking services in the regular education environment rather than a more restrictive special education learning environment. Decisions regarding the above are the responsibility of the Individualized Education Team, as formulated in a written plan and with full parental consent.

The primary method of identifying students eligible for special education services is through the registration process, after a student has been accepted for enrollment. Students are also eligible for special education identification and eligibility determination through a “child find” process. Instructional staff are instructed about the characteristics of special education handicapping conditions and referral procedures. High Tech High provides psycho-educational diagnostic services to assess students for each of the 13 disabilities as defined by federal law.

**SELPA Membership Plan**
The HTH Statewide Benefit Charter School shall participate as an LEA member of the Desert/Mountain SELPA Local Plan Area (D/M SELPA). As a member of the D/M SELPA, HTH will require all affiliated schools to make the following assurances through their governing board:

**FREE APPROPRIATE PUBLIC EDUCATION**
Each affiliate site shall assure that a free appropriate public education will be provided to all enrolled students including children with disabilities who have been suspended or expelled from school.
FULL EDUCATIONAL OPPORTUNITY
Each affiliate site shall assure that all students with disabilities have access to the variety of educational programs and services available to non-disabled students.

CHILD FIND
Each affiliate site shall assure that all students with disabilities are identified, located and evaluated.

INDIVIDUALIZED EDUCATION PROGRAM (IEP)
Each affiliate site shall assure that an IEP is developed, reviewed and revised for each child with a disability who is eligible for special education services.

LEAST RESTRICTIVE ENVIRONMENT
Each affiliate site shall assure that, to the maximum extent appropriate, students with disabilities are educated with students who are not disabled. Placements in the least restrictive environment shall be pursued for students with disabilities through the utilization of supplementary aids and services in the general education learning environment.

PROCEDURAL SAFEGUARDS
Each affiliate site shall assure that children with disabilities and their parents shall be provided with safeguards through the identification, evaluation, and placement process and provisions for a free appropriate public education.

ANNUAL/ TRIENNIAL ASSESSMENT
Each affiliate site shall assure that an IEP review shall be conducted on at least an annual basis. Additionally, a reassessment shall be conducted at least once every three years or more often if conditions warrant, or requested by the student’s parent or teacher.

CONFIDENTIALITY
Each affiliate site shall assure that the confidentiality of personally identifiable data shall be protected at collection, storage, disclosure and destruction.

PERSONNEL STANDARDS
Each affiliate site shall assure that it will make good faith efforts to recruit and hire appropriately and adequately trained personnel to provide special education and related services to children with disabilities.

PARTICIPATION IN ASSESSMENTS
Each affiliate site shall assure that students with disabilities are included in general State and District-wide assessment programs with appropriate accommodations, when necessary.
Further, each approved site will be required to comply with the D/M SELPA Local Plan [see Appendix for a copy of this plan] and perform all corrective actions deemed necessary by High Tech High charter school managers and/or the SELPA. The oversight of the special education programs at HTH affiliate sites will be provided by HTH’s special education director who has extensive administrative experience in the area of special education service delivery and state and federal statutes and regulations. Additionally, each affiliate site will be required to demonstrate an adequate capacity to provide special education students with a free and appropriate public education. Working in close collaboration with HTH staff, each affiliate will develop an annual special education budget, hire necessary personnel, contract for appropriate services and document the qualifications and competency of site administrative staff to meet special education quality and compliance requirements.

The Special Education director for HTH will be accessible to the sites through personal school site visits/reviews as well as video and telephone conferencing. The Desert/Mountain SELPA currently has the technological resources to engage in distance learning through the use of interactive video conferencing. This activity is also enhanced by regularly scheduled personal visits to all participating LEA’s from a team of highly qualified Resource Specialists. As additional staff is hired, HTH will pursue the development of a mentor teacher program which will provide pedagogical support to affiliate sites. Specific and targeted staff development opportunities will also be provided by HTH staff and the Desert/Mountain SELPA during the Annual Summer Institute sponsored by HTH. Additionally, the California Special Education Management Information System (CASEMIS) information will be reviewed by HTH’s Special Education Director at least monthly for each affiliate school site to insure compliance with state and federal statutes, reporting requirements, and timelines. Periodic staff development will also be provided to affiliate schools to address local needs, review changes in the law, and introduce promising educational interventions.

**Transferability of Credits**

Upon request from parents, the sites of the HTH Statewide Charter School will provide written information about the transferability of courses to other public high schools and the eligibility of courses to meet college entrance requirements. As courses offered by the sites of the HTH Statewide Charter School are accredited by the Western Association of Schools and Colleges and approved by the University of California or the California State University as creditable under the “A” to “G” admissions criteria, written notification to parents shall state that such accredited courses and approved courses are considered transferable.

**MEASURABLE STUDENT OUTCOMES AND OTHER USES OF DATA**

**Measurable Student Outcomes**

High Tech High intends to graduate its students with:
- A high school diploma
- Passage of the California High School Exit Exam
- SAT scores, a transcript, and a portfolio that greatly increase opportunities for admission to a college, CSU, UC, or other notable institutions, e.g., the Ivy League.

Other measurable outcomes include:
- An expectation that 100% of High Tech High graduates will secure admission to an institution of higher education. We expect roughly 80% of those graduates to secure admission to a four-year institution.
- 100% of High Tech High graduates will complete an academic internship in their junior or senior year.
- 100% of High Tech High graduates will complete a four-year advisory program, addressing the topics of careers, college, culture, community, and citizenship.
- A course of study that meets all requirements for entry into the University of California system.
- An expectation that 60% of High Tech High alumni will complete 4-year college degrees within 6 years of graduating from High Tech High

**Graduation Requirements:**
At High Tech High schools, our graduation requirements are aligned with the minimum entry requirements of the University of California/California State University systems. In addition, in order to graduate, students must complete a semester-long academic internship and complete a substantive senior project.

<table>
<thead>
<tr>
<th>SUBJECT AREA</th>
<th>REQUIREMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>English</td>
<td>4 years</td>
</tr>
<tr>
<td>History</td>
<td>3 years</td>
</tr>
<tr>
<td>Mathematics</td>
<td>4 years</td>
</tr>
<tr>
<td>Lab Science</td>
<td>4 years</td>
</tr>
<tr>
<td>Language other than English</td>
<td>2 years (of the same language)</td>
</tr>
<tr>
<td>Visual and Performing Arts</td>
<td>1 year (of the same art course)</td>
</tr>
<tr>
<td>College Preparatory Elective</td>
<td>1 year</td>
</tr>
<tr>
<td>[In addition, at HTH:]</td>
<td>1 semester</td>
</tr>
<tr>
<td>Principles of Engineering</td>
<td>1 semester</td>
</tr>
<tr>
<td>Academic Internship</td>
<td>1 semester</td>
</tr>
<tr>
<td>Senior Project</td>
<td>Project completion</td>
</tr>
</tbody>
</table>

High Tech High students will meet all academic standards as adopted by the State Board of Education and applicable to charter schools.
Academic Performance Index

High Tech High’s API scores are as follows:

<table>
<thead>
<tr>
<th></th>
<th>API Base Score</th>
<th>State Rank</th>
<th>Similar Schools Rank</th>
</tr>
</thead>
<tbody>
<tr>
<td>2003-2004</td>
<td>828</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>2002-2003</td>
<td>802</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>2001-2002</td>
<td>788</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>2000-2001</td>
<td>820</td>
<td>10</td>
<td>10</td>
</tr>
</tbody>
</table>

Further, our goal is that every HTH site operated under the Statewide Benefit Charter School will achieve a statewide API ranking of 7 or higher school by its fifth year of operation.

Methods of Assessment

Unlike many traditional high schools, where students progress simply by putting in class time and passing multiple choice tests, success at High Tech High schools requires producing real work products, solving problems, and making oral and written presentations. Teachers, industry experts, community members, parents, and peers review these efforts. In addition, High Tech High schools have instituted “Transitional Presentations of Learning” (tPOLs) at the end of each grade to ensure that all students make adequate yearly progress before moving on to the next grade level.

Presentations of Learning (POLs)

A Presentation of Learning is a formal presentation given by a student to a panel of peers, community members, administration, teachers, and parents at the end of the first semester each year, delivered in one of the following formats (determined by the teaching team).

1. Community Event POL
2. Reflective Portfolio POL
3. Project Specific POL
4. Personal Growth POL
Before the POL, students practice their presentations in advisory. Advisories focus on presentation skills and give feedback to each student on how they can revise and improve their POL before the final presentation. Each type of POL must incorporate a reflective piece regarding the learning goals.

For the second semester POL, teaching teams conduct transitional POLs to determine whether students are ready to advance to the next grade. This is a 15-25 minute individual, formal presentation based on the student’s digital portfolio, during which the students must demonstrate their mastery of grade level standards and their readiness to proceed to the next grade.

**Digital Portfolios**
Every High Tech High student is required to create a personal digital portfolio. Although students may take creative license in the design of their portfolio, each portfolio must include a project section and a career/educational section that is presented each year during the Transitional Presentation of Learning (tPOL). The portfolio includes the following:

- **Career/Educational**
  A career and educational objective, a web-based resume and a standard, printable resume
- **Projects**
  Samples of best work accompanied by reflections on the learning embedded therein
- **Art and Design**
  A simple, easily navigable design.

At the end of each school year, High Tech High students present at their “Transitional Presentation of Learning,” or tPOL. The requirements for the tPOL are grade-level specific, but include an oral presentation, use of the student’s digital portfolio, artifacts from standards-bearing project work in the humanities, math and science, and elective courses. tPOL panels will consist of faculty from the students’ current and proximate grade level, students, parents, and community members. Each grade level will use a common rubric to evaluate tPOLs and determine each students’ readiness to advance to the next grade. Students who attempt but do not pass the tPOL will be given one additional opportunity to present once they have revised their work based on input from the review panel. [See Supplemental Materials for a sample tPOL rubric.]

**Senior Project**
Every HTH must complete a senior project in a focus area, such as graphic design or engineering. They present their senior projects in a final Transitional Presentation of Learning. Teachers, parents, administrators, and community members sit on the senior presentation panels.
Grades and Testing

HTH students earn traditional grades on a four point scale as well as honors options for core academic classes such as math, humanities, language, and science. They also participate in standardized exams such as the California Standards Tests, California High School Exit Exam, and Physical Fitness tests. To assess what students know and can do as a result of their project work, HTH uses additional assessments, including the Digital Portfolio, Presentations of Learning (POLs), Academic Internship Standards, Senior Projects, and grade level Transitional Presentations of Learning (tPOLs) as described above.

The following table outlines the assessments used at High Tech High schools and the timing of each. All of these methods are employed and reviewed throughout the year inform the curriculum. Because our schools are small, they can make changes quickly. For example, when they noticed a dip in math scores, teachers at the flagship HTH met to examine the scores disaggregated by grade level and subtest area and then refined the HTH math content guide for teachers. The downward trend in the math scores has been reversed.
Assessments Administered at HTH Schools

<table>
<thead>
<tr>
<th>NAME OF ASSESSMENT</th>
<th>WHEN ADMINISTERED</th>
<th>PURPOSE FOR ADMINISTERING</th>
</tr>
</thead>
<tbody>
<tr>
<td>California High School Exit Exam (CAHSEE)</td>
<td>Winter/Spring</td>
<td>State and graduation requirement to assess whether or not students are prepared with basic skills.</td>
</tr>
<tr>
<td>“A-G” college requirements</td>
<td>Throughout the school year</td>
<td>Prepare students for college entry with rigorous curriculum.</td>
</tr>
<tr>
<td>CELDT</td>
<td>Fall and as needed for new students</td>
<td>To assess English Language proficiency</td>
</tr>
<tr>
<td>Presentations of Learning</td>
<td>Fall and Spring</td>
<td>To ensure learning goals are met for each individual student.</td>
</tr>
<tr>
<td>School-wide Exhibition</td>
<td>Spring</td>
<td>Demonstrate presentations of learning to teachers, parents, and community.</td>
</tr>
<tr>
<td>Fitness Gram</td>
<td>Spring</td>
<td>Required by the Federal Government to ensure students are physically fit.</td>
</tr>
<tr>
<td>Parent and student survey</td>
<td>Spring</td>
<td>Solicit specific feedback to gauge parent and student satisfaction with learning outcomes and program design of school.</td>
</tr>
<tr>
<td>California Standards Test</td>
<td>Spring</td>
<td>Tests student knowledge of the California Standards.</td>
</tr>
<tr>
<td>CAT-6</td>
<td>Spring</td>
<td>Norm-referenced test to assess student knowledge of core subjects (Math, Science, History, English) in California versus other states.</td>
</tr>
</tbody>
</table>

**Use and Reporting of Data**

The Sites of the HTH Charter School will make regular use of student performance data to inform instructional practices and will regularly report achievement to school staff, parents and guardians. In the context of weekly staff meetings at HTH sites, staff routinely review student work and discuss how practices may be adjusted to meet the individual needs of students. It is in these weekly “Looking at Student Work” discussions that teachers receive support from one another to assist students in achieving the standards required. Teachers give advice to the presenting teacher so that they may go back to their classroom and provide additional support. Often these discussions are broadened to include parents and the students themselves so that coordinated intervention and support services can be offered to improve the students’ learning. As such, this...
powerful staff development protocol ensures that the real-time analysis of daily student performance data is informing refinement of practice in the classroom, is providing a basis for regular communication with parents and students and is supporting student achievement and high expectations.

At the classroom level, High Tech High teachers use a variety of strategies to monitor student understanding and progress on a daily and weekly basis. These include quizzes, weekly student reflections, and daily “check-ins,” e.g., asking students at the end of a class session to write and submit a quick reflection on a 3 x 5 card. In addition, High Tech High teachers have established protocols for weekly reviews of student work including using learning logs or journals, and using weekly check-ins to gauge progress on long-term projects.

HTH sites also issue regular progress reports and grade-status updates to students’ advisors who are then responsible for intervening to support students who may be in danger of not receiving passing grades. Such intervention includes the hosting of meetings with students’ parents to assess what additional supports need to be made available to assist the students with their learning. HTH sites also provide parents up-to-the-minute information about students’ grades via web-enabled password access to the HTH Student Information System.

All HTH sites will participate in the School Quality Review Process (SQR) that all HTH schools undertake in order to demonstrate successful implementation of HTH design principles and achievement of HTH quality standards. The SQR process consists of a self-study that sites undertake in the spring of each year, an onsite evaluation from central HTH staff involving interviews with all stakeholder groups at the school, the submission and review of stakeholder surveys regarding implementation of various aspects of the HTH model, and the submission and review of student achievement data as demonstrated by performance on state-mandated tests. The final SQR report is made available to all stakeholders at HTH sites and is posted on sites’ web pages. Both site-based staff and HTH central staff use sites’ final SQR reports as planning tools for improving instruction and student outcomes in the following year.

HTH will also regularly collect and report student achievement data through participation in state-mandated testing programs and through publishing of data in sites’ School Accountability Report Cards.

Alumni Program
HTH will operate an alumni program that will keep in contact with graduates of HTH sites and monitor their progress through institutions of higher education so that we may measure the extent to which we achieve our goals regarding college completion rates.
GOVERNANCE STRUCTURE
The High Tech High Statewide Benefit Charter School will be governed by the Board of Directors of High Tech High, a duly constituted California nonprofit public benefit corporation designed to provide governance over all High Tech High schools operated in the State of California. The Board of High Tech High will have legal and fiduciary responsibility for the wellbeing of all sites operated under the High Tech High Statewide Benefit Charter School. The High Tech High board will meet at least quarterly and will hold its meetings in accordance with the Brown Act. The High Tech High board will have five members, a majority of whom shall represent the business community. Additional board members will be selected to represent educators and the community-at-large. All potential board members will be screened to ensure that they possess the skills and experience necessary to fulfill the responsibilities entrusted to High Tech High board members.

In order to secure local participation in decision-making at the local level, sites High Tech High Statewide Benefit Charter School will form a five person advisory board, which will provide input regarding issues of importance to sites, including the use of categorical funding. The advisory board will consist of the school director, teachers, parents and local community members.

Parent Involvement
Each HTH Statewide Charter School site will feature active parental involvement, as we see parent involvement as a key factor in student academic achievement. Each site will have a parent association, based on the vision that “through effective communication, school community activities, and classroom support, we will build parent involvement and contribute to student achievement.” Activities that the Parent Associations may undertake include, but are not limited to:

- Creating and distributing a Parent Association Newsletter
- Creating and maintaining a Parent Association Website
- Sending regular Parent Association “E-mail blasts”
- Preparing and publishing the student directory
- Meeting regularly (twice monthly on average) and serving as a liaison to other school stakeholder groups such as the Associated Student Body, school governance boards, extended services staff
- Sponsoring/supporting community-building activities throughout the school year (orientations, school photos, socials, special fundraising events, community service activities)
- Supporting classrooms directly (Room/Team Parent coordination, teacher wish lists, chaperoning)
- Coordinating school-wide fundraising (book fairs, eScrip, other fundraising partnerships with local businesses)

HUMAN RESOURCES
Qualifications of School Employees
High Tech High is committed to hiring talented, knowledgeable, passionate teachers. We do that by holding hiring fairs, working with Schools of Education, and networking with people in industry. Upon review of resumes, we conduct initial phone interviews which, if successful, are followed by a rigorous full-day process during which candidates teach a class (and are evaluated by students), have a luncheon interview with students, and interview with teachers and administrators.

Teachers at High Tech High represent a range of experiences. Some are former biotech engineers, community college professors, or graphic designers; other are veteran teachers or recent university graduates. In August 2004 High Tech High was the first charter school to receive approval from the California Commission on Teacher Credentialing to offer single-subject credentials—in six content areas. Through this program, and in collaboration with local colleges and universities, we are well on our way to full compliance with NCLB requirements. High Tech High teachers are required to hold a Commission of Teacher Credentialing certificate, permit, or other document equivalent to that which any public school teacher is required to hold. As provided by law, the school may exercise flexibility with regard to those teaching non-core, non-college preparatory courses.

As High Tech High schools are small by design and feature an innovative interdisciplinary approach, we intend to employ the guidelines for small schools as set forth by the California Department of Education and California State Board of Education in regard to their interpretation of NCLB guidelines: “If the teacher of record cannot meet the NCLB requirements for all subjects taught, a possible solution is to provide students with access to teachers meeting the requirements.” At High Tech High schools, this will mean that if a Humanities teacher is credentialed in English but not yet in Social Studies, students will have access to a teacher credentialed in Social Studies in their same grade or in an adjacent grade level for consultation or tutoring as needed. We support the spirit of the NCLB regulations -- that all students are taught by high quality teachers -- and have found that our interdisciplinary structure is quite effective in promoting the high levels of achievement that NCLB seeks to generate. Also, we are working closely with our experienced teachers in order to verify their subject matter competency for additional subject areas using the HOUSSE guidelines.

Within the provisions of the law, High Tech High reserves the right to recruit, interview and hire the best qualified person to fill any of its position vacancies.

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High Tech High does not discriminate against any applicant or employee on the basis of race, creed, color, national origin, age, gender, disability, or other basis prohibited by law.

**Professional Development**

Professional Development at the HTH Statewide Benefit Charter School consists of an ever-changing, ever-improving mix of site-based and centrally-hosted learning opportunities. By design, professional development at HTH sites is largely contextual, integrated into teachers’ day-to-day work and addressing issues that emerge therein. Indeed, the whole purpose of the contractual requirement that teachers arrive at school one hour before the students each day is to reserve time during teachers’ regular work day for planning and development. This contractual hour is used for staff to meet in various configurations to accomplish planning and development goals. Although the precise details may vary at each HTH site, the typical pattern for morning meetings is:

- one full faculty meeting, where staff discuss of school issues, receive training for collegial coaching, and look at student work together
- two team meetings, where teachers who share the same students meet to plan integrated activities and to discuss the needs of individual students
- one meeting by academic discipline (humanities, science, math, language, etc.)
- one meeting of study groups: self-selected groups that address program issues (presentations of learning, digital portfolio requirements, assessment, the HTH approach to writing instruction, promotion policies, etc.). These study groups are proposed and formed in the overall faculty meeting, and they make policy and action recommendations to the faculty

In practice, these morning meetings serve as a theoretical context for veteran and new teachers to reflect on and refine day-to-day practice at HTH sites. They provide the occasion for powerful and productive discussion of the issues and needs that teachers identify in their work.

Morning meetings are also used to allow for Discussions of Student Work. HTH sites have long emphasized close collective scrutiny of student work products as a key to program and professional development. Much of this work takes place at faculty meetings, where teachers bring in samples of student work examination and response, following a protocol adapted from the work of Harvard University’s Project Zero and others.

Collegial Coaching has also become an important part of HTH’s professional development process. Starting at first with observation and consultation by HTH central staff, the program has evolved to engage peers in classroom observation and feedback. Teachers within HTH schools now have long experience in
collegial coaching and have worked in the context of study groups to coordinate and develop materials for this program across HTH sites.

In addition to professional development happening in the context of site-based morning meetings, centrally-sponsored trainings are offered to the teachers and directors. Those trainings include teacher residencies at the HTH flagship school in San Diego, college advising and internship program institutes, teacher ambassador programs where experienced teachers from existing HTH schools visit and support teachers in newly opened HTH sites, and the HTH Summer Institute, an annual conference that attracts participants from across the United States to discuss refinement of implementation strategies for the design elements of High Tech High.

Compensation and Benefits
HTH Statewide Benefit Charter schools will offer compensation benchmarked to the district pay scales of the revenue limit districts nearest to where the schools are located.

The sites of HTH Statewide Benefit Charter School sites will make participation in STRS and/or PERS available to teachers and other eligible persons working at the school’s sites. HTH will work with the SBE to identify county offices of education or other partners to provide STRS reporting services for the sites of the HTH Statewide Benefit Charter School. The boards of trustees for the sites of HTH Statewide Benefit Charter School may establish additional retirement plans for employees such as section 403(b) plans, and/or other plans as may be appropriate.

Employee Representation
For the purposes of the Educational Employment Relations Act, High Tech High, the duly constituted nonprofit governing the High Tech High Statewide Benefit Charter School, shall serve as the exclusive public school employer of record for the employees of sites to be operated under the statewide benefit charter school. High Tech High shall establish its own lawful procedures for discipline and dismissal.

Rights of School District Employees
The right to leave a district and take employment at a High Tech High school, as well as the right to return to the district for High Tech High employees who were previously district employees, will be as specified in district policies, procedures or collective bargaining agreements addressing this issue with respect to charter schools operated as nonprofit public benefit corporations under Education Code section 47604.

Health and Safety
All sites of the HTH Statewide Charter School will comply with all applicable safety laws. Sites will require that each employee of the school furnish the school
with a criminal record summary as described in Section 44237 of the Education Code including the requirement that, as a condition of employment, each new employee not possessing a valid California Teaching Credential must submit two sets of fingerprints to the California Department of Justice for the purpose of obtaining a criminal record summary.

Each site will develop further health, safety, and risk management policies in consultation with its insurance carriers and risk management experts. HTH will assess its school buildings for structural safety, using the existing state, county and city standards for independent and parochial schools. HTH, at its own cost and expense, will be responsible for obtaining appropriate permits from the local public entity with jurisdiction over the issuance of such permits, including building permits, occupancy permits, fire/life safety inspections and conditional use permits, all as may be required to ensure a safe school and facilities for staff and students.

**Dispute Resolution Process**

HTH and the SBE will always attempt to resolve any disputes amicably and reasonably without resorting to formal procedures.

In the event a formal dispute arises between HTH and the SBE relating to provisions of this charter, these procedures will be followed:

- One party will notify the other in writing concerning the nature of the dispute and the facts that support it. Such notices will be sent to or from the HTH board chairperson (with a copy to the High Tech High Chief Executive Officer) and the chairperson of the SBE. Absent extenuating circumstances, such a notice will be provided within 15 calendar days of when either HTH or the SBE becomes aware of the dispute.

- Upon receipt of the notice, representatives of and the Chairperson of the HTH board of directors and the Chairperson of the SBE, or their designees, will meet within 15 days and attempt to resolve the dispute. If they reach a resolution, they will co-author a description of that resolution and distribute it to both parties.

- If no resolution is reached, the parties may, by mutual agreement, utilize the services of an outside mediator skilled in the interest-based approach to mediating disputes. Each party will bear its own costs and evenly divide the cost for the mediation.

- If the dispute remains unresolved following the mediation meeting either party may request non-binding arbitration before a mutually agreed upon arbitrator. The arbitration hearing will be informal in nature. If the arbitration involves a dispute which may lead to revocation of the charter, then the arbitration proceedings must be held, concluded and a decision rendered within thirty days of the mediation meeting so as to not excessively extend the time period within which the SBE may act to revoke the charter. Each party will bear its own costs and evenly divide the cost for the arbitration.

- In the event that the above process does not result in an agreement over the dispute, both parties agree to continue negotiations in good faith toward a resolution of the dispute. If the matter cannot be mutually resolved, HTH will be
given a reasonable period of time to correct the violation, unless the SBE determines, in writing, that the violation constitutes a severe and imminent threat to the health and safety of the school’s pupils. In such event, the SBE reserves the right to take any action it deems appropriate and HTH reserves the right to seek legal redress for any such actions under the law. In addition, the dispute is not required to be referred to mediation in those cases where the SBE determines the violation constitutes a severe and imminent threat to the health and safety of the school’s pupils.

The dispute resolution process permits oral notice, followed immediately by written notice.

RECOGNITION OF SBE PEROGATIVE TO FOLLOW ALTERNATIVE DISPUTE RESOLUTION PROCESS
HTH recognizes that because the SBE is not a local education agency, it may choose to resolve a dispute directly instead of pursuing the dispute resolution process described above, provided that if the SBE intends to resolve a dispute directly instead of pursuing the dispute resolution described above, it must first hold a public hearing to consider arguments for and against the direct resolution of the dispute instead of pursuing the dispute resolution process specified above.

HTH further recognizes that if the substance of a dispute is a matter that could result in the taking of appropriate action, including, but not limited to, revocation of the charter, the matter will be addressed at the SBE’s discretion in accordance with applicable law and regulations.

INTERNAL DISPUTES
Except those disputes between the SBE and HTH relating to provisions of this charter, all disputes involving sites within the HTH Statewide Charter School will be resolved by HTH according to HTH policies. Complaints to the SBE relating to the operation of the school and not to the terms of this charter or other issue regarding the School’s and the SBE’s relationship will be resolved as set forth below:

- HTH sites will adopt policies and processes for airing and resolving disputes.
- The SBE agrees to refer all complaints regarding operations of HTH Statewide Charter sites to HTH’s chief executive officer for resolution in accordance with the site’s adopted policies. In the event that the site’s adopted policies and processes fail to resolve the dispute, the SBE agrees not to intervene in the dispute without the consent of HTH unless the matter directly relates to one of the reasons specified in law for which a charter may be revoked. Notwithstanding the above, the SBE will have the ability to intervene in and respond to complaints about the operation of HTH as is required by law.
STUDENT ADMISSIONS, ATTENDANCE AND SUSPENSION/EXPULSION POLICIES

Student Recruitment
The HTH Statewide Charter seeks to serve student bodies that reflect the full socio-economic and cultural diversity of the local areas where the sites operate. HTH sites will work cooperatively with area school districts and county offices of education to attempt to program information and applications to all area 8th grade students via direct mail. Staff members will visit school and community organizations throughout the surrounding area to recruit applicants. Public information meetings will be held about each site. Special emphasis will be placed on holding such meetings in communities where site staff feel additional focus is needed to achieve socio-economic and cultural diversity. Program descriptions and student recruitment information will be presented in a variety of languages so that we will be able to access a broader group of students and parents. Additionally, we will post on each site’s website information about our admissions process and timeline along with an application form. Sites’ websites may be accessed through www.hightechhigh.org.

Student Admission Policies and Procedures
High Tech High schools endeavor to accommodate all students who apply for admission. Criteria for admission include California residence, matriculation from the current grade, and interest in attending the school. There are no tests or GPA requirements for admission. Each site operated under this Statewide Charter may consider any student who satisfactorily completes the course of study offered by another middle school level affiliate of HTH as qualifying for admission. Similarly, each site may consider any transfer student in good standing from any high school level affiliate of HTH as qualified for admission.

For other applicants to qualify for admission:

- A student and his/her parent or guardian must together attend one complete High Tech High orientation session. These sessions will be held on evenings and weekends. They will detail what the school expects of the student and his or her family as well as what the student and family should expect of the school.
- A parent or guardian must complete and return a simple, non-discriminatory application by a published deadline.
- The student and a parent or guardian must sign a statement that they are familiar with and agree to abide by all policies and procedures set forth in the student handbook.
- A student seeking admission to any High Tech High grade must be successfully promoted from the prior grade.
If more students apply and qualify than can be admitted, priority for admissions will be assigned in the following order:

1. Returning or existing students of the site in good standing.
2. Children of employees or board members of sites that are affiliates of HTH, as well as children of employees or board members of High Tech High Foundation, and HTH.
3. Students being promoted from or transferring from another school that is an affiliate of HTH (who also complete the application process in a timely fashion)
4. All other students permitted by law.

Where the number of applicants exceeds the number of available seats, applicants are accepted through a lottery process, with provisions to create an ethnically and economically diverse student body. Such balance will be accomplished by implementing a zip code-based lottery system which is described below. In addition, the procedures described below reflect the finding of the U.S. Congress that women and girls nationally complete fewer math and science courses and lack role models in science. (See 20 U.S.C. section 7283(b)). This lack of interest is borne out in previous applications to other High Tech High schools. Consequently, in order to offer equal opportunities to girls in the lottery, available openings will first be divided into two groups of equal size, one for each gender.

In order to insure that the each site’s student body represents the socio-economic and cultural diversity of the county within which it operates, a separate lottery will be then be held by grade level for each zip code in the county. Spaces will be allocated to a zip code area based on enrollment data provided to the site by the County Office of Education where the school operates showing the percentage of students attending public schools who reside within the zip code area. If additional openings remain after this first series of zip code-based lotteries is performed, a second random lottery will be held where all remaining applicants will be aggregated into a single applicant pool.

After capacity has been reached for each grade, names shall be placed in a grade level waiting pool. If a site is fully subscribed and then space becomes available within a grade, the site will randomly select applicants from the waiting pool and notify them that they have the option of enrolling at the site. Upon notification, the applicant will have at least three full business days to inform the site director or secretary, verbally or in writing, of the applicant's intentions. In the absence of an affirmative and timely response by phone or letter, the site will eliminate the applicant from the pool and proceed to randomly select another applicant from the waiting pool. All waiting pools expire annually at the end of the site's formal academic year, or as otherwise determined by the site's board.
HTH sites will evaluate the performance of all current enrollees annually and consider each for readmission prior to consideration of any other applicants. Readmission decisions will be based upon published criteria, including those contained in the Student, Parent and School Contract. Students not readmitted, if any, will be notified in writing of the basis for their non-readmission.

The School certifies that, to the best of its knowledge, all its admissions procedures, policies and criteria comply with non-discrimination statutes and applicable law. The School will defend, indemnify and hold harmless the SBE from any and all challenges alleging that the School’s admission procedures do not comport with applicable laws.

**Non-Discrimination**
The charter school shall be nonsectarian in its programs, admission policies, employment practices and all other operations, shall not charge tuition, and shall not discriminate against a pupil on the basis of ethnicity, national origin, gender or disability.

**Public School Attendance Alternatives**
HTH Statewide Charter School sites will be sites of choice. No student is required to attend. Students choosing not to attend a HTH site may attend other public schools within their home school district.

The sites of the HTH Charter School pledge to work cooperatively with the SBE, with appropriate county offices of education, with local school districts and with other local charter schools as necessary to expeditiously provide and receive student information as may be necessary when students transfer between sites of the HTH Charter School and other public school alternatives.

**Suspension/Expulsion Procedures**
Sites of the HTH Statewide Charter School will regard suspension and expulsion as a last resort. Criteria for suspension and expulsion of students will be consistent with all applicable federal statutes and state constitutional provisions. Students will be afforded due process, including a hearing and right of appeal, as described below. A student identified as an individual with disabilities or for whom there is a basis of knowledge of a suspected disability pursuant to the Individuals with Disabilities Act (“IDEA”) or who is qualified for services under Section 504 of the Rehabilitation Act of 1973 (Section 504) is subject to the same grounds for suspension and expulsion and is accorded the same due process procedures applicable to regular education students except when federal law or SELPA policies require additional or different procedures.

The following represent typical grounds for suspension and expulsion:
• The threat, causation or attempted causation of physical injury to another person, including sexual assault.
• Possession of a weapon (e.g., firearms, knives or explosives) or possession of a replica firearm.
• Unlawful possession, use, sale, or offer of any controlled substance, alcoholic beverage or any intoxicant, or being under the influence thereof.
• Robbery or attempted robbery of school or private property.
• Destruction or attempted destruction of school or private property.
• Extortion.
• Obscene or offensive acts or habitual profanity or vulgarity.
• Disruption of school activities or willful defiance of valid school authorities.
• Violation of a policy or procedure by a student and/or parent as set forth in the student handbook.

A student suspension or expulsion may only be enacted with the approval of the site director. An expulsion may be appealed the Chief Executive Officer of High Tech High who shall have the right to rescind or modify the expulsion. The parents or guardians of the student will have ten days from the expulsion to declare in writing their request for an appeal. The Chief Executive Officer will convene a hearing within fifteen days of receipt of a timely request for an appeal. At the hearing the student will have the right to counsel, the right to present evidence and the right to confront and cross examine adverse witnesses. The subcommittee members will consider evidence and/or testimony as it deems appropriate and render a written decision that will be in the best interests of the student and the site. That decision will be final.

FINANCIAL PLANNING, REPORTING AND ACCOUNTABILITY

Preferred County Office of Education for Administrative Support

HTH identifies the San Diego County as the county that will serve as the location of our business records and operations. The San Diego County Office of Education will establish the appropriate funds or accounts in the country treasury for the HTH Statewide Charter School.

Budgets

The Appendix to this application contains a proposed three year operational budget including startup costs for each site to be operated under this HTH Statewide Charter. The budget includes:
• Reasonable estimates of anticipated revenue & expenditures, including special ed;
• Budget notes that clearly describe assumptions or revenue estimates, including but not limited to the basis for average daily attendance estimates and staffing levels.

The Appendix also contains cash flow and financial projections for the first three years of operation and plans for the establishment of a prudent reserve.

**Financial Reporting**

The School will:

• Prepare and file with the state on or before September 15 an annual statement of receipts and expenditures of the charter school for the preceding fiscal year; and

• Prepare and file with the state a preliminary budget on or before July 1, an interim financial report on or before December 15, a second interim financial report on or before March 15, and a final unedited report for the full prior year on or before September 15 (Education Code section 47604.33).

**Insurance**

HTH schools, at their own expense and risk will secure and maintain appropriate workers compensation, as well as liability coverage, providing for, among other things, insurance for operation and procedures, personal injury, and property, fire, and theft. The SBE will be named as “other named insured.” Supplementary coverage will cover the after-hours and weekend activities of HTH site programs.

At minimum, coverage will include:

• Workers’ Compensation with limits of $1,000,000 per accident as required by the Labor Code of the State of California and Employers’ Liability.

• Comprehensive Bodily Injury and Property Damage Liability for the combined single limit coverage of not less than $5,000,000 per single occurrence.

• Commercial Crime including Fidelity Bond coverage for blanket employee theft, disappearance, destruction, and dishonesty in the amount of at least $50,000 per occurrence with no self-insured retention.

HTH may also purchase coverage for the following:

• Directors and Officers for wrongful acts (including coverage for employment practices) of at least $2,000,000 each claim with an extended reporting period of not less than one year following termination of the charter.

• Professional Liability (E & O) for defense and damages for errors and omissions with a limit of $1,000,000 each incident if health care services such as medical, nursing, and/or counseling are provided to students.

• Commercial All Risk Property for buildings and contents for full replacement cost.

• Student Accident Insurance with a limit of no less than $10,000 per accident and a zero deductible.
Delineation of Site-based and Central Responsibilities Including Administrative Responsibilities

The HTH Statewide Benefit Charter School features a high level of coordination and cooperation between site-based staff and central staff in order to ensure that each site achieves the quality standards of High Tech High.

At the site level, sites maintain a mix of administrative and teaching personnel to perform site-based activities. The Director of each site maintains the authority to make adjustments to the default HTH site staffing model as necessary to meet local needs, but in general, each site shall have the following administrative staff:

- **Director** – responsible for overseeing all aspects of the site’s local operations including responsibility for ensuring that the site’s instructional program features full implementation of HTH Design Principles and delivers the measurable outcomes expected of HTH schools. The Director is responsible for hiring all site-based staff and, working in collaboration with HTH central staff, for preparing a budget for approval by the site’s local board.
- **Dean of Students** – works in close partnership with the Director to ensure that student safety is maintained at all times and that a culture and standard of discipline conducive to student learning is supported by all site students and parents.
- **College Advisor** – ensuring that all students in the site have the support needed to earn acceptance to and enroll in an institution of higher learning.
- **Intern Coordinator** – working to implement the site’s academic internship program, including identifying intern program partners, matching students to specific internship opportunities and implementing established protocols designed to allow students to earn academic credit for work accomplished during internship experiences.
- **IT Director** – working closely with HTH central staff to ensure that HTH IT systems architecture is fully implemented at the site level, providing the site’s students, parents and staff full access to the array of IT services that support teaching, learning and site operations at HTH schools. The IT Director also ensures that the site’s webpage is maintained in a manner that supports the mission of the school.
- **Administrative Assistance** – working closely with the site Director to ensure that administrative, clerical and front office functions are performed at the site level and working closely with the HTH central staff to make sure that timely information flows from the site to HTH regarding compliance matters and fiscal control.
- **Custodian** – ensuring that the site’s facility is maintained in a manner that supports teaching and learning.
HTH is keenly aware that our schools operate in a manner that is very different from most other public and private schools, and we understand that in order to ensure successful replication of HTH practices, we must staff new schools with directors and teachers who are intimately familiar with the operations of HTH schools. As such, HTH has an expectation that each new site will have at least three staff members on site who have worked in an existing HTH site. In most cases we can identify teacher and director candidates who are willing to move from existing schools to staff startup sites. In those instances when we cannot find such staff, we recruit local talent to receive extensive training in San Diego prior to the new site opening.

At the central level, HTH offers a comprehensive suite of back office and other services to the sites of the HTH Statewide Benefit Charter School. As a guiding principle, HTH central staff attempt to perform all of the bureaucratic and other compliance related activities that would otherwise distract site-based staff from their primary mission, which is to support student learning. Services include:

- Charter Development, Grant Generation and Initial Community Engagement
- Property/Facilities Acquisition and Financing
- Facilities Design, Renovation and Maintenance
- HR Support
- IT Services
- Curriculum Development Support
- Teacher Credentialing
- Professional Development for Principals and Teachers
- Program Monitoring, Compliance and Quality Assurance
- Special Education Services
- Fundraising
- General Counsel
- Administrative Services

HTH has developed a proven track record of being able to provide high quality administrative services to sites, as is demonstrated by HTH’s successful management of the seven sites which are already affiliates of HTH. Administrative functions performed include:

- Pupil Accounting
  - Summarize daily attendance into monthly reports made available to site principals
  - Prepare and submit P1, P2 and Final attendance reports as well as the J18/19 and advance apportionment reports to chartering authority/and or CDE
- Budgeting and forecasting, including developing annual budgets for submission to chartering authorities as required by statute
- Accounting services including:
  - Maintain schools general ledgers per the State Standardized Account Code Structure
  - Provide monthly reconciliations of balance sheet items
  - Accounts Payable – process vendor invoices for payments and post accounting entries
- Process employee reimbursements
- Fiscal reporting including
  - Provide to school monthly financial reports including balance sheet and actual vs. budget
  - Prepare J210 budget report including budget summary, ADA report cash flow report and break-out of revenue detail
  - Twice a year, prepare J250 Interim Financial Reports and submit to chartering authority
  - Prepare annually J200 Final Actuals Report
  - Prepare state and federal payroll tax filing reports quarterly and annually
- Payroll Processing
  - Maintain employee files and database
  - Process payroll for all school employees
  - Reconcile payroll checks to general ledger
  - Process federal and state tax payments as required by statute
  - Prepare W-2’s and 1099’s
- Purchasing
  - Perform all activities necessary to secure appropriate health and retirement benefits for employees including vendor selection, employee sign-up, informing staff about benefits options and acting as an intermediary between school and provider
  - Oversee all activities related to securing appropriate liability insurance including making application for bids, processing renewal applications and ensuring prudent levels of coverage
  - Oversee selection of food service vendors
  - Establish relationships with vendors to achieve bulk-purchase pricing benefits for textbooks, office supplies, janitorial supplies, etc.
- HR Compliance
  - Monitor and review all Worker’s Comp and Unemployment claims
  - Maintain duplicate copies of employment records for school including documentation verifying eligibility for employment
  - Perform new hire processing including reference and background check, eligibility for employment, medical clearance, fingerprinting
  - Perform exit interview and complete exit paperwork for employees leaving the school

**Facilities**

All sites within the HTH Statewide Charter will incorporate the “look and feel” of the original Gary and Jerri-Ann Jacobs High Tech High campus. That look and feel will include both the functionality of the space as well as the aesthetic design elements that distinguish High Tech High. The sites shall be housed in buildings consisting of approximately 40,000 square feet, a size sufficient to serve the sites’ projected student enrollment.

HTH will seek fee-simple ownership of all buildings housing HTH Statewide Charter School sites but reserves the option of leasing facilities where appropriate. HTH will secure facilities on behalf of Statewide Charter School sites and will sublease those sites to schools at cost. Locations will be chosen that allow HTH sites to attract a student bodies that are representative of the surrounding socio-economic and cultural diversity. HTH shall attempt to locate sites within areas eligible for New Market Tax Credits but reserves the right to locate in other areas. HTH shall notify the CDE within 60 days of proposed commencement of instruction of each site.
Transportation
Except for those students who may be entitled to transportation under IDEA, transportation is a parental responsibility for students attending sites of the HTH Statewide Charter School.

Audits
The HTH Statewide Charter School will engage an independent auditor to produce an annual financial audit according to generally accepted accounting principles. As has occurred in the past for schools managed by HTH, the audit for the HTH Statewide Charter School will present both a consolidated report showing financial information for the entire HTH Statewide Charter School as well as information disaggregated by site. HTH will transmit a copy of the audit to the State Controller, the State Board of Education and the State Department of Education by December 15 of each year. Should the audit note any exceptions or deficiencies, HTH will follow a procedure whereby the school:
- Informs in writing all audit recipients of any exception and/or deficiency the School disputes or believes it has already corrected by the time of submitting the audit, along with supporting documentation;
- Informs all audit recipients in writing of a proposed timetable with benchmarks for the correction of each exception and/or deficiency still outstanding at time of audit submission; and
- Resolves all outstanding or disputed exceptions and/or deficiencies to the mutual satisfaction of the state and the School by no later than the following June 30th or other time as may be mutually agreed to.

Closure Protocol
If the HTH Statewide Charter School or any of its individual sites should require dissolution and winding up for any reason, assets remaining after payment of all debts and liabilities and a final audit will be distributed as follows: (1) All assets and property purchased with public money will be distributed first to HTH if it is still operating, then to High Tech High Foundation, for the benefit of other charter schools established by the foundation, and if neither organization is operating, to the SBE. (2) All other assets and property will be distributed to a nonprofit fund, foundation or association in accordance with state law. Further, HTH will notify parents, students, the California Department of Education, and districts affected by the closure and will transfer all pupil records as appropriate. Finally, HTH will produce a final audit for the charter-granting agency that determines the disposition of all assets and liabilities.

IMPACT ON CHARTER AUTHORIZER
Authorizer Liability
The HTH Charter School shall hold harmless, defend and indemnify the SBE, its officers and employees, from every liability, claim or demand which may be made by reason of: (a) any injury to person or property sustained by School, its officers,
employees or authorized volunteers; and (b) any injury to person or property sustained by any person, firm or corporation caused by any act, neglect, default, or omission of School, its officers, employees or agents. In cases of such liabilities, claims or demands, the HTH Statewide Charter School at its own expense and risk shall defend all legal proceedings which may be brought against the SBE, its officers and employees, and satisfy any resulting judgments up to the required amounts that may be rendered against any of them.

**Charter Term**

The petitioners request the State Board of Education approve a term of this charter that shall begin for a five-year period on July 1, 2006 and end June 30, 2011. The School justifies this five-year term based on the increased difficulty of securing staff and facilities financing with a shorter term and on the successful record of the School's educational design.

The SBE shall not allow the charter to expire, without renewal, through lack of timely consideration by the SBE if the School submits the charter for renewal at least nine months prior to expiration.

**Charter Revisions**

Material revisions to the charter must be approved by the SBE. However, any proposed revisions to the charter will be presented to the SBE for a determination as to whether it is a material revision that must be approved by the SBE. The SBE will make its determination and, if required, the SBE will consider the revision for approval within 60 days of submission by the School or within a time mutually agreed to.

**Severability**

The terms of this charter are severable. In the event that any of the provisions are determined to be unenforceable or invalid for any reason, the remainder of the charter shall remain in effect, unless mutually agreed otherwise by the SBE and HTH Statewide Benefit Charter School. The SBE and HTH Statewide Benefit Charter School agree to meet to discuss and resolve any issue or differences relating to invalidated provisions in a timely and proactive fashion.

**Information Exchange**

HTH agrees to permit the SBE and/or its designees to inspect and receive copies of all records relating to the operation of the HTH Statewide Charter School, including financial, personnel, and pupil records. HTH shall promptly comply with all reasonable written requests for information pertaining to the operations of the School and shall provide the SBE regular access to all sites operated under this Statewide Benefit Charter School.
ASSURANCES

As the authorized representative of the applicant, I hereby certify that the information submitted in this application for a Statewide Benefit Charter School for High Tech High to be located in communities identified in this chart application is true to the best of my knowledge and belief; I also certify that this application does not constitute the conversion of a private school to the status of a public charter school; and further I understand that if awarded a charter, each of the sites of the HTH Statewide Charter School:

1. Will meet all statewide standards and conduct the student assessments required, pursuant to Education Code 60605, and any other statewide standards authorized in statute, or student assessments applicable to students in non charter public schools.
2. Will be nonsectarian in its programs, admissions, policies, employment practices, and all other operations.
3. Will not charge tuition.
4. Will admit all students who wish to attend the school, and who submit a timely application, unless the school receives a greater number of applications than there are spaces for students, in which case each applicant will be given equal chance of admission through a random lottery process.
5. Will not discriminate against any student on the basis of ethnic background, national origin, gender, or disability.
6. Will adhere to all provisions of federal law relating to students with disabilities, including the IDEA, Section 504 of the Rehabilitation Act of 1974, and Title II of the Americans with Disabilities Act of 1990, that are applicable to it.
7. Will meet all requirements for employment set forth in applicable provisions of law, including but not limited to credentials, as necessary.
8. Will ensure that teachers in the school hold a Commission on Teacher Credentialing certificate, permit, or other document equivalent to that which teachers in other public schools are required to hold. As allowed by statute, flexibility will be given to non-core, non-college preparatory teachers.
9. Will at all times maintain all necessary and appropriate insurance coverage.
10. Will follow any and all other federal, state, and local laws and regulations that pertain to the applicant or the operation of the charter school.
11. Will provide an annual report to the SBE reflecting student achievement data, performance benchmarks, and other pertinent data supporting state charter goals.
12. Will notify the CDE within 60 days of proposed commencement of instruction of each site

_________________________________ (Authorized Signature)
APPENDICES

List of sites to be operated under the HTH Statewide Benefit Charter
Demographics of Locations for HTH Statewide Charter Sites
Site Descriptions
Desert/Mountain SELPA Local Plan
HTH Board Members
Facilities Design Specifications for High Tech High Schools
Financials
List of Sites to be Operated under the HTH Statewide Charter

<table>
<thead>
<tr>
<th>School*</th>
<th>Location**</th>
<th>Proposed Opening***</th>
</tr>
</thead>
<tbody>
<tr>
<td>HTH Hesperia</td>
<td>Hesperia (San Bernardino County)</td>
<td>2006 or 2007</td>
</tr>
<tr>
<td>HTH Environmental</td>
<td>Chula Vista (San Diego County, Sweetwater Union HSD)</td>
<td>2006 or 2007</td>
</tr>
<tr>
<td>HTH Escondido</td>
<td>Escondido (San Diego County)</td>
<td>2006 or 2007</td>
</tr>
<tr>
<td>HTH National City</td>
<td>National City (San Diego County, Sweetwater Union HSD)</td>
<td>2007 or 2008</td>
</tr>
<tr>
<td>HTH San Mateo</td>
<td>San Mateo County</td>
<td>2007 or 2008</td>
</tr>
<tr>
<td>HTH Finance</td>
<td>Central San Diego</td>
<td>2008 or 2009</td>
</tr>
<tr>
<td>HTH San Jose</td>
<td>San Jose (Santa Clara County; Eastside Union HSD or San Jose Unified)</td>
<td>2008 or 2009</td>
</tr>
<tr>
<td>HTH Hesperia II</td>
<td>Hesperia (San Bernardino County)</td>
<td>2008 or 2009</td>
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<tr>
<td>HTH Escondido II</td>
<td>Escondido (San Diego County)</td>
<td>2009 or 2010</td>
</tr>
<tr>
<td>HTH East SD County</td>
<td>East San Diego County</td>
<td>2009 or 2010</td>
</tr>
</tbody>
</table>

* HTH reserves the right to adjust the name of affiliate sites based upon input from local communities.

**HTH will open sites within identified counties but reserves the right to open sites in school districts adjacent to the identified school districts if HTH determines that the most suitable facilities are found to be located in those adjacent school districts.

***HTH reserves the right to adjust the sequence and timeline of school openings as necessary to respond to circumstances at a local level, including the availability of suitable facilities.
Demographics of Locations for HTH Statewide Charter Sites

<table>
<thead>
<tr>
<th></th>
<th>San Mateo County</th>
<th>San Diego County</th>
<th>San Diego Unified</th>
<th>San Bernardino County</th>
<th>Hesperia Unified</th>
<th>Escondido Union HSD</th>
<th>Sweetwater Union HSD</th>
<th>Santa Clara County</th>
<th>East Side Union HSD</th>
<th>San Jose Unified</th>
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<tbody>
<tr>
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<td>8.7</td>
<td>2.7</td>
<td>0.4</td>
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<td>1</td>
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<td>0</td>
<td>1.8</td>
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<td>50.7</td>
<td>51.3</td>
<td>55.5</td>
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<td>26.3</td>
<td>43.7</td>
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<td>25.2</td>
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<tr>
<td>% grads with A-G (02-03)</td>
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<td>27.9</td>
<td>44.9</td>
<td>29.6</td>
<td>64.2</td>
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*Data from www.ed-data.k12.ca.us for 2003-2004 except where noted*
SITE DESCRIPTIONS

(Note: For each site presented below, please see additional information about site names, locations and timelines for opening provided above in the table: “List of Sites to be Operated under the HTH Statewide Charter.”)

HIGH TECH HIGH HESPERIA

Location
Hesperia, California, located within San Bernardino County and within the Hesperia Unified School District.

Timeline
High Tech High Hesperia will open in September 2006 or 2007 serving 250 students in grades 9 and 10. It will grow to serve approximately 450-470 students in grades 9-12 by its third year of operations.

School Background
As HTH has developed a positive relationship with the Desert/Mountain SELPA, requests from SELPA partners to HTH to establish schools within the geographic borders of the SELPA have grown. Some of the strongest support has come from the Hesperia community where a rapidly growing student enrollment has coupled with a history of local high schools failing to place a high percentage of graduates in colleges and universities to create a serious problem in secondary education in the area.

Like other High Tech High sites, HTH Hesperia will seek to draw upon the growing diversity of the surrounding county, including economically disadvantaged students, while maintaining high performance standards for all students. The site will remain true to the High Tech High design principles of personalization, common intellectual mission, and adult-world connection, and students will engage in project-based learning.

Plan for Community Input and Notification
HTH has already begun the process of engaging the Hesperia community by attending meetings in the area and creating opportunities for local representatives to learn more about HTH at our flagship school in San Diego. Discussions to date have centered on how HTH may develop a thematic focus for the school which will enable it to engage students in manner that will increase the percentage of area students who complete A-G requirements. The percentage of current Hesperia Unified School District students that complete A-G Requirements is an alarmingly low 24.9%.
In the near future we plan to begin hosting community events at schools and various civic organizations. We are also in the process of establishing a “Friends of HTH Hesperia” advisory group to assist in planning for the new school. The site will incorporate as a subsidiary of HTH in the coming months and will apply to receive 501c3 nonprofit status from the I.R.S.

Per state guidelines, High Tech High:

- Will hold a minimum of one publicly noticed meeting for this school with a summary of the input received at the meeting posted on the school’s website; and
- Will inform the local school district and county superintendents of the location of the proposed school at least 120 days prior to the commencement of instruction.

The Charter Petition contains the necessary signatures of prospective teachers for the site.

**Potential Facilities**

HTH currently holds an option on property in Hesperia for development of HTH Hesperia. Staff are now engaged in discussions with the City of Hesperia to determine the feasibility of locating the site on the controlled property. City staff are also assisting HTH to generate a list of possible alternative sites, with an emphasis on finding sites that are eligible for New Markets Tax Credits. We anticipate construction commencing on HTH Hesperia by late fall of 2005. If a viable site has not been identified by that time, HTH may delay the opening of HTH Hesperia.
HIGH TECH HIGH ENVIRONMENTAL

**Location**
Chula Vista, California, located within San Diego County and within the Sweetwater Union High School District.

**Timeline**
High Tech High Environmental will open in September 2006 or 2007 serving approximately 250 students in grades 9 and 10. It will grow to serve approximately 450-470 students in grades 9-12 by its third year of operations.

**School Background**
As demand for High Tech High schools in San Diego County continues to outpace the number of slots available for students, HTH has been approached by a number of local civic and community leaders about the possibility of opening sites in different areas within San Diego County. Of particular interest to HTH has been the possibility of opening sites within the South Bay area, where the sites would have close proximity to a high percentage EL students and students coming from demographic groups that have been historically underrepresented in math, science and technology fields.

More than a year ago, HTH was approached by a local property owner in the National City/Chula Vista area who offered to gift to HTH a seven acre site for the creation of a HTH site having a thematic focus on issues of cross-border environmentalism and biodiversity. Unfortunately, the original site was determined to not be viable as a HTH school, but HTH, having developed considerable plans for a school with an environmental focus, initiated a search for suitable facilities to house the site. The City of Chula Vista has been supportive of HTH’s effort to start a school in their community and has identified a potential site for the school.

As part of our preparation for opening HTH Environmental, the site’s future leaders have done extensive research into other public schools that feature a focus on environmental issues. The site’s leaders have recently returned from a trip to Israel where they observed a school that operates a 40,000 square foot greenhouse, which serves as the laboratory for the science and math projects that the school’s students undertake. HTH Environmental is now considering how a similar working greenhouse and laboratory may be incorporated into the site’s design. To HTH’s knowledge, there is no school in the United States currently operating a full greenhouse/laboratory as now envisioned for HTH Environmental.

Like other High Tech High sites, HTH Environmental will draw upon the diversity of San Diego County, including economically disadvantaged students, while
maintaining high performance standards for all students. The site will remain true to the High Tech High design principles of personalization, common intellectual mission, and adult-world connection, and students will engage in project-based learning with a main emphasis on environmentalism and biodiversity as the platform for integrated curriculum across the disciplines.

**Plan for Community Input and Notification**

HTH has already begun the process of engaging the Chula Vista community by attending meetings in the area and creating opportunities for local representatives to learn more about HTH at our flagship school in San Diego. Discussions to date have centered on how HTH may develop a thematic focus for the school which will enable it to engage the high percentage of EL students who are likely to attend the school.

In the near future HTH plans to begin hosting community events at schools and various civic organizations. We are also in the process of establishing a “Friends of HTH Environmental” advisory group to assist in planning for the new school. The advisory group has identified prospective board members. HTH will incorporate the site as a subsidiary of HTH in the coming months. HTH will apply on behalf of HTH Environmental to receive 501c3 nonprofit status from the I.R.S.

Per state guidelines, HTH will:

- Hold a minimum of one publicly noticed meeting for this school with a summary of the input received at the meeting posted on the school’s website; and
- Inform the local school district and county superintendents of the location of the proposed school at least 120 days prior to the commencement of instruction.

The Charter Petition contains the necessary signatures of prospective teachers for the site.

**Potential Facilities**

Working in collaboration with the City of Chula Vista, HTH has identified a potential facility for the site. The potential site is an approximately 4.8 acre city-owned parcel on E Street on the Bayfront in Chula Vista, immediately adjacent to the Chula Vista Nature Center. The parcel is located within an area defined to be low income by the federal government and, as such, is eligible for New Markets Tax Credits. The City and HTH are in discussions about how the site may be made available to HTH in time for the site to open in September 2006. If the site is determined to not be viable, HTH will resume the search for other appropriate properties. Wherever the school is ultimately located, HTH intends to make the HTH Environmental facility reflect the values of the site’s chosen thematic focus. To the extent possible, the site will be housed with an eco-friendly building, one
that is all or partly solar powered and that minimizes use of water and emissions of gases damaging to the environment.
HIGH TECH HIGH ESCONDIDO

**Location**
Escondido, California, located within San Diego County and within the Escondido High School District.

**Timeline**
High Tech High Escondido will open in September 2006 or 2007 serving approximately 250 students in grades 9 and 10. It will grow to serve approximately 450-470 students in grades 9-12 by its third year of operations.

**School Background**
As demand for High Tech High schools in San Diego County continues to outpace the number of slots available for students, HTH has been approached by a number of local civic and community leaders about the possibility of opening sites in different areas within San Diego County. Of particular interest to HTH has been the possibility of opening sites within the North County area, where the sites would have close proximity to a growing percentage of Latino students.

Recently, HTH was approached by a group of local parents and business leaders who wanted to assist in the development of a HTH site to be established in Escondido. This group established “Friends of HTH Escondido,” an advisory panel supporting development of the site that been instrumental in assisting HTH to develop local relationships in the Escondido area. The City of Escondido has been supportive of HTH’s effort to start a school in the community and has provided a list of potential properties that would qualify for New Markets Tax Credits. The Friends of HTH Escondido and HTH have also developed a relationship with the San Diego Wild Animal Park, which may grow into a formal relationship that could provide the site with a thematic focus around endangered species and life sciences.

Like other High Tech High sites, HTH Escondido will draw upon the diversity of San Diego County, including economically disadvantaged students, while maintaining high performance standards for all students. The site will remain true to the High Tech High design principles of personalization, common intellectual mission, and adult-world connection, and students will engage in project-based learning with a possible emphasis on life sciences as the platform for integrated curriculum across the disciplines.

**Plan for Community Input and Notification**
HTH has already begun the process of engaging the Escondido community by hosting and attending meetings in the area and creating opportunities for local representatives to learn more about HTH at our flagship school in San Diego. Discussions to date have centered on how HTH may develop a thematic focus.
for the school which would capitalize upon the local community resources available within Escondido.

HTH has also assisted in the development of the “Friends of HTH Environmental” advisory group to assist in planning for the new school. The group has identified a list of prospective board members. We anticipate incorporating the school as a subsidiary of HTH in the coming months. HTH will apply on behalf of HTH Escondido to receive 501c3 nonprofit status from the I.R.S.

Per state guidelines, HTH will:
- Hold a minimum of one publicly noticed meeting for this school with a summary of the input received at the meeting posted on the school’s website; and
- Inform the local school district and county superintendents of the location of the proposed school at least 120 days prior to the commencement of instruction.

The Charter Petition contains the necessary signatures of prospective teachers for the site.

**Potential Facilities**
HTH is still working to find a suitable site for HTH Escondido. The City of Escondido has provided a list of available sites and HTH has given priority to those sites that qualify for New Markets Tax Credits. Early meetings with representatives of the San Diego Wild Animal Park have also included discussions about the possibility of locating the school on the Wild Animal Park grounds. That location would not be eligible for New Markets Tax Credits, but HTH and the Friends of HTH Escondido believe that the possibility of locating the school on the Wild Animal Park grounds is attractive enough to warrant deviating from our preferred approach of locating within areas eligible for New Markets Tax Credits. Good public transportation exists to the Wild Animal Park making HTH confident that the site would attract the desired demographic of students.
HIGH TECH HIGH NATIONAL CITY

**Location**
National City, California, located within San Diego County and within the Sweetwater Union High School District.

**Timeline**
High Tech High National City will open in September 2007 or 2008 serving approximately 250 students in grades 9 and 10. It will grow to serve approximately 450-470 students in grades 9-12 by its third year of operations.

**School Background**
As demand for High Tech High schools in San Diego continues to outpace the number of slots available for students, HTH has been approached by a number of local civic and community leaders about the possibility of opening sites in different areas within San Diego County. In the summer of 2004, HTH was approached by a coalition of business, education and civic leaders from National City who encouraged HTH to establish a high school as part of the “Sweetwater Education Collaborative,” a new initiative which would attempt to improve a historically low income area of National City by encouraging secondary education providers, institutions of higher education and low-income housing and commercial developers to partner on a large-scale multi-use project. HTH was happy to agree and has begun to develop plans for how HTH National City can capitalize upon the close proximity the site will have to the Collaborative’s various partners and to other resources in the National City area.

Like other High Tech High sites, HTH National City will draw upon the diversity of San Diego County, including economically disadvantaged students, while maintaining high performance standards for all students. The site will remain true to the High Tech High design principles of personalization, common intellectual mission, and adult-world connection, and students will engage in project-based learning.

**Plan for Community Input and Notification**
HTH has engaged in extensive community engagement in the National City area since HTH first began to develop plans for HTH Environmental (see above). As the Collaborative continues to progress, HTH will resume the process of engaging with the local community to identify a thematic focus for the school and make other preparations for school opening. HTH will also assist in the development of a “Friends of HTH National City” advisory panel, which will assist in planning for the new site. In the unlikely event that the Education Collaborative does not continue to move forward, HTH is prepared to independently continue preparations for the establishment of HTH National City.
HTH will incorporate the site as a subsidiary of HTH and will apply to receive 501c3 nonprofit status from the I.R.S.

Per state guidelines, HTH will:
- Hold a minimum of one publicly noticed meeting for this school with a summary of the input received at the meeting posted on the school’s website; and
- Inform the local school district and county superintendents of the location of the proposed school at least 120 days prior to the commencement of instruction.

HTH will also gather and submit to the SBE the necessary signatures of parents/guardians and/or prospective teachers for the site.

**Potential Facilities**
HTH is working with the City of National City to identify a suitable location within the proposed Sweetwater Education Collaborative. All sites proposed to date have been determined to be eligible for New Markets Tax Credits. Given the preponderance of low income areas in National City, HTH is optimistic that it will ultimately be able to locate the site an area eligible for New Markets Tax Credits.
HIGH TECH HIGH SAN MATEO

Location
San Mateo County, within the Sequoia Union High School District.

Timeline
High Tech High San Mateo will open in September 2007 or 2008 serving approximately 250 students in grades 9 and 10. It will grow to serve approximately 450-470 students in grades 9-12 by its third year of operations.

School Background
As the reputation of High Tech High schools continues to strengthen, HTH finds that many school developers and local leaders in different areas of the state are requesting that HTH open schools in their communities. A high number of requests for HTH services have come from various stakeholder groups within San Mateo County.

Whenever HTH enters a new region, our preference is to open a pod of tightly situated sites so that staff may share expertise and support one another. Given that HTH is committed to opening HTH Bayshore in Redwood City, it is only natural that HTH would be interested in opening additional sites in the area. Once HTH Bayshore has grown to full enrollment and may, like our signature school in San Diego, support the development of additional schools in the region, HTH intends to open an additional school in San Mateo County.

Like other High Tech High sites, HTH San Mateo will draw upon the diversity of the surrounding county, including economically disadvantaged students, while maintaining high performance standards for all students. The site will remain true to the High Tech High design principles of personalization, common intellectual mission, and adult-world connection, and students will engage in project-based learning.

Plan for Community Input and Notification
HTH has engaged in extensive community engagement in the San Mateo County region, hosting events at schools and various civic organizations and creating opportunities for local representatives to learn more about HTH at our flagship school in San Diego. Discussions to date have centered on how HTH may develop a unique thematic focus for the school which will distinguish it from HTH Bayshore, allow the school to capitalize upon local resources in San Mateo County and create a strong basis for engaging local students in project-based learning. Other discussions have focused on where best to locate the school so that the school may best serve a student body that is representative of the diversity of San Mateo County. HTH will also assist in the development of a
“Friends of HTH San Mateo” advisory panel, which will assist in planning for the new site.

In addition, many CEO-level business leaders from Silicon Valley and the greater Bay Area have been invited to a round table discussion to be hosted by Tim Draper where leaders may share their ideas for how the local business community may catalyze the development of innovative high schools that graduate students better prepared to meet the needs of employers in California’s technology-driven economy. It is expected that part of this discussion will center on generating input about what may be an appropriate thematic focus and specific geographic location with the county for the site.

As HTH’s plans for HTH San Mateo mature, HTH will begin hosting community events at schools and various civic organizations. HTH will also assist in the development of a “Friends of HTH San Mateo” advisory group to assist in planning for the new school. HTH will incorporate the school as a legal subsidiary of HTH and will apply for 501c3 nonprofit status from the I.R.S.

Per state guidelines, HTH will:
- Hold a minimum of one publicly noticed meeting for this school with a summary of the input received at the meeting posted on the school’s website; and
- Inform the local school district and county superintendents of the location of the proposed school at least 120 days prior to the commencement of instruction.

HTH will also gather and submit to the SBE the necessary signatures of parents/guardians and/or prospective teachers for the site.

**Potential Facilities**

HTH is working with our local partners to determine the optimal location for HTH San Mateo. One option currently being considered is attempting to locate the site in very close proximity to HTH Bayshore where a “village” of HTH schools could be established much like “HTH Village” in San Diego. A benefit to this approach would be that the site would certainly be located in an area eligible for New Markets Tax Credits, affording the site strong prospects for recruiting a diverse student body. A concern would be determining whether sufficient demand exists to support two sites in the same location within San Mateo County. HTH is also considering other areas within San Mateo County. HTH will attempt to locate the site within an area eligible for New Markets Tax Credits.
HIGH TECH HIGH FINANCE

Location
San Diego, California, located within San Diego County and within the San Diego Unified School District.

Timeline
High Tech High Finance will open in September 2008 or 2009 serving approximately 250 students in grades 9 and 10. It will grow to serve approximately 450-470 students in grades 9-12 by its third year of operations.

School Background
As demand for High Tech High schools in San Diego continues to outpace the number of slots available for students, we have sought to add new schools in the San Diego area. HTH has long had a group of supporters who have encouraged HTH to establish a school that would have a focus on finance and entrepreneurship. These supporters have met with HTH on several occasions and are working within the business community to develop additional support for the establishment of HTH Finance, a site most likely to be located within Downtown San Diego where the site’s students would enjoy close proximity to San Diego’s financial center.

Like other High Tech High sites, HTH Finance will draw upon the diversity of San Diego County, including economically disadvantaged students, while maintaining high performance standards for all students. The site will remain true to the High Tech High design principles of personalization, common intellectual mission, and adult-world connection, and students will engage in project-based learning with a main emphasis on finance and entrepreneurship as the platform for integrated curriculum across the disciplines.

Plan for Community Input and Notification
HTH Finance will engage in extensive community engagement in the San Diego region hosting events at schools and various civic organizations. HTH will also assist in the development of a “Friends of HTH Finance” advisory panel, which will assist in planning for the new site. HTH will incorporate the school as a subsidiary of HTH and will apply for 501c3 nonprofit status from the I.R.S.

Per state guidelines, HTH will:
- Hold a minimum of one publicly noticed meeting for this school with a summary of the input received at the meeting posted on the school’s website; and
- Inform the local school district and county superintendents of the location of the proposed school at least 120 days prior to the commencement of instruction.
HTH will also gather and submit to the SBE the necessary signatures of parents/guardians and/or prospective teachers for the site.

**Potential Facilities**

HTH is working with our local partners to determine the optimal location for HTH Finance. One option currently being considered is attempting to locate the site in close proximity to San Diego’s financial center in Downtown San Diego. A limited number of parcels within Downtown San Diego are eligible for New Markets Tax Credits, but high real estate costs in Downtown may require that the school either lease facilities or locate outside of Downtown. If an affordable facility is secured in Downtown San Diego for HTH Finance, HTH is confident good public transportation options will enable the site to serve a diverse student body.
HIGH TECH HIGH SAN JOSE

Location
San Jose, California, located within either Santa Clara County and within either the San Jose Unified School District or Eastside Union High School District

Timeline
High Tech High San Jose will open in September 2008 or 2009 serving approximately 250 students in grades 9 and 10. It will grow to serve approximately 450-470 students in grades 9-12 by its third year of operations.

School Background
As the reputation of High Tech High schools continues to strengthen, HTH finds that many school developers and local leaders in different areas of the state are requesting that HTH open schools in their communities. A high number of requests for HTH services have come from various stakeholder groups within San Jose.

Whenever HTH enters a new region, our preference is to open a pod of tightly situated sites so that staff may share expertise and support one another. Given that HTH is committed to opening HTH Bayshore in Redwood City, and given that HTH is committed to serving integrated student bodies, it is only natural that HTH would be interested in opening a site in San Jose. Once HTH Bayshore has grown to full enrollment and may, like our signature school in San Diego, support the development of additional schools in the region, HTH intends to open a site in San Jose.

Like other High Tech High sites, HTH San Jose will draw upon the diversity of the greater region, including economically disadvantaged students, while maintaining high performance standards for all students. The site will remain true to the High Tech High design principles of personalization, common intellectual mission, and adult-world connection, and students will engage in project-based learning.

Plan for Community Input and Notification
HTH will engage in extensive community engagement in the San Jose region regarding the development of HTH San Jose. Events will include hosting events at schools and various civic organizations in the area and creating opportunities for local representatives to learn more about our programs by visiting our schools in San Mateo County and San Diego. HTH will also assist in the development of a "Friends of HTH San Jose" advisory panel, which will assist in planning for the new site. HTH will incorporate the school as a subsidiary of HTH and will apply for 501c3 nonprofit status from the I.R.S.

Per state guidelines, HTH will:
Hold a minimum of one publicly noticed meeting for this school with a summary of the input received at the meeting posted on the school’s website; and

Inform the local school district and county superintendents of the location of the proposed school at least 120 days prior to the commencement of instruction.

HTH will also gather and submit to the SBE the necessary signatures of parents/guardians and/or prospective teachers for the site.

**Potential Facilities**

HTH will work with the “Friends of HTH San Jose” to identify a suitable location for HTH San Jose. Given the preponderance of low income areas in San Jose, HTH is optimistic that it will ultimately be able to locate the site in an area eligible for New Markets Tax Credits.
TECH HIGH HESPERIA II

Location
Hesperia, California, located within San Bernardino County and within the Hesperia Unified School District.

Timeline
High Tech High Hesperia will open in September 2006 or 2007 serving 250 students in grades 9 and 10. It will grow to serve approximately 450-470 students in grades 9-12 by its third year of operations.

School Background
As HTH has developed a positive relationship with the Desert/Mountain SELPA, requests from SELPA partners to HTH to establish schools within the geographic borders of the SELPA have grown. Some of the strongest support has come from the Hesperia community where a rapidly growing student enrollment has coupled with a history of local high schools failing to place a high percentage of graduates in colleges and universities to create a serious problem in secondary education in the area.

Like other High Tech High sites, HTH Hesperia will seek to draw upon the growing diversity of the surrounding county, including economically disadvantaged students, while maintaining high performance standards for all students. The site will remain true to the High Tech High design principles of personalization, common intellectual mission, and adult-world connection, and students will engage in project-based learning.

Plan for Community Input and Notification
HTH has already begun the process of engaging the Hesperia community by attending meetings in the area and creating opportunities for local representatives to learn more about HTH at our flagship school in San Diego. Discussions to date have centered on how HTH may develop a thematic focus for the school which will enable it to engage students in manner that will increase the percentage of area students who complete A-G requirements. The percentage of current Hesperia Unified School District students that complete A-G Requirements is an alarmingly low 24.9%.

In the near future we plan to begin hosting community events at schools and various civic organizations. We are also in the process of establishing a “Friends of HTH Hesperia” advisory group to assist in planning for the new school. The site will incorporate as a subsidiary of HTH in the coming months and will apply to receive 501c3 nonprofit status from the I.R.S.

Per state guidelines, High Tech High:
• Will hold a minimum of one publicly noticed meeting for this school with a summary of the input received at the meeting posted on the school’s website; and
• Will inform the local school district and county superintendents of the location of the proposed school at least 120 days prior to the commencement of instruction.

HTH will also gather and submit to the SBE the necessary signatures of parents/guardians and/or prospective teachers for the site.

**Potential Facilities**
HTH currently holds an option on property in Hesperia for development of HTH Hesperia II. The property is adjacent to the parcel that may be used for the original HTH Hesperia, allowing potentially for the establishment of a “village” of schools in Hesperia. Staff are now engaged in discussions with the City of Hesperia to determine the feasibility of locating the site on the controlled property. City staff are also assisting HTH to generate a list of possible alternative sites, with an emphasis on finding sites that are eligible for New Markets Tax Credits.
HIGH TECH HIGH ESCONDIDO II

Location
Escondido, California, located within San Diego County and within the Escondido High School District.

Timeline
High Tech High Escondido will open in September 2009 or 2010 serving approximately 250 students in grades 9 and 10. It will grow to serve approximately 450-470 students in grades 9-12 by its third year of operations.

School Background
As demand for High Tech High schools in San Diego County continues to outpace the number of slots available for students, HTH has been approached by a number of local civic and community leaders about the possibility of opening sites in different areas within San Diego County. Of particular interest to HTH has been the possibility of opening sites within the North County area, where the sites would have close proximity to a growing percentage of Latino students.

Recently, HTH was approached by a group of local parents and business leaders who wanted to assist in the development of a HTH site to be established in Escondido. This group established “Friends of HTH Escondido,” an advisory panel supporting development of the site that been instrumental in assisting HTH to develop local relationships in the Escondido area. The City of Escondido has been supportive of HTH's effort to start a school in the community and has provided a list of potential properties that would qualify for New Markets Tax Credits. In addition to establishing a relationship with the San Diego Wild Animal Park, The Friends of HTH Escondido have brokered key relationships and potential partnership that would allow for the establishment of a site near the downtown area in Escondido.

Like other High Tech High sites, HTH Escondido will draw upon the diversity of San Diego County, including economically disadvantaged students, while maintaining high performance standards for all students. The site will remain true to the High Tech High design principles of personalization, common intellectual mission, and adult-world connection, and students will engage in project-based learning with a possible emphasis on life sciences as the platform for integrated curriculum across the disciplines.

Plan for Community Input and Notification
HTH has already begun the process of engaging the Escondido community by hosting and attending meetings in the area and creating opportunities for local representatives to learn more about HTH at our flagship school in San Diego. Discussions to date have centered on how HTH may develop a thematic focus...
for the site which would capitalize upon the local community resources available within downtown Escondido.

HTH has also assisted in the development of the “Friends of HTH Escondido” advisory group to assist in planning for the new school. HTH will apply on behalf of HTH Escondido to receive 501c3 nonprofit status from the I.R.S.

Per state guidelines, HTH will:

- Hold a minimum of one publicly noticed meeting for this school with a summary of the input received at the meeting posted on the school’s website; and
- Inform the local school district and county superintendents of the location of the proposed school at least 120 days prior to the commencement of instruction.

HTH will also gather and submit to the SBE the necessary signatures of parents/guardians and/or prospective teachers for the site.

Potential Facilities
HTH is still working to find a suitable site for HTH Escondido. The City of Escondido has provided a list of available sites and HTH has given priority to those sites that qualify for New Markets Tax Credits.
HIGH TECH HIGH EAST SAN DIEGO COUNTY

Location
San Diego, California, located within San Diego County and within the San Diego Unified School District.

Timeline
High Tech High East San Diego County will open in September 2009 or 2010 serving approximately 250 students in grades 9 and 10. It will grow to serve approximately 450-470 students in grades 9-12 by its third year of operations.

School Background
As demand for High Tech High schools in San Diego County continues to outpace the number of slots available for students, HTH has been approached by a number of local civic and community leaders about the possibility of opening sites in different areas within San Diego County. Over two years ago, HTH was approached regarding the possibility of opening a school in East San Diego County. After many months of planning, the proposed location for the site was determined unexpectedly to not be available and plans for the East County site had to be tabled. While HTH has not yet found a suitable alternative site for the East San Diego site, our organization stays committed to our local supporters and intends to open an East San Diego site as part of this HTH Statewide Benefit Charter School.

Like other High Tech High sites, HTH East County will draw upon the diversity of San Diego County, including economically disadvantaged students, while maintaining high performance standards for all students. The site will remain true to the High Tech High design principles of personalization, common intellectual mission, and adult-world connection, and students will engage in project-based learning with a preliminary emphasis on media and visual art as the platform for integrated curriculum across the disciplines. This thematic focus is subject to change pending further input from the local community.

Plan for Community Input and Notification
HTH has engaged in extensive community engagement in the East San Diego County region. During that engagement, the site developed a preliminary focus on media arts. In the near future we plan to resume hosting community events at schools and various civic organizations to gather community input. We will also assist in the development of “Friends of HTH East San Diego County,” an advisory group to assist in planning for the new school. The site will incorporate as a subsidiary of HTH and will apply to receive 501c3 nonprofit status from the I.R.S.
Per state guidelines, HTH will:

- Hold a minimum of one publicly noticed meeting for this school with a summary of the input received at the meeting posted on the school’s website; and
- Inform the local school district and county superintendents of the location of the proposed school at least 120 days prior to the commencement of instruction.

HTH will also gather and submit to the SBE the necessary signatures of parents/guardians and/or prospective teachers for the site.

**Potential Facilities**

HTH is in the early stages of identifying a suitable facility for HTH East San Diego County. It is a priority to find a site eligible for New Markets Tax Credits.
High Tech High (HTH) Board Members

Kay Davis – Founder of HTH and Former Trustee, SD Unified School District

Gary Jacobs- Founder of HTH and CEO- Jacobs Investment Company, LLC

Dr. Frank Kemerer – Noted Author and Visiting Professor, School of Education and Leadership of the University of San Diego

Mike McCraw – President/CEO Sempra Energy

Julie Umansky – Regional General Manager, California Charter School Association
§ 11967.6. Submission of Statewide Benefit Charter School Petitions to the State Board of Education.

(a) A petition to establish a statewide benefit charter school pursuant to Education Code Section 47605.8 shall:

(1) Comply with all statutory requirements otherwise applicable to charter schools, except those relating to geographic and site limitations (See Education Code Section 47605.8).

(2) If applicable, comply with all requirements of law relative to the provision of independent study.

(A) A charter that does not expressly provide for independent study shall not be interpreted as allowing independent study beyond that which is incidental and required to address the temporary needs of particular students.

(B) If the independent study (nonclassroom-based instruction) exceeds the percentage specified in Education Code Section 47612.5, it shall be funded only in keeping with a determination of funding approved pursuant to Education Code Section 47634.2.

(3) Describe how an annual independent audit of the statewide benefit charter school will be conducted in keeping with applicable statute and regulation and indicate how the statewide benefit charter school’s individual schools will be appropriately included in the audit process.

(4) Incorporate a plan that provides for initial commencement of instruction in at least two schools, which shall be in at least two different school districts or two different counties. The plan for instruction shall describe how the instructional services will provide a statewide benefit, as specified in Section 11967.6(b) that cannot be provided by a charter school operating in only one school district, or only in one county. Existing charter schools previously approved by a charter authorizer may not be included in a petition to establish a statewide benefit charter school.

(5) Include an assurance that the instructional services for similar student populations described in the charter will be essentially similar at each school and, thus, that each pupil’s educational experience will be reasonably the same with regard to instructional methods, instructional materials, staffing configuration, personnel requirements, course offerings, and class schedules.

(6) Describe how the statewide benefit charter school will participate as a member of a special education local plan area, and ensure a coordinated structure for the provision of necessary programs and services specific to students with Individual Education Programs (IEPs).

(7) Demonstrate success in operating charter schools previously approved in California as evidenced by improved pupil academic performance and annual financial audits with no audit findings or exceptions. Data that shall be considered in determining the likelihood of a charter operator to successfully operate a statewide benefit charter school include, but are not limited to, a statewide or similar schools ranking of 8 or higher.
on the Academic Performance Index, evidence of having met growth targets over time, and other alternative indicators of success as defined in the alternative accountability system pursuant to subdivision (h) of Education Code Section 52052.

(8) Describe how local community input for each school included in the plan was solicited (or will be solicited). Satisfaction of this paragraph shall involve the holding of at least one publicly noticed meeting for each school, with a summary of the input received at the meeting(s) being provided.

(9) Contain sufficient signatures either of parents, guardians, or of teachers in keeping with Education Code Section 47605(a)(1) for each school proposed in the first year.

(10) Include an assurance that the school district and county superintendents where each school will be located will be notified at least 120 days prior to commencement of instruction.

(11) Addresses all charter elements specified in Education Code Section 47605 adapted appropriately for application at the statewide level.

(12) Contain or address any provisions or conditions specified by the State Board of Education at the time of charter approval.

(13) Contain a plan for operations of the statewide benefit charter school that describes the distinction between centralized and individual school level responsibilities and includes a staffing plan to implement the activities at the designated level. The plan shall address statewide benefit charter school operations including, but not limited to:

(A) Academic program,
(B) Facilities and school operations,
(C) Legal and programmatic compliance,
(D) Financial administration,
(E) Governance, and
(F) Decision-making authority.

(14) Provide a list of each school that will be operated by the statewide benefit charter school that includes:

(A) A timeline for the commencement of instruction at each school. Commencement of instruction must begin during the term of the charter.
(B) The general location of each school and the school district and county in which each school is to be located.
(C) A description of the potential facilities to be used at each school.
(D) The approximate number of pupils that can safely be accommodated by each school facility.
(b) “Instructional services of a “statewide benefit” shall include, but not be limited to, the following factors:

(1) Unique factors and circumstances related to the statewide benefit charter school’s educational program that can only be accomplished as a statewide benefit charter and not as a single district- or single county-authorized charter, including specific benefits to each of the following:

(A) The pupils who would attend the statewide benefit charter school,
(B) The communities (including the school districts and the counties) in which the individual schools would be located (e.g., in terms of pupil demographics and performance),
(C) The state, to the extent applicable, and
(D) The statewide benefit charter school itself (e.g., in fund raising, community partnerships, or relationships with institutions of higher education).

(2) Neither an administrative benefit to a charter operator, nor desire by a charter operator to provide services in more than one district and county, shall be considered sufficient in and of itself to constitute a statewide benefit.

(c) A statewide benefit charter school, regardless of the number of individual schools, is treated as a school district for all purposes, including but not limited to, compliance monitoring, data reporting and collection, student performance data, oversight, and apportionments. For purposes of compliance monitoring and oversight, the State Board, in its review, will look at each individual school's independent progress in meeting federal and state growth targets.

(d) Following its submission, a petition to establish a statewide benefit charter school may be modified or new schools added that were not included in the original petition only with the approval of the State Board of Education.

(e) Each statewide benefit charter school shall provide an annual report to the State Board of Education reflecting student achievement data, performance benchmarks, and other pertinent data supporting stated charter goals.


(a) The statewide benefit charter school shall notify the California Department of Education within 60 days of proposed commencement of instruction at each school, including submission of all documentation required in Section 11967.6(a)(14). Within 30 days of the receipt of a complete and documented request pursuant to this section, the California Department of Education shall evaluate the facilities for the proposed educational program for compliance with local building permits and codes and notify the statewide benefit charter school and any affected local education agency of its determination. The charter school or any affected local education agency may appeal the Department’s determination within 10 calendar days of the date of the determination, and the matter will be placed on the agenda of the next regularly scheduled meeting of the State Board of Education. If no action is taken by the State Board of Education, the California Department of Education’s determination shall stand. A school may not open in a facility without a positive determination.

(b) A school in its first year of operation may only commence instruction between July 1 and September 30 of the year in which it proposes to commence operation.


(a) A statewide benefit charter school approved pursuant to Education Code Section 47605.8 shall be direct-funded pursuant to Chapter 6 of Part 26.8 of the Education Code (commencing with Section 47630), with the following exceptions:
(1) A statewide benefit charter school’s general-purpose entitlement pursuant to Education Code Section 47633 shall be funded entirely from state aid.

(2) A statewide benefit charter school does not have a “sponsoring local education agency” as defined in Education Code Section 47632.

(b) The warrant for a statewide benefit charter school shall be drawn in favor of the State Superintendent of Public Instruction and a county office of education as follows:

(1) The State Board of Education may designate a county office of education as the office responsible for establishing the appropriate funds or accounts in the county treasury for the statewide benefit charter schools and for making the necessary arrangements for the statewide benefit charter school’s participation in the State Teachers’ Retirement System and/or the Public Employees Retirement System. The county office may charge the statewide benefit charter school for the actual cost of services.

(2) In designating a county office of education, the State Board shall give preference to the county office of education of the county that the statewide benefit charter school identifies as the principal location of its business records.

(3) If the county office of education in the county that the statewide benefit charter school identifies as the principal location of its business records declines to accept the responsibility for the statewide benefit charter school, the State Board of Education may designate another county office of education by mutual agreement.

Recommended Conditions of Operation for Statewide Benefit Charter Schools to be Incorporated in a Memorandum of Understanding

1. **Insurance Coverage**-not later than **Date to be determined (TBD)**, (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.

2. **Oversight Agreement**-not later than **TBD**, either (a) accept an agreement with the State Board of Education (SBE), administered through the California Department of Education (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 *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.

3. **SELPA Membership**-not later than **TBD**, submit written verification of having applied to a special education local plan area (SELPA) for membership as a local educational agency and, not later than **TBD**, submit either written verification that the school is (or will be at the time students 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 students to be students 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 based on a review of either the school’s written plan for membership in the SELPA, including any proposed contracts with service providers or the agreement between a SELPA, a school district, and the school, including any proposed contracts with service providers.

4. **Educational Program**-not later than **TBD**, 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, not later than **TBD**, submit the complete educational program for students 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, identification of specific assessments that will be used in addition to the results of the Standardized Testing and Reporting (STAR) program 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.
5. **Student Attendance Accounting**—not later than TBD, 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.

6. **Facilities Agreement**—not later than TBD, present a written agreement (a lease or similar document) indicating the school’s right to use the principal school site and any ancillary facilities identified by the petitioners for at least the first year of the school’s operation and evidence that the facility will be adequate for the school’s needs. Satisfaction of this condition should be determined by the Executive Director of the SBE based primarily on the advice of the Director of the School Facilities Planning Division.

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

8. **Final Charter**—not later than TBD, 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 staff, and that includes a specification that the school will not operate satellite schools, campuses, sites, resource centers or meeting spaces not identified in the charter without the prior written approval of the Executive Director of the SBE based primarily on the advice of the Charter Schools Division staff.

9. **Legal Issues**—in the final charter presented pursuant to condition (8), resolve any provisions related to legal issues that may be identified by the SBE’s Chief Counsel.

10. **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 Public Employees’ Retirement System (PERS) and the State Teachers’ Retirement System (STRS).

11. **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 within one year of the charter petition’s approval by the SBE, approval of the charter is terminated.
LAST MINUTE MEMORANDUM

DATE: January 10, 2006

TO: MEMBERS, STATE BOARD OF EDUCATION

FROM: William J. Ellerbee, Jr., Deputy Superintendent
School and District Operations Branch

RE: Item No. 5

SUBJECT: Petition by High Tech High to establish a Statewide Benefit Charter School under the oversight of the State Board of Education: Hold Public Hearing and Approve

The California Department of Education (CDE) offers the following revised RECOMMENDATION section for greater specificity and technical clarity. The substance of the agenda item is unchanged.

RECOMMENDATION

The CDE recommends that the SBE hold a public hearing on the High Tech High (HTH) petition to establish a statewide benefit charter.

Following the public hearing, two actions would be in order:

1. Make a finding, pursuant to Education Code Section 47605.8(b), that the proposed charter schools will provide instructional services of statewide benefit that cannot be provided by a charter school operating in only one school district, or only in one county.

2. Conditionally approve the HTH petition to establish a statewide benefit charter, subject to the staff’s recommended conditions, assigning it charter number 756, for a five-year period as follows:

   • The five-year term of the charter shall be from July 1, 2006, to June 30, 2011, if the first two schools open between July 1 and September 30, 2006.

   • The five-year term of the charter shall be from July 1, 2007, to June 30, 2012, if the first two schools open between July 1 and September 30, 2007.

If the first two schools do not open on or before September 30, 2007, approval of the HTH statewide benefit charter will be terminated.
CALIFORNIA STATE BOARD OF EDUCATION

JANUARY 2006 AGENDA

SUBJECT
Charter Schools: Determination of Funding Requests for 2004-05 and 2005-06 for Nonclassroom-based Charter Schools

☐ Action
☐ Information
☐ Public Hearing

RECOMMENDATION

The California Department of Education (CDE) recommends that the State Board of Education (SBE) approve a 2004-05 and a 2005-06 funding request from charter schools pursuant to California Education Code (EC) sections 47612.5 and 47634.2, and California Code of Regulations, Title 5, sections 11963 to 11963.6, inclusive, based upon the recommendations of the Advisory Commission on Charter Schools (ACCS).

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Senate Bill (SB) 740 enacted provisions in law that result in potential funding reductions for charter schools that offer nonclassroom-based instruction. Nonclassroom-based instruction occurs when a charter school does not require attendance of its pupils at the school site under the direct supervision and control of a qualified teaching employee of the school for at least 80 percent of the required instructional time. A charter school is prohibited from receiving any funding for nonclassroom-based instruction unless the SBE determines its eligibility for funding. For 2003-04 and each fiscal year thereafter, the law states that funding determinations must be 70 percent unless the SBE determines that a greater or lesser percentage is appropriate for a particular charter school.

SB 740 also established the ACCS to develop the criteria for the SBE to use in making funding determinations. Moreover, the ACCS provides recommendations to the SBE on appropriate funding determinations for nonclassroom-based charter schools and on other aspects of the SBE’s duties under the Charter Schools Act of 1992.

The SBE adopted permanent regulations that became operative in November 2003 that specified the criteria that a nonclassroom-based charter school must meet in order for the SBE to determine that the school shall receive a 100 percent determination of funding. For 2003-04 and each fiscal year thereafter, these criteria state that at least 50 percent of the school’s public revenues must be spent on certificated employee salaries and benefits, at least 80 percent of all revenues must be spent on instruction and
SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION
(cont.)

instruction-related costs, and the student-to-teacher ratio may not exceed the student-to-teacher ratio of the largest unified school district in the county in which the charter school is located. Schools must spend a minimum of 40 percent on certificated employee salaries and benefits and 60 percent on instruction and instruction-related costs or the funding determination is zero. Pursuant to the regulations, the SBE may approve a higher or lower funding level than the criteria would prescribe based upon mitigating circumstances of the school that indicate that a higher or lower funding level is appropriate.

SUMMARY OF KEY ISSUES

Pursuant to the SB 740 regulations, all funding determination requests are required to be submitted to the CDE by February 1. The ACCS made recommendations on one funding determination request for 2004-05 and one funding determination request for 2005-06 at an ACCS meeting on November 29, 2005.

FISCAL ANALYSIS (AS APPROPRIATE)

A determination of funding request approved at less than the 100 percent level may result in reduced apportionment claims to the state. The reductions in claims would result in a proportionate reduction in expenditure demands for Proposition 98 funds. All Proposition 98 funds, by law, must be expended each fiscal year. Thus, a reduction in apportionment claims may be more accurately characterized as an expenditure shift than as absolute savings under typical circumstances. In 2002-03, funding determination requests approved by the SBE at less than 100 percent resulted in over $30 million in reduced apportionment claims. The reductions in 2003-04 and 2004-05 were approximately $25 million each year in reduced apportionment claims.

ATTACHMENT(S)

Attachment 1: 2004-05 and 2005-06 Funding Determination Requests (2 Pages)
2004-05 and 2005-06 Funding Determination Requests
January 2006

2004-05 (AND BEYOND)

The following determination of funding request is recommended for approval by the State Board of Education for one year only (2004-05) at the 70 percent level. The reasons justifying this level in 2004-05 revolve around the school only having met the criteria specified in regulation for the 70 percent funding level. Title 5, CCR 11963.4(b)(1) specifies, "If the percentage calculated pursuant to paragraph (1) of subdivision (c) of Section 11963.3 equals at least 40 percent but less than 50 percent, and the percentage calculated pursuant to paragraph (2) of subdivision (c) of Section 11963.3 equals at least 60 percent but less than 70 percent, the Advisory Commission on Charter Schools shall recommend to the State Board of Education approval of the request at 70 percent, unless there is a reasonable basis to recommend otherwise."

The CDE review found that $26,981 was inaccurately reported as certificated staff costs causing the school to fall below the required 50 percent expenditure level. The CDE was also unable to verify teaching credentials through the CTC for some of the school’s teachers. 2004-05 Instructions for SB 740 Funding Determination Form define "certificated employee salaries and benefits for all instruction and related employees who possess a valid teaching certificate, permit, or other document equivalent to that which a teacher in other public schools would be required to hold issued by the Commission on Teacher Credentialing." Note that One Step Up Charter Academy was closed as the result of charter revocation effective June 30, 2005. The school received a one year (2004-05) determination of funding at the 50 percent level.

During 2004-05, the school served notice that it wished to seek a second determination of funding (appeal) for that year, but the school was unable to present essential evidence needed to support the appeal, specifically a final audit for 2003-04. Recently, a representative of the former school was able to secure funding for the 2003-04 audit and to have the audit completed. If the 2003-04 audit information had been submitted in a timely way, CDE staff would have recommended approval of a determination of funding at the 70 percent level, consistent with existing regulations. However, given that we are now beyond 2004-05, CDE staff presented the information without recommendation to the Advisory Commission on Charter Schools (ACCS), which recommended approval at the 70 percent level.

<table>
<thead>
<tr>
<th>Charter Number</th>
<th>Charter Name</th>
<th>2004-05</th>
</tr>
</thead>
<tbody>
<tr>
<td>#379</td>
<td>One Step Up Charter Academy (APPEAL)</td>
<td>70%</td>
</tr>
</tbody>
</table>

The following determination of funding request is recommended for approval by the SBE for one year only (2005-06) at the 100 percent level. The reasons justifying a level higher than 70 percent in 2005-06 and beyond are that (1) the school met the minimum criteria specified in regulation for the 100 percent level, and (2) the school
presented sufficient evidence (taking the totality of the request into account along with any other credible information that may have been available) that the 100 percent funding determination level is necessary for the school to maintain nonclassroom-based instruction that is conducted for the instructional benefit of the student and is substantially dedicated to that function. Note that this is a newly established charter school. The CDE traditionally recommends 100 percent funding for one year for newly established schools that meet the minimum criteria specified in regulation for the 100 percent level.

<table>
<thead>
<tr>
<th>Charter Number</th>
<th>Charter Name</th>
<th>2005-06</th>
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<tbody>
<tr>
<td>#730</td>
<td>Santa Rosa Academy</td>
<td>100%</td>
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</table>
The California Department of Education (CDE) recommends that the State Board of Education (SBE) President and the State Superintendent of Public Instruction present the 2006 United States Senate Youth Program (USSYP) awards to the delegates and alternates.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

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

SUMMARY OF KEY ISSUES

The State Superintendent of Public Instruction recently announced the selection of the two delegates and first and second alternates to represent California at the 44th annual USSYP held in Washington DC from March 4 – 11, 2005. Sponsored by the William Randolph Hearst Foundation, the USSYP was established in 1962 by Senate Resolution 324, and has continued each year by action of the United States Senate. Additional background regarding the selection and biographies of the delegates and first and second alternates are provided in Attachment 1.

FISCAL ANALYSIS (AS APPROPRIATE)

The William Randolph Hearst Foundation provides funding to the California Department of Education to assist with the costs associated with administering the USSYP.

ATTACHMENT(S)

Attachment 1: News Release (5 pages).
State Schools Chief Jack O'Connell Selects High School Students for U.S. Senate Youth Program

SACRAMENTO — State Superintendent of Public Instruction Jack O'Connell today announced two exceptional California high school students will be awarded the prestigious U.S. Senate Youth Program (USSYP) annual scholarships.

The awardees, called "delegates," are Nora Claire Barr from Tiburon, a senior at Redwood High School in Larkspur, Tamalpais Union High School District, Marin County; and Vanessa Lugo from Ventura, a senior at Carpinteria High School in Carpinteria, Carpinteria Unified School District, Santa Barbara County.

O'Connell also named two alternates in case either delegate cannot participate in the program. The first alternate is Vishaal Naishadh Buch from Lompoc, a senior at Cabrillo High School in Lompoc, Lompoc Unified School District, Santa Barbara County. The second alternate is Andrew Hwa Mok from Cupertino, a senior at Monta Vista High School in Cupertino, Fremont Union High School District, Santa Clara County. Biographies of the students are attached.

"I am awarding this high honor to Nora and Vanessa for their extraordinary record of student achievement and community involvement," said O'Connell. "Vishaal and Andrew will make superb alternates based on their accomplishments. They all exemplify what is right with our education system of high expectations that can lead to high academic achievement. Congratulations to them all."

USSYP is an annual scholarship competition funded by the William Randolph Hearst Foundation and endorsed by the U.S. Senate. Each state and the District of Columbia select two high school juniors or seniors to participate in the program. The delegates receive a $5,000 college scholarship and attend a one-week, all-expenses-paid trip to Washington, D.C. from March 4-11, 2006. The students will personally experience their national government in action, hear major policy addresses by senators, cabinet members, and officials from federal agencies, as well as participate in a meeting with a U.S. Supreme Court justice.

Students must be nominated by their high school principal to participate in USSYP. A selection committee from the California Department of Education and county coordinators for history and social science reviewed eligible nominees who submitted the required paperwork. After a rigorous review process, O'Connell selected the awardees based on the following criteria:

- The quality of the application;
- High academic achievement;
- Excellent interpersonal skills and the ability to speak well;
- Knowledge of American government and U.S. history;
- Involvement in school and community activities; and
- Demonstrated qualities of leadership.

O'Connell will host the four students at the State Board of Education meeting on January 11, 2006 in Sacramento, where they will be recognized for their outstanding achievement. For more information on USSYP, please visit United States Senate Youth Program.

# # #

Attachment

Nora Claire Barr, Delegate
Nora Claire Barr is a senior at Redwood High School in Larkspur, Marin County, where she is a student member of the Tamalpais Union High School District Board of Trustees and the treasurer of the California Scholarship Foundation. She is a past freshman class representative, sophomore class vice-president, and associated student body treasurer.

Nora is a second soprano in the Les Etoiles Teen Vocal Ensemble, a musician with a group called the "Barr Belles," and a soprano soloist with her church youth and handbell choir. She is an accomplished musician on several instruments. She played the banjo as an accompanist when the choir won a bronze medal last year at the Choir Olympics in Bremen, Germany. Nora has been a lead actress and set construction manager for the local EPIC Drama Company. She was the founder of the Spanish Club and cofounder of the Ultimate Frisbee® Club.

She has donated hundreds of hours of community service to peer tutoring, retirement home volunteering, and native people's service projects, including Sierra Service Projects, Seeds of Learning, and the Marin Museum of American Indians. Nora serves meals to the homeless and raises scholarship funds for disadvantaged children in her community.

Nora has a grade point average of 4.38. She was recognized last year with an Advanced Placement Scholar Award in three subject areas, and a Williams Book Award for intellectual and extracurricular leadership. Nora has won a first place, second place, and two third place prizes in science fairs. She has played competitive soccer and holds a varsity letter after three years of playing Redwood Basketball.

Nora plans on applying to Harvard, Stanford, University of California Berkeley, Yale, and Wellesley. She would like to do internships in architecture and law before pursuing a graduate program.

Vanessa Lugo, Delegate

Vanessa Lugo is a senior at Carpinteria High School in Carpinteria, Santa Barbara County, where she is the associated student body vice president. She is also the vice-president of the school California Scholastic Federation and a member of the Junior Statesmen of America. She is a past freshman class secretary, sophomore class secretary, and junior class president.

Vanessa has put hundreds of hours into many school and extracurricular activities. She is active in the ecology club and plays on the varsity soccer team. In her spare time, she volunteers as a Boys and Girls Club tutor and manages a football team. She also volunteers at many community soccer tournaments, as an assistant children's indoor soccer team coach, and as a track team statistician.

Vanessa has a grade point average of 4.19. She has been on the school's top-10 academic list for four straight years. She has also received several awards for her athletics, including most valuable player in varsity cross country and most improved player in varsity soccer.

Vanessa plans on attending either New York University or University of California, Los Angeles as an international relations major with a minor in either political science or history. She would like to work at the U.S. State Department or at the United Nations and ultimately become the U.S. Ambassador.

Vishaal Naishadh Buch, First Alternate

Vishaal Naishadh Buch is a senior at Cabrillo High School in Lompoc, Santa Barbara County, where he is associated student body vice president and school site council student body representative. Vishaal is also the National Honors Society secretary. He is a past associated student body commissioner and Western Association of Schools and Colleges Accreditation Committee student body representative.

Vishaal is involved in a wide variety of activities including coordinating Toys for Tots collections at school and assembly aides. He has volunteered for community food drives at a convalescent center and in a hospital emergency room. He has played on the golf team and is captain of the varsity tennis team. He founded a group designed to keep students involved in school, called the Lumberjack Club.

Vishaal has a grade point average of 4.18 and is on the dean's list. During the past four years straight, he has received the Scholastic Athlete Award. He has received several mathematics and speech contest awards and attended Rotary-sponsored leadership workshops.
Vishaal wants to attend a four-year university and pursue classes in the liberal arts as well as in the sciences. He would like to go to medical school and become an anesthesiologist.

Andrew Hwa Mok, Second Alternate

Andrew Hwa Mok is a senior at Monta Vista High School in Cupertino, Santa Clara County where he is the associated student body president and debate team president.

He is a past freshman class secretary, sophomore class president, and junior class president. He is a member of the National Honor Society and California Scholastic Federation.

Andrew is active in speech and debate and in the American Civil Liberties Union. He volunteers for the Saferides Drinking and Driving Prevention Program, serves on the school's hurricane relief committee, and is founder and president of a Young Democrats Club at school.

Andrew has an unweighted grade point average of 3.93. He won a Yale Book Club Award for intellectual and extracurricular activities, a certificate from the California Speech Championships, and certificates in the last four years from the National Forensics League. He was the winner last year in the Santa Clara County Rotary Speech contest and the Cupertino Lion's Club speech contest.

Andrew plans on studying political science and business and eventually would like to attend law school. He plans to apply to Yale, Princeton, Harvard, Stanford, and University of California Berkeley.

# # #

Jack O'Connell — State Superintendent of Public Instruction
Communications Division, Room 5206, 916-319-0818, Fax 916-319-0100
## SUBJECT

California Teachers of the Year 2006 Presentation

<table>
<thead>
<tr>
<th>ACTION</th>
<th>INFORMATION</th>
<th>PUBLIC HEARING</th>
</tr>
</thead>
</table>

## RECOMMENDATION

The California Department of Education (CDE) recommends that the State Board of Education (SBE) present certificates to the five 2006 California Teachers of the Year.

## SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

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

## SUMMARY OF KEY ISSUES

None.

## FISCAL ANALYSIS (AS APPROPRIATE)

Minimal; CDE pays travel and per diem expenses for the five California Teachers of the Year. SBE pays for the certificates that will be awarded during the presentation.

## ATTACHMENT(S)

Attachment 1: News Release: State Schools Chief Jack O'Connell Names Five Educators as California Teachers of the Year for 2006 (2 pages)
STATE SCHOOLS CHIEF JACK O’CONNELL NAMES FIVE EDUCATORS AS CALIFORNIA TEACHERS OF THE YEAR FOR 2006

O’Connell also nominates Fullerton teacher for National Teacher of the Year

SACRAMENTO — State Superintendent of Public Instruction Jack O’Connell today named five extraordinary educators as California Teachers of the Year for 2006. Of these five, O’Connell nominated one to compete for the National Teacher of the Year honor. Also, for the second time in two years, one of the state winners is from a continuation high school.


"All 305,000 teachers in the state deserve praise for all their hard work this past year in helping our students make gains toward meeting their academic growth targets in nearly every subject and grade level," said O’Connell. "The choice was very difficult, but the five educators I am naming California Teachers of the Year exhibited such extraordinary joy in teaching that their students loved learning from them. They set a wonderful example that I hope will draw more highly qualified teachers into this field."

O’Connell is nominating Cruz to represent California in the National Teacher of the Year competition because of his broad experience in elementary and middle school levels. He implemented a social skills program in response to incidences of aggressive behavior on campus. The winner will be selected in the spring by a panel convened by the Council of Chief State School Officers. All candidates for the National Teacher of the Year program will be honored at a White House ceremony.

"Denis Cruz’s passion for teaching was quite evident in his application," added O’Connell. "He said teaching is the ‘greatest profession on the planet.’ When he taught his first lesson, he described it as ‘magical.’ His motto is to ‘never, ever, give up’ on a student. He believes his students are his rewards for teaching."

"Kelly Jean Hanock treats education like a journey with her students. She found when her students learn to combine their courage, heart, and mind, they can then succeed and feel personal fulfillment. She feels teaching is an honor and even though she contributes to their education, she feels their contribution to her is even greater.

"Kenneth Dyar understands the crucial link between a child’s health and ability to learn. That is, when kids eat well, exercise, and feel good about themselves, they will do much better academically. As a child, he suffered a traumatic head injury that required several surgeries. During his recovery, he came to appreciate how teachers positively affect children’s lives and that became the basis for his desire to become a teacher."
Diana Barnhart explains when her students learn, she feels such great joy that I’m sure they can sense the passion she feels for her job. She says her students don’t just study science, they do science. She considers teaching a wonderful personal and professional journey."

For the second time in two years, one of the winning teachers is from an alternative school. Shelbi Wilson works at Abraham Lincoln Continuation High School. These type of programs are designed to meet the needs of students deemed at high risk of not completing their education by offering them more flexible schedules and emphasizing vocational or career goals.

"Shelbi Wilson brings great compassion to her job that’s especially essential when working with students who are at risk of not completing their education," said O’Connell. "Her students face many challenges. Nonetheless, she insists on treating each one like potential Harvard graduate, knowing that if you have high expectations of a child, the student will meet the challenge."

The California Teachers of the Year program began in 1972 to pay tribute to the state’s educators, the growing complexity of challenges that confront California’s schools, and the need to promote collaboration among teachers to meet those challenges.

California continues to face a critical teacher shortage. The program plays a pivotal role in drawing new people into the field. The Superintendent selects five people each year who will best represent California’s teachers and symbolize the profession’s contributions to quality education by focusing public attention on noteworthy accomplishments of teachers.

The competition is open to educators who teach pre-kindergarten through grade twelve. County offices of education nominate winners of their regional Teacher of the Year competition. A state selection committee reviews the candidates’ applications and conducts site visits to evaluate the teachers’ rapport with students, classroom environment, presentation skills, use of teaching methods, among other criteria. Following interviews held in Sacramento, the State Superintendent then selects the awardees. They will be honored at a dinner January 10, 2006 in Sacramento made possible by donations from corporate sponsors. For more information about past award winners, please visit California Teachers of the Year.

###

**JACK O’CONNELL** - STATE SUPERINTENDENT OF PUBLIC INSTRUCTION
COMMUNICATIONS OFFICE - ROOM 5206 - 916/319-0818 - (FAX) 916/319-0111
The California Department of Education (CDE) recommends that the State Board of Education (SBE) approve the 2007 Mathematics Primary Adoption Timeline as shown in Attachment 1.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND

January 2001: The SBE adopted the current list of mathematics instructional materials. The primary adoption of instructional materials in mathematics for kindergarten through grade eight occurs every six years.


SUMMARY OF KEY ISSUES

The 2007 Mathematics Primary Adoption Timeline contains key dates for the adoption of instructional materials for kindergarten through grade eight. The attached timeline follows the statutory requirements and notice to publishers set by previous adoptions. Initial submissions of instructional materials will take place in April 2006 with the Curriculum Development and Supplemental Materials Commission (Curriculum Commission) making recommendations to the SBE in September 2007 and the SBE taking action to adopt instructional materials in November 2007. This timeline was reviewed and approved by the Curriculum Commission on September 30, 2005.
FISCAL ANALYSIS (AS APPROPRIATE)

The estimated cost for the 2007 Mathematics Primary Adoption will be approximately $190,000.

ATTACHMENT(S)

Attachment 1: 2007 Mathematics Primary Adoption Timeline (1 page)
2007 Mathematics Primary Adoption Timeline

<table>
<thead>
<tr>
<th>Action(s)</th>
<th>Date(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>State Board of Education (SBE) adopts evaluation criteria – at least 30 months before adoption</td>
<td>May 2005</td>
</tr>
<tr>
<td>Curriculum Commission approves final timeline</td>
<td>September 2005</td>
</tr>
<tr>
<td>Publishers’ Briefing on criteria and adoption process</td>
<td>Nov. 8, 2005</td>
</tr>
<tr>
<td>Curriculum Commission recommends IMAP/CRP members to SBE</td>
<td>Sept. 2006/ Dec. 2006</td>
</tr>
<tr>
<td>SBE action on IMAP/CRP members</td>
<td>Nov. 2006/Jan. 2007</td>
</tr>
<tr>
<td>Invitation to Submit meeting</td>
<td>Jan. 9, 2007</td>
</tr>
<tr>
<td>Deadline for submission information</td>
<td>March 7, 2007</td>
</tr>
<tr>
<td>IMAP/CRP Training</td>
<td>March 26-29, 2007</td>
</tr>
<tr>
<td>Sample submission date</td>
<td>April 12, 2007</td>
</tr>
<tr>
<td>Price quote distribution to publishers</td>
<td>April 13, 2007</td>
</tr>
<tr>
<td>Legal Compliance (LC) review</td>
<td>Various dates and locations*</td>
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<tr>
<td>LC Citation notices sent to publishers</td>
<td>July 6, 2007</td>
</tr>
<tr>
<td>Price quote receipt deadline</td>
<td>June 13, 2007</td>
</tr>
<tr>
<td>Withdrawal deadline (7 working days before deliberations)</td>
<td>July 3, 2007</td>
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<tr>
<td>Deliberations</td>
<td>July 16-19, 2007</td>
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<tr>
<td>Publishers response to LC Citations</td>
<td>August 6, 2007</td>
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<td>Subject Matter Committee and Curriculum Commission action on adoption recommendations</td>
<td>September 2007</td>
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<tr>
<td>Public display period (30 days)</td>
<td>October 2007</td>
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<tr>
<td>State Board hearing/action on adoption</td>
<td>November 2007</td>
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<tr>
<td>Post-Adoption Publishers’ Briefing</td>
<td>December 2007</td>
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<tr>
<td>Final printed resources submitted</td>
<td>January 2008</td>
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* Curriculum Frameworks and Instructional Resources Division staff plan to contract with various county offices of education to conduct the LC review for this adoption
## SUBJECT

2006 Science Primary Adoption of Instructional Materials: Appointment of Instructional Materials Advisory Panel Members and Content Review Panel Experts

<table>
<thead>
<tr>
<th>ITEM #10</th>
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<tbody>
<tr>
<td>CALIFORNIA STATE BOARD OF EDUCATION</td>
</tr>
<tr>
<td>JANUARY 2006 AGENDA</td>
</tr>
</tbody>
</table>

### RECOMMENDATION

The California Department of Education (CDE) recommends that the State Board of Education (SBE) approve appointment of Instructional Materials Advisory Panel (IMAP) members as listed in Attachment 1, and Content Review Panel (CRP) experts as listed in Attachment 2 as recommended by the Curriculum Development and Supplemental Materials Commission (Curriculum Commission), conditioned on the joint conflict of interest review by the CDE and SBE legal counsels.

### SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

March 10, 2004: The SBE adopted the evaluation criteria for the 2006 Science Primary Adoption.

January 12, 2005: The SBE adopted the 2006 Science Primary Adoption Timeline.

### SUMMARY OF KEY ISSUES

**Background**

In March of 2005, a recruitment letter from State Superintendent of Public Instruction (SSPI), Jack O’Connell, was sent to district and county superintendents, curriculum coordinators in science, and other interested individuals and organizations, to recruit science educators to serve as IMAP members and CRP experts. Recruitment letters were also sent to college and university departments of science, and to a number of professional associations related to science. The application forms for the IMAP and CRP have been on the CDE Web site since March 2005.

On September 30, 2005, the Curriculum Commission approved to move forward for SBE appointment 43 applicants to serve as IMAP members and 17 applicants to serve as CRP experts. The Curriculum Commission recommended one IMAP applicant to the CRP (#119), and one CRP applicant to the IMAP (#50), feeling that these individuals’ applications were better suited to the other panel.
SUMMARY OF KEY ISSUES (Cont.)

On December 2, 2005, the Curriculum Commission approved to move forward for SBE appointment an additional seven applicants to serve as IMAP members, and four applicants to serve as CRP experts. The Curriculum Commission recommended one IMAP applicant to the CRP (#122) feeling that this individual's application was better suited to the other panel.

In total, the Curriculum Commission approved to move forward to the SBE 50 applicants for appointment to the IMAP and 21 applicants for appointment to the CRP.

Profile of Applicants
The role of the IMAP is to review submitted programs to determine their alignment with the content standards and the evaluation criteria adopted by the SBE. The CRP experts serve as advisors in their area of expertise, and confirm that the instructional materials are accurate and based on current and confirmed research.

A majority of the IMAP applicants are classroom teachers, as required by the California Code of Regulations (Title 5, Article 2.1, Section 9516), but also include curriculum specialists, program coordinators, and consultants. All of the CRP applicants have an advanced degree in science.

Of the total applications submitted, 15 of the IMAP applicants and 10 of the CRP applicants are male; 37 IMAP applicants and 11 CRP applicants are female. Twenty-two IMAP applicants and 7 CRP applicants are from northern California; 30 IMAP applicants and 14 CRP applicants are from southern California.

Estimated Number of Panels
Twelve publishers have expressed an interest in participating in the 2006 Science Primary Adoption, though we may have fewer or more actual submissions following the Invitation to Submit meeting with publishers on January 10, 2006. Based on this number of publishers, we anticipate needing eight panels of reviewers; each panel will have approximately eight IMAP members and three CRP experts. To reach this review level and to account for attrition, we will continue to recruit additional IMAP members and CRP applicants with an expertise in earth science through January 2006.

FISCAL ANALYSIS (AS APPROPRIATE)

The estimated cost for travel, hotel accommodations, and per diem expenses based on 64 IMAP members and 24 CRP members is $132,045. The final costs may vary depending upon the number of reviewers who actually serve on the IMAP and CRP.

ATTACHMENT(S)

Attachment 1: 2006 Science Primary Adoption IMAP Applicants (17 Pages)

Attachment 2: 2006 Science Primary Adoption CRP Applicants (11 Pages)
Number | Title | Employer
--- | --- | ---
1 | Science Dept. Chairperson | La Reina HS

Highest Degree
M.A. Agriculture, Pennsylvania State University

Expertise
Grade 8, High (Grades 9-12)
Physics, Biology/Life Sciences, Other Sciences (Genetics, Biotechnology, Botany, Human Systems, Molecular Biology; In Physical Science: Energy, Mechanics, Kinetic Theory, Optics, etc.)

Summary
The candidate teaches science and is also the head of the science department at La Reina High School (grades 7-12), a private catholic girls school. As Department Chair, she has used the Science Framework and content standards to evaluate new textbooks, technology, and audiovisuals. Over the last twenty years, she has taught physics, biology, advanced placement biology, and physical science. The candidate served as a Science Instructional Materials Evaluation Panel (IMEP) member in 1992, and was appointed to an Instructional Resource Education Panel (IREP) in 1993-94. She has an M.A. degree in Agriculture and a B.Sc. degree (Botany-major, Zoology and Geology-minor).

Number | Title | Employer
--- | --- | ---
2 | Teacher | Ontario-Montclair SD

Highest Degree
B.A. Math, LaVerne College

Expertise
Primary (K-3)
Physics, Chemistry, Earth Sciences

Summary
The candidate currently teaches a combination kindergarten-first grade class. She has participated in the Ontario-Montclair SD science curriculum committee for the last ten years and has been a district science trainer. In 2001, she was the district representative to the National Science Resource Center Leadership and Assistance for Science Education Reform at the Smithsonian Institute, a writer on the NASA Learning Center Plan in 2002, and received the Stellar Teacher Award for incorporating Science and Literature from the State Senate and Ontario Chamber of Commerce in 2003. She was an Intern Academy Trainer for MSAT-Science (2000) and CSAT-Science (2003). She has a B.A. degree in Math.

Number | Title | Employer
--- | --- | ---
3 | Teacher | Newhall SD

Highest Degree
B.A. General Education, CSU Northridge

Expertise
Primary (K-3), Grade 4

Summary
The candidate is currently a 4th grade teacher and teaches science to half of the 4th grade students. She served as the District's science curriculum expert to develop a district-wide standards-based science program. She participated in the State Standards Advisement Committee, was an IMAP member for the 2000 Science Adoption, and is currently a member of the STAR Content Review Panel team developing and reviewing the STAR science test. She has a B.A. degree in General Education.
### Number 4
**Title:** Teacher  
**Employer:** LAUSD  
**Highest Degree:** B.A. Political Science, Loyola Marymount University  
**Region:** South  
**Gender:** F  
**Expertise:** Primary (K-3), Grade 4, Grade 5  
**Summary:** The candidate is a first grade teacher, an instructor for new teachers in Science methodologies, and a member of the Star Science Content Review Panel since 2002. She is very familiar with the Science Standards and Framework, using it in her teaching practices, methodology courses she teaches, and when reviewing questions for the Science CST. She has a B.A. degree in Political Science and will be pursuing a master’s degree in Science Education (beginning Fall semester 2005).  
**Number:** 5  
**Title:** Science Dept. Chair/Teacher  
**Employer:** Palm Springs USD  
**Highest Degree:** M.S. Medical Technology, CSU Dominguez Hills  
**Region:** South  
**Gender:** M  
**Expertise:** Grades 6-7 Biology/Life Sciences  
**Summary:** The candidate has taught 7th grade life science for ten years. He has served on the District's textbook selection committee for the middle schools and is the facilitator for the District's secondary Science leads, a group of teachers who meet to discuss the District's Power Standards and their correlation with the State's Science Standards. He is a State licensed Clinical Laboratory Scientist, a licensed Medical Technologist (American Society of Medical Technologists), and holds a Specialist Certificate in Clinical Chemistry (American Society for Clinical Pathology). He has a B.S. degree in Microbiology, an M.S. degree in Medical Technology and a Single Subject Biology Teaching Credential.  
**Number:** 6  
**Title:** Teacher  
**Employer:** Retired  
**Highest Degree:** B.M.E. City College of NY  
**Region:** North  
**Gender:** M  
**Expertise:** Grade 4 Physics, Chemistry, Biology/Life Sciences, Earth Sciences, Other Sciences (Aviation)  
**Summary:** The candidate retired in 2004 after 20 years of teaching hands-on science in kindergarten through grade 5. Prior to that, he was a flight engineer for Pan American Airlines for thirty-nine years. He has a B.M.E. degree from City College of New York.
## 2006 Science Primary Adoption IMAP Applicants
Recommended by the Curriculum Commission 12/02/05

<table>
<thead>
<tr>
<th>Number</th>
<th>Title</th>
<th>Employer</th>
</tr>
</thead>
<tbody>
<tr>
<td>7</td>
<td>Teacher</td>
<td>Merced City SD</td>
</tr>
</tbody>
</table>

### Highest Degree
B.A. History, University of the Pacific

### Region
North

### Gender
M

### Expertise
Grades 6-7, Grade 8
Physics, Chemistry, Biology/Life Sciences, Earth Sciences, Other Sciences (Astronomy, Archeology)

### Summary
The candidate is an 8th grade science teacher. As a member of the Merced City School District Committee on Science scope and sequence, he prepared curriculum maps for the district that were adopted by the 7th and 8th grades district-wide. He was lead instructor for four summer sessions at the Challenger Learning Center and head designer of displays for the Space and Technology Center (Summer 2002). He has a B.A. degree in History and a Life Science Credential.

<table>
<thead>
<tr>
<th>Number</th>
<th>Title</th>
<th>Employer</th>
</tr>
</thead>
<tbody>
<tr>
<td>8</td>
<td>Teacher (retired 6/17/05)</td>
<td>Fullerton SD</td>
</tr>
</tbody>
</table>

### Highest Degree
M.S. Instruction and Curriculum, CSU Fullerton

### Region
South

### Gender
F

### Expertise
Primary (K-3), Grade 4, Grade 5

### Summary
The candidate is a fourth grade teacher, a science mentor, and district science chair. She has correlated district science curriculum and developed a district science curriculum guide aligning content to science standards. She has a B.S. degree in American Studies and an M.S. in Instruction and Curriculum.

<table>
<thead>
<tr>
<th>Number</th>
<th>Title</th>
<th>Employer</th>
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</thead>
<tbody>
<tr>
<td>10</td>
<td>Science Instruction Consultant</td>
<td>Tulare COE</td>
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</tbody>
</table>

### Highest Degree
M.A. Education (Administrative Services), Fresno Pacific University

### Region
North

### Gender
M

### Expertise
Primary (K-3), Grade 4, Grade 5, Grades 6-7, Grade 8, High (Grades 9-12)
Physics, Chemistry, Biology/Life Sciences, Earth Sciences

### Summary
The candidate is a science consultant for the Tulare County Office of Education and the CISC Science Subcommittee Regional Lead for Region VII. He provides professional development in understanding and implementing the California Science Standards and the Framework. He has provided guidance to districts that includes: unpacking the standards, backward design lesson planning, standards-based instructional strategies, connecting literature to the science standards, framework rollout, analysis of student comprehension in a standards-based instructional program, science assessments, and implementation of district/school selection of SBE-adopted science programs. He has lead many districts in the process of selecting and purchasing science instructional materials for primary and secondary levels. He has a B.A. degree in Biology and Natural Sciences and an M.A. degree in Administrative Services in Education.
<table>
<thead>
<tr>
<th>Number</th>
<th>Title</th>
<th>Employer</th>
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<tbody>
<tr>
<td>11</td>
<td>Teacher</td>
<td>Vallejo City USD</td>
</tr>
<tr>
<td>12</td>
<td>Research Lab Tech</td>
<td>University of Southern California</td>
</tr>
<tr>
<td>13</td>
<td>Elementary Teacher</td>
<td>Fresno USD</td>
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<table>
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<tr>
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<tbody>
<tr>
<td>B.A. Liberal Studies, UC Santa Barbara</td>
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<tr>
<td>M.S. Environmental Science, CSU Dominguez Hills</td>
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<td>M</td>
</tr>
<tr>
<td>M.A. Education, Pacific College</td>
<td>North</td>
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<table>
<thead>
<tr>
<th>Expertise</th>
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</thead>
<tbody>
<tr>
<td>Biology/Life Sciences, Earth Sciences</td>
<td></td>
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<tr>
<td>Grade 6-7, Grade 8</td>
<td></td>
</tr>
<tr>
<td>Grade 8, High (9-12)</td>
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<tr>
<td>Chemistry, Biology/Life Sciences</td>
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<table>
<thead>
<tr>
<th>Summary</th>
</tr>
</thead>
<tbody>
<tr>
<td>The candidate has taught 7th grade Science for the last eight years and has taught the Science Content Standards for over five years. She helped select the district's current science textbooks and has helped new teachers implement instructional materials in accordance with the state standards. She has an A.S. in Nursing, a B.A. in Liberal Studies, and holds a credential with a Science Supplementary Authorization.</td>
</tr>
<tr>
<td>The candidate is a former Curriculum Commissioner and was a member of the Math and Science Subject Matter Committees. As Science Chair, he supervised the 2000 Science Adoption including the development of the current Science Framework. He was a teacher for over 30 years. As a chemistry teacher, he helped to write, review, and edit the High School Chemistry Standards. He has a B.S. degree in Chemistry, an M.S. degree in Environmental Science, and holds credentials in Chemistry and Physical Science.</td>
</tr>
<tr>
<td>The candidate currently teaches sixth grade. He has been a science teacher for grades two through six for thirty-three years. He was a member of an IMAP for a Science adoption ten years ago. He has a B.S. degree in Biology and an M.A. degree in Education.</td>
</tr>
</tbody>
</table>
### Number 14
**Title**: Teacher - 8th Grade  
**Employer**: Big Oak Flat - Groveland USD

<table>
<thead>
<tr>
<th>Highest Degree</th>
<th>Region</th>
<th>Gender</th>
</tr>
</thead>
<tbody>
<tr>
<td>B.A. Sacramento State College</td>
<td>North</td>
<td>F</td>
</tr>
</tbody>
</table>

**Expertise**  
Grade 4, Grade 5, Grades 6-7, Grade 8  
Physics, Biology/Life Sciences, Earth Sciences, Other Sciences (Environmental)

**Summary**  
The candidate has been a teacher for thirty-seven years in grades pre-K through eighth. She currently teaches a self-contained seventh-eighth grade classroom and teaches science for all the eighth and seventh grades. She has been a staff developer for the K-12 Alliance for seventeen years and as a member has presented science content (earth, environmental, life, physical, and chemistry) to institute participants, facilitating sessions in the implementation and assessment of the standards. She has served as a teacher-project leader and content cadre presenter of earth, life, and physical sciences with the Delta-Sierra Science Project. She was an IMAP member for the 2000 Science Adoption. She has a B.A. degree and over ninety post-graduate units, predominately in science and math.

### Number 16
**Title**: Education Consultant  
**Employer**: EdExcellence Consulting, Inc

<table>
<thead>
<tr>
<th>Highest Degree</th>
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<tbody>
<tr>
<td>Ed.D. Education Technology, Pepperdine University</td>
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</tr>
</tbody>
</table>

**Expertise**  
Primary (K-3), Grade 4, Grade 5, Grades 6-7, Grade 8  
Biology/Life Sciences, Other Sciences (Marine Science)

**Summary**  
The candidate is an educational consultant providing professional development to elementary teachers in the area of science pedagogy and content development for LAUSD and curriculum development and design for mid-sized and large school districts in the areas of elementary and high school science and mathematics. As writer for LAUSD’s "Elementary Science Instructional Guide," she is familiar with currently adopted instructional programs and has completed an analysis of the alignment of these materials to the goals of the Framework and the Standards. The candidate was an Education Consultant with the CDE Curriculum Frameworks and Instructional Resources Unit serving as a teacher-advisor for the development of the California Science Content Standards, a contributor to the California Science Framework, and member of the California Assessment Review Panel for Science. She also facilitated a group of IMAP members during the 2002 Reading/Language Arts Adoption. She has an Ed.D. degree in Educational Technology and an M.S. degree in Education.

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<table>
<thead>
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<th>Number</th>
<th>Title</th>
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<tbody>
<tr>
<td>17</td>
<td>Teacher</td>
<td>Vallejo City USD</td>
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<tr>
<td>18</td>
<td>Teacher</td>
<td>San Francisco Friends School</td>
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<td>19</td>
<td>Teacher</td>
<td>Rosedale SD</td>
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### Highest Degree

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<th>Number</th>
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<th>Employer</th>
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<tbody>
<tr>
<td>17</td>
<td>Teacher</td>
<td>Vallejo City USD</td>
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<tr>
<td>18</td>
<td>Teacher</td>
<td>San Francisco Friends School</td>
</tr>
<tr>
<td>19</td>
<td>Teacher</td>
<td>Rosedale SD</td>
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</table>

### Region and Gender

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<tr>
<th>Number</th>
<th>Title</th>
<th>Employer</th>
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<tbody>
<tr>
<td>17</td>
<td>Teacher</td>
<td>Vallejo City USD</td>
</tr>
<tr>
<td>18</td>
<td>Teacher</td>
<td>San Francisco Friends School</td>
</tr>
<tr>
<td>19</td>
<td>Teacher</td>
<td>Rosedale SD</td>
</tr>
</tbody>
</table>

### Summary

The candidate teaches a 4th/5th grade looping GATE class. He helped develop science curriculum in a joint project between the Lawrence Berkeley Laboratory and the Vallejo School District. As a member of the North Bay Science Project, he studied physical and life sciences and last year studied earth science with the BEST Project. He has a B.A. degree in Mass Communications.

The candidate is a 3rd grade teacher. She facilitated a district science committee which aligned adopted science curriculum and science standards into a curriculum guide, developed and provided in-service to district teachers and administrators on science standards maps for grades K-5, provided in-service on supplemental science material/publications, and planned and equipped two science labs with hands-on materials. She has a B.A. degree and an M.S. degree in Education.

The candidate is second grade teacher, science coordinator at her school, and an adjunct professor of science curriculum and instruction. She has been a member of the STAR Science Content Review Panel since 2002, helping to develop the 5th grade test. She has B.S. and M.S. degrees in Education.
### 2006 Science Primary Adoption IMAP Applicants

**Recommended by the Curriculum Commission 12/02/05**

<table>
<thead>
<tr>
<th>Number</th>
<th>Title</th>
<th>Employer</th>
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<tr>
<td>20</td>
<td>Teacher (multi-subject)</td>
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<td>21</td>
<td>Trustee Elk Grove USD</td>
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<tr>
<td>22</td>
<td>Waste Management Specialist</td>
<td>State of CA, CIWMB</td>
</tr>
</tbody>
</table>

#### Highest Degree

- J.D. Law, Loyola Law School
- M.A. Education - Curriculum and Instruction, CSU Sacramento
- B.A. English, CSU Chico

#### Expertise

- Physics, Chemistry, Biology/Life Sciences, Earth Sciences
- Grades 6-7, Grade 8
- Biology/Life Sciences, Other Sciences (Environmental Science/Ecology)
- Grade 4
- Other Sciences (Environmental Education - Natural Resources Management)

#### Summary

- The candidate has been a 4th/5th grade multi-subject teacher for the last three years. Prior to that, he taught science in 4th through 8th grades for ten years. He has served as Science Lead Teacher and now Science Coordinator for his school and provides professional development to his fellow 4th and 5th grade teachers as well as to teachers in neighboring districts. He helped to develop his district’s "Science Instructional Guide" and reviewed items for use in the LAUSD’s "Periodic Assessment in Science." He has a B.A. degree in Philosophy, a J.D. in Law, and is working on an M.S. degree in Science Education.
- The candidate is currently a school board member for a large school district and a member of the district curriculum committee. She has taught middle and high school science and math and served on a curriculum development committee through California Waste Management to integrate science standards into energy conservation at elementary schools. She also serves on the board of the Stone Lake Wildlife Refuge and chairs its environmental education committee. She was an IMAP member for the 2000 Science Adoption. She has a B.S. degree in Biological Sciences, an M.S. in Education-Curriculum and Instruction, and a year of graduate study in Environmental Education.
- The candidate has worked for the California Integrated Waste Management Board as an Integrated Waste Management Specialist for the last seven years. She works in the Office of Education and the Environment providing environmental curriculum and waste management expertise to teachers throughout California. She reviewed the Board’s "Closing the Loop" curriculum, mapping it to the California Science Standards. During the 1980s, she taught high school English and 4th grade. She has a B.A. degree in English.
### 2006 Science Primary Adoption IMAP Applicants
**Recommended by the Curriculum Commission 12/02/05**

<table>
<thead>
<tr>
<th>Number</th>
<th>Title</th>
<th>Employer</th>
</tr>
</thead>
<tbody>
<tr>
<td>23</td>
<td>Teacher - 3rd/4th grades</td>
<td>I.C.C. Community School</td>
</tr>
</tbody>
</table>

#### Highest Degree
- M.S. University of Mysore, Mysore, India

#### Expertise
- Primary (K-3), Grade 4, Grade 5, Grades 6-7, Grade 8
- Biology/Life Sciences, Other Sciences (Cell Biology)

#### Summary
The candidate currently teaches 3rd and 4th grade at a private school and has been a science teacher for fifteen years, including 5th and 8th grade science classes. She has a B.S. degree and an M.S. degree in Zoology.

<table>
<thead>
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<th>Number</th>
<th>Title</th>
<th>Employer</th>
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</thead>
<tbody>
<tr>
<td>24</td>
<td>Elementary Science Specialist</td>
<td>Livermore Valley JUSD</td>
</tr>
</tbody>
</table>

#### Highest Degree
- M.S. Atmospheric Science, State University of NY, Albany

#### Expertise
- Primary (K-3), Grade 4, Grade 5, High (Grades 9-12)
- Physics, Earth Sciences

#### Summary
The candidate is an Elementary Science Specialist teaching grades 2-5 and has taught either science or math at all grade levels (1-12). She has worked on a committee to revise the District’s Elementary Science Specialist Program to implement the State Science Content Standards at each grade level, 1-5. This summer, she worked on a committee to update materials for Elementary Science Specialist Program in the District and to train new science specialists. She has a B.S. degree in Earth Science and Math Education and an M.S. degree in Atmospheric Science.

<table>
<thead>
<tr>
<th>Number</th>
<th>Title</th>
<th>Employer</th>
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</thead>
<tbody>
<tr>
<td>26</td>
<td>Elementary Science Specialist</td>
<td>Livermore Valley JUSD</td>
</tr>
</tbody>
</table>

#### Highest Degree
- B.S. Biology, Cal Poly, San Luis Obispo

#### Expertise
- Primary (K-3), Grade 4, Grade 5
- Biology/Life Sciences

#### Summary
The candidate is an Elementary Science Specialist in a classroom/lab for grades 1-5. As an Elementary Specialist for 13 years, she has been involved in two textbook adoptions at the district level. She has also helped to develop the science curriculum (reading, building of concepts, vocabulary development, hands on activities) to support the Standards and the Framework for the collaborative team of specialists and classroom teachers at each site. She has a B.S. degree in Biology and a Credential in Life Science.
## 2006 Science Primary Adoption IMAP Applicants
### Recommended by the Curriculum Commission 12/02/05

<table>
<thead>
<tr>
<th>Number</th>
<th>Title</th>
<th>Employer</th>
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<tr>
<td>27</td>
<td>Graduate Researcher</td>
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<td></td>
<td>Ph.D. Physics, Stanford</td>
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</tr>
<tr>
<td></td>
<td><strong>Expertise</strong></td>
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</tr>
<tr>
<td></td>
<td>High (Grades 9-12)</td>
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</tr>
<tr>
<td></td>
<td>Physics, Chemistry</td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Summary</strong></td>
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</tr>
<tr>
<td></td>
<td>The candidate is a physics graduate student at Stanford working this past year as a teacher's assistant for two introductory physics courses. He has served on three different panels for the American Board for the Certification of Teacher Excellence, setting the policy descriptors and standards for general science and pedagogy certification tests. This process involved assessing the difficulty of tests items as measured by pre-defined science content standards. Previous experience includes teaching high school physics and chemistry. He has an A.B. degree in Physics and Philosophy, an M.Ed. in Secondary Science Instruction, and is currently a Ph.D. candidate in Physics.</td>
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<tr>
<td>28</td>
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<td><strong>Expertise</strong></td>
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<tr>
<td></td>
<td>Primary (K-3), Grade 4, Grade 5</td>
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<tr>
<td></td>
<td><strong>Summary</strong></td>
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</tr>
<tr>
<td></td>
<td>The candidate has taught for twelve years and is third grade teacher in a self-contained classroom at a Math, Science, Technology Magnet Center. She presents the 3rd grade curriculum with an emphasis on standards based math and science. In 2002, she received the Presidential Award for Excellence Math and Science Teaching at both the state and national level. She served as an IMAP for the 1999 Reading/Language Arts Adoption. She also serves as a Master Teacher, guiding student teachers as they develop skills in presenting standards-based science instruction. She has a B.A. degree in History and an M.S. degree in Education.</td>
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<th>Number</th>
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<td>29</td>
<td>Teacher/Science Dept. Chair</td>
<td>Ceres USD</td>
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<td></td>
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<td></td>
<td>Grades 6-7, Grade 8</td>
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</tr>
<tr>
<td></td>
<td>Physics, Chemistry, Biology/Life Sciences, Earth Sciences, Other Sciences (Geography)</td>
<td></td>
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<tr>
<td></td>
<td><strong>Summary</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>The candidate currently teaches 8th grade science and 7th and 8th grade environmental science. As site department chair for the majority of the past ten years, she has led her department through curricular alignment to both the State Science Framework and Content Standards. She was a participant, project leader, and consultant in her regional State Science Project; was a writer and field tester for the curriculum writing project, Delta Studies, developing a comprehensive K-12 curriculum; and served as a facilitator for science in her county’s Vertical Teaming Project, working with middle and high school teachers to adjust their programs to meet the State Science Standards.</td>
<td></td>
</tr>
<tr>
<td>Number</td>
<td>Title</td>
<td>Employer</td>
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</tr>
<tr>
<td>30</td>
<td>Interventions Coordinator</td>
<td>North Monterey County USD</td>
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<tr>
<td>31</td>
<td>Specialist, Elementary Science</td>
<td>LAUSD - Local District 1</td>
</tr>
<tr>
<td>32</td>
<td>Teacher - 4th grade</td>
<td>Irvine Unified Schools</td>
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</tbody>
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### Highest Degree
- **30**
  - B.S. State University of NY
- **31**
  - M.S. Education, University of NY, Albany
- **32**
  - M.A. Education, Pepperdine

### Expertise
- **30**
  - Primary (K-3), Grade 4, Grade 5
  - Biology/Life Sciences, Other Sciences (Marine, Environmental)
- **31**
  - Primary (K-3), Grade 4, Grade 5
- **32**
  - Grade 4, Grade 5, Grades 6-7, Grade 8
  - Chemistry, Biology/Life Sciences, Earth Sciences

### Summary
- **30**
The candidate is the Title I Coordinator for her K-6 school and has been a teacher for 23 years. She served as an IMAP in the 2000 Science Adoption and co-chaired the North Monterey County USD Science Adoption Committee for the 2000-01 district-wide adoption and has participated in many science projects including: Return of the Native Watershed Native Plant Restoration in Monterey County (R.O. N.), Monterey Bay Aquarium Institute, Science Grasp with Upjohn Pharmaceutical of Michigan, Language and Science Education in Rural Schools (L.A.S.E.R.S.), etc. She has a B.S. degree.

- **31**
The candidate is an Elementary Science Specialist assisting teachers with the implementation of district initiatives in elementary science, emphasizing standards-based content, materials, instructional strategies, assessment, and the increased use of inquiry. She has evaluated the alignment of assessment item content with grade level standards for both the LAUSD Literacy Program and Science Periodic Assessment for grades 4 and 5. She has a B.A. degree and an M.S. degree in Education.

- **32**
The candidate has 23 years of teaching experience. She has been teaching 4th grade for the past four years, but this year she will be a Science Specialist Teacher and will teach science to 4th-6th grade students. She trains teachers in the use of science instructional materials. She is also a Science Methods teacher at UC Irvine, teaching intern teachers how to use the Framework and Standards to develop, teach, and assess science lessons. She has earned her National Board Certification in Early Adolescence Science and holds a B.A. degree in Social Ecology and an M.A. degree in Education.
# 2006 Science Primary Adoption IMAP Applicants

Recommended by the Curriculum Commission 12/02/05

<table>
<thead>
<tr>
<th>Number</th>
<th>Title</th>
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<tbody>
<tr>
<td>33</td>
<td>Elementary Science Specialist</td>
<td>Livermore Valley JUSD</td>
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<thead>
<tr>
<th>Highest Degree</th>
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<tr>
<td>B.A. Zoology, UC Berkeley</td>
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<td>Primary (K-3), Grade 4, Grade 5, Grades 6-7, High (Grades 9-12)</td>
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<tr>
<td>Biology/Life Sciences</td>
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<tr>
<th>Summary</th>
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<tbody>
<tr>
<td>The candidate has over 31 years of teaching experience and is currently a Science Specialist at the elementary school level teaching life, earth, and physical science to first through fifth grades. This past summer he helped to update the science curriculum to align with the California Content Standards. He has a B.A. degree in Zoology.</td>
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<td>34</td>
<td>Science Teacher Advisor</td>
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<th>Highest Degree</th>
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<tr>
<td>Biology/Life Sciences, Earth Sciences</td>
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<tbody>
<tr>
<td>The candidate is a Science Teacher Advisor whose responsibilities are to plan and implement the standards-based science curriculum and her District’s Science Plan. She has trained teachers in the Instructional Guides for 4th and 5th grade and an extensive 4th grade Immersion Unit. For the primary grades the training included her own compilation of standards-based materials and the FOSS Curriculum. She has a B.A. degree in Psychology and is a candidate for a Master’s Degree in Education Administration.</td>
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<td>35</td>
<td>Math/Science/Technology Integration Coach</td>
<td>LAUSD</td>
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<th>Highest Degree</th>
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<td>B.S. Education minor Chemistry, Pepperdine University</td>
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<td>M</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Expertise</th>
<th></th>
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</tr>
</thead>
<tbody>
<tr>
<td>Grade 5, Grades 6-7, Grade 8</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Chemistry, Biology/Life Sciences, Earth Sciences</td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Summary</th>
<th></th>
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</tr>
</thead>
<tbody>
<tr>
<td>The candidate has taught middle school science for fifteen years and is currently a Math/Science/Technology Lead Coach for LAUSD. As a teacher coach he is involved in the review of, and teacher training in, the use of technology and other science instructional materials to address divergent educational populations to deliver standards-based science content. He served as a member of the 1998 California Academic Standards Sub-Commission providing life and earth science content for the California Science Content Standards; was a member of the 1999-2000 California Science Framework and Criteria Commission, co-authoring the middle-school component of the Framework; and served as an IMAP for the 2000 Science Adoption. He has a B.S. degree in Education with a minor in Chemistry.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Number 36
**Title:** Middle School Science Teacher  
**Employer:** Van Avery Prep School  
**Highest Degree:** B.S. Biology, California State Polytechnic University, Pomona  
**Region:** South  
**Gender:** F  
**Expertise:** Chemistry, Biology/Life Sciences, Earth Sciences

**Summary:**
The candidate currently teaches middle school students science and computer curriculum. She has chaired the committee to review and adopt new science textbooks for her school, kindergarten through grade eight. She has trained teachers on the use of the adopted materials in the classroom. She has a B.S. degree in Biology, a B.S. degree in Education, and is pursuing both an M.A. degree in Educational Psychology and a Single Subject Credential in Biological Sciences.

### Number 37
**Title:** Assistant Professor  
**Employer:** Sonoma State University  
**Highest Degree:** Ph.D., Curriculum, Instruction and Educational Policy, Michigan State University  
**Region:** North  
**Gender:** F  
**Expertise:** Biology/Life Sciences

**Summary:**
The candidate is a university professor in elementary education, assisting pre-service and in-service teachers with their understanding of the Science Content Standards. Each semester she teaches courses using the California Content Standards as the foundation. Her area of expertise is elementary and middle school science education including: science methods instructor for ten years, public school teaching in elementary and middle school, science department chair, and science mentor teacher. Ten years ago, she served on a Science Materials Selection Committee. She has a B.S. degree in Kinesiology, a Ph.D. in Science Education, and holds a Credential with Science Supplement.

### Number 38
**Title:** Teacher  
**Employer:** Lamont SD  
**Highest Degree:** B.S. Business Administration, CSU Bakersfield  
**Region:** South  
**Gender:** F  
**Expertise:** Grade 5

**Summary:**
The candidate currently teaches a fifth grade GATE/FAST class. She has served on the Curriculum Committee for her district. She holds a B.S. degree in Business Administration.
### 2006 Science Primary Adoption IMAP Applicants
#### Recommended by the Curriculum Commission 12/02/05

<table>
<thead>
<tr>
<th>Number</th>
<th>Title</th>
<th>Employer</th>
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<tr>
<td>39</td>
<td>RSP Teacher</td>
<td>Hesperia USD</td>
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<tr>
<td>40</td>
<td>Primary Teacher Science Coordinator</td>
<td>San Diego City Schools</td>
</tr>
<tr>
<td>41</td>
<td>Teacher</td>
<td>Moorpark USD</td>
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<table>
<thead>
<tr>
<th>Highest Degree</th>
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<tbody>
<tr>
<td>M.A. Administrative Credential - US International University</td>
</tr>
<tr>
<td>B.A. Psychology, San Diego State University</td>
</tr>
<tr>
<td>M.A. Educational Administration and Leadership, CSU Northridge</td>
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<table>
<thead>
<tr>
<th>Expertise</th>
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</thead>
<tbody>
<tr>
<td>Primary (K-3), Grade 4, Grade 5, Grades 6-7</td>
</tr>
<tr>
<td>Biology/Life Sciences, Earth Sciences</td>
</tr>
<tr>
<td>Grade 3, Grade 4, Grade 5</td>
</tr>
<tr>
<td>Physical Chemistry, Biology/Life Sciences, Earth Sciences</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Summary</th>
</tr>
</thead>
<tbody>
<tr>
<td>The candidate is an RSP teacher assisting small groups of students with science assignments and activities. She was a special education teacher for 30 years. She served as an IMAP for the 2004 Health and 2005 History-Social Science Adoptions. She has taught Psychology at Victor Valley College for fifteen years and California Baptist College for five years. She also teaches classes in teacher education at UC Riverside, Chapman University, and UCLA. She has a B.A. Life Teaching Credential, Special Education, Learning Handicapped, and Pupil Personnel Credentials; Resource Specialist Certificate; and an M.A. Administrative Credential. The candidate is an elementary school teacher with 15 years experience, teaching primarily 2nd grade, though he has also taught grades 3-5. For the last four years, he has been a 2nd grade classroom teacher coordinating the science program at his school, delivering hands on staff development, and planning and implementing goals for the improvement of the teaching of science. He has been the Science Coach for his school for the past four years. He is a member of the team of science coaches trained under several National Science Foundation grants for the development of science teaching. For the last year, he was a member of a select group of district elementary science teachers and science administrators working with the Reuben Space Fleet Museum Inquiry Program, learning about, and developing curriculum for science. He has a B.A. degree in Psychology. The candidate has taught for fourteen and is currently a 5th grade teacher. She is also a lead science teacher for her school and her district. She has worked with other teachers to understand and implement the State Science Standards as well as planning and implementing a cohesive science program at her school. She served as an IMAP member for the 2000 Science Adoption. She has a B.A. degree in Developmental Psychology and an M.A. degree in Educational Administration.</td>
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</tbody>
</table>

Revised: 12/5/2005 4:13 PM
### 2006 Science Primary Adoption IMAP Applicants

**Recommended by the Curriculum Commission 12/02/05**

<table>
<thead>
<tr>
<th>Number</th>
<th>Title</th>
<th>Employer</th>
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<tbody>
<tr>
<td>42</td>
<td>Science/ELL Resource Teacher</td>
<td>Palo Alto USD</td>
</tr>
<tr>
<td>43</td>
<td>Resource Teacher</td>
<td>San Diego City Schools</td>
</tr>
<tr>
<td>45</td>
<td>Education Director</td>
<td>Calif. Forest Products Commission</td>
</tr>
</tbody>
</table>

**Highest Degree**

- M.Ed. Educational Administration, Santa Clara University
- M.Ed. Multiple Subject Credential, UCLA

**Region**

- North
- South

**Gender**

- F

**Expertise**

- Primary (K-3), Grade 4, Grade 5
- Grades 6-7, Grade 8
- High (Grades 9-12) - Social Science
- Biology/Life Sciences, Other Sciences (Forestry Education - All grades)

**Summary**

**Number 42**

The candidate is a Science and English Language Learner Resource Teacher, providing a comprehensive, standards-based staff development program in science for grade K-8 teachers. She extensively reviewed the district curriculum in terms of alignment with the California Science Standards when she prepared two successful SBE waivers to use Schiff-Bustamante and Instructional Materials Fund Realignment Program (IMFRP) funds for the Palo Alto USD Hands-On Science Program in 2004. She has taught science to elementary students in grades K-6. She has a B.A. degree; an M.Ed., Multiple Subject Credential; and an M.Ed. degree in Educational Administration.

**Number 43**

The candidate just became a resource teacher; previously she taught 7th and 8th grade science. She has been on adoption committees requiring data collection and systematic review for both San Diego City Schools and San Juan Unified School District. She has a degree in Computer Science and worked twenty years in the computer industry. She has a B.S. degree in Software Engineering and is credentialed in Mathematics, Computer Concepts and Applications, and Introductory Science.

**Number 45**

The candidate is Education Director for the California Forest Products Commission. She administers and delivers environmental education programs and resources statewide with a forestry emphasis including classroom presentations, resources, field trips, and interaction with state agencies and other education programs. She has completed an analysis of the program’s alignment with the Standards and has designed standards-aligned resources and lesson plans. She participated in the technical working groups for the AB1548 Environmental Education Principles and is on the advisory panels and resource review committees for both the California Foundation for Ag in the Classroom and Project Learning Tree. She has a B.S. degree in Social Science.
<table>
<thead>
<tr>
<th>Number</th>
<th>Title</th>
<th>Employer</th>
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<tbody>
<tr>
<td></td>
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<tr>
<td>46</td>
<td>Science Program Specialist</td>
<td>Bakersfield City SD</td>
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<td>Highest Degree</td>
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<td></td>
<td>B.A. Liberal Arts, CSU Bakersfield</td>
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<td></td>
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<td></td>
<td>Gender</td>
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<tr>
<td></td>
<td>Expertise</td>
<td></td>
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<tr>
<td></td>
<td>Primary (K-3), Grade 4, Grade 5, Grades 6-7</td>
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<tr>
<td></td>
<td>Earth Sciences</td>
<td></td>
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<tr>
<td></td>
<td>Summary</td>
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<tr>
<td></td>
<td>The candidate has been the Science Program Specialist for the Bakersfield City School District for four years. Prior to her current position, she taught science for ten years in grades K-6. She has taught the science standards to teachers in the CSET Science preparation class for Multiple Subject Credential. She has a B.A. degree in Liberal Studies and has a Multiple Subject Credential with a Science Supplement.</td>
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<tr>
<td>47</td>
<td>Science Teacher - 7th Grade</td>
<td>San Diego USD</td>
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<td>Highest Degree</td>
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<td></td>
<td>Gender</td>
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<td></td>
<td>Expertise</td>
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<tr>
<td></td>
<td>Grades 6-7</td>
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<tr>
<td></td>
<td>Biology/Life Sciences</td>
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<td></td>
<td>Summary</td>
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<tr>
<td></td>
<td>The candidate is in her fourth year teaching 7th grade science. She is the department chair and recently trained new 7th grade science teachers. She has been trained in the AIM process by BSCS and followed this process in the 7th grade curriculum adoption in 2002. She has a B.A. degree in Biological Sciences Education and an M.A. degree in Education Technology.</td>
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<tr>
<td>48</td>
<td>Teacher/Science Lead Teacher</td>
<td>LAUSD District 8</td>
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<td></td>
<td>M.A. Education, CSU Dominguez Hills</td>
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<td>Region</td>
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<td></td>
<td>Gender</td>
<td>F</td>
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<tr>
<td></td>
<td>Expertise</td>
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<tr>
<td></td>
<td>Primary (K-3), Grade 4, Grade 5</td>
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<tr>
<td></td>
<td>Biology/Life Sciences, Earth Sciences</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Summary</td>
<td></td>
</tr>
<tr>
<td></td>
<td>The candidate is a Science Lead Teacher and currently teaches all of the science for the 5th grade program at her school. She has taught science at the elementary level for five years. She served as an IMAP for the 2005 History-Social Science Adoption. She has a B.S. degree in Psychology and an M.A. degree in Education-Teaching Curriculum.</td>
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</tr>
<tr>
<td>Number</td>
<td>Title</td>
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</tr>
<tr>
<td>49</td>
<td>Long Term Substitute</td>
<td>Millville Elementary</td>
</tr>
<tr>
<td>50</td>
<td>Science Expert</td>
<td>LAUSD</td>
</tr>
<tr>
<td>51</td>
<td>Trustee</td>
<td>Livermore Valley Joint Unified</td>
</tr>
</tbody>
</table>

**Summary**

The candidate is currently a long-term substitute teacher. She teaches Pre-Algebra, Language Arts grade eight, and Science and PE grades six, seven, and eight. During her eight years of teaching, she has implemented the state-adopted science programs at many levels, grades two through four and grades six through eight. She served as an IMAP member for the 2000 Science Adoption. She has a B.S. degree in Biology and an M.A. degree in Teaching.

The candidate is a Science Expert for the Los Angeles Unified School District, responsible for providing instructional support for secondary science teachers, in-service, and professional development. She has written instructional material and assessments for secondary students in science and has been trained for the California STAR item writing in science. She has twenty years of classroom experience and prior experience in the aerospace industry and working for Chevron Oil Company. She has worked at the university level in science education and is currently completing an Ed.D. in Science Education from the University of Phoenix. She has an M.A.Ed. in Psychology, Early Childhood Education and Technology from Pepperdine University, and a B.S. degree in General Chemistry with a minor in Mathematics from the University of California, Los Angeles.

As a trustee for Livermore Valley Joint Unified School District, the candidate approves curriculum and instructional materials for all grades K-12. She has served as an IMAP for the 1998 History-Social Science, 1999 Science, 2000 Math, 2001 RLA, and 2003 Foreign Language adoptions. The candidate was a practicing scientist for ten years at UC San Francisco, and taught lab classes as an undergraduate at Brown University. As a graduate student at Purdue, she taught Biology for Elementary Education Majors and Anatomy and Physiology. She has a B.A. degree in Biology and an M.S. degree in Biological Sciences.
<table>
<thead>
<tr>
<th>Number</th>
<th>Title</th>
<th>Employer</th>
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<tbody>
<tr>
<td>52</td>
<td>5th Grade Teacher</td>
<td>Saugus Union SD</td>
</tr>
<tr>
<td>53</td>
<td>Elementary Science Advisor</td>
<td>LAUSD</td>
</tr>
<tr>
<td>54</td>
<td>Principal</td>
<td>Cotati-Rohnert Park USD</td>
</tr>
</tbody>
</table>

### Summary

**Number 52**

The candidate is a fifth grade elementary school teacher, teaching science, math, language arts, social studies, art, and music. She has a B.A. degree in Child Development and an M.A. degree in Education.

**Number 53**

The candidate is an elementary science advisor providing standards-based professional development sessions to K-5 teachers in her district. She has taught the science methods course to undergraduate and graduate students at the University of Southern California, facilitated the LAUSP Summer Institute sessions for K-5 teachers using FOSS, GEMS, Exploratorium, City Technology materials, and facilitated the Investigation and Experimentation sessions on fourth grade standards at the LAUSD CA Math and Science Program. She participated on the 1999 Expert Panel on Math and Science Education by the United States Department of Education, has training on science curriculum assessment through the American Association for the Advancement of Science, and has served on the Curriculum Selection Committee for the Alexander CA Science Center School in Los Angeles. She has an M.S. degree in Science Education.

**Number 54**

The candidate is an elementary school principal. He is currently developing a standards-aligned, technology-rich, earth science unit that integrates with other core curricular areas. Prior to this position, the candidate was the principal of a science, math, and engineering magnet high school where he led the development of a technology driven integrated science curriculum. He has an MEd. degree in Management in Education.
<table>
<thead>
<tr>
<th>Number</th>
<th>Title</th>
<th>Employer</th>
</tr>
</thead>
<tbody>
<tr>
<td>101</td>
<td>Research Associate, USC; Freelance education work</td>
<td>Mostly Retired</td>
</tr>
</tbody>
</table>

**Highest Degree**
Ph.D Geophysics, USC

**Region** | Gender |
<table>
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<tbody>
<tr>
<td>North</td>
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</tbody>
</table>

**Expertise**
Expertise: Earth Science/Geophysics, Geology, Environmental Geology

**Teaching**
Teaching: College - Geology, Environmental Geology; taught 7th Grade through beginning Graduate School

**Summary**
The candidate is semi-retired but is a part-time Research Associate at the University of Southern California doing research in paleomagnetism and environmental magnetism. She is also an education consultant working part-time on projects involving school improvement and science and mathematics standards, testing, and curriculum. She has taught a variety of math and science classes in grades 7 through beginning graduate school. She was involved in drafting the California Science Standards and reviewed all drafts of the document for the Standards Commission. She did fact checking on the Science Framework and has reviewed standards-aligned test items for the STAR program. She recently reviewed science standards in earth science from every state that has science standards (which is all but Iowa). She has a Ph.D. in Geophysics from the University of Southern California.

<table>
<thead>
<tr>
<th>Number</th>
<th>Title</th>
<th>Employer</th>
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<tbody>
<tr>
<td>102</td>
<td>Professor and Curator</td>
<td>UC Berkeley</td>
</tr>
</tbody>
</table>

**Highest Degree**
Ph.D. Biology, Yale

**Region** | Gender |
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<tbody>
<tr>
<td>North</td>
<td>M</td>
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</table>

**Expertise**
Expertise: Biology - particularly zoology, evolutionary biology, some botany, some ecology, paleontology; History of Science - particularly biology, paleontology, geology; Earth Sciences

**Teaching**
Teaching: 6th Grade - General Science; 7th Grade - Life Science; HS - Biology; UC Berkeley - Biology, Paleontology

**Summary**
The candidate is a professor in the Department of Integrative Biology at UC Berkeley, teaching courses in Evolutionary Biology, Paleobiology, Evolution of the Vertebrates, Evolutionary Theory, and History of Biology. His research is in the origin and evolution of major evolutionary features. He is curator in the Museum of Paleontology and President of the National Center for Science Education. He has taught science in grades 6 through graduate school, including 25 years at UC Berkeley. He is a recognized leader in the field of Paleontology and Evolutionary Biology. He was involved in the construction of the current Science Standards, was a principal writer and editor of the 1990 Science Framework, and has served on three science adoption panels. He is the author of several hundred articles on science and science education and has served as a reviewer and member of the editorial board for a variety of national and international scientific societies and journals. He has a Ph.D. in Biology from Yale. University.
### 2006 Science Primary Adoption CRP Applicants

**Recommended by the Curriculum Commission 12/02/05**

<table>
<thead>
<tr>
<th>Number</th>
<th>Title</th>
<th>Employer</th>
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</thead>
<tbody>
<tr>
<td>104</td>
<td>Adjunct Professor</td>
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<tr>
<td>105</td>
<td>Research Compliance Officer</td>
<td>VA San Diego Healthcare System</td>
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**Highest Degree**

<table>
<thead>
<tr>
<th>Ph.D. Chemistry, UCLA</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Ph.D. Pharmacological and Physiological Sciences, University of Chicago</td>
<td>South</td>
<td>M</td>
</tr>
</tbody>
</table>

**Expertise**

- **Chemistry**
- **University**

**Summary**

The candidate taught Chemistry at the University of California at Davis (UCD) from 1965-1995. After retiring in 1995, she continued to teach a course in Organic Chemistry until 2000. She has published over 35 papers on organosulfur, organophosphorous, mechanistic organic and pharmaceutical chemistry, coauthored an audiovisual series used in beginning chemistry courses at UCD, and published a Laboratory Manual, "Experiments for a Brief Course in Organic Chemistry," used by the UCD Department of Chemistry for sixteen years. She has also participated in the Chemical Education Division of the American Chemical Society. 

She has a Ph.D. in Chemistry from the University of California at Los Angeles.

The candidate is a Research Compliance Officer at the San Diego Veterans Affairs Medical Center, reviewing human subject and animal protocols for ethical, scientific, and regulatory issues. He is an original member of the STAR Content Review Panel for Science and participated on the level-setting panel for grades 4-5 science in 2004. He is the author of over sixty publications in areas such as pharmacology and animal research. He has a Ph.D. in Pharmacological and Physiological Sciences from the University of Chicago.
### 2006 Science Primary Adoption CRP Applicants

**Recommended by the Curriculum Commission 12/02/05**

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<tr>
<th>Number</th>
<th>Title</th>
<th>Employer</th>
</tr>
</thead>
<tbody>
<tr>
<td>106</td>
<td>Adjunct Professor</td>
<td>National University (NU)</td>
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</tbody>
</table>

**Highest Degree**

<table>
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<tr>
<th>Region</th>
<th>Gender</th>
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<tbody>
<tr>
<td>South</td>
<td>F</td>
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</tbody>
</table>

**Expertise**

- Molecular Biology, Microbiology, General Biology

**Teaching:**
- Elementary (Nursery, Preschool, K-4) - Biology, Microbiology, Oceanography, Astronomy, Geology, Chemistry, Meteorology, Physics; High School (9th Grade) - Biology and Molecular Biology; University (Freshman-Senior level students) - Human Biology and Bioethics; Upper Division Nursing Students - Microbiology and Infectious Disease; Adult Learners in a Nursing Program - Microbiology

**Summary**

The candidate is an Associate Professor of Science at National University and an Adjunct Professor of Biology at Point Loma Nazarene University, teaching courses in Microbiology and Infectious Disease, and Human Biology and Bioethics. She has taught preschool, elementary, high school, and university level students in the biological and physical sciences. She created a comprehensive science program for pre-K-4 aligned to the California Science Framework and has developed science curriculum for ninth grade and university courses in Biology and Microbiology. She has a Ph.D. in Molecular Biology from the University of Hamburg.

<table>
<thead>
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<th>Title</th>
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<tbody>
<tr>
<td>107</td>
<td>Teacher</td>
<td>Redondo Beach USD</td>
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</table>

**Highest Degree**

<table>
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<tr>
<th>Region</th>
<th>Gender</th>
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<tbody>
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<td>South</td>
<td>M</td>
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</tbody>
</table>

**Expertise**

- High School (Grades 9-12) - Life and Physical Science; University Professor (Teacher Credential Programs) - Health, Math/Science Methods, K-12 Content Areas

**Summary**

The candidate currently teaches 11th and 12th grade Anatomy and Physiology, and Sheltered and College Prep Biology at Redondo Union High School. He has also taught high school Chemistry, AP Chemistry, Physics, and Physical Science. For the past fifteen years, he has been a Professor of Education teaching methodology courses in the Teacher Credential Programs at Loyola Marymount and the University of Phoenix. He was Assistant Professor of Epidemiology and Public Health at the School of Public Health, Yale University of Medicine; Assistant Professor of Pathology at the University of Illinois; and Adjunct Professor of Biology at Loyola Marymount University. He has published 42 scientific peer review articles in various journals. He has a Ph.D. in Entomology from the University of Kentucky.
**2006 Science Primary Adoption CRP Applicants**  
**Recommended by the Curriculum Commission 12/02/05**

<table>
<thead>
<tr>
<th>Number</th>
<th>Title</th>
<th>Employer</th>
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<tbody>
<tr>
<td>108</td>
<td>Chief Scientist, Earth Sciences</td>
<td>Jet Propulsion Laboratory</td>
</tr>
</tbody>
</table>

**Highest Degree**  
Ph.D. Chemistry, Harvard University

**Region**  
South

**Gender**  
M

**Expertise**  
Expertise: Earth Sciences, Physical Sciences, Atmospheric Chemistry, Climate

**Teaching**  
College - Introductory Laboratory Chemistry as Teaching Fellow/Guest Lecturer

**Summary**  
The candidate is the Chief Scientist for the Jet Propulsion Lab (JPL), serving as JPL’s primary science contact to NASA’s Earth-Sun Science Division. His research is focused on laboratory investigations of gas and particle reactions relevant to the Earth’s stratosphere and troposphere. He has authored or co-authored over 50 scientific publications and has participated in a number of international assessments regarding global ozone depletion, aircraft impacts, and climate change. He has also participated on the team that assisted NASA in preparing its Earth Science Strategic Plan published in 2003. He has published numerous scientific articles. He has a Ph.D. in Chemistry from Harvard University.

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<table>
<thead>
<tr>
<th>Number</th>
<th>Title</th>
<th>Employer</th>
</tr>
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<tbody>
<tr>
<td>109</td>
<td>Science Teacher - Grades 6, 7, 8</td>
<td>Saratoga Union SD</td>
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</table>

**Highest Degree**  
Ph.D. Developmental and Cell Biology, UC Irvine

**Region**  
North

**Gender**  
F

**Expertise**  
Teaching: 7th grade - Life Science; Middle School - Earth and Physical Science; College - General Biology, Development Cell Biology, Genetics

**Summary**  
The candidate currently teaches 7th grade Life Science. She has also taught Earth Science and Physical Science in middle school. She has taught General Biology, Development and Cell Biology, and Genetics at the college level for over ten years. She has reviewed college-level textbooks and is familiar with the California Science Content Standards and the Science Framework from her work on the STAR Content Review Panel. She has a Ph.D. in Developmental and Cell Biology from the University of California at Irvine.
### 2006 Science Primary Adoption CRP Applicants

**Recommended by the Curriculum Commission 12/02/05**

<table>
<thead>
<tr>
<th>Number</th>
<th>Title</th>
<th>Employer</th>
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</thead>
<tbody>
<tr>
<td>110</td>
<td>Teacher</td>
<td>Fontana USD</td>
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<thead>
<tr>
<th>Highest Degree</th>
<th>Region</th>
<th>Gender</th>
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<tbody>
<tr>
<td>Ph.D. Physics, University of Alabama</td>
<td>South</td>
<td>F</td>
</tr>
</tbody>
</table>

**Expertise**

Teaching: Grades 9-12 - Physics and Chemistry; Community College - Physical Science, University Teachers Credentialing Program - Physics and Chemistry

**Summary**

The candidate currently teaches Chemistry, AP Physics, Physical Science, and Algebra I and II at Kaiser High School. She also taught and developed the curriculum for Physics and Chemistry in the Teaching Credential Program at the University of California in Riverside Extension Center and taught Physical Science at Riverside Community College. She has a Ph.D. in Physics from the University of Alabama.

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<table>
<thead>
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<th>Number</th>
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<tbody>
<tr>
<td>111</td>
<td>Senior Optical Engineering</td>
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</table>

<table>
<thead>
<tr>
<th>Highest Degree</th>
<th>Region</th>
<th>Gender</th>
</tr>
</thead>
<tbody>
<tr>
<td>M.S. Applied Physics, Clark-Atlanta University</td>
<td>South</td>
<td>M</td>
</tr>
</tbody>
</table>

**Expertise**


**Summary**

Teaching: High School/Adult Ed. - Mathematics, Physical Science including General Science, Computer Technology; University Professor - Physics, Computer Science

The candidate is a System Engineering Analyst for the Space Interferometry Mission (SIM) External Metrology (a program to determine the positions and distances of stars). He is an Adjunct Professor of Physics at California State Dominguez Hills and Computer Science at Santa Monica College. He also serves on Los Angeles City College's Department of Computer Science and Santa Monica College’s School of Business (Computer Science/Information Science Department) advisory board for curriculum development. He is Deputy Manager of the Strategic University Research Programs Office and works with colleges and universities to formulate effective curriculum and texts in the areas of science, technology, engineering, and mathematics. As a member of the Technology Advisory Committee for the California Department of Education, he helped formulate a plan to improve student achievement in California through the use of technology. He has an M.S. degree in Applied Physics from Clark-Atlanta University.

Revised: 12/5/2005 4:15 PM
### 2006 Science Primary Adoption CRP Applicants

**Recommended by the Curriculum Commission 12/02/05**

<table>
<thead>
<tr>
<th>Number</th>
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<th>Employer</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Science Teacher</td>
<td>Turlock HS</td>
</tr>
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### Highest Degree

<table>
<thead>
<tr>
<th>Highest Degree</th>
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<th>Gender</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ph.D. Chemistry, University of Missouri</td>
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</tr>
</tbody>
</table>

### Expertise

**Expertise:** Physical Science, Chemistry, Physics

**Teaching:** Grade 9-12 - Physical Science; Grade 10-12 - Chemistry; Grade 11-12 - Physics, AP Physics, AP Chemistry; College - Chemistry, Physical Science, Physics Labs

### Summary

The candidate teaches college prep Chemistry, AP Chemistry, and Physics and will be the coach for the Science Olympiad and Science Bowl teams at Turlock High School. She was an Adjunct Instructor in Chemistry and Physics at the California State University at Stanislaus and the University of Central Florida, as well as Adjunct Professor in Chemistry at Valencia Community College and Seminole Community College. She has a Ph.D. in Chemistry from the University of Missouri.

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<table>
<thead>
<tr>
<th>Number</th>
<th>Title</th>
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<tr>
<td></td>
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### Highest Degree

<table>
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<tr>
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</thead>
<tbody>
<tr>
<td>Ph.D. Physics, Columbia University</td>
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</tbody>
</table>

### Expertise

**Expertise:** Physics, Astronomy, Astrophysics

**Teaching:** 8th Grade - Physical Science

### Summary

The candidate is the Principal of Tramiel Capital Inc. Prior to that, he was the Vice President of Software Development for Atari Corporation. During the 2000 Science Adoption, he independently reviewed the 8th grade texts, uncovering many factual errors. Since that time he has testified before the Curriculum Commission and the SBE on a variety of issues regarding science education. He teaches astronomy, as a volunteer, under the auspices of Project Astro, sponsored by the Astronomical Society of the Pacific and is a volunteer at the Chabot Space and Science Center. He has a Ph.D. in Physics from Columbia University.
<table>
<thead>
<tr>
<th>Number</th>
<th>Title</th>
<th>Employer</th>
</tr>
</thead>
<tbody>
<tr>
<td>114</td>
<td>Professor of Physics</td>
<td>University of Southern California</td>
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</table>

<table>
<thead>
<tr>
<th>Highest Degree</th>
<th>Region</th>
<th>Gender</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ph.D. Physics, Cornell</td>
<td>South</td>
<td>M</td>
</tr>
</tbody>
</table>

**Expertise**
- Expertise: Physics
- Teaching: College [Undergraduate (all four yrs)/Graduate (first years/research laboratory)] - Physics

**Summary**
The candidate is a Professor of Physics and Astronomy at the University of Southern California. He has participated in the California Science Fair for twenty-three years. He is the publisher of numerous articles on Physics. He has a Ph.D. in Physics from Cornell University.

<table>
<thead>
<tr>
<th>Number</th>
<th>Title</th>
<th>Employer</th>
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<tbody>
<tr>
<td>115</td>
<td>Science Teacher (High School)</td>
<td>Ojai USD</td>
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<table>
<thead>
<tr>
<th>Highest Degree</th>
<th>Region</th>
<th>Gender</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ph.D. Microbiology and Biochemistry, University of Deli</td>
<td>South</td>
<td>F</td>
</tr>
<tr>
<td>M.S. (Major: Botany, Microbiology, Biochemistry), University of Delhi</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Expertise**
- Expertise: Microbiology, Biochemistry

**Teaching:**
- 9th Grade - Physical Science
- 10th Grade - Biology
- 11th Grade - Chemistry, Chemistry Honors
- 9th, 10th, 12th Grades - Sheltered Science, Chemistry, Biology (in India)

**Summary**
The candidate teaches Chemistry, Biology, and Physical Science at Nordhoff High School. Prior to that, she was a scientist/chemist for several Corporate Laboratories. She has a Ph.D. in Microbiology and Biochemistry from the University of Deli.
### 2006 Science Primary Adoption CRP Applicants

**Recommended by the Curriculum Commission 12/02/05**

<table>
<thead>
<tr>
<th>Number</th>
<th>Title</th>
<th>Employer</th>
</tr>
</thead>
<tbody>
<tr>
<td>116</td>
<td>Teacher, Dept. Chair</td>
<td>El-Tejon USD</td>
</tr>
<tr>
<td>117</td>
<td>Integrated Science Teacher - 10th Grade</td>
<td>LAUSD</td>
</tr>
</tbody>
</table>

**Highest Degree**

<table>
<thead>
<tr>
<th>Number</th>
<th>Title</th>
<th>Employer</th>
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</thead>
<tbody>
<tr>
<td>116</td>
<td>Teacher, Dept. Chair</td>
<td>El-Tejon USD</td>
</tr>
<tr>
<td>117</td>
<td>Integrated Science Teacher - 10th Grade</td>
<td>LAUSD</td>
</tr>
</tbody>
</table>

**Expertise**

**Expertise: Biology**

**Teaching:**

- High School: 9th grade - Physical Science, 10th grade - Biology Gate; 11th grade - Chemistry, Chemistry Honors; 12th grade - Physics, Physics Honors
- College/University: Life Science (Undergraduates); Pathophysiology of Reproduction (Graduate, Veterinary School); Curriculum and Methods in Teaching Science Single Subject (Graduate, Teacher Ed)

**Summary**

The candidate currently teaches High School Biology, Chemistry, and Agriculture and has served for nine years as Department Chair for Mathematics, Science, and Agriculture at Frazier Mountain High School. He was Chairman of the Science Adoption Committee for the El-Tejon Unified School District. He was Adjunct Assistant Professor of Veterinary Medicine at Tufts University, and is currently Adjunct Faculty/Area Science Chair for the University of Phoenix, Bakersfield Campus. He has a Ph.D. in Animal Science/Reproductive Physiology from Washington State University.

---

**Number**

| 116    | Integrated Science Teacher - 10th Grade   | LAUSD             |

**Highest Degree**

<table>
<thead>
<tr>
<th>Number</th>
<th>Title</th>
<th>Employer</th>
</tr>
</thead>
<tbody>
<tr>
<td>116</td>
<td>Teacher, Dept. Chair</td>
<td>El-Tejon USD</td>
</tr>
<tr>
<td>117</td>
<td>Integrated Science Teacher - 10th Grade</td>
<td>LAUSD</td>
</tr>
</tbody>
</table>

**Expertise**

**Expertise: Biology**

**Teaching:**

- K-6 Integrated Science
- Middle School - Biological Science
- High School - Biological Science and Integrated Science
- College - Biological Science/Psychobiology

**Summary**

The candidate currently teaches tenth grade Integrated Science at a project-based International Polytechnic High School. She has experience teaching science education at grades K-12 and also college level. She has a Ph.D. in Biological Sciences from UC Irvine.
### 2006 Science Primary Adoption CRP Applicants

**Recommended by the Curriculum Commission 12/02/05**

<table>
<thead>
<tr>
<th>Number</th>
<th>Title</th>
<th>Employer</th>
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</thead>
<tbody>
<tr>
<td>118</td>
<td>Teacher</td>
<td>San Diego USD</td>
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</table>

<table>
<thead>
<tr>
<th>Highest Degree</th>
<th>Region</th>
<th>Gender</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ph.D. Molecular Biology, UC San Diego</td>
<td>South</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Expertise</th>
</tr>
</thead>
<tbody>
<tr>
<td>Expertise: Biology</td>
</tr>
</tbody>
</table>

**Teaching:** High School - Advanced Placement Biology, Biology

**Summary**

The candidate is currently serving her last year on the Curriculum Commission as Chair of the Science Subject Matter Committee. She currently teaches all levels of high school biology, is department chair, and the advisor for the Science Olympiad teams and for the Academic League teams. She was an Undergradutate/Graduate Teaching Assistant teaching lab classes and discussion sessions. She has served as SMC Chair for the 2004 Health Adoption and as Commissioner Facilitator for the 2005 History-Social Science Adoption. She has participated in district adoption panels for Advanced Biology in 2000 and Advanced Placement Biology in 2004-05. The candidate has served as a Science Assessment Review Panelist for the State since 1998. She has a Ph.D. in Molecular Biology from UC San Diego.

<table>
<thead>
<tr>
<th>Number</th>
<th>Title</th>
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<tr>
<td>119</td>
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<td>Temecula Valley USD</td>
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<table>
<thead>
<tr>
<th>Highest Degree</th>
<th>Region</th>
<th>Gender</th>
</tr>
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<tbody>
<tr>
<td>Ph.D., Neuroscience, University of Salford, Salford, England</td>
<td>South</td>
<td>F</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Expertise</th>
</tr>
</thead>
<tbody>
<tr>
<td>Expertise: Biology/Life Sciences</td>
</tr>
</tbody>
</table>

**Teaching:** Grade 4, Grade 5, Grades 6-7, Grade 8, High (Grades 9-12)

**Summary**

The candidate has taught 7th and 8th grade science over the last six years and currently teaches 7th grade life science. The candidate served on the science committees in two districts, participating in district and site-based teacher training programs in the Science Framework and the implementation of aligned curriculums. As a science resource teacher at a science, math, and technology magnet school, the candidate designed and modeled lessons aligned with the Science Framework. Recently, the candidate participated in the adoption of a science textbook at the middle school level and evaluated its alignment with the Science Content Standards. The candidate has a B.S. degree in Zoology, a Ph.D. in Neuroscience, and a credential in Life Sciences.
2006 Science Primary Adoption CRP Applicants
Recommended by the Curriculum Commission 12/02/05

<table>
<thead>
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<th>Number</th>
<th>Title</th>
<th>Employer</th>
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<tr>
<td>120</td>
<td>Postdoctoral Scholar</td>
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<table>
<thead>
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<th>Highest Degree</th>
<th>Region</th>
<th>Gender</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ph.D., Biology with Biochemistry training, UC San Diego</td>
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<td>M</td>
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</table>

<table>
<thead>
<tr>
<th>Expertise</th>
</tr>
</thead>
<tbody>
<tr>
<td>Expertise: Biology, Molecular and Cellular Biology, Immunology, Biochemistry, Stem Cell Biology</td>
</tr>
<tr>
<td>Teaching: General Chemistry, Organic Chemistry, Bacteriology, Molecular Biology, Biochemistry (college-level)</td>
</tr>
</tbody>
</table>

**Summary**
The candidate is currently a postdoctoral scholar in the laboratory of Dr. David Traver at UC San Diego and is a mentor to the lab staff. He was a Graduate Teaching Assistant for courses in Molecular Biology and Bacteriology, and taught undergraduate courses in General and Organic Chemistry. He has authored several articles on molecular biology, immunology, and biological chemistry. The candidate has a Ph.D. in Biology from the University of California, San Diego.

<table>
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<th>Number</th>
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<tr>
<td>121</td>
<td>Chemistry Teacher</td>
<td>San Rafael City Schools</td>
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<tr>
<td>Ph.D., Chemistry, Oregon State University</td>
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<tr>
<th>Expertise</th>
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</thead>
<tbody>
<tr>
<td>Expertise: Chemistry</td>
</tr>
<tr>
<td>Teaching: College - Upper Division Chemistry; High School - College Prep, Honors, and Advanced Placement Chemistry</td>
</tr>
</tbody>
</table>

**Summary**
This is the candidate's seventh year teaching high school College Prep, Honors, and Advanced Placement Chemistry classes. He was Chair of the Science Department for two years and has participated in alignment of textbooks and curriculum to the content standards and the Science Framework for his district. The candidate has taught college classes in General Chemistry Lab, Physical Chemistry, and Instrumental Analysis. Prior to that, he had a twenty-five year career in Product Development, Marketing, Sales, and General Management for large and small companies. The candidate has a Ph.D. in Chemistry from Oregon State University.
### 2006 Science Primary Adoption CRP Applicants
**Recommended by the Curriculum Commission 12/02/05**

<table>
<thead>
<tr>
<th>Number</th>
<th>Title</th>
<th>Employer</th>
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<tbody>
<tr>
<td>122</td>
<td>Program Manager, Science</td>
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<table>
<thead>
<tr>
<th>Highest Degree</th>
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<th>Gender</th>
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<tbody>
<tr>
<td>Ph.D. Zoology, UC Berkeley</td>
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<td>F</td>
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</table>

**Expertise**

- Expertise: Biology/Life Sciences
- Teaching: Grade 8, High (Grades 9-12)

**Summary**
The candidate has taught science in grades 7 and 8 and high school biology, and is currently the high school science coordinator for San Diego City Schools. She coordinates curriculum adoptions, and provides professional development to teachers as new materials are implemented. She has also taught college biology courses and several elementary summer science programs. She has a B.A. degree in Biology and a Ph.D. in Zoology.
LAST MINUTE MEMORANDUM

DATE: January 5, 2006

TO: MEMBERS, STATE BOARD OF EDUCATION

FROM: Sue Stickel, Deputy Superintendent
       Curriculum and Instruction Branch

RE: Item No. 10

SUBJECT: 2006 Science Primary Adoption of Instructional Materials: Appointment of Instructional Materials Advisory Panel Members and Content Review Panel Experts

The California Department of Education (CDE) recommendation that the State Board of Education (SBE) approve appointment of Instructional Materials Advisory Panel (IMAP) members and Content Review Panel (CRP) experts as recommended by the Curriculum Development and Supplemental Materials Commission (Curriculum Commission) was conditioned on the joint conflict of interest review by the CDE and SBE legal counsels.

The lead counsels for the CDE and the SBE have reviewed applications that disclosed potential conflicts of interest. In order to serve as an IMAP or CRP member, counsels have agreed that appointees must meet the following test: applicants could not receive any honorarium, payment, or stipend from a publisher for one year prior to their appointment. Based on this criteria, CDE legal counsel has determined that IMAP candidate #47 has a conflict of interest and can not be appointed to the IMAP.
**CALIFORNIA STATE BOARD OF EDUCATION**

**JANUARY 2006 AGENDA**

<table>
<thead>
<tr>
<th>SUBJECT</th>
<th></th>
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<tbody>
<tr>
<td>2006 Visual and Performing Arts Primary Adoption of Instructional Materials: Appointment of Instructional Materials Advisory Panel Members and Content Review Panel Experts</td>
<td>☒ Action</td>
<td>☐ Information</td>
</tr>
<tr>
<td></td>
<td></td>
<td>☐ Public Hearing</td>
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</tbody>
</table>

**RECOMMENDATION**

The California Department of Education (CDE) recommends that the State Board of Education (SBE) approve appointment of Instructional Materials Advisory Panel (IMAP) members as listed in Attachment 1, and Content Review Panel (CRP) experts as listed in Attachment 2 as recommended by the Curriculum Development and Supplemental Materials Commission (Curriculum Commission), conditioned on the joint conflict of interest review by the CDE and SBE legal counsels.

**SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION**

January 7, 2004: The SBE adopted the evaluation criteria for the 2006 Visual and Performing Arts Primary Adoption.

January 12, 2005: The SBE adopted the 2006 Visual and Performing Arts Primary Adoption Timeline.

**SUMMARY OF KEY ISSUES**

**Background**
In March of 2005, a recruitment letter from State Superintendent of Public Instruction (SSPI), Jack O'Connell was sent to district and county superintendents, curriculum coordinators in visual and performing arts, and other interested individuals and organizations, to recruit visual and performing arts educators to serve as IMAP members and CRP experts. Recruitment letters were also sent to college and university departments of visual and performing arts, and to a number of professional associations related to visual and performing arts. The application forms for the IMAP and CRP have been on the CDE Web site since March 2005.

Due to an insufficient number of applications received by the original September 7, 2005, deadline, the Curriculum Commission approved an indefinite extension of the deadline. Potential applicants were informed of the deadline extension through a
posting on the CDE Web site. The CDE received a total of 28 IMAP applications and 12 CRP applications.

SUMMARY OF KEY ISSUES (Cont.)

On September 30, 2005, the Curriculum Commission approved to move forward for SBE appointment 12 applicants to serve as IMAP members, and 10 applicants to serve as CRP experts. The Curriculum Commission recommended two IMAP applicants (#11 and #15) to the CRP, and one CRP applicant (#109) to the IMAP, feeling that these individuals’ applications were better suited to the other panel. Furthermore, one applicant that applied to both the IMAP (#02) and CRP (#103) was recommended for appointment to the CRP. One IMAP applicant (#03) contacted the CDE and requested that her application be withdrawn.

On December 2, 2005, the Curriculum Commission approved to move forward for SBE appointment an additional 11 applicants to serve as IMAP members, and 3 applicants to serve as CRP experts.

Due to a shortage of qualified IMAP applicants, the Curriculum Commission will continue to recruit candidates through January 2006. Approximately 42 IMAP and 10 CRP members will be needed for this adoption, so if all of the current applicants are approved, 19 more IMAP members will be needed. The Curriculum Commission will review additional applications on January 26-27, 2006, and forward them to the SBE for approval in March 2006.

Profile of Applicants
The role of the IMAP is to review submitted programs to determine their alignment with the content standards and the evaluation criteria adopted by the SBE. The CRP experts serve as advisors on content matters in their area of expertise, and confirm that the instructional materials are accurate and based on current and confirmed research.

A majority of the IMAP applicants are classroom teachers, as required by the California Code of Regulations (Title 5, Article 2.1, Section 9516), but also include administrators, curriculum specialists, and members of the community. All of the CRP applicants have an advanced degree in art, music, or a related visual and performing arts field.

Of the recommended applicants, 1 of the IMAP applicants and 3 of the CRP applicants are male; 22 IMAP applicants and 10 CRP applicants are female. Seven IMAP applicants and 7 CRP applicants are from northern California; 16 IMAP applicants and 6 CRP applicants are from southern California.

Estimated Number of Panels
While the actual number may vary, following the January 9, 2006, Invitation to Submit meeting with publishers, 12 publishers have expressed an interest in participating in the adoption. We anticipate needing 4 to 5 panels of reviewers, with 7 to 9 IMAP members, and 2 or 3 CRP members per panel.
FISCAL ANALYSIS (AS APPROPRIATE)

The original estimated cost for travel, hotel accommodations, and per diem expenses for the 42 IMAP members and 10 CRP members needed for the Visual and Performing Arts Adoption is $81,440. The final costs may vary depending upon the number of reviewers who actually serve on the IMAP and CRP.

ATTACHMENT(S)

Attachment 1: 2006 Visual and Performing Arts Primary Adoption IMAP Applicants (8 Pages)

Attachment 2: 2006 Visual and Performing Arts Primary Adoption CRP Applicants (5 Pages)
### 2006 Visual and Performing Arts Primary Adoption IMAP Applicants

<table>
<thead>
<tr>
<th>Number</th>
<th>Title</th>
<th>Employer</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Music Specialist K-6</td>
<td>Happy Valley School District</td>
</tr>
<tr>
<td>4</td>
<td>Resource Teacher</td>
<td>Orange County Department of Education</td>
</tr>
<tr>
<td>5</td>
<td>Teacher</td>
<td>Long Beach Unified</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Highest Degree</th>
<th>Expertise</th>
<th>Region</th>
<th>Gender</th>
</tr>
</thead>
<tbody>
<tr>
<td>M.S. Music Education</td>
<td>Dance, Music, Visual Arts</td>
<td>North</td>
<td>F</td>
</tr>
<tr>
<td>M.A. Education, Biola University</td>
<td>Visual Arts</td>
<td>South</td>
<td>F</td>
</tr>
<tr>
<td>B.A. Liberal Studies, CSU</td>
<td>Dance, Theatre, Music, Visual Arts</td>
<td>South</td>
<td>F</td>
</tr>
</tbody>
</table>

**Summary**

The candidate is a Music Specialist for the Happy Valley School District. She has eleven years of experience teaching K-6 music classes. She has also served on the music subject advisory panel for the California Commission on Teacher Credentialing. She has a M.S. in Music Education from the State University of New York, Potsdam.

The candidate is a Resource Teacher for the Orange County Department of Education. She is also an adjunct instructor for Biola University, teaching art education at the graduate and undergraduate levels. She serves as Chair of the Fine Arts Curriculum Committee for the Community Home Education Program (serving 1300 students). She has a M.A. in Education from Biola University.

The candidate is a Teacher for the Long Beach Unified School District. She has taught pre-K through fifth grade and developed lessons in all four arts content areas. She has arranged and presented professional development workshops for teachers in the arts. She has a B.A. in Liberal Studies from California State University, Dominguez Hills.
<table>
<thead>
<tr>
<th>Number</th>
<th>Title</th>
<th>Employer</th>
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</thead>
<tbody>
<tr>
<td>6</td>
<td>Art Teacher</td>
<td>The Chandler School</td>
</tr>
</tbody>
</table>

**Summary**
The candidate is an Art Teacher and Department Chair of Fine Arts at The Chandler School. She has over thirty-five years of teaching experience at the K-8 level. She is the Treasurer of the California Art Education Association (CAEA), and has won the CAEA Middle School Educator of the Year award. She has a M.A. in Art Education from Arizona State University.

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<thead>
<tr>
<th>Number</th>
<th>Title</th>
<th>Employer</th>
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</thead>
<tbody>
<tr>
<td>7</td>
<td>Music Coordinator</td>
<td>Capistrano Unified School District</td>
</tr>
</tbody>
</table>

**Summary**
The candidate is a Music Coordinator for the Capistrano Unified School District. She supervises 28 elementary music teachers and provides support to 126 credentialed teachers in all areas of the arts, including workshops on the VPA Standards and Framework. She also has experience as a K-8 music teacher. She served on the Instructional Resources Evaluation Panel (IREP) for the 1998 Visual and Performing Arts Adoption. She has a M.A. in Educational Administration from National University.

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<tr>
<th>Number</th>
<th>Title</th>
<th>Employer</th>
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</thead>
<tbody>
<tr>
<td>8</td>
<td>Retired Teacher</td>
<td>Retired Teacher</td>
</tr>
</tbody>
</table>

**Summary**
The candidate is a retired high school band/orchestra director, and a former member of the Curriculum Commission. He chaired the Subject Matter Committee of the Commission that rewrote the VPA Framework. He has over forty years of teaching experience. He has been named Teacher of the Year for California, and has won both the Milken Family Foundation National Educator Award and the NEA Distinguished Teacher Award. He has a B.A. from Whittier College.
### Number 9
**Title:** Teacher/Choir Director  
**Employer:** Ontario-Montclair School District  
**Highest Degree:** B.A. Liberal Studies, Vanguard University  
**Expertise:** Dance, Theatre, Music  
**Region:** South  
**Gender:** F

**Summary:**
The candidate is a Teacher and Choir Director for the Ontario-Montclair School District. She has nineteen years of teaching experience. She has coordinated an extending learning choir program for students in grades 3-6 for seven years, and has served on her district’s VAPA committee for three years. She has also served as a GATE Facilitator. She has a B.A. in Liberal Studies from Vanguard University.

### Number 10
**Title:** Resource Teacher  
**Employer:** Los Angeles Unified School District  
**Highest Degree:** M.S. Education, University of Southern California  
**Expertise:** Theatre, Music, Visual Arts  
**Region:** South  
**Gender:** F

**Summary:**
The candidate is an Arts/ELD Resource Teacher for the Los Angeles Unified School District. She serves as a Bernstein Arts Coach in conjunction with the Grammy Education Foundation. She has an M.S. in Education from the University of Southern California.

### Number 12
**Title:** Instructor  
**Employer:** California State University, Long Beach  
**Highest Degree:** M.A. Art Education, California State University Long Beach  
**Expertise:** Visual Arts  
**Region:** South  
**Gender:** F

**Summary:**
The candidate is an Instructor at California State University, Long Beach. She has thirty-three years of high school arts teaching experience. She also served as Visual and Performing Arts District Chair for the Orange Unified School District, which included curriculum development, staff development, and selection of instructional materials. She served on the Instructional Resources Evaluation Panel (IREP) for the 1989 Visual and Performing Arts Adoption. She has an M.A. in Art Education from California State University, Long Beach.
<table>
<thead>
<tr>
<th>Number</th>
<th>Title</th>
<th>Employer</th>
<th>Highest Degree</th>
<th>Expertise</th>
<th>Region</th>
<th>Gender</th>
<th>Summary</th>
</tr>
</thead>
<tbody>
<tr>
<td>13</td>
<td>Art Teacher</td>
<td>Rocklin Unified School District</td>
<td>B.A. Studio Art, Humboldt State University</td>
<td>Visual Arts</td>
<td>North</td>
<td>F</td>
<td>The candidate is an Art Teacher for the Rocklin Unified School District. She was responsible for creating the middle school visual arts program in her district. She has a B.A. in Studio Art from Humboldt State University.</td>
</tr>
<tr>
<td>14</td>
<td>Teacher/Elementary Art Coordinator</td>
<td>Clovis Unified School District</td>
<td>B.A. Art Education</td>
<td>Visual Arts</td>
<td>North</td>
<td>F</td>
<td>The candidate is a Teacher and Elementary Art Coordinator for the Clovis Unified School District. She has twelve years of teaching experience. She organizes the district art show, provides inservice to elementary teachers, and coordinates the parent art docent program. She has a B.A. in Art Education.</td>
</tr>
<tr>
<td>16</td>
<td>Assistant Professor</td>
<td>National University</td>
<td>Ed.D. University of San Francisco</td>
<td>Visual Arts</td>
<td>North</td>
<td>F</td>
<td>The candidate is an Assistant Professor at National University. She teaches courses in K-12 teaching preparation. She has been a curator of several university art exhibits. She has an Ed.D. from the University of San Francisco, and an M.A. in Museum Studies from John F. Kennedy University.</td>
</tr>
</tbody>
</table>
### Number 17: Art Teacher

**Title:** Art Teacher  
**Employer:** Capistrano USD  
**Highest Degree:** M.A. Education, California State University San Bernardino  
**Expertise:** Visual Arts  
**Region:** South  
**Gender:** F

**Summary:**
The candidate is an Art Teacher for the Capistrano Unified School District. She serves on the Advisory Board for the California Arts Assessment Network, and has served on the California Arts Education Association Southern California Board. She helped write her district’s middle school arts objectives document and piloted curriculum supplements designed to provide standards-based instruction for students. She has an M.A. in Education from California State University, San Bernardino.

### Number 18: Music Teacher

**Title:** Music Teacher  
**Employer:** Los Angeles USD  
**Highest Degree:** M.M. Vocal Performance, University of Illinois Champaign  
**Expertise:** Music  
**Region:** South  
**Gender:** F

**Summary:**
The candidate is a Music Teacher for the Los Angeles Unified School District. She has participated at instructional materials reviews and piloting at the local level, and has participated in a local committee writing an elementary music curriculum. She was also the founder and director of a non-profit choral music education programs for approximately 50 children/year. She has a Master of Music in Vocal Performance from the University of Illinois at Champaign.

### Number 20: Theatre Teacher

**Title:** Theatre Teacher  
**Employer:** Livermore Valley Joint Unified School District  
**Highest Degree:** M.A. San Francisco State University  
**Expertise:** Theatre  
**Region:** North  
**Gender:** F

**Summary:**
The candidate is a Theatre Teacher for the Livermore Valley Joint Unified School District. She teaches drama and advanced theatre workshops at the high school level. She is a member of the CDE Arts Task Force and has served on the CDE Ad-Hoc Committee for Arts Assessment. She helped write the theatre content standards for California. She is the President of the California Educational Theatre Association. She has a M.A. degree from San Francisco State University.
<table>
<thead>
<tr>
<th>Number</th>
<th>Title</th>
<th>Employer</th>
</tr>
</thead>
<tbody>
<tr>
<td>21</td>
<td>Director of Professional Development and Training</td>
<td>Armory Center for the Arts</td>
</tr>
<tr>
<td></td>
<td><strong>Highest Degree</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>M.F.A. Visual Art, Claremont Graduate University</td>
<td>Visual Arts</td>
</tr>
<tr>
<td></td>
<td><strong>Expertise</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Visual Arts</td>
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<tr>
<td></td>
<td><strong>Region</strong></td>
<td>South</td>
</tr>
<tr>
<td></td>
<td><strong>Gender</strong></td>
<td>F</td>
</tr>
<tr>
<td></td>
<td><strong>Summary</strong></td>
<td>The candidate is the Director of Professional Development and Training for the Armory Center for the Arts. She is responsible for training teaching arts, classroom teachers, and art administrators. She is also a consultant providing professional development courses for the Los Angeles County Arts Commission. She has also taught courses in art education at the university level. She has a M.F.A. in Painting and Installation from Claremont Graduate University.</td>
</tr>
<tr>
<td>22</td>
<td>Retired Principal</td>
<td>Valley Center-Pauma Unified School District</td>
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<tr>
<td></td>
<td><strong>Highest Degree</strong></td>
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</tr>
<tr>
<td></td>
<td>M.A. Point Loma Nazarene University</td>
<td>Visual Arts</td>
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<tr>
<td></td>
<td><strong>Expertise</strong></td>
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<tr>
<td></td>
<td>Visual Arts</td>
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<tr>
<td></td>
<td><strong>Region</strong></td>
<td>South</td>
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<tr>
<td></td>
<td><strong>Gender</strong></td>
<td>F</td>
</tr>
<tr>
<td></td>
<td><strong>Summary</strong></td>
<td>The candidate is a retired K-5 principal, and currently serves as a Consultant in arts education. She is the Conference Administrator for the California Arts Education Association. She has been a participant and staff member of The California Arts Project institutes. She has trained administrators in the California School Leadership Academy arts module. She has a M.A. degree from Point Loma Nazarene University.</td>
</tr>
<tr>
<td>23</td>
<td>Visual Art Teacher</td>
<td>Los Angeles Unified School District</td>
</tr>
<tr>
<td></td>
<td><strong>Highest Degree</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>B.A. Art, Mount St. Mary's College</td>
<td>Visual Arts</td>
</tr>
<tr>
<td></td>
<td><strong>Expertise</strong></td>
<td></td>
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<tr>
<td></td>
<td>Visual Arts</td>
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<tr>
<td></td>
<td><strong>Region</strong></td>
<td>South</td>
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<tr>
<td></td>
<td><strong>Gender</strong></td>
<td>F</td>
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<tr>
<td></td>
<td><strong>Summary</strong></td>
<td>The candidate is an Elementary Visual Art Teacher for the Los Angeles Unified School District. She headed the LAUSD Kindergarten Arts Curriculum Committee in designing a kindergarten visual arts curriculum, and has been a part of the LAUSD Arts Education Branch Action-Research Committee for two years. She has also worked as a freelance designer, photographer, and artist. She has a B.A. in Art from Mount St. Mary's College.</td>
</tr>
<tr>
<td>Number</td>
<td>Title</td>
<td>Employer</td>
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</tr>
<tr>
<td>25</td>
<td>Special Education Teacher/Coordinator</td>
<td>Los Angeles Unified School District</td>
</tr>
</tbody>
</table>

**Highest Degree**

<table>
<thead>
<tr>
<th>Degree</th>
<th>Expertise</th>
<th>Region</th>
<th>Gender</th>
</tr>
</thead>
<tbody>
<tr>
<td>M.F.A. University of California, Los Angeles</td>
<td>Dance, Theatre, Music, Visual Arts</td>
<td>South</td>
<td>F</td>
</tr>
</tbody>
</table>

**Summary**
The candidate is a Special Education Teacher/Coordinator for the Los Angeles Unified School District. Her current position involves the development of art-based curriculum for students with moderate to severe disabilities. She has participated in local review committees that selected instructional materials in theatre and visual arts, and has worked on Educational Testing Service panels to develop assessments for students with disabilities. She has a M.F.A. in Alternative Design Systems from the University of California at Los Angeles.

<table>
<thead>
<tr>
<th>Number</th>
<th>Title</th>
<th>Employer</th>
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</thead>
<tbody>
<tr>
<td>26</td>
<td>National Consultant</td>
<td>Self Employed</td>
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</tbody>
</table>

**Highest Degree**

<table>
<thead>
<tr>
<th>Degree</th>
<th>Expertise</th>
<th>Region</th>
<th>Gender</th>
</tr>
</thead>
<tbody>
<tr>
<td>B.S. Physical Education, University of Rhode Island</td>
<td>Dance</td>
<td>South</td>
<td>F</td>
</tr>
</tbody>
</table>

**Summary**
The candidate is a self-employed Consultant who has worked for the Educational Testing Service, the Educational Development Center, non-profits, and numerous state arts and education agencies. She has over 25 years of experience teaching dance at the middle school level. She is Co-president of the California Dance Educators Association and a Board Member of the California Alliance for Arts Education. She is also the co-author of several books about dance education. She has a B.S. in Health and Physical Education from the University of Rhode Island.

<table>
<thead>
<tr>
<th>Number</th>
<th>Title</th>
<th>Employer</th>
</tr>
</thead>
<tbody>
<tr>
<td>27</td>
<td>Elementary Teacher</td>
<td>Los Angeles Unified School District</td>
</tr>
</tbody>
</table>

**Highest Degree**

<table>
<thead>
<tr>
<th>Degree</th>
<th>Expertise</th>
<th>Region</th>
<th>Gender</th>
</tr>
</thead>
<tbody>
<tr>
<td>B.F.A. Kent State University</td>
<td>Visual Arts</td>
<td>South</td>
<td>F</td>
</tr>
</tbody>
</table>

**Summary**
The candidate is an Elementary Art Teacher for the Los Angeles Unified School District. She has been involved in designing an instruction guide for the visual arts curriculum in her district. She has a B.F.A. degree from Kent State University.
<table>
<thead>
<tr>
<th>Number</th>
<th>Title</th>
<th>Employer</th>
<th>Highest Degree</th>
<th>Expertise</th>
<th>Region</th>
<th>Gender</th>
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</thead>
<tbody>
<tr>
<td>28</td>
<td>Music Instructor</td>
<td>Winters Joint Unified School District</td>
<td>B.S. Music Education, University of Alabama, Tuscaloosa</td>
<td>Theatre, Music</td>
<td></td>
<td>F</td>
</tr>
<tr>
<td>29</td>
<td>Elementary Teacher</td>
<td>Los Angeles Unified School District</td>
<td>M.A. Drama, University of Miami</td>
<td>Theatre</td>
<td></td>
<td>F</td>
</tr>
</tbody>
</table>

Summary

The candidate is a Music Instructor for the Winters Joint Unified School District. She has fifteen years of experience teaching music and theatre. She has coordinated workshops for school districts as part of The California Arts Project. She has a B.S. in Music Education from the University of Alabama at Tuscaloosa.

The candidate is an Elementary Theatre Teacher for the Los Angeles Unified School District. She served on the Instructional Resources Evaluation Panel (IREP) for the 1998 Visual and Performing Arts Adoption. She has been an Arts Education Advisor at the district level, and has coordinated workshops for the Los Angeles Philharmonic, the Theatre Arts Festival for Youth, and other local and regional organizations. She has an M.A. in Drama from the University of Miami.
# 2006 Visual and Performing Arts Primary Adoption CRP Applicants

<table>
<thead>
<tr>
<th>Number</th>
<th>Title</th>
<th>Employer</th>
<th>Highest Degree</th>
<th>Expertise</th>
<th>Region</th>
<th>Gender</th>
</tr>
</thead>
<tbody>
<tr>
<td>101</td>
<td>Professor</td>
<td>CSU San Bernardino</td>
<td>Ph.D. Music Education, University of Northern Colorado</td>
<td>Music</td>
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<tr>
<td>102</td>
<td>Director of Bands</td>
<td>Rialto Unified School District</td>
<td>Ph.D. Claremont Graduate University</td>
<td>Dance, Theatre, Music, Visual Arts</td>
<td></td>
<td></td>
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<tr>
<td>103</td>
<td>Educator</td>
<td>Santa Ana Unified School District</td>
<td>M.A. Dance Education, CSU Long Beach</td>
<td>Dance, Theatre</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Summary**

The candidate is a Professor of Music at California State University, San Bernardino. She has experience as a teacher at the elementary, secondary, and university levels. She has been on the board of directors of several community music organizations and orchestras. She has a Ph.D. in Music Education from the University of Northern Colorado.

The candidate is a Director of Bands for the Rialto Unified School District. He has been responsible for developing the visual and performing arts curriculum at the local level in two districts. He is also a professional musician. He has a Master of Administration degree from California State University, San Bernardino, and a Ph.D. from Claremont Graduate University.

The candidate is a Dance Director for the Santa Ana Unified School District. She has thirty-two years of teaching experience, including instruction in dance and theater at the middle school, high school, community college, and university levels. She served on the Instructional Resources Evaluation Panel (IREP) for the 1998 Visual and Performing Arts Adoption. She has a M.A. in Dance Education from California State University, Long Beach.
<table>
<thead>
<tr>
<th>Number</th>
<th>Title</th>
<th>Employer</th>
<th>Highest Degree</th>
<th>Expertise</th>
<th>Region</th>
<th>Gender</th>
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</thead>
<tbody>
<tr>
<td>104</td>
<td>Assistant Professor</td>
<td>California State University Fullerton</td>
<td>MFA Interdisciplinary Visual Arts, Goddard College</td>
<td>Visual Arts</td>
<td>South</td>
<td>F</td>
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</tr>
<tr>
<td>105</td>
<td>Lecturer</td>
<td>San Francisco State University</td>
<td>Ph.D. Educational Theatre, New York University</td>
<td>Theatre</td>
<td>North</td>
<td>F</td>
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<tr>
<td>106</td>
<td>Assistant Professor</td>
<td>California State University, San Bernardino</td>
<td>Ph.D. Art Education, Stanford University</td>
<td>Visual Arts</td>
<td>South</td>
<td>F</td>
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</table>

Summary

The candidate is an Assistant Professor of Art at California State University, Fullerton. She has also been an art instructor for several K-12 districts. She has presented at dozens of art shows, and is the recipient of several art recognition awards for her material. She is the author of several books on visual art. She has an M.F.A. in Interdisciplinary Arts from Goddard College.

The candidate is a Lecturer at San Francisco State University. She teaches Creative Arts and has twenty-two years of experience as a drama teacher for elementary and middle school students. She has served as a Beginning Teacher Support and Assessment (BTSA) Project Coordinator and has presented at numerous professional conferences, particularly with regards to gifted students. She has a Ph.D. in Educational Theatre from New York University.

The candidate is an Assistant Professor of Art Education at California State University, San Bernardino. She is also a former high school visual arts teacher for Los Angeles Unified School District. Her current responsibilities include instruction in art education to preservice multisubject credential and single-subject art credential students. She has presented sessions at the California Art Education Association (CAEA) and National Art Education Associations on the integration of dance and visual arts. She is the author of numerous articles on art education, and received the Outstanding Higher Educator award from the CAEA in 2004. She has a Ph.D. in Art Education from Stanford University.
# Title: 2006 Visual and Performing Arts Primary Adoption CRP Applicants

<table>
<thead>
<tr>
<th>Number</th>
<th>Title</th>
<th>Employer</th>
</tr>
</thead>
<tbody>
<tr>
<td>108</td>
<td>Director, Creative Education Program</td>
<td>Cultural Initiatives Silicon Valley</td>
</tr>
<tr>
<td>107</td>
<td>Faculty/Program Manager</td>
<td>California College of the Arts</td>
</tr>
<tr>
<td>110</td>
<td>Art Instructor</td>
<td>Retired</td>
</tr>
</tbody>
</table>

## Summary

The candidate is the Director of the Creative Education Program for Cultural Initiatives Silicon Valley, a regional arts education initiative. In this role she provides assistance in professional development, program evaluation, and curriculum design for elementary schools throughout the region. She has presented numerous conference papers and community workshops related to arts education. She has seventeen years of experience in K-8 arts education and teacher training. She has an Ed.D. in Learning and Instruction from the University of San Francisco.

The candidate is a faculty member and Program Manager of the Center for Art and Public Life at the California College of the Arts (CCA). She has also served as a K-8 art teacher. She has organized several professional development and curriculum development programs in art at the CCA, at other colleges and universities, and for local K-12 education agencies. She has a M.A. in Art Education from Columbia University.

The candidate is a retired Art Instructor with twenty-three years of teaching experience at the K-12 level. He also has taught art at the state university level. He has presented workshops for educators and community members on instructional materials, and has experience in developing art curricula at the local level. He has three master’s degrees, including an M.A. in Visual Design from the University of California at Berkeley, an M.F.A. from the University of California at Davis, and an M.A. in Sculpture from Tama Art University of Japan.
<table>
<thead>
<tr>
<th>Number</th>
<th>Title</th>
<th>Employer</th>
<th>Highest Degree</th>
<th>Region</th>
<th>Gender</th>
</tr>
</thead>
<tbody>
<tr>
<td>111</td>
<td>Theatre Teacher</td>
<td>Elk Grove Unified School District</td>
<td>M.A. Education, California State University Sacramento</td>
<td>North</td>
<td>F</td>
</tr>
<tr>
<td>112</td>
<td>Visual and Performing Arts Specialist</td>
<td>Rocklin Unified School District</td>
<td>M.F.A. Pictoral Arts, San Jose State University</td>
<td>North</td>
<td>F</td>
</tr>
<tr>
<td>113</td>
<td>Faculty</td>
<td>CALARTS</td>
<td>Ph.D. Clinical Psychology, California Graduate Institute</td>
<td>South</td>
<td>F</td>
</tr>
</tbody>
</table>

**Summary**

**Theatre Teacher**

The candidate is a Teacher for the Elk Grove Unified School District. She has nearly thirty years of experience in theatre arts education. She was on the state writing committees for the VPA Standards and the VPA Framework. She has also served as a theatre arts consultant for the Mondavi Center, the California School Board Association, and the California Arts Project. She has an M.A. in Theatre Arts Education from California State University, Sacramento.

**Visual and Performing Arts Specialist**

The candidate is a Visual and Performing Arts Specialist for the Rocklin Unified School District. She is a professional artist with experience in painting, sculpture, and theatre. She was the Co-Coordinator of the Model Arts Project with CDE and her district. She has twelve years of K-12 teaching experience. She has an M.F.A. in Pictorial Arts from San José State University.

**Faculty**

The candidate is a Faculty Member at the California Institute of the Arts. She also serves as an instructor and consultant for a number of other educational and public arts organizations. She is on the Board of Directors of the California Alliance for Art Education. She conducts seminars for K-12 teachers on art education for the Los Angeles Unified School District. She has conducted numerous presentations and in-service activities for arts groups, professional conferences, museums, and school districts. She is also a professional cellist, singer, actress, and dancer. She has a Ph.D. in Clinical Psychology from the California Graduate Institute.
The candidate is an Assistant Professor of Dance at the University of California, Santa Cruz. He has been a professional dancer and has taught dance at the elementary, secondary, and post-secondary levels. He directed the Dance in Early Education Project, supported by The California Arts Project. He is the author of numerous articles on teaching and learning in dance, and serves as the Associate Editor of the Research in Dance Education journal. He has an Ed.D. in Human Development and Psychology from Harvard University.
LAST MINUTE MEMORANDUM

DATE: January 5, 2006

TO: MEMBERS, STATE BOARD OF EDUCATION

FROM: Sue Stickel, Deputy Superintendent
Curriculum and Instruction Branch

RE: Item No. 11

SUBJECT: 2006 Visual and Performing Arts Primary Adoption of Instructional Materials: Appointment of Instructional Materials Advisory Panel Members and Content Review Panel Experts

The California Department of Education (CDE) recommendation that the State Board of Education (SBE) approve appointment of Instructional Materials Advisory Panel (IMAP) members and Content Review Panel (CRP) experts as recommended by the Curriculum Development and Supplemental Materials Commission (Curriculum Commission) was conditioned on the joint conflict of interest review by the CDE and SBE legal counsels.

The lead counsels for the CDE and the SBE have reviewed applications that disclosed potential conflicts of interest. In order to serve as an IMAP or CRP member, counsels have agreed that appointees must meet the following test: applicants could not receive any honorarium, payment, or stipend from a publisher for one year prior to their appointment. Based on this criteria, CDE legal counsel has determined that IMAP candidates #18, 26, and 29 have a conflict of interest and can not be appointed to the IMAP.
SUBJECT
Williams Settlement Legislation, Senate Bill 550: Remedy Insufficiency of Instructional Materials, Pursuant to Education Code Section 1240 (i) (4) (D)

RECOMMENDATION
The California Department of Education (CDE) recommends that the State Board of Education (SBE) find that the districts identified failed to provide pupils with sufficient instructional materials pursuant to Education Code (EC) Section 60119, and authorize the State Superintendent for Public Instruction (SSPI) to purchase instructional materials for these districts to remedy these insufficiencies, pursuant to EC Section 1240(i)(4)(D).

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION
March 10, 2005 - The SBE updated California Code of Regulations, Title 5, Section 9531 to reflect the requirements in EC Section 60119 for the sufficiency of instructional materials as revised by the Williams settlement legislation, Senate Bill 550.

This is the first time that an instructional materials insufficiency remediation pursuant to EC sections 1240(i) and 60119 has been brought before the SBE.

SUMMARY OF KEY ISSUES
As part of the 2004 settlement of the Eliezer Williams, et al., vs. State of California, et al. (Williams) case, the Legislature enacted legislation which modified the requirements for annual certification of instructional materials sufficiency at the district level. EC Section 60119, as modified by Chapter 118, Statutes of 2005, requires that districts hold a public hearing no later than the eighth week of each school year, at which the governing board, "shall make a determination, through a resolution, as to whether each pupil in each school in the district has sufficient textbooks or instructional materials, or both, that are aligned to the content standards adopted pursuant to Section 60605." EC Section 1240(i)(4) states that county offices of education shall enforce the sufficiency requirement, including required annual site visits for schools in the first three deciles of the state’s Academic Performance Index (API). If the district has an insufficiency under EC Section 60119 and fails to remedy that insufficiency by the second month of the school term, then EC Section 1240(i)(4)(D) states that the county superintendent, "shall
request the CDE, with approval by the SBE, to purchase the textbooks or instructional materials necessary to comply with the sufficiency requirement of this subdivision."

EC Section 1240(i)(4)(D) states that if the SBE approves a recommendation from the CDE to purchase materials to meet a district insufficiency, then the

"board shall issue a public statement at a regularly scheduled meeting indicating that the district superintendent and the governing board of the school district failed to provide pupils with sufficient textbooks or instructional materials as required by this subdivision."

The SSPI shall consult with the district to determine which materials to purchase to remedy the insufficiency.

**FISCAL ANALYSIS (AS APPROPRIATE)**

Funds for the purchase of instructional materials by the SSPI to meet insufficiencies at the local district level come from a fund of $5,000,000 set aside by the state for this purpose. Any purchases from this fund are considered a loan to districts, and if not repaid by the district according to terms established by the SSPI, shall be deducted from the next principal apportionment of the district.

**ATTACHMENT(S)**

The list of districts that failed to provide pupils with sufficient instructional materials will be identified in a last minute memorandum.
RECOMMENDATION

The California Department of Education (CDE) recommends that the State Board of Education (SBE) approve on the request by the San Joaquin County Office of Education (COE) to establish a second Regional Occupational Program (ROP) with conditions.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The topic of developing proposed conditions for the SBE to evaluate requests to form a second ROP was initially presented as an August 2005, Information Item.

A request to establish a second ROP was considered at the September 7, 2005, SBE meeting. Discussion ensued; however, no action was taken by the SBE on the request. The SBE requested the CDE staff to prepare proposed regulations to assist the SBE in evaluating requests by COEs to establish a second ROP.

The SBE considered the proposed regulations at the November 9, 2005, meeting but took no action. The SBE requested the CDE staff to develop legislation to resolve the issue. Proposed legislation has been developed to delete the wording in current law authorizing county offices of education to establish and maintain a second Regional Occupational Center or Program (ROCP). This proposal is under consideration by the CDE Governmental Affairs Office.

SUMMARY OF KEY ISSUES

The San Joaquin COE submitted a letter dated August 1, 2005, (attachment 2), requesting that the SBE approve the establishment of a second ROP.

California Education Code (EC) Section 52301(a) permits a county office of education to establish and maintain at least one ROCP with consent of the SBE.
SUMMARY OF KEY ISSUES

Until recently, there has not been a request from a COE in California to establish a second ROCP within the same county.

Currently, there are 74 ROCPs in California. Nearly all COEs in California operate a single, countywide ROCP. Two COEs are organized for administrative purposes into “north” and “south” arrangements, but each is technically a single ROCP. They are Santa Barbara County North and Santa Barbara County South and Santa Clara County North and Santa Clara County South. The north and south offices have separate administrative directors; but for accountability and fiscal purposes (such as for the federal Carl D. Perkins Act and for the state principal apportionment), each COE’s ROCP is considered a single entity.

FISCAL ANALYSIS (AS APPROPRIATE)

ROCPs are funded under Proposition 98 through the annual Budget Act Item 6110-105-0001. The 2005-06 appropriation is approximately $421 million. This is a fixed amount that is currently fully allocated to all ROCPs based on a revenue limit unique to each ROCP and a limit (cap) on the number of average daily attendance (a.d.a.) that can be funded in each ROCP.

These conditions are fiscally neutral from an overall Budget Act perspective because the funding for the ROCP apportionment is capped. However, in a practical sense, it is not fiscally neutral to the ROCPs within the state system. In effect, funding to establish the new ROCP will be taken off the top of the total state appropriation available for all ROCPs, and this could potentially cause a system wide deficit.

The proposed conditions fund a second ROCP using the Necessary Small ROCP funding formula. The statutory provision authorizing necessary small ROCPs is found in EC Section 52324.6. A necessary small ROCP is one with 350 a.d.a. or less. The funding formula for a necessary small ROCP is based upon the number of a.d.a. and the number of full-time equivalent teachers. (attachment 3)

The fiscal impact of these conditions depends upon each specific case. To illustrate the potential fiscal effect of this proposal, consider an example where the a.d.a. for the second COE ROCP is 90. From the attached funding chart, the necessary small ROCP formula would allocate $49,839 to the COE provided they employ a full-time equivalent of 0.83 teachers.

Implementation of this proposal would not result in additional state operations costs to the CDE.
ATTACHMENT(S)

Attachment 1: Conditions for Consideration of Second County-Operated Regional Occupational Center or Program (1 Page)

Attachment 2: Letter to Ruth E. Green, President, SBE, from Fredrick A. Wentworth, San Joaquin County Superintendent of Schools, dated August 1, 2005 (4 pages)

Attachment 3: California Department of Education, School Fiscal Services Division, Form R.1, Page 3 (1 Page)
Conditions for Consideration of Second County-Operated Regional Occupational Center or Program

_Education Code (EC) Section 52300_

The County Superintendent shall submit a written letter requesting the California State Board of Education (SBE) to grant consent to establish a second Regional Occupational Center or Program (ROCP) operated by a single County Office of Education (COE). [EC 52301 (a)] and shall document compliance and provide supporting data regarding the following conditions:

1. The COE shall give first priority to high school aged students to enroll in ROCP courses, as demonstrated by adult enrollment limited to no more than ten percent of the ROCPs total base apportionment. [EC 52300]

2. The proposed second ROCP will serve students from multiple schools and districts. [EC 52300]

3. The school or schools to be served by the second ROCP must be organized as Charter Schools.

4. The Charter school must be located in high poverty, low-achieving areas of the state where there is a strong need for high quality career technical education. These are areas in which there is a high number of Program Improvement Schools or High Priority Grant Schools. Targeted student population must be at-risk, low socio-economic status, or low-performing student populations.

5. The proposed second ROCP will use the necessary small ROCP funding formula to operate ROCP occupational training programs. [EC 52324.6]

6. The Charter school must provide high quality, rigorous CTE programs with written articulation agreements with postsecondary educational institutions, and established career pathway programs and career ladders leading to advanced training or direct entry into the labor market.

7. The proposed second ROCP will operate as a conditional program for two years and shall meet all of the conditions for ROCPs as contained in Education Code and Title V. A report must be submitted to the SBE and the State Superintendent of Public Instruction no later than two years after the school opens for instruction showing academic achievement on STAR, CAHSEE passage, other indicators of academic success, decreased drop out rate, matriculation into programs at community colleges, etc. If the second ROCP is in full compliance with the EC and demonstrates academic progress for students, then full consent of the SBE will be granted. [EC 52300]
L. Small High School Service Allocation

<table>
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<th>Line</th>
<th>Description</th>
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<th>School #2</th>
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<td>2.</td>
<td>2004-05 ADA for grades 9-12 in the small high school</td>
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<td>3.</td>
<td>2003-04 concurrently enrolled annual ROC/P ADA in the small high school</td>
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<td>5.</td>
<td>2004-05 Full-time equivalent certified ROC/P employees in small high school</td>
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<td>6.</td>
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<td>Employee proration (If Line 5 equals or exceeds Line 6, enter 1, otherwise divide Line 5 by Line 6) (Calculate to 4 decimals)</td>
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<td>8.</td>
<td>Small high school service allocation for ADA on Line L-2**</td>
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<td>9.</td>
<td>Prorated small high school service allocation (Line 7 time Line 8) (Round to a whole number)</td>
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Service Allocation Schedule

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## CALIFORNIA STATE BOARD OF EDUCATION

### JANUARY 2006 AGENDA

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<td>Guidelines for the evaluation of the California Fresh Start (CFS) Pilot Program, established by Senate Bill 281 (Maldonado).</td>
<td>Action Information Public Hearing</td>
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</table>

### RECOMMENDATION

The California Department of Education (CDE) recommends that the State Board of Education (SBE) approve the California Fresh Start (CFS) Pilot Program evaluation guidelines (Attachment 1).

### SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

This is the initial presentation to the SBE of actions needed to implement SB 281 (Maldonado). This item was first presented as an information item for the SBE in December 2005.

### SUMMARY OF KEY ISSUES

On September 15, 2005, Senate Bill 281 (Maldonado) was signed into law as an urgency measure. SB 281 added Article 11.5 (commencing with Section 49565) to the California Education Code (EC) and establishes the California Fresh Start (CFS) Pilot Program. The California Department of Education (CDE) will administer the CFS Pilot Program in consultation with the California Department of Food and Agriculture (CDFA) and the California Department of Health Services (DHS).

The CFS Pilot Program promotes the consumption of nutritious fruits and vegetables by schoolage children by providing $18.2 million in funding. Of the $18.2 million, $17.8 million of the funding is designated for the School Breakfast Programs (SBP), $100,000 is available for the development of an online professional development seminar, and $300,000 is available to contract for an independent comprehensive evaluation of the CFS Pilot Program. The law encourages public schools maintaining kindergarten or grades 1 to 12, inclusive, to provide fruits and vegetables that are not juice and have not been deep-fried to pupils in order to enhance the fruits and vegetables served in a SBP. Public school districts and charter schools participating in the SBP may participate in the CFS Pilot Program and apply for reimbursement of ten cents ($0.10) per meal to supplement, but not supplant, a school breakfast program.
To conduct the independent evaluation of the CFS Pilot Program, the California Department of Education’s (CDE) Nutrition Services Division (NSD) will be releasing to County Offices of Education and California Community Colleges a Request for Application (RFA) for a competitively awarded grant to conduct the evaluation. The goal of the CFS Pilot Program evaluation is to provide policymakers with the information they need to determine whether or not to continue the pilot program or establish it on an ongoing basis.

The EC 49565.8 requires CDE to consult with the SBE as well as the California Departments of Food and Agriculture (CDFA) and Health Services (DHS), on the guidelines for the CFS Pilot Program evaluation. The CDE has consulted with CDFA and DHS in development of the guidelines for the evaluation of the CFS Pilot Program and is submitting them for approval by the SBE at this time.

**FISCAL ANALYSIS (AS APPROPRIATE)**

Not applicable.

**ATTACHMENT(S)**

Attachment 1: California Fresh Start Pilot Program Comprehensive Evaluation Guidelines (5 Pages)

Attachment 2: Senate Bill No. 281 (3 Pages)
California Fresh Start Pilot Program
Comprehensive Evaluation Guidelines

Goal for the California Fresh Start (CFS) Pilot Program Evaluation
The goal is to contract for an independent evaluation of the CFS Pilot Program that provides policymakers the information they need to determine whether or not to continue the pilot program and/or establish it on an ongoing basis.

Background Considerations
- Participating districts/charter schools receive $.10 per eligible breakfast served, with at least $.09 required to be spent on the direct procurement of fruits and vegetables, with priority given to fresh fruits and vegetables produced in California.
- The cost per serving of a fresh fruit or vegetable purchased in accordance with the CFS Pilot Program will likely exceed the reimbursement received.
- The remaining $0.01 available per eligible meal may be used to offset the additional labor required (e.g., to collect and report information not otherwise maintained, and/or prepare and serve fresh fruits and vegetables), and also must cover the required nutrition education component.
- Districts/Charter schools are likely to incur administrative and nutrition education costs exceeding the $0.01 available per meal served, and some have indicated that they are likely not to participate in the CFS Pilot Program, particularly if the evaluation requires them to collect and submit data they would not otherwise maintain.

Overview of the Evaluation Plan
All participating school districts and charter schools will be required to maintain documentation reflecting that the $0.10 reimbursement provided for in the CFS Pilot Program was spent according to Program requirements, and be able to provide this information to an independent evaluator. Districts and charter schools will be required to maintain documentation that validates Program compliance, including the following:
- Names/Locations of participating sites and their Average Daily Attendance (ADA).
- Number of participants per site.
- Menus, with items listed as served.
- Menu production records.
- Standardized recipes.
• Invoices/Receipts.
• Transport records (if applicable).

The evaluation will also collect and analyze information on the strategies used by districts and charter schools to maximize:
• Use of the reimbursement funding in compliance with Program requirements, and
• Consumption of fruits and vegetables.

Participating districts/charter schools will maintain fiscal documentation in accordance with generally accepted accounting principles. The independent evaluator and/or CDE staff is expected to visit a sample of school sites to assess the CFS Pilot Program first-hand.

The independent evaluator will be directed to strongly consider the unreimbursed labor costs required to produce additional records and limit such requests to only necessary and required items so that the evaluation does not constitute a barrier to participation in the CFS Pilot Program. However, the evaluator will be encouraged to identify a sample of participating sites and visit or require additional documentation from them in order to conduct a more thorough review as part of the comprehensive evaluation.

The CDE will make available to the independent evaluator quarterly data reflecting the number of sites participating and the reimbursement claimed by school districts and charter schools.

**Evaluation Guidelines**
The guidelines for the CFS comprehensive evaluation design and plan are as follows:

I. Expenditure of Funds

A fiscal analysis of how CFS funds were spent by participating school districts/charter schools will be a required component of the evaluation. Questions to guide the evaluation plan and design may include, but not be limited to, the following:

• How did participating school districts/charter schools spend the additional $0.10 reimbursement?
• How much in CFS funds did they spend on fruits and vegetables?
• How much in CFS funds did they spend on fresh fruits and vegetables?
• How much in CFS funds was able to be identified as spent on California grown fruits and vegetables?
• How much in CFS funds was spent on “other” allowable expenditures, including nutrition education, and what were the other expenditures?

• To what extent were any of these “other” expenditures one-time, large fiscal outlays to improve food service facilities/equipment?

• To what extent were CFS reimbursements supplemented with other funds in order to provide at least one serving per day of fresh fruits or vegetables?

• To what extent were CFS reimbursements supplemented with other funds in order to provide for nutrition education, training, and extra labor costs?

• Was the CFS reimbursement sufficient to provide for one to two servings of fresh fruits and/or vegetables?

• To what extent did school districts/charter schools comply with the fiscal requirements of the reimbursement (90 percent being used for fruits and vegetables and no more than 10 percent for “other” allowed expenditures)?

• What fruits and vegetables were purchased, including the pack (i.e., fresh, dried, canned or frozen)?

• What, if any, were the fiscal barriers to offering more fresh fruits and vegetables?

II. Program Participation

• What was the profile of participating school districts/charter schools?

• How many schools started a new breakfast program in order to take part in the CFS Pilot Program?

• Was participation in the CFS Pilot Program associated with a change in the rate of School Breakfast Program participation among students eligible for free, reduced priced or paid meals?

• What, if any, changes occurred in school breakfast (or after school snack) participation before and after implementation of the CFS Pilot Program?

• What percent of eligible school districts/charter schools participated in the CFS Pilot Program?

• How many sites provided fruits or vegetables as after school snacks because they already offered two servings of nutritious fruits and vegetables for breakfast?
• What effect, if any, did encouraging fresh fruits and vegetables have on food service labor costs, including food procurement, preparation, and record keeping/claims?

• How many schools experienced increases in meal participation over the implementation period of the CFS Pilot Program?

• What were the barriers, if any, to school districts/charter schools participating in the CFS Pilot Program?

• What methods were used to promote student participation in the CFS Pilot Program?

• What were the barriers, if any, to student participation in the CFS Pilot Program?

• What were the drop-out rates and reasons schools dropped out of the CFS Pilot Program, if applicable?

• What types of vendors were used or business arrangements made to procure the additional fruits and vegetables?

• What, if any, were the program barriers to offering more fresh fruits and vegetables (e.g., janitorial issues, bus/class schedules)?

III. Effect on Child Nutrition Programs

• What methods were used to offer/serve/market the additional fruits and vegetables provided to students?

• Were food service facilities/equipment adequate to handle storage, preparation, and service of the additional fruits and vegetables? Were they barriers to participation?

• What training needs were identified?

• Was training provided for food service personnel regarding the purchase, storage, safe food handling, preparation, marketing, and service of fruits and vegetables for students? If so, how?

• What was the best medium to provide the training (e.g. online, in person)?

IV. Effect on Students

• What types of fruits and vegetables were noted as best received by students? Were any noted as not well accepted?
• What were the student responses to the CFS Pilot Program?

V. Nutrition Education

• What types of nutrition education strategies (separated by elementary, middle, and high school levels) that included student fruit and vegetable tasting and sampling were employed by schools to improve students' knowledge, attitudes, and selection of fruits and vegetables?

• How often were these strategies used and how and where did they occur?

• Was a nutrition education curriculum used or developed? If so, which curricula were used?

• To what extent did schools partner with others (e.g., teachers, other school or community based organizations such as the student Nutrition Advisory Councils (NAC), local farm/agriculture, Farm to School, Department of Health Services (DHS), Nutrition-network funded programs, Local Health Department) in order to implement the required nutrition education component?

• To what extent did schools need and have access to nutrition education materials?

• Were the nutrition education strategies used deemed successful?

• What were the barriers, if any, to providing nutrition education on a consistent or regular basis?

VI. Recommendations for CFS Pilot Program Improvement

• What methods did school districts/charter schools and students use to overcome the barriers to participation in the CFS Pilot Program?

• What changes/improvements should be made in the CFS Pilot Program to maximize district/charter school participation in successfully promoting the provision of fresh fruits and vegetables in the School Breakfast Program?
Senate Bill No. 281
CHAPTER 236
An act to add Article 11.5 (commencing with Section 49565) to Chapter 9 of Part 27 of the Education Code, relating to pupil nutrition, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.
[Approved by Governor September 15, 2005. Filed with Secretary of State September 15, 2005.]
legislative counsel’s digest
SB 281, Maldonado. California Fresh Start Pilot Program.
Existing state and federal laws require all schools participating in meal programs to provide nutritious food and beverages to pupils.
Existing law requires that the sale of all foods on school grounds at an elementary school be approved for compliance with specified nutrition standards.
Existing law requires that a minimum of 50% of the food items, except as specified, offered for sale each school day at any school site by any entity or organization during regular school hours be selected from a list of specified items, including specified fruits, vegetables, and fruit and vegetable juices.
Existing law requires the State Department of Health Services to establish and implement, to the extent funds other than state general funds are available, a “5 A Day—For Better Health” program for the purpose of promoting public awareness of the need to increase the consumption of fruits and vegetables as part of a low-fat, high-fiber diet in order to improve health and prevent major chronic diseases, including diet-related cancers.
This bill would establish, within the State Department of Education, the California Fresh Start Pilot Program, to be administered by the department, in consultation with the Department of Food and Agriculture and the State Department of Health Services, in order to encourage public schools maintaining kindergarten or any of grades 1 to 12, inclusive, to provide fruits and vegetables that have not been deep fried to pupils in order to supplement other fruits and vegetables that have not been deep fried and that are available to those pupils, and in order to promote the consumption of nutritious fruits and vegetables by school age children.
The bill would make an appropriation by requiring that, of the funds appropriated in a specified item of the Budget Act of 2005, $400,000 shall be available for the department to provide grants to a county office of education or a community college selected on a competitive basis, to be allocated in the amount of not more than $100,000 to develop an online professional development seminar for school site staff on serving, marketing, and promoting nutritious fruits and vegetables, and not more than $300,000 to contract with an independent evaluator to conduct a comprehensive evaluation, as specified.
The bill would require the department, in consultation with the Department of Food and Agriculture, the State Department of Health Services, and the State Board of Education, to develop emergency regulations necessary to implement the program and to establish guidelines for the administration and evaluation of the program.
This bill would declare that it is to take effect immediately as an urgency statute.
Appropriation: yes.
*The people of the State of California do enact as follows:*
SECTION 1. Article 11.5 (commencing with Section 49565) is added to Chapter 9 of Part 27 of the Education Code, to read:

Article 11.5. The California Fresh Start Pilot Program

49565. (a) There is hereby established within the department the California Fresh Start Pilot Program to provide fresh fruits and vegetables for public school pupils. This program shall be administered by the department, in consultation with the Department of Food and Agriculture and the State Department of Health Services.

(b) The program is intended to encourage public schools maintaining kindergarten or any of grades 1 to 12, inclusive, to provide fruits and vegetables that have not been deep fried to pupils in order to supplement other fruits and vegetables that have not been deep fried and that are available to those pupils, and in order to promote the consumption of fresh fruits and vegetables by schoolage children.

(c) Fruits and vegetables that have not been deep fried that are provided pursuant to this article shall be provided free of charge to a pupil, where appropriate.

(d) Fruits and vegetables that have not been deep fried that are provided pursuant to this article shall be provided during the schoolday, but not during regularly scheduled lunch periods.

(e) In making procurement decisions pursuant to this article, a school district or a charter school shall give priority to the purchase of fresh fruits and vegetables from California producers, when commercially available.

49565.1. (a) School districts and charter schools may apply for funding, appropriated for purposes of this article in the annual Budget Act or in another statute, for reimbursement of ten cents ($0.10) per meal, to be paid in quarterly installments by the department, to supplement, but not to supplant, a school breakfast program under Section 49550.3 or under the federal School Breakfast Program. These funds shall be deposited into the nonprofit food service account of the school district or charter school.

(b) The funds described in subdivision (a) shall be available to school districts and charter schools that meet all of the following criteria:

1. Provide one to two servings of nutritious fruits or vegetables, or both, at breakfast, and give priority to serving fresh fruits and vegetables.

2. Spend at least 90 percent of the funding for the direct purchase of nutritious fruits and vegetables.

3. Do not spend any of the funding for the purchase of juice.

4. Provide data as required by the independent evaluator pursuant to subdivision (b) of Section 49565.7.

49565.2. (a) The funds described in subdivision (a) of Section 49565.1 may be combined with other funding sources to ensure that at least one serving per day of nutritious fruits or vegetables, or both, is provided pursuant to the pilot program.

49565.3. Sites that already offer two servings of nutritious fruits or vegetables for breakfast may be reimbursed at ten cents ($0.10) per meal for providing nutritious fruits or vegetables for after school snacks.

49565.4. (a) School districts and charter schools that do not operate school breakfast programs are encouraged to apply for funding to establish breakfast programs using funds appropriated for this purpose in the annual Budget Act.

49565.5. Specific strategies for the provision of one to two servings of nutritious fruits or vegetables, or both, may include, but not be limited to, one or more of the following:

(a) Fruit bars located at the school cafeteria with a minimum of three
choices of fruits or vegetables, or both.
(b) Grab-and-go breakfasts with one to two servings of fruits or vegetables, or both, to be eaten on the school campus.
(c) Universal classroom breakfast that includes one to two servings of fruits or vegetables, or both.

49565.6. As a condition of receipt of funds, schoolsites participating in this program shall include tasting and sampling of nutritious fruits and vegetables as part of nutrition education. Strategies for nutrition education that include tasting and sampling of nutritious fruits or vegetables, or both, may include, but not be limited to:
(a) Educational sampling and tasting supported with nutrition education.
(b) An offering of fruits or vegetables in the classroom that is reinforced with nutrition and agricultural bulletins.
(c) A monthly school campus farmers’ market that allows opportunities for school clubs, organizations, boosters, sports teams, and other groups to organize a farmers’ market that highlights California produce for the student body to sample and taste.
(d) A produce sampling program that supports a school garden’s harvest through additional purchases of local, in-season fruits or vegetables to be used for a sampling and tasting program for the school campus featuring what is growing in the school garden.

49565.7. Of the funds appropriated for this purpose in Schedule (9) of Item 6110-485 of Section 2.00 of the Budget Act of 2005 (Ch. 38, Stats. 2005), as amended by Chapter 39 of the Statutes of 2005, four hundred thousand dollars ($400,000) shall be available for the State Department of Education to provide grants to a county office of education or a community college selected on a competitive basis, to be allocated as follows:
(a) Not more than one hundred thousand dollars ($100,000) to develop an online professional development seminar for schoolsite staff on serving, including safe handling guidelines, marketing, and promoting nutritious fruits and vegetables.
(b) Not more than three hundred thousand dollars ($300,000) to contract with an independent evaluator to conduct a comprehensive evaluation, including a determination of the need for educational materials for pupils and staff professional development programs on the safe handling, serving, and marketing of nutritious fruits and vegetables as part of the California Fresh Start Pilot Program.

49565.8. The department, in consultation with the Department of Food and Agriculture, the State Department of Health Services, and the State Board of Education, shall do both of the following:
(a) Develop emergency regulations, as it deems necessary, to implement the program established pursuant to this article.
(b) Establish guidelines for the evaluation of the program developed pursuant to this article.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:
In order to make the necessary statutory changes to implement the Budget Act of 2005 at the earliest time possible, it is necessary that this act take effect immediately.
Guidelines for the evaluation of the California Fresh Start (CFS) Pilot Program, established by Senate Bill 281 (Maldonado).

RECOMMENDATION

The California Department of Education (CDE) recommends that the State Board of Education (SBE) approve the California Fresh Start (CFS) Pilot Program evaluation guidelines (Attachment 1).

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

This is the initial presentation to the SBE of actions needed to implement SB 281 (Maldonado). This item was first presented as an information item for the SBE in December 2005.

SUMMARY OF KEY ISSUES

On September 15, 2005, Senate Bill 281 (Maldonado) was signed into law as an urgency measure. SB 281 added Article 11.5 (commencing with Section 49565) to the California Education Code (EC) and establishes the California Fresh Start (CFS) Pilot Program. The California Department of Education (CDE) will administer the CFS Pilot Program in consultation with the California Department of Food and Agriculture (CDFA) and the California Department of Health Services (DHS).

The CFS Pilot Program promotes the consumption of nutritious fruits and vegetables by schoolage children by providing $18.2 million in funding. Of the $18.2 million, $17.8 million of the funding is designated for the School Breakfast Programs (SBP), $100,000 is available for the development of an online professional development seminar, and $300,000 is available to contract for an independent comprehensive evaluation of the CFS Pilot Program. The law encourages public schools maintaining kindergarten or grades 1 to 12, inclusive, to provide fruits and vegetables that are not juice and have not been deep-fried to pupils in order to enhance the fruits and vegetables served in a SBP. Public school districts and charter schools participating in the SBP may participate in the CFS Pilot Program and apply for reimbursement of ten cents ($0.10) per meal to supplement, but not supplant, a school breakfast program.
To conduct the independent evaluation of the CFS Pilot Program, the California Department of Education’s (CDE) Nutrition Services Division (NSD) will be releasing to County Offices of Education and California Community Colleges a Request for Application (RFA) for a competitively awarded grant to conduct the evaluation. The goal of the CFS Pilot Program evaluation is to provide policymakers with the information they need to determine whether or not to continue the pilot program or establish it on an ongoing basis.

The EC 49565.8 requires CDE to consult with the SBE as well as the California Departments of Food and Agriculture (CDFA) and Health Services (DHS), on the guidelines for the CFS Pilot Program evaluation. The CDE has consulted with CDFA and DHS in development of the guidelines for the evaluation of the CFS Pilot Program and is submitting them for approval by the SBE at this time.

**FISCAL ANALYSIS (AS APPROPRIATE)**

Not applicable.

**ATTACHMENT(S)**

Attachment 1: California Fresh Start Pilot Program Comprehensive Evaluation Guidelines (5 Pages)

Attachment 2: Senate Bill No. 281 (3 Pages)
California Fresh Start Pilot Program
Comprehensive Evaluation Guidelines

Goal for the California Fresh Start (CFS) Pilot Program Evaluation
The goal is to contract for an independent evaluation of the CFS Pilot Program that provides policymakers the information they need to determine whether or not to continue the pilot program and/or establish it on an ongoing basis.

Background Considerations
- Participating districts/charter schools receive $.10 per eligible breakfast served, with at least $.09 required to be spent on the direct procurement of fruits and vegetables, with priority given to fresh fruits and vegetables produced in California.

- The cost per serving of a fresh fruit or vegetable purchased in accordance with the CFS Pilot Program will likely exceed the reimbursement received.

- The remaining $0.01 available per eligible meal may be used to offset the additional labor required (e.g., to collect and report information not otherwise maintained, and/or prepare and serve fresh fruits and vegetables), and also must cover the required nutrition education component.

- Districts/Charter schools are likely to incur administrative and nutrition education costs exceeding the $0.01 available per meal served, and some have indicated that they are likely not to participate in the CFS Pilot Program, particularly if the evaluation requires them to collect and submit data they would not otherwise maintain.

Overview of the Evaluation Plan
All participating school districts and charter schools will be required to maintain documentation reflecting that the $0.10 reimbursement provided for in the CFS Pilot Program was spent according to Program requirements, and be able to provide this information to an independent evaluator. Districts and charter schools will be required to maintain documentation that validates Program compliance, including the following:

- Names/Locations of participating sites and their Average Daily Attendance (ADA).

- Number of participants per site.

- Menus, with items listed as served.

- Menu production records.

- Standardized recipes.
• Invoices/Receipts.
• Transport records (if applicable).

The evaluation will also collect and analyze information on the strategies used by districts and charter schools to maximize:

• Use of the reimbursement funding in compliance with Program requirements, and
• Consumption of fruits and vegetables.

Participating districts/charter schools will maintain fiscal documentation in accordance with generally accepted accounting principles. The independent evaluator and/or CDE staff is expected to visit a sample of school sites to assess the CFS Pilot Program first-hand.

The independent evaluator will be directed to strongly consider the unreimbursed labor costs required to produce additional records and limit such requests to only necessary and required items so that the evaluation does not constitute a barrier to participation in the CFS Pilot Program. However, the evaluator will be encouraged to identify a sample of participating sites and visit or require additional documentation from them in order to conduct a more thorough review as part of the comprehensive evaluation.

The CDE will make available to the independent evaluator quarterly data reflecting the number of sites participating and the reimbursement claimed by school districts and charter schools.

**Evaluation Guidelines**
The guidelines for the CFS comprehensive evaluation design and plan are as follows:

I. Expenditure of Funds

A fiscal analysis of how CFS funds were spent by participating school districts/charter schools will be a required component of the evaluation. Questions to guide the evaluation plan and design may include, but not be limited to, the following:

• How did participating school districts/charter schools spend the additional $0.10 reimbursement?
• How much in CFS funds did they spend on fruits and vegetables?
• How much in CFS funds did they spend on fresh fruits and vegetables?
• How much in CFS funds was able to be identified as spent on California grown fruits and vegetables?
• How much in CFS funds was spent on “other” allowable expenditures, including nutrition education, and what were the other expenditures?

• To what extent were any of these “other” expenditures one-time, large fiscal outlays to improve food service facilities/equipment?

• To what extent were CFS reimbursements supplemented with other funds in order to provide at least one serving per day of fresh fruits or vegetables?

• To what extent were CFS reimbursements supplemented with other funds in order to provide for nutrition education, training, and extra labor costs?

• Was the CFS reimbursement sufficient to provide for one to two servings of fresh fruits and/or vegetables?

• To what extent did school districts/charter schools comply with the fiscal requirements of the reimbursement (90 percent being used for fruits and vegetables and no more than 10 percent for “other” allowed expenditures)?

• What fruits and vegetables were purchased, including the pack (i.e., fresh, dried, canned or frozen)?

• What, if any, were the fiscal barriers to offering more fresh fruits and vegetables?

II. Program Participation

• What was the profile of participating school districts/charter schools?

• How many schools started a new breakfast program in order to take part in the CFS Pilot Program?

• Was participation in the CFS Pilot Program associated with a change in the rate of School Breakfast Program participation among students eligible for free, reduced priced or paid meals?

• What, if any, changes occurred in school breakfast (or after school snack) participation before and after implementation of the CFS Pilot Program?

• What percent of eligible school districts/charter schools participated in the CFS Pilot Program?

• How many sites provided fruits or vegetables as after school snacks because they already offered two servings of nutritious fruits and vegetables for breakfast?
• What effect, if any, did encouraging fresh fruits and vegetables have on food service labor costs, including food procurement, preparation, and record keeping/claims?

• How many schools experienced increases in meal participation over the implementation period of the CFS Pilot Program?

• What were the barriers, if any, to school districts/charter schools participating in the CFS Pilot Program?

• What methods were used to promote student participation in the CFS Pilot Program?

• What were the barriers, if any, to student participation in the CFS Pilot Program?

• What were the drop-out rates and reasons schools dropped out of the CFS Pilot Program, if applicable?

• What types of vendors were used or business arrangements made to procure the additional fruits and vegetables?

• What, if any, were the program barriers to offering more fresh fruits and vegetables (e.g., janitorial issues, bus/class schedules)?

III. Effect on Child Nutrition Programs

• What methods were used to offer/serve/market the additional fruits and vegetables provided to students?

• Were food service facilities/equipment adequate to handle storage, preparation, and service of the additional fruits and vegetables? Were they barriers to participation?

• What training needs were identified?

• Was training provided for food service personnel regarding the purchase, storage, safe food handling, preparation, marketing, and service of fruits and vegetables for students? If so, how?

• What was the best medium to provide the training (e.g. online, in person)?

IV. Effect on Students

• What types of fruits and vegetables were noted as best received by students? Were any noted as not well accepted?
• What were the student responses to the CFS Pilot Program?

V. Nutrition Education

• What types of nutrition education strategies (separated by elementary, middle, and high school levels) that included student fruit and vegetable tasting and sampling were employed by schools to improve students' knowledge, attitudes, and selection of fruits and vegetables?

• How often were these strategies used and how and where did they occur?

• Was a nutrition education curriculum used or developed? If so, which curricula were used?

• To what extent did schools partner with others (e.g., teachers, other school or community based organizations such as the student Nutrition Advisory Councils (NAC), local farm/agriculture, Farm to School, Department of Health Services (DHS), Nutrition-network funded programs, Local Health Department) in order to implement the required nutrition education component?

• To what extent did schools need and have access to nutrition education materials?

• Were the nutrition education strategies used deemed successful?

• What were the barriers, if any, to providing nutrition education on a consistent or regular basis?

VI. Recommendations for CFS Pilot Program Improvement

• What methods did school districts/charter schools and students use to overcome the barriers to participation in the CFS Pilot Program?

• What changes/improvements should be made in the CFS Pilot Program to maximize district/charter school participation in successfully promoting the provision of fresh fruits and vegetables in the School Breakfast Program?
Senate Bill No. 281
CHAPTER 236

An act to add Article 11.5 (commencing with Section 49565) to Chapter 9 of Part 27 of the Education Code, relating to pupil nutrition, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 15, 2005. Filed with Secretary of State September 15, 2005.]

legislative counsel’s digest
SB 281, Maldonado. California Fresh Start Pilot Program.
Existing state and federal laws require all schools participating in meal programs to provide nutritious food and beverages to pupils.
Existing law requires that the sale of all foods on school grounds at an elementary school be approved for compliance with specified nutrition standards.
Existing law requires that a minimum of 50% of the food items, except as specified, offered for sale each schoolday at any schoolsite by any entity or organization during regular school hours be selected from a list of specified items, including specified fruits, vegetables, and fruit and vegetable juices.
Existing law requires the State Department of Health Services to establish and implement, to the extent funds other than state general funds are available, a “5 A Day—For Better Health” program for the purpose of promoting public awareness of the need to increase the consumption of fruits and vegetables as part of a low-fat, high-fiber diet in order to improve health and prevent major chronic diseases, including diet-related cancers.
This bill would establish, within the State Department of Education, the California Fresh Start Pilot Program, to be administered by the department, in consultation with the Department of Food and Agriculture and the State Department of Health Services, in order to encourage public schools maintaining kindergarten or any of grades 1 to 12, inclusive, to provide fruits and vegetables that have not been deep fried to pupils in order to supplement other fruits and vegetables that have not been deep fried and that are available to those pupils, and in order to promote the consumption of nutritious fruits and vegetables by schoolage children.
The bill would make an appropriation by requiring that, of the funds appropriated in a specified item of the Budget Act of 2005, $400,000 shall be available for the department to provide grants to a county office of education or a community college selected on a competitive basis, to be allocated in the amount of not more than $100,000 to develop an online professional development seminar for schoolsite staff on serving, marketing, and promoting nutritious fruits and vegetables, and not more than $300,000 to contract with an independent evaluator to conduct a comprehensive evaluation, as specified.
The bill would require the department, in consultation with the Department of Food and Agriculture, the State Department of Health Services, and the State Board of Education, to develop emergency regulations necessary to implement the program and to establish guidelines for the administration and evaluation of the program.
This bill would declare that it is to take effect immediately as an urgency statute.
Appropriation: yes.
The people of the State of California do enact as follows:
SECTION 1. Article 11.5 (commencing with Section 49565) is added to Chapter 9 of Part 27 of the Education Code, to read:

Article 11.5. The California Fresh Start Pilot Program

49565. (a) There is hereby established within the department the California Fresh Start Pilot Program to provide fresh fruits and vegetable for public school pupils. This program shall be administered by the department, in consultation with the Department of Food and Agriculture and the State Department of Health Services.

(b) The program is intended to encourage public schools maintaining kindergarten or any of grades 1 to 12, inclusive, to provide fruits and vegetables that have not been deep fried to pupils in order to supplement other fruits and vegetables that have not been deep fried and that are available to those pupils, and in order to promote the consumption of fresh fruits and vegetables by schoolage children.

(c) Fruits and vegetables that have not been deep fried that are provided pursuant to this article shall be provided free of charge to a pupil, where appropriate.

(d) Fruits and vegetables that have not been deep fried that are provided pursuant to this article shall be provided during the schoolday, but not during regularly scheduled lunch periods.

(e) In making procurement decisions pursuant to this article, a school district or a charter school shall give priority to the purchase of fresh fruits and vegetables from California producers, when commercially available.

49565.1. (a) School districts and charter schools may apply for funding, appropriated for purposes of this article in the annual Budget Act or in another statute, for reimbursement of ten cents ($0.10) per meal, to be paid in quarterly installments by the department, to supplement, but not to supplant, a school breakfast program under Section 49550.3 or under the federal School Breakfast Program. These funds shall be deposited into the nonprofit food service account of the school district or charter school.

(b) The funds described in subdivision (a) shall be available to school districts and charter schools that meet all of the following criteria:

1. Provide one to two servings of nutritious fruits or vegetables, or both, at breakfast, and give priority to serving fresh fruits and vegetables.

2. Spend at least 90 percent of the funding for the direct purchase of nutritious fruits and vegetables.

3. Do not spend any of the funding for the purchase of juice.

4. Provide data as required by the independent evaluator pursuant to subdivision (b) of Section 49565.7.

49565.2. (a) The funds described in subdivision (a) of Section 49565.1 may be combined with other funding sources to ensure that at least one serving per day of nutritious fruits or vegetables, or both, is provided pursuant to the pilot program.

49565.3. Sites that already offer two servings of nutritious fruits or vegetables for breakfast may be reimbursed at ten cents ($0.10) per meal for providing nutritious fruits or vegetables for after school snacks.

49565.4. (a) School districts and charter schools that do not operate school breakfast programs are encouraged to apply for funding to establish breakfast programs using funds appropriated for this purpose in the annual Budget Act.

49565.5. Specific strategies for the provision of one to two servings of nutritious fruits or vegetables, or both, may include, but not be limited to, one or more of the following:

1. Fruit bars located at the school cafeteria with a minimum of three
choices of fruits or vegetables, or both.
(b) Grab-and-go breakfasts with one to two servings of fruits or vegetables, or both, to be eaten on the school campus.
(c) Universal classroom breakfast that includes one to two servings of fruits or vegetables, or both.

49565.6. As a condition of receipt of funds, schoolsites participating in this program shall include tasting and sampling of nutritious fruits and vegetables as part of nutrition education. Strategies for nutrition education that include tasting and sampling of nutritious fruits or vegetables, or both, may include, but not be limited to:
(a) Educational sampling and tasting supported with nutrition education.
(b) An offering of fruits or vegetables in the classroom that is reinforced with nutrition and agricultural bulletins.
(c) A monthly school campus farmers’ market that allows opportunities for school clubs, organizations, boosters, sports teams, and other groups to organize a farmers’ market that highlights California produce for the student body to sample and taste.
(d) A produce sampling program that supports a school garden’s harvest through additional purchases of local, in-season fruits or vegetables to be used for a sampling and tasting program for the school campus featuring what is growing in the school garden.

49565.7. Of the funds appropriated for this purpose in Schedule (9) of Item 6110-485 of Section 2.00 of the Budget Act of 2005 (Ch. 38, Stats. 2005), as amended by Chapter 39 of the Statutes of 2005, four hundred thousand dollars ($400,000) shall be available for the State Department of Education to provide grants to a county office of education or a community college selected on a competitive basis, to be allocated as follows:
(a) Not more than one hundred thousand dollars ($100,000) to develop an online professional development seminar for schoolsite staff on serving, including safe handling guidelines, marketing, and promoting nutritious fruits and vegetables.
(b) Not more than three hundred thousand dollars ($300,000) to contract with an independent evaluator to conduct a comprehensive evaluation, including a determination of the need for educational materials for pupils and staff professional development programs on the safe handling, serving, and marketing of nutritious fruits and vegetables as part of the California Fresh Start Pilot Program.

49565.8. The department, in consultation with the Department of Food and Agriculture, the State Department of Health Services, and the State Board of Education, shall do both of the following:
(a) Develop emergency regulations, as it deems necessary, to implement the program established pursuant to this article.
(b) Establish guidelines for the evaluation of the program developed pursuant to this article.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:
In order to make the necessary statutory changes to implement the Budget Act of 2005 at the earliest time possible, it is necessary that this act take effect immediately.
Title 5. EDUCATION

Division 1. California Department of Education

Chapter 15. Child Nutrition Programs

Subchapter 1. Food Sales, Food Service, Nutrition Education

Article 5. California Fresh Start Pilot Program

§ 15566. Purpose and Scope.
This article specifies the policies and requirements of the California Fresh Start (CFS) Pilot Program to promote the consumption of fresh fruits and vegetables by school-age children and to provide supplemental State reimbursement for breakfast meals served that meet the requirements of the CFS Pilot Program.

NOTE: Authority cited: Sections 33031 and 49565.8, Education Code. Reference: Section 49565, Education Code

§ 15567. Definitions.
As used in this article and the CFS Pilot Program, the term:
(a) “After school” means following the end of the school day. For kindergarten pupils, “after school” means following the end of a morning or afternoon session.
(b) “Deep-fried” means any fruit or vegetable cooked by total submersion in oil or fat.
(c) “Department” means the California Department of Education.
(d) “Funds” means program reimbursement provided by the Department pursuant to provisions of the CFS Pilot Program.
(e) “Fresh fruits and vegetables” means whole or portioned fruits and vegetables, including, but not limited to, those that are minimally processed.
(f) “Fruit” means ripened seed-bearing part of a plant developed from a flower, usually considered to be sweet and fleshy, as in apples, oranges, plums or strawberries.
(g) “Fruit bar” means a self-service counter featuring an array of fruits.
(h) “Grab and Go” means food that is packaged in a bag, box, or other container that can be picked up quickly and eaten “on the go.”
(i) “Juice” means the extractable liquid that is contained in fruits or vegetables. Any
liquid or frozen product labeled "juice," “full-strength juice,” “100% juice,” “single-
strength juice,” or “reconstituted juice” is included in this definition.

(i) “Meal” means breakfast, as defined in 7 CFR 220.2(b), unless otherwise
specified.

(k) “Minimally processed” means fruits and vegetables prepared and handled to
maintain their fresh nature while providing convenience to the user by pre-cleaning,
washing, trimming, coring, slicing, shredding, and other similar actions. Other terms
used to refer to minimally processed products are “lightly processed,” “partially
processed,” “fresh processed,” and “prepared.”

(l) “Nonprofit [school] food service” means all food service operations conducted by
the School Food Authority principally for the benefit of school children, all of the revenue
from which is used solely for the operation or improvement of such food service.

(m) “Nutrition education” means a broad range of activities that promote and enable
healthy eating behaviors.

(n) “Nutritious fruits or vegetables” means fruits or vegetables that are fresh, or that
are canned, dried, or frozen. Fruits or vegetables that are canned, dried or frozen shall
meet the specifications established for fruits and vegetables obtained under the United
States Department of Agriculture’s Food Distribution Program, pursuant to 7 CFR 250.

(o) “School Breakfast Program” (SBP) means the federal program operated
pursuant to 7 CFR 220.2(b).

(p) “Serving” means an amount of fruit(s) and/or vegetable(s), equal to one
half (1/2) cup or as referenced in the United States Department of Agriculture (USDA)

(q) “Site” means a public elementary school, middle school, junior high school, or
high school, including a charter school, in California, operating classes for pupils in a
single building or complex of buildings, or any public classes of preprimary grade when
they are conducted in the aforementioned school that participate in the School
Breakfast Program.

(r) “Supplant” means “to substitute for” and/or “take the place of.”

(s) “Supplement” means (1) an additional serving to the number of fruit or vegetable
servings provided in the SBP prior to claiming CFS Pilot Program reimbursement, or (2)
increasing by no less than 90 percent of the CFS Pilot Program reimbursement the total expenditure for fruit or vegetables served as part of a SBP.

(t) “Tasting and Sampling” means offering a taste or small portion of fresh fruits and/or vegetables to pupils not as part of the SBP or NSLP.

(u) “Universal classroom breakfast” means providing all children breakfast in the classroom at no charge.

(v) “Vegetable” means a plant cultivated for an edible part, such as the root, stem, leaf, or flower, such as spinach, broccoli or carrot.


§ 15568. Requirements for Participation.

All school districts and charter schools that operate a SBP are eligible to participate in the CFS Pilot Program. To receive reimbursement, the school district or charter school shall:

(a)(1) Provide one or more supplemental servings of nutritious fruits or vegetables, or both, at breakfast, at no additional charge to a pupil;

(2) If already serving two nutritious fruits and/or vegetables at a site during breakfast, the district or charter school may provide one to two servings of nutritious fruits and vegetables for after school snacks. Such snacks do not need to be provided through the National School Lunch Program (NSLP), but if they are, serving size requirements may differ from the one-half (1/2) cup required for the CFS Pilot Program.

(b) Spend at least 90 percent of the CFS Pilot Program funding received on the direct purchase of nutritious fruits or vegetables, or both, and give priority to purchasing California-produced fresh fruits or vegetables.

(c) Not spend any of the funding for the purchase of juice or for the provision of fruits and vegetables that have been deep fried.

(d) Provide data as required by the independent evaluator pursuant to Education Code section 49565.7(b).
(e) Deposit all reimbursements in the nonprofit food service account of the school district or charter school.

(f) Use the reimbursement to supplement, but not to supplant, state and federal funding used to support the SBP.

(g) Expend the CFS Pilot Program reimbursement funds only for the benefit of participating school sites.

(h) Claim reimbursement only for meals that provide at least one serving of a nutritious fruit and/or vegetable that is not juice or a fruit or vegetable that has been deep fried. Reimbursement can be claimed for meals served on all or some school days.

(i) Include tasting and sampling of nutritious fruits and vegetables as part of nutrition education at school sites participating in the CFS Pilot Program. Strategies for nutrition education that include tasting and sampling of nutritious fruits or vegetables, or both, may include, but are not limited to:

(1) Educational sampling and tasting supported with nutrition education.

(2) An offering of fruits or vegetables in the classroom that is reinforced with nutrition and agricultural bulletins.

(3) A monthly school campus farmers’ market that highlights California fruits and vegetables for the student body to sample and taste, including:

(a) Demonstration markets that allow students or school-sponsored organizations to sell and offer samples of California’s fruits and vegetables, obtained by the school, school district, or school organization directly from farmers to students.

(b) Certified farmers’ markets operated by, or in coordination with, students or school-sponsored organizations, on school grounds, in compliance with applicable state statutes and regulations.

(4) A produce sampling program that supports a school garden’s harvest through additional purchases of local, in-season fruits or vegetables to be used for a sampling and tasting program for the school campus featuring what is growing in the school garden.

§ 15569. Strategies.

Specific strategies for the provision of one to two servings of nutritious fruits or vegetables, or both, may include, but not be limited to, one or more of the following:

(a) Fruit bars containing choices of nutritious fruits or vegetables, or both.

(b) Grab and Go breakfasts with one to two servings of nutritious fruits or vegetables, or both, to be eaten on the school campus.

(c) Universal Classroom Breakfast that includes one to two servings of nutritious fruits or vegetables, or both.

**SUBJECT**

No Child Left Behind Act of 2001: Update on current, relevant issues related to California’s implementation of No Child Left Behind

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**RECOMMENDATION**

The Board will hear an update on current No Child Left Behind (NCLB) activities and take action as deemed necessary and appropriate.

**SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION**

None.

**SUMMARY OF KEY ISSUES**

**FISCAL ANALYSIS (AS APPROPRIATE)**

Any State or LEA that does not abide by the mandates and provisions of NCLB is at risk of losing federal funding.

**ATTACHMENT(S)**

None.
SUBJECT

Reading First: Proposed Rulemaking for Reading First Achievement Index/Definition of Significant Progress

☐ Action
☐ Information
☐ Public Hearing

RECOMMENDATION

The California Department of Education (CDE) recommends that the State Board of Education (SBE) approve the commencement of the rulemaking process for the proposed Reading First Achievement Index (RFAI) regulations, including the Initial Statement of Reasons and the Notice of Proposed Rulemaking, and direct staff to conduct a public hearing on the proposed regulations.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

On August 23, 2002, the U.S. Department of Education approved California’s Reading First Plan. As with all federally-funded programs, the SBE is designated as the state educational agency (SEA) for the program.

The SEA responsibilities are delineated in Exhibit XIII of the plan. The SBE is assigned the responsibility to “approve the definition of what constitutes ‘making significant progress’ for the LEAs annual benchmark on student achievement.”

SUMMARY OF KEY ISSUES

The Reading First Reading and Literacy Partnership Team convened on October 19, 2005, and unanimously accepted the recommendation of its subgroup to use the RFAI score as the measure for significant progress.

On November 9, 2005, the SBE considered the proposed definition of significant progress recommended by the Reading First Reading and Literacy Partnership Team. The CDE presented the proposal but noted that some of the language in the item needed clarification. The CDE agreed to submit a revised proposal at the January SBE meeting with draft regulations.
FISCAL ANALYSIS (AS APPROPRIATE)

A measure of significant progress will be applied to districts to determine whether they will continue to receive funding for the remainder of the grant period following their fourth year of funding. Those districts that do not meet the standard for significant progress will not be recommended for additional funding. These funds will become available for use in the Reading First program.

ATTACHMENT(S)

Attachment 1: INITIAL STATEMENT OF REASONS Reading First Program (2 Pages)

Attachment 2: TITLE 5. Education Division 1. California Department of Education Chapter 11. Special Programs (2 Pages)

Attachment 3: Notice of Proposed Rulemaking Amendment To Title 5, California Code of Regulations Regarding Reading First – Significant Progress (4 Pages)

Attachment 4: The Reading First Reading and Literacy Partnership Team’s Recommendation for Significant Progress (1 Page)

A fiscal analysis will be submitted in a last minute memorandum.
INITIAL STATEMENT OF REASONS
Reading First Program

Subchapter 22.5 Reading First Achievement Index

SPECIFIC PURPOSE OF THE PROPOSED REGULATION

The proposed regulation provides a measure, The Reading First Achievement Index (RFAI), to determine whether a district is making “significant progress” in improving reading achievement in kindergarten through grade three in Reading First schools. The proposed regulation provides a clear standard to determine whether a district and its participating schools have attained “significant progress” and merits continued funding for the remainder of the grant period following their fourth year of participation in the Reading First program.

NECESSITY/RATIONALE

A. “Significant Progress” should be defined by the Reading First Achievement Index (RFAI) so that the California Department of Education can assess the progress being made by an LEA in improving student reading achievement in Reading First.

Reading First is part of the federal No child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.) and is authorized in California under Education Code Section 51700. Both federal and state laws require the State to adopt a clear and consistent measure to determine whether schools and districts are making significant progress in improving the reading achievement of their kindergarten through grade three students. The proposed regulations establish the RFAI as a precisely defined standard to measure “significant progress”. The RFAI is comprised of three reading achievement measures.

B. “Significant Progress” should be defined by the RFAI so that the California Department of Education has an objective measure to apply to Reading First districts and schools to determine if an LEA should continue to receive funding or be discontinued.

Both federal and state laws require the State to adopt clear processes and procedures for continuation and discontinuation of Reading First subgrants to districts. These procedures must be objectively defined so that there is no ambiguity or confusion. The RFAI is comprised of three reading achievement measures: the Standardized Testing and Reporting Program, California Standards Test (STAR/CST; the STAR California Achievement Test/6 (STAR/CAT/6); and the California Technical Assistance Center (C-TAC) End-of-year Assessments. By using a weighted index of these three measures, the RFAI, the proposed regulations establish an unambiguous standard for reading achievement that rewards active improvement efforts and discourages continuation of ineffective practice.
TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS

The State Board of Education (SBE) did not rely upon any technical, theoretical, and/or empirical study, reports, or documents in proposing the adoption of this regulation.

REASONABLE ALTERNATIVES TO THE REGULATIONS AND THE AGENCY’S REASONS FOR REJECTING THOSE ALTERNATIVES

No other alternatives were presented or considered by the SBE.

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

The SBE has not identified any adverse impact on small business that would necessitate developing alternatives to the proposed regulatory action.

EVIDENCE SUPPORTING FINDING NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS

The proposed regulatory change would not have a significant adverse economic impact on any business because the regulations only relate to local school districts and not to business practices.
TITLE 5. Education
Division 1. California Department of Education
Chapter 11. Special Programs

Subchapter 22.5 Reading First Achievement Index/Definition
of Significant Progress

§ 11991. Reading First Achievement Index.
(a) The California Reading First Plan, approved by the United States Department of
Education on August 23, 2002, requires that an external, independent evaluator under
contract to the California Department of Education develop criteria to determine
progress for Reading First districts and schools. To comply with this requirement, the
Reading First Achievement Index (RFAI) was created and is comprised of the following
three achievement measures:
(1) The Standardized Testing and Reporting Program, California Standards Test
(STAR/CST), English Language Arts, for grades two and three;
(2) The STAR, California Achievement Test/6 English Language Arts,
(STAR/CAT/6) for grade three;
(3) The California Technical Assistance Center (C-TAC), End-of-Year Reading
Assessments for grades kindergarten through three.
(b) The RFAI is calculated annually and is computed in the following manner:
(1) Sixty (60) percent of the total RFAI score is calculated from STAR/CST for
English/Language Arts, which is comprised of 30 percent from the second grade CST
and 30 percent from the third grade CST. The score is generated through weights set
by performance levels as follows: a “0” score for students scoring “far below basic” and
“below basic”; a “0.5” score for students scoring at the “basic” level; and a “1.0” for
students scoring “proficient” and above.
(2) Ten (10) percent of the total RFAI score is calculated from STAR/CAT/6 for the
third grade, which is comprised of 6 percent for subtests in Reading, 2 percent for
subtests in Language, and 2 percent for subtests in Spelling.
(3) Thirty (30) percent of the total RFAI Score is calculated from C-TAC End-of
Year Assessment Tests, which is comprised of 5 percent for kindergarten (7 subtests).
10 percent for first grade Oral Fluency, 10 percent for second grade Oral Fluency, and 5 percent for third grade Oral Fluency.

(c) The result of the calculation described in part (b) above is a two digit weighted percentage index score (the RFAI) that describes reading achievement for Reading First Schools.


§ 11991.1. Defining Significant Progress/Continuance of Reading First Funding.

In order to continue to receive Reading First Funding, a local educational agency (LEA) must achieve "significant progress" which is defined as having more than half of the LEA’s schools score above one standard deviation below the mean on the RFAI for the LEA’s cohort. A cohort is made up of all the LEAs that were funded in the same round of subgrant competition LEAs not meeting this standard are deemed not to have made “significant progress” and funding is discontinued. The standard for significant progress is applied after the fourth year of funding.


12/0705
NOTICE OF PROPOSED RULEMAKING  
AMENDMENT TO TITLE 5, CALIFORNIA CODE OF REGULATIONS  
REGARDING READING FIRST – SIGNIFICANT PROGRESS  

[Notice published January 20, 2006]

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

PUBLIC HEARING

California Department of Education staff, on behalf of the State Board, will hold a public hearing beginning at 10:00 a.m. on March 6, 2006, at 1430 N Street, Room 6102, Sacramento. The room is wheelchair accessible. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the Informative Digest. The State Board requests that any person desiring to present statements or arguments orally notify the Regulations Coordinator of such intent. The State Board requests, but does not require, that persons who make oral comments at the 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 Strain, Regulations Coordinator  
LEGAL DIVISION  
California Department of Education  
1430 N Street, Room 5319  
Sacramento, California 95814

Comments may also be submitted by facsimile (FAX) at (916) 319-0155 or by e-mail to dstrain@cde.ca.gov. Comments must be received by the Regulations Coordinator prior to 5:00 p.m. on March 6, 2006.
AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the public hearing and considering all timely and relevant comments received, the State Board may adopt the proposed regulations substantially as described in this Notice 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 if a public hearing is held, or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Authority: Sections 12001, 12032 and 33031, Education Code.

Reference: Section 51700, Education Code; 20 USC 6361 et seq. (Title I, Part B, federal No Child Left Behind Act), California’s Approved Reading First Plan as approved by the United States Department of Education on August 23, 2002.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

California’s Reading First Plan, as approved by the United States Department of Education on August 23, 2002, requires the State to have a clear definition of “significant progress” in order to determine which Reading First districts will continue to receive funding and which will be discontinued. The proposed regulation serves two purposes: (1) it defines the criteria to determine progress in improving reading achievement for schools and districts through an index approach known as the Reading First Achievement Index (RFAI), and (2) it defines “significant progress” and provides how the RFAI will be applied to determine whether a district has made “significant progress” after the fourth year of funding in order to be entitled to continue to receive funding.

DISCLOSURES REGARDING THE PROPOSED REGULATION

The State Board has made the following initial determinations:

Mandate on local agencies or school districts: TBD

Cost or savings to state agencies: TBD

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: TBD
Other non-discretionary cost or savings imposed on local educational agencies: TBD

Cost or savings in federal funding to the state: TBD

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

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

Adoption of these regulations may 1) create or eliminate jobs within California; 2) create new businesses within California; or 3) cause the expansion of businesses currently doing business within California.

Effect on housing costs: TBD

Effect on small businesses: The proposed regulations would not have a significant adverse economic impact on any business because they relate only to school districts and not to small business practices.

CONSIDERATION OF ALTERNATIVES

The State Board must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the State Board, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action.

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

CONTACT PERSONS

Inquiries concerning the content of this regulation may be directed to:

Jeff Cohen, Education Program Consultant
Professional Development and Curriculum Support Division
California Department of Education
1430 N Street, Room 4309
Sacramento, CA 95814
Telephone: (916) 323-6440
**INITIAL STATEMENT OF REASONS AND INFORMATION**

The State Board has prepared an initial statement of reasons for the proposed regulation and has available all the information upon which the regulation is based.

**TEXT OF PROPOSED REGULATION AND CORRESPONDING DOCUMENTS**

Copies of the exact language of the proposed regulation and of 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 Department of Education’s web site at [http://www.cde.ca.gov/re/lr/rr](http://www.cde.ca.gov/re/lr/rr).

**AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE**

All the 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 prepared, 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 Jeffrey Cohen, Professional Development and Curriculum Support Division, 1430 N Street, Room 4309, Sacramento, CA, 95814; telephone, (916) 323-6440; fax, (916) 323-2806. It is recommended that assistance be requested at least two weeks prior to the hearing.
The Reading First Reading and Literacy Partnership Team’s Recommendation for Significant Progress

In order to continue to receive Reading First Funding, a local educational agency (LEA) must achieve "significant progress" which is defined as having more than half of the LEA’s schools score above one standard deviation below the mean on the Reading First Achievement Index for the LEA’s cohort. A cohort is made up of all the LEAs that were funded in the same round of subgrant competition. LEAs not meeting this standard are deemed not to have made "significant progress" and funding is discontinued. The standard for significant progress is applied after the fourth year of funding.
DATE: January 3, 2006

TO: MEMBERS, STATE BOARD OF EDUCATION

FROM: Sue Stickel, Deputy Superintendent
       Curriculum and Instruction

RE: Item No. 17

SUBJECT: Reading First: Proposed Rulemaking for Reading First Achievement Index/Definition of Significant Progress

The California Department of Education recommends that the State Board of Education (SBE) approve the commencement of the rulemaking process for the proposed Reading First Achievement Index (RFAI) regulations, including the Initial Statement of Reasons and the Notice of Proposed Rulemaking, and direct staff to conduct a public hearing on the proposed regulations.

Attachment 5: Economic and Fiscal Impact Statement (PDF File) (6 Pages)
   (This attachment is not available for Web viewing. A printed copy is available for viewing in the State Board of Education office.)
RECOMMENDATION

The California Department of Education (CDE) recommends that the State Board of Education (SBE) approve the commencement of the rulemaking process for the proposed revisions to the No Child Left Behind Teacher Requirements Regulations (Education Code Section 6113) to include rural flexibility options, including the Initial Statement of Reasons and the Notice of Proposed Rulemaking, and direct staff to conduct a public hearing on the proposed regulations.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

An information item was provided to the SBE members in December 2005.

SUMMARY OF KEY ISSUES

In August 2005, the CDE received guidance from the U.S. Department of Education (ED) pertaining to flexibility for meeting the No Child Left Behind (NCLB) requirements for teachers who teach in small rural schools. The guidance extends the deadline for meeting NCLB teacher qualification requirements for rural schools that participate in the Federal Small Rural School Achievement (SRSA) program. As a result, the CDE has developed proposed regulations to implement this new flexibility.

FISCAL ANALYSIS (AS APPROPRIATE)

No additional fiscal impact is anticipated because LEAs are already required to assure that their teachers will be highly qualified in accordance with NCLB guidelines.
ATTACHMENT(S)

Attachment 1: Initial Statement of Reason (2 pages)

Attachment 2: Notice of Proposed Rulemaking (5 pages)

Attachment 3: Title 5, EDUCATION, Division 1, California Department of Education Chapter 6. Certified Personnel, Subchapter 7. No Child Left Behind Teacher Requirements, Article 3. Middle and High School Level Teachers (3 pages)
Initial Statement of Reasons

SECTION 6113. No Child Left Behind Teacher Requirements Rural Flexibility

SPECIFIC PURPOSE OF THE REGULATION

The proposed regulations will establish new flexibility for teachers employed by rural schools that are eligible to participate in the Small Rural School Achievement (SRSA) program to achieve certification as a highly-qualified teacher under the No Child Left Behind federal mandate of 2002.

NECESSITY/RATIONALE

This proposed Title 5 regulation amends the existing regulations under the No Child Left Behind (NCLB) Teacher Requirements. The U.S. Department of Education Non-Regulatory Guidance for the NCLB Title II, Part A, Improving Teacher Quality State Grants, received August 3, 2005, establishes Federal guidance for new flexibility for teachers in rural settings to achieve certification as highly qualified under NCLB.

The regulation is proposed to:

- Extends the length of time teachers of multiple core academic subjects have to satisfy the requirements of the No Child Left Behind (NCLB) Act. The additional time increases the time period in which LEAs must certify that 100 percent of their core academic subject classes are taught by highly qualified teachers.

- In addition, the extended timeline will increase teachers’ commitment to, and tenure in, small, rural schools that frequently have difficulty recruiting and retaining qualified teachers because of the added commitment to professional development required of participating districts.

The proposed regulation Section 6113 clarifies the requirements SRSA-designated LEAs must follow in order to use this new flexibility, which include:

- When hired, the teacher must meet highly qualified status in at least one core academic subject they are assigned to teach.

- Provide high-quality professional development that increases the teachers’ content knowledge in the additional subjects they teach.
• Provide mentoring or a program of intensive supervision that consists of structured guidance and regular, ongoing support so that teachers become highly qualified in the additional core academic subject(s) they teach.

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

The State Board did not rely upon any technical, theoretical or empirical studies, reports or documents in proposing the adoption of this regulation.

REASONABLE ALTERNATIVE TO THE REGULATION AND THE AGENCY’S REASONS FOR REJECTING THOSE ALTERNATIVES

There is no alternative to adopting the regulation since the NCLB Teacher Requirements is a Federally-mandated program. This proposed regulation actually eases time restrictions for teachers employed in a SRSA-designated LEA from becoming highly qualified by the end of the 2005-06 school year to achieving highly-qualified status by the end of the 2006-07 school year, and a newly-hired teacher in a SRSA-designated LEA receiving three years from date of hire to become highly qualified.

No other alternatives were presented to or considered by the State Board.

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

There is no alternative to adopting the regulation that would lessen any adverse impact on small business since the NCLB Teacher Requirements is a Federally-mandated program.

EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS

There is no alternative to adopting the regulation that would lessen any adverse impact on small business since the NCLB Teacher Requirements is a Federally-mandated program.

The proposed revised regulation would not have a significant adverse economic impact on any business because the regulation only applies to Local Education Agencies (LEAs) and their sub-grantees.
NOTICE OF PROPOSED RULEMAKING
AMENDMENT TO TITLE 5, CALIFORNIA CODE OF REGULATIONS REGARDING RURAL FLEXIBILITY – NO CHILD LEFT BEHIND TEACHER (NCLB) REQUIREMENTS

[Notice published January 20, 2006]

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

PUBLIC HEARING

California Department of Education staff, on behalf of the State Board, will hold a public hearing beginning at 1:00 p.m. on March 6, 2006, at 1430 N Street, Room 1801, Sacramento. The room is wheelchair accessible. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the Informative Digest. The State Board requests that any person desiring to present statements or arguments orally notify the Regulations Coordinator of such intent. The State Board requests, but does not require, that persons who make oral comments at the 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 Strain, Regulations Coordinator
LEGAL DIVISION
California Department of Education
1430 N Street, Room 5319
Sacramento, California 95814

Comments may also be submitted by facsimile (FAX) at (916) 319-0155 or by e-mail to regulations@cde.ca.gov. Comments must be received by the Regulations Coordinator prior to 5:00 p.m. on March 6, 2006.
AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the public hearing and considering all timely and relevant comments received, the State Board may adopt the proposed regulations substantially as described in this Notice 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 if a public hearing is held, or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Authority: Section 12001, Education Code.

Reference: 20 USC 7801(23), 20 USC 6319(a) and Improving Teacher Quality State Grants Title II, Part A Non-Regulatory Draft Guidance December 19, 2002 and August 5, 2005.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Federal law under No Child Left Behind Act (NCLB) requires that all teachers of core academic subjects meet the federal definition of “highly qualified teacher” no later than the end of the 2005-06 school year. Schools that receive Title 1 funds are currently required to hire only teachers that meet the federal definition of “highly qualified teacher.” Core academic subjects include English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography (NCLB Section 9101).

While federal law defines the dates for establishing compliance with the law, additional flexibility has been offered by the ED for specific single subject credentialed teachers in identified small rural schools. The proposed regulation will establish new flexibility for teachers employed by rural schools, eligible to participate in the Small Rural School Achievement (SRSA) program, to achieve certification as a highly-qualified teacher.

Specifically, the proposed Rural Flexibility title 5 regulation addresses new guidance received August 3, 2005, in the U.S. Department of Education Non-Regulatory Guidance for the NCLB Title II, Part A, Improving Teacher Quality State Grants. The proposed regulation addresses the issue of middle and high school teachers who are assigned to teach multiple core academic subjects at the secondary level in small rural schools. Under this flexibility, states may permit covered local educational agencies (LEA) that currently employ teachers in small rural schools who teach multiple subjects and are highly qualified in at least one core academic subject they teach, but do not meet all the criteria for a highly qualified teacher in each of the core academic subjects they teach, to have until the end of the 2006-07 school year to be highly qualified in each core subject they teach. Eligible, newly hired teachers in
these covered LEAs will have three years from the date of hire to become highly qualified in each core academic subject that they teach. This flexibility is offered to all LEAs that are eligible to participate in the SRSA program.

**DISCLOSURES REGARDING THE PROPOSED REGULATION**

The State Board has made the following initial determinations:

Mandate on local agencies or school districts: TBD

Cost or savings to state agencies: TBD

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: TBD

Other non-disccretionary cost or savings imposed on local educational agencies: TBD

Cost or savings in federal funding to the state: TBD

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

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

Adoption of these regulations will not 1) create or eliminate jobs within California; 2) create new businesses or eliminate existing businesses within California; or 3) affect the expansion of businesses currently doing business within California.

Effect on housing costs: TBD

Effect on small businesses: The proposed amendments to the regulations do not have an effect on small businesses because the regulations only relate to local school districts and not to business practices.

**CONSIDERATION OF ALTERNATIVES**

The State Board must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the State Board, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action.
The State Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

CONTACT PERSONS

Inquiries concerning the content of this regulation may be directed to:

Lynda Nichols, Education Programs Consultant
Roxane Fidler, Education Program Consultant
Professional Development and Curriculum Support Division
California Department of Education
1430 N Street, Room 4309
Sacramento, CA 95814
L. Nichols – Telephone: (916) 323-5822
E-mail: lnichols@cde.ca.gov
R. Fidler – Telephone: (916) 323-4861
E-mail: rfidler@cde.ca.gov

INITIAL STATEMENT OF REASONS AND INFORMATION

The State Board has prepared an initial statement of reasons for the proposed regulation and has available all the information upon which the proposal is based.

TEXT OF PROPOSED REGULATION AND CORRESPONDING DOCUMENTS

Copies of the exact language of the proposed regulation and of 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 Department of Education’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 the 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 prepared, 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 Lynda Nichols, Curriculum Leadership, 1430 N Street, Sacramento, CA, 95814; telephone, (916) 323-5822; fax, (916) 323-2807. It is recommended that assistance be requested at least two weeks prior to the hearing.
Title 5.  EDUCATION

Division 1.  California Department of Education
Chapter 6.  Certified Personnel
Subchapter 7.  No Child Left Behind Teacher Requirements
Article 3.  Middle and High School Level Teachers

§ 6110. Middle and High School Teachers.
A teacher who meets NCLB requirements at the middle and secondary levels is one who:
(1) Holds at least a bachelor’s degree, and
(2) Is currently enrolled in an approved intern program for less than three years or has a full credential, and
(3) Meets the applicable requirements in Section 6111 or 6112.


§ 6111. Middle and High School Teachers New to the Profession.
(a) A teacher who meets NCLB requirements and is new to the profession at the middle and high school levels, in addition to having at least a bachelor’s degree and either being currently enrolled in an approved intern program for less than three years or holding a credential in the subject taught, must have passed or completed one of the following for every core subject currently assigned:
(1) A validated statewide subject matter examination certified by the Commission on Teacher Credentialing,
(2) University subject matter program approved by the Commission on Teacher Credentialing,
(3) Undergraduate major in the subject taught,
(4) Graduate degree in the subject taught, or
(5) Coursework equivalent to undergrad major.
(b) A new special education teacher who is currently enrolled in an approved special education intern program for less than three years or who holds a special education credential, and can demonstrate subject matter competence in mathematics, language arts, or science, may demonstrate competence in the other core academic subjects in which the teacher teaches through the High Objective Uniform State Standard Evaluation contained in Article 2, Section 6104 not later than two years after date of employment.


§ 6112. Middle and High School Teachers Not New to the Profession.

A teacher who meets NCLB requirements and is not new to the profession at the middle and high school levels, in addition to having at least a bachelor’s degree and either being currently enrolled in an approved intern program for less than three years or holding a credential, must have passed or completed one of the following for every core subject currently assigned:

1. A validated statewide subject matter examination that the Commission on Teacher Credentialing has utilized to determine subject matter competence for credentialing purposes,

2. University subject matter program approved by the Commission on Teacher Credentialing,

3. Undergraduate major in the subject taught,

4. Graduate degree in the subject taught,

5. Coursework equivalent to undergrad major,

6. Advanced certification or credentialing (National Board Certification), or

7. The high objective uniform state standard evaluation pursuant to Article 2, Section 6104.

§ 6113. Middle and High School Teachers Rural Flexibility.

(a) A teacher hired by a small, rural LEA, as defined by the Small Rural School Achievement (SRSA) program, after the end of the 2003-04 school year, to teach multiple subjects must meet NCLB requirements in at least one core academic subject assigned but will have three years from the date of hire to obtain highly qualified status in all other core academic subjects assigned to teach.

(b) A teacher hired by a rural LEA, as defined by the Small Rural School Achievement (SRSA) program, before the end of the 2003-04 school year, to teach multiple subjects must meet NCLB requirements in at least one core academic subject assigned but will have until the end of the 2006-07 school year to obtain highly qualified status in all other core academic subjects assigned to teach.

(c) In order to use this flexibility, covered LEAs will need to:

(1) provide high-quality professional development that increases the teachers’ content knowledge in the additional subjects they teach; and

(2) provide mentoring or a program of intensive supervision that consists of structured guidance and regular, ongoing support so that teachers become highly qualified in the additional core academic subject(s) they teach.

DATE: January 4, 2006

TO: MEMBERS, STATE BOARD OF EDUCATION

FROM: Sue Stickel, Deputy Superintendent
Curriculum and Instruction Branch

RE: Item No. 18

SUBJECT: No Child Left Behind Act of 2001: Revision of California Code of Regulations, Title 5, Section 6113 to Meet Highly Qualified Requirements for Local Educational Agencies Pertaining to Rural Flexibility

The California Department of Education, pursuant to the United States Department of Education’s (ED), No Child Left Behind (NCLB) Act of 2001 reauthorization of the Elementary and Secondary Education Act, presents the fiscal impact report pursuant to the proposed Education Code Section 6113 which allows Local Educational Agencies (LEAs) which qualify as “rural” according to federal and state guidelines extended time for single-subject teachers to earn highly qualified status for each core academic subject taught

(This attachment is not available for Web viewing. A printed copy is available for viewing in the State Board of Education office.)
## SUBJECT

Highly Qualified Teachers and Improving Teacher Quality State Grants, Elementary and Secondary Education Act, Title II, Part A: Response to the U.S. Department of Education Monitoring Report, Supplemental Submission

### RECOMMENDATION

The California Department of Education (CDE) recommends that the State Board of Education (SBE) approve the supplemental response to the Monitoring Report for Highly Qualified Teachers and Improving Teacher Quality State Grants: No Child Left Behind Act (NCLB) Title II, Part A as shown in Attachments 1 and 2.

### SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

At the July 6, 2005, SBE meeting, CDE staff reported on the federal Title II, Part A, monitoring visit. The CDE received commendations for the Teacher Resource Guide (which was held out as a model for the country) and for the openness and honesty with which California approached the challenge of ensuring that every teacher is highly qualified. The federal monitoring report was received September 29, 2005. It included 26 items, with 6 “findings”. At the November 2005, SBE meeting, the SBE approved an initial response to the federal report.

### SUMMARY OF KEY ISSUES

From June 14-17, 2005, the U.S. Department of Education (ED) conducted a monitoring visit of California’s progress in meeting the highly qualified teacher provisions of the ESEA, as amended by the No Child Left Behind (NCLB) Act of 2001, and the State’s administration of the NCLB Title II, Part A, Improving Teacher Quality State Grants program.

In addition to interviewing CDE staff, the ED monitoring team interviewed local education personnel, conducted conference calls with representatives of the Ventura County Office of Education, Eureka, Sacramento, and San Diego Public Schools, and
SUMMARY OF KEY ISSUES (Cont.)

conducted site visits to the Elk Grove, San Francisco, Grant, and Long Beach school districts.

Because of the short timeline for developing California’s response to the federal monitoring report, a preliminary response was approved by the SBE and submitted to the ED in November 2005. In the November 10, 2005, letter of transmittal to the ED, it was noted that additional information would be provided. Advice from counsel (Brustein and Manasevit) supports the need to add detail to the response, specifically in Section 1.7 (ensuring highly qualified teachers in Title I programs) and Section 1.7 (ensuring highly qualified teachers in Title II class size reduction programs). That additional detail, specific to monitoring and sanctions regarding the NCLB highly qualified teacher requirements, is being provided through this supplementary response to be submitted January 2006.

FISCAL ANALYSIS (AS APPROPRIATE)

Fiscal impact is unknown at this time, but the CDE response to the report findings will involve increased staff time and resources to provide information, monitoring and sanctions to local educational agencies to resolve issues regarding parental notification, hiring highly qualified Title I teachers, and using Title II funds to employ highly qualified teachers in class-size reduction programs.

ATTACHMENT(S)

Attachment 1: Letter to Robert Stonehill, Deputy Director, U.S. Department of Education (1 Page)

Attachment 2: California Plan for Ensuring Compliance with the No Child Left Behind Highly Qualified Teacher Requirements January 2006 (2 Pages)

Attachment 3: Monitoring, Intervention, and Sanctions for No Child Left Behind Requirements (6 Pages)

Attachment 4: CDE HQT Monitoring, Intervention and Sanctions (MIS) Plan Flowchart (1 Page)

Attachment 5: California Department of Education Timeline for Implementation and Monitoring of Highly Qualified Teacher Requirements (6 Pages)

Attachment 6: U.S. Department of Education letter from Robert Stonehill, Deputy Director (1 Page)

Attachment 7: Highly Qualified Teachers and Improving Teacher Quality State Grants (ESEA Title II, Part A) Monitoring Report (11 Pages)
Robert M. Stonehill, Deputy Director  
Academic Improvement and Teacher Quality Programs  
Office of Elementary and Secondary Education  
U.S. Department of Education  
400 Maryland Avenue SW  
Washington, DC 20202-6200

Dear Dr. Stonehill,

Enclosed for your review is California’s supplementary response to the Highly Qualified Teachers and Improving Teacher Quality State Grants (ESEA Title II, Part A) Monitoring Report issued on September 26, 2005. As we indicated in our November 10, 2005, response, we are submitting additional details on items 1.7 and 1.8, which address implementation of the Highly Qualified Teacher (HQT) requirements. This additional information includes a plan to reassign CDE staff from HQT technical assistance to the HQT Monitoring, Intervention and Sanctions Team (MIS). The plan includes timelines and specific activities to collect HQT data, monitor LEA implementation, and impose sanctions where appropriate, to ensure statewide compliance with the HQT provisions of No Child Left Behind (NCLB).

We look forward to working with you to ensure that all students are taught by highly qualified teachers and to tracking that progress through our coordinated monitoring systems. If you have any questions or need further information, please contact Don Kairott, Director, Professional Development and Curriculum Support Division by phone at (916) 323-6440 or by e-mail at dkairott@cde.ca.gov.

Sincerely,

JACK O’CONNELL  
State Superintendent of Public Instruction  

RUTH E. GREEN, President  
State Board of Education

JO/RG:dk  
Enclosure
California Plan for Ensuring Compliance with the No Child Left Behind
Highly Qualified Teacher Requirements
January 2006

On June 14-17, 2005, the Academic Improvement and Teacher Quality Programs office of the U.S. Department of Education’s Office of Elementary and Secondary Education conducted a program review in California. The program office team reviewed California’s progress in meeting the highly qualified teacher (HQT) provisions of the Elementary and Secondary Education Act (ESEA), as amended by the No Child Left Behind (NCLB) Act of 2001, and the State’s administration of the ESEA Title II, Part A, Improving Teacher Quality State Grants program.

The federal monitoring team was, in general, pleased with California’s progress in ensuring that federal funds are being used effectively to ensure that all teachers of core academic classes will be highly qualified. They commended California for the development of the NCLB Highly Qualified Teacher Resource Guide and were also impressed by the close working relationship among many of California’s educational and credentialing agencies that have enabled the state to put into action a comprehensive plan to meet the HQT requirements.

The federal team identified areas in which further action is required, including more rigorous oversight of whether districts hire only HQTs for their Title I programs, and for their Title II, Part A, Class Size Reduction programs. California had submitted a preliminary response to the federal report in November, 2005. Subsequently, a more detailed plan has been developed as a supplement to the November submission.

The following plan is based on these guidelines:

1. In order to adequately respond to the federal concerns about the need for a more rigorous oversight of local educational agencies’ (LEAs) implementation of the HQT requirements, CDE staff is being reassigned from HQT technical assistance to the HQT Monitoring, Intervention, and Sanctions (MIS) Team.

2. The MIS team will coordinate with existing CDE monitoring and technical assistance efforts, including Categorical Program Monitoring, School Assistance and Intervention Teams, District Assistance and Intervention Teams, and the Statewide System of School Support (S4). In addition, the MIS team will coordinate with the California Subject Matter Projects, who provide the professional development for supporting HQT in the state.

3. The MIS plan includes timelines and specific activities to collect HQT data, monitor LEA implementation, and impose sanctions where appropriate, to ensure statewide compliance with the HQT provisions of NCLB.
The components of the plan include:

1. Description of MIS process

2. CDE HQT MIS Plan Flow Chart

3. Timeline for Implementation of NCLB HQT provisions  
   (January 2002-June 2007)

4. Description of existing CDE monitoring and technical assistance programs which will be coordinated with the MIS activities
Monitoring, Intervention, and Sanctions for No Child Left Behind Teacher Requirements

In contrast to previous reauthorizations of the Elementary and Secondary Education Act, the No Child Left Behind (NCLB) Act of 2001, requires that the state educational agency (SEA) and the local educational agencies (LEAs) be held jointly accountable for the goals included in the plan. As part of the plan described in Section 1111, each SEA must develop a plan to ensure that all teachers teaching in core academic subjects are highly qualified no later than the end of the 2005-06 school year.

This section describes California’s plan to meet the accountability requirements for NCLB teacher requirements, which include data collection and reporting, annual review of progress, improvement plans, the LEA monitoring and the California Department of Education (CDE) interventions. Sections one and two are required of all LEAs within California. The last three sections, three, four, and five, are directed at LEAs that have been identified as non-compliant under the Highly Qualified Teacher (HQT) Monitoring, Intervention, and Sanctions (MIS) system for improving teacher quality.

General Accountability Requirements for HQTs

During the 2002-03 school year, LEAs developed their LEA Plan for utilizing federal NCLB funds and for integrating federal and state programs, where allowable, to achieve NCLB goals. To meet Goal 3 of the LEA plan, districts and county offices were required to complete a needs assessment of their teachers and to develop plans for ensuring that all teachers would be highly qualified by the end of the 2005-06 school year. Also, LEAs were required to describe how they would provide high quality professional development and support for teachers to meet NCLB teacher requirements. Title II, Part A funds are available to support all school sites in an LEA service area to meet goal 3.

The State Board of Education (SBE) in the State Consolidated Application for NCLB funding established the following performance indicators for Goal 3, HQTs:

- An annual increase in the percent of core academic subject courses taught by NCLB compliant teachers in the aggregate (e.g., state, LEA, and school) and for schools in the highest quartile of poverty and those in the lowest quartile
- An annual increase in the percent of teachers receiving high quality professional development, and
- An annual increase in the percent of paraprofessionals assisting in instruction in Title I programs who are qualified.

The SBE adopted Annual Measurable Objectives (AMO) for each LEA and school that include, at a minimum: (A) an annual increase in the percent of classes in the core academic subject that are taught by NCLB compliant teachers at each LEA and school, to ensure that all core academic classes are taught by NLCB compliant teachers no
later than the end of the 2005-06 school year; (B) an annual increase in the percentage of teachers who are receiving high quality professional development to enable such teachers to become highly qualified and successful classroom teachers; and (C) an annual increase in the number of instructional paraprofessionals working in Title I supported programs who fully meet the paraprofessional requirements, to ensure that they meet these requirements by not later than January 2006.

Monitoring progress on AMOs: Year One and beyond.

The CDE must ensure the completeness and accuracy of HQT data reported to the State by LEAs specifically related to: (a) how LEAs report to parents and the public on classes taught by non-highly qualified teachers, (b) steps taken to ensure that core academic subjects are being taught by Highly Qualified teachers in at least the same proportion in low income schools as in high income schools in each LEA, and (c) hiring only highly qualified teachers in Title II Class Size Reduction and Title I programs. Additionally, the CDE must ensure that all LEAs are collecting the data necessary to report annually on these performance indicators for each. All schools and districts, irrespective of funding sources, must report annually on their progress toward achieving the federal goals on the Consolidated Application for Categorical Funds (Con App). If necessary, LEAs must modify their plans to achieve this goal. Detailed information about teacher and paraprofessional qualifications is available in the California NCLB Teacher Requirements Resource Guide at http://www.cde.ca.gov/nclb/sr/tq.

LEAs reported the number of core academic classes offered in October 2003, at each school and the number of these classes taught by NCLB compliant teachers on the ConApp Part I in spring 2004. This report established the LEA baseline percent of core academic subject courses taught by NCLB compliant teachers in October 2003, at each school. For the purposes of establishing this baseline, LEAs were to consider teachers NCLB compliant if the teachers completed their NCLB Teacher Requirements: Certificate of Compliance based solely on their prior education and/or testing results. The LEAs did not have sufficient time to include classes taught by teachers who are or will be NCLB compliant upon completion of the High Objective Uniform State Standard of Evaluation (HOUSSE) process. The LEAs’ AMOs were established at one-third of the difference between 100 percent and their baseline percent. For LEAs that failed to report on ConApp Part I, their baselines were set at zero and the AMOs at 33.3 percent. When reporting their Year One progress on the NCLB Teacher Requirement page of the ConApp Part II in fall 2004, LEAs included the classes taught by teachers who were compliant based on the completion of the California HOUSSE process. The ConApp reporting process provided immediate feedback to the LEAs if their AMOs for Year One had been achieved.

To monitor each school’s progress toward achieving their AMOs, LEAs must develop mechanisms to record the NCLB compliance status of their teachers annually by core subject area classes. The objective is to move all teachers into the “Compliant Teacher”
column in every core academic subject area through careful recruitment and hiring of highly qualified teachers and the application of appropriate staff development efforts. Annually, the compiled information should be used as a mechanism to develop a professional development plan which will offer opportunities for teachers to move into the “Compliant Teacher” column and for teacher recruitment efforts.

Furthermore, the CDE has created the HQT Monitoring, Intervention, and Sanctions (MIS) Team to rigorously monitor LEAs implementation of the HQT requirements. The HQT MIS plan implements a process that identifies, using carefully selected criteria, schools which are struggling to meet their AMOs. The plan outlines a series of steps the team will take, with escalating sanctions to ensure all LEAs comply with the HQT requirements. Additionally, the MIS team will coordinate with existing CDE monitoring and technical assistance efforts, including Categorical Program Monitoring, School Assistance and Intervention Teams, District Assistance and Intervention Teams, and the Statewide System of School Support (S4). The team also coordinates with the California Subject Matter Projects, which provide the professional development for supporting HQT in the state. The plan includes timelines and specific activities to collect HQT data, monitor LEA implementation, and impose sanctions where appropriate, to ensure statewide compliance with the HQT provisions of NCLB Section 2141(c).

**LEA Non-compliance under HQT MIS Program-Level I**

If an LEA has not met its AMOs or does not achieve a satisfactory finding during the HQT MIS process the LEA must submit a current MIS Monitoring Form to the CDE for each school that failed the MIS monitoring process and for the LEA as a whole.

- Submit a NCLB MIS Improvement Plan, using step 1 through step 3, which outlines:
  
  a. LEA’s plan to move all of non-compliant teachers to the compliant teacher column
  
  b. LEA’s plan to address how parents and the public are notified of classes taught by non-HQT for over four consecutive weeks
  
  c. LEA’s plan to ensure that experienced and qualified teachers are equitably distributed among classrooms with poor and minority children as those with their peers
  
  d. LEA’s plan to ensure only HQTs are hired to teach in Title II Class Size Reduction and Title I programs
  
  e. LEA’s plan to increase teacher recruitment efforts in affected core areas
The MIS Improvement Plan must include the following:

- Timeline of activities designed to provide solutions
- Benchmarks for progress
- Funding sources and amount to be used

**Directions for Developing LEA MIS Plan**

**STEP 1**

The LEA should compile information about the NCLB compliance of all of their teachers by assigned core academic subject areas. (Review the *NCLB Teacher Requirements Resource Guide* and the school and district ConApp data.) The LEA should know which teachers have not completed a *NCLB Teacher Requirements: Certificate of Compliance* for the core academic subject areas to which they are assigned. Also, projected hiring needs over the next three years should be included in the review of data.

**STEP 2**

The LEA analyzes the data to determine the specific issues that have prevented the LEA and specific school sites from identifying individual teachers’ needs to become NCLB compliant. The LEA should analyze major differences among schools overall, within specific subject area and for high and low poverty schools in terms of equitable distribution of HQTs, as well as including an analysis to show how the LEA will re-allocate and recruit the necessary qualified teachers to fill gaps in current staffing by core content areas. Analyze the process for reporting to parents and the public on classes taught by non-highly qualified teachers. Analyze the data on hiring practices in Class Size Reduction and Title I programs.

**STEP 3**

The LEA will develop a plan that specifically addresses the issues that have prevented each school within the LEA and/or the LEA from meeting NCLB teacher requirements. LEAs must target solutions to these issues by providing teacher and/or site support. The solutions should ensure that qualified teachers are equitably distributed across all school sites within the LEA and that all core academic subject classes are taught by highly qualified teachers.

Possible recruitment solutions:

- Provide scholarships, signing bonuses, or other financial incentives, such as differential pay, for teachers to teach:
  
  a. In academic subjects in which there exists a shortage of HQTs within a school or within the LEA; and
b. In schools in which there exists a shortage of HQTs.

- Incentives, including financial incentives, to promote transfer of NCLB compliant teachers to sites within the LEA which have a large number of teachers not yet NCLB compliant.

- California Subject Exam Test (CSET) preparation and reimbursement.

Possible retention and stability solutions:

- California Subject Exam Test (CSET) preparation and reimbursement.

- Innovative professional development programs (which may be provided through partnerships with Institutions of Higher Education, including credential programs).

- Development and use of proven, effective strategies for the implementation of professional development activities, such as through the use of technology and distance learning.

- AB 466/AB 75 training.

- Site, content or learner specific professional development.

- Beginning Teacher Support and Assessment/Induction program.

**LEA Non-compliance under HQT MIS Program-Level II**

If an LEA has failed to meet the conditions set-forth in the MIS plan after one year, the LEA must enter into an agreement with the CDE. This agreement will ensure that the LEA will meet all NCLB teacher requirements and conditions by the end of the school year.

**Memorandum of Understanding**

If the CDE determines that an LEA has failed to meet the requirements set-forth in the MIS plan, the LEA shall enter into a Memorandum of Understanding (MOU) with the CDE. The MOU must include the following:

- A new corrective action plan developed by the CDE staff, in collaboration with the LEA which will provide a detailed description of all staffing, recruitment, and retention strategies the LEA will use to meet its goals.
• The Corrective Action Plan must be reviewed and approved by:
  a. The LEA school board members,
  b. The Superintendent, and
  c. All relevant site administrators.

• Funding sources and projected budgets specific to each participating school site must be included with the plan.

• Assurances that the LEA will not use Title I, Part A funds to fund any new paraprofessionals, except where specified in the MOU.

• Evidence that the Title II, Part A funds are directed to specific schools that have not met their goals.

LEA Non-compliance under HQT MIS Program-Level III

A Level III for persistent noncompliant districts would most likely require withholding of funds. Further details on this process are currently under development. The following section from *The Education Department General Administrative Regulation (EDGAR)* Part 80.43 states as follows:

• Remedies for noncompliance. If a grantee or subgrantee materially fails to comply with any term of an award, whether stated in a Federal statute or regulation, an assurance, in a State plan or application, a notice of award, or elsewhere, the awarding agency may take one or more of the following actions, as appropriate in the circumstances:
  
  a. Temporarily withhold cash payments pending correction of the deficiency by the grantee or subgrantee or more severe enforcement action by the awarding agency,

  b. Disallow (that is, deny both use of funds and matching credit for) all or part of the cost of the activity or action not in compliance,

  c. Wholly or partly suspend or terminate the current award for the grantee’s or subgrantee’s program,

  d. Withhold further awards for the program, or

  e. Take other remedies that may be legally available.
CDE HQT Monitoring, Intervention and Sanctions (MIS) Plan

Title I Schools Examination Criteria (Jan-Feb 2006)
- Monitoring Triggers
  - Unmet AMO
  - Transfer of Title II Funds
  - HQT % below State average
  - CCTC MOU
  - State Monitoring Programs
    - RSDSS, CPM, SAIT, DAIT
  - Field Complaints
    - Parent Complaints
    - Negative Media
    - Staff contacts

In-House Monitoring Submittal of MIS Improvement Plan (Mar 1-April 15, 2006)
Monitors for:
- CSR Title II-funded Teachers
- Title-I-funded Teachers
- 4-Week Letter
- Equitable distribution of HQT Teachers

Met HQT Requirements

Failed to Met HQT Requirements
- Level II Sanctions

On-Site Monitoring (June 15-Aug 30, 2006)
Monitors for:
- CSR Title II-funded Teachers
- Title-I-funded Teachers
- 4-Week Letter
- Equitable distribution of HQT Teachers

Met HQT Requirements

Failed to Met HQT Requirements
- Level II Sanctions

Met HQT Requirements

In-House Monitoring Verified
- MIS Plan approved

HQT MIS Plan Update (Feb. 28, 2007)
- Update on timeline progress
- Plan shows adjustments to HQT process to achieve full compliance

Failed to Met HQT Requirements
- Level II Sanctions

On-Site Monitoring Verified
- MIS Plan approved

Or

On-Site Monitoring Resubmitted per On-Site Monitoring Findings

Revised: 1/20/2012 4:28 PM
## California Department of Education

### Timeline for Implementation and Monitoring of Highly Qualified Teacher Requirements

<table>
<thead>
<tr>
<th>Date</th>
<th>Action</th>
<th>Description</th>
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<tbody>
<tr>
<td>January 2002</td>
<td>Information regarding NCLB Teacher Requirements announced</td>
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<tr>
<td>August 2002</td>
<td>Developed a compliance monitoring instrument for Title II</td>
<td>Part of the Coordinated Compliance Review (CCR)</td>
</tr>
<tr>
<td>August –December 2002</td>
<td>LEAs selected and scheduled for compliance monitoring in 2003-04.</td>
<td>Selection was based on sampling method to monitor for compliance with Title II Part A</td>
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<tr>
<td>September 2002-</td>
<td>LEAs trained on compliance instrument for ITQ</td>
<td></td>
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<tr>
<td>December 2002-</td>
<td>Federal Regulations released</td>
<td></td>
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<tr>
<td>January 2003</td>
<td>First federal non-regulatory guidance posted</td>
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<tr>
<td>February 2003-</td>
<td>Meetings and discussions regarding the HQT definition and requirements</td>
<td></td>
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<tr>
<td>June 2003</td>
<td>California State Board of Education approves definition of “Highly Qualified Teacher”</td>
<td></td>
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<tr>
<td>September 2003</td>
<td>Coordinated Compliance Reviews begin</td>
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<tr>
<td>March 2004-April 2004</td>
<td>Regional briefings on the NCLB Guide in 14 County Office of Education regions</td>
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<tr>
<td>April 2004-July 2004</td>
<td>LEA monitoring process revised</td>
<td>Additional items added to CCR to address hiring of HQTs into Title I programs and Class Size Reduction programs and to ensure parental notification letter is being sent. LEAs must also ensure that HQTs are equitably distributed between high poverty and non-high poverty schools.</td>
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<tr>
<td>May 2004-Present</td>
<td>Technical assistance provided to LEAs through multiple methods</td>
<td>Includes workshop and conference presentations, phone and e-mail, and site visits.</td>
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<tr>
<td>June 2004</td>
<td>Additional “Frequently Asked Questions” regarding HQT posted on CDE Web site</td>
<td></td>
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<tr>
<td>September 2004</td>
<td>NCLB team completed first draft of NCLB Professional Development Guide</td>
<td>Includes section on interventions and sanctions on HQT.</td>
</tr>
<tr>
<td>October 2004-June 2005</td>
<td>Pilot of new monitoring items on HQT during Coordinated Compliance Reviews</td>
<td></td>
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<tr>
<td>January 2005</td>
<td>State Superintendent sends advisory letter to all LEAs to clarify the NCLB requirements for paraprofessionals and teachers</td>
<td>Includes the requirement for parental notification (four week letter).</td>
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<tr>
<td></td>
<td>Consolidated State Performance Report (CSPR) with HQT data submitted</td>
<td>Baseline statewide percentage of classes taught by HQTs is 52%, at High Poverty schools 40%, at</td>
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<td>Date</td>
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<tr>
<td>May 2005</td>
<td>HQT data collected through LEA Con App for October 2004 percentages</td>
<td>Immediate feedback on achieving AMO target reflected upon submission.</td>
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<tr>
<td></td>
<td>Statewide and LEA baseline 2003 HQT data posted to CDE Web page</td>
<td>Data used to develop plan for technical assistance through California Subject Matter Projects.</td>
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<tr>
<td></td>
<td>Preliminary Year One HQT data available for state planning</td>
<td></td>
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<tr>
<td>June 2005</td>
<td>State Superintendent posts NCLB deadlines for paraprofessionals and teachers on CDE Web site in monthly newsletter</td>
<td>Available at <a href="http://www.cde.ca.gov/eo/ce/dh/yr05dh06.asp">http://www.cde.ca.gov/eo/ce/dh/yr05dh06.asp</a>.</td>
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<tr>
<td></td>
<td>CCR Instrument rewritten for Improving Teacher Quality to ensure all required elements were monitored</td>
<td>Currently referred to as Categorical Program Monitoring (CPM). Specific items added to monitor hiring of HQTs to reduce class size, verification that HQTs were hired to teach in Title I programs since start of 2002-03, and proper parental notification was sent when required (four week letter).</td>
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<tr>
<td></td>
<td>Cross Program Instrument developed to be utilized during CPM</td>
<td>Not program specific but includes items required in more than one program. Placement is designed to avoid duplication in compliance findings across programs. Due to requirements overlap in Title I and Title II programs, items added include evidence of notification letter sent to parents if their child has been taught for four or more consecutive weeks by a non-HQT, LEAs receiving Title I, Part A funds hire only HQTs in core academic classes in Title I programs.</td>
</tr>
<tr>
<td></td>
<td>LEAs scheduled for CCR review in 2005-06</td>
<td>HQT data used as a guide to selection of LEAs. Including student progress and AMO for HQTs.</td>
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<td>Date</td>
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<tr>
<td>September 2005-</td>
<td>Budget Change Proposal (BCP) submitted</td>
<td>BCP plan to allow CDE to expend NCLB Title II administrative funds for regional technical assistance and monitoring of HQT</td>
</tr>
<tr>
<td>November 2005</td>
<td></td>
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<tr>
<td>October 2005</td>
<td>LEAs trained on new CPM instrument</td>
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<tr>
<td>October-December 2005</td>
<td>Statewide and LEA Year One 2004 HQT data posted to CDE Web page</td>
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<tr>
<td>October-December 2005</td>
<td>Draft Monitoring Interventions and Sanctions plan submitted for approval</td>
<td>Monitoring Interventions and Sanctions plan including flow chart of interventions and sanctions. Attachment 3</td>
</tr>
<tr>
<td>December 2005</td>
<td>Collaboration with Commission on Teacher Credentialing, Association of California School Administrators, California Teachers Association, California School Boards Association, CDE and SBE in development of NCLB monitoring, interventions and sanctions plan</td>
<td></td>
</tr>
<tr>
<td>December 2005-</td>
<td>Monitoring, Interventions, and Sanctions (MIS) Plan implemented and CDE staff reassigned to MIS team</td>
<td>Staff reassigned from NCLB Technical Assistance Team to MIS Team include: Robert Cervantes, Administrator Penni Hansen, Consultant, Nancy Carr, Consultant, Lynda Nichols, Consultant, Roxane Fidler, Consultant, Robert Lee, Consultant, Jeanne Ludwig, Consultant LEAs notified of MIS plan, including trigger for desk monitoring or site visit.</td>
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<td>June 2006</td>
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<td>Date</td>
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<tr>
<td></td>
<td>MIS team analyzes HQT data by LEA and</td>
<td>MIS Team Duties: Coordinate with existing monitoring and technical assistance programs (CPM, SAIT and DAIT: <a href="http://www.cde.ca.gov/be/pn/im/infocibsidoct05item01.asp">http://www.cde.ca.gov/be/pn/im/infocibsidoct05item01.asp</a> and <a href="http://info.sen.ca.gov/pub/bill/asm/ab_0951-1000/ab_953_bill_20051004_chaptered.html">http://info.sen.ca.gov/pub/bill/asm/ab_0951-1000/ab_953_bill_20051004_chaptered.html</a>, RSSDS: <a href="http://www.cde.ca.gov/sp/sw/ss/">http://www.cde.ca.gov/sp/sw/ss/</a> Provide information and assistance to LEAs regarding monitoring, intervention and sanctions. Complete a desk monitoring of LEAs by analyzing LEA data and information to ensure HQT requirements are being implemented, including equitable distribution of compliant teachers based on student demographics, including poverty, English Learner and racial-ethnic composition. Identify and notify LEAs out of compliance on HQT issues. Select LEAs for follow-up monitoring and/or on-site monitoring based on identified “triggers.” Monitor and report on LEAs for which desk monitoring indicates additional CDE efforts including implementation of sanctions as appropriate.</td>
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<tr>
<td>January 2006-</td>
<td>Implement LEA on site monitoring using new</td>
<td>School level HQT data for Year Two is also</td>
</tr>
<tr>
<td>June 2006</td>
<td>CPM instrument</td>
<td></td>
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<tr>
<td>January 2006-</td>
<td>HQT data collected through LEA Con App for</td>
<td></td>
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<tr>
<td>HQT data collected through LEA Con App for Year Two is also</td>
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<tr>
<td>March 2006</td>
<td>October 2005 percentages collected on Con App for validation.</td>
<td></td>
</tr>
<tr>
<td>February 2006</td>
<td>Prepare and submit CSPR including HQT data to ED</td>
<td>Year One statewide percentage of classes taught by HQTs of 74%, at High Poverty Schools, 65%, and at Low Poverty Schools, 81%</td>
</tr>
<tr>
<td>March 2006</td>
<td>CSPR with HQT data for Year One (2004 submitted to ED)</td>
<td></td>
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<tr>
<td>March 2006</td>
<td>Recommend revisions to Categorical Program Monitoring for 2006-07, to include screening and selection of LEAs by HQT data</td>
<td>Revise MIS plan according to feedback from monitoring processes</td>
</tr>
<tr>
<td>May 2006</td>
<td>Prepare and submit to ED, revised plan for reaching the HQT goal in 2006-07</td>
<td>Based on data analysis of teacher and class level data, MIS team develop policy and program recommendations for addressing chronic shortage areas</td>
</tr>
<tr>
<td>June 2006</td>
<td>Analysis of CBEDS HQT data for alignment to Con APP HQT data. Analysis of non-HQTs by area of assignment.</td>
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<tr>
<td>July 2006-September 2006</td>
<td>All LEAs notified regarding monitoring, interventions and sanctions</td>
<td>Based on desk monitoring</td>
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<tr>
<td></td>
<td>HQT data identifies LEAs for monitoring and sanctions</td>
<td></td>
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<tr>
<td></td>
<td>LEAs notified of status and scheduled for monitoring</td>
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<tr>
<td>October 2006-June 2007</td>
<td>Implement MIS Plan</td>
<td></td>
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September 26, 2005

Mr. Jack O’Connell  
Superintendent of Public Instruction  
California Department of Education  
1430 N Street, Suite 5602  
Sacramento, CA 95814

Dear Superintendent O’Connell:

On June 14-17, 2005, the Academic Improvement and Teacher Quality Programs office of the U.S. Department of Education’s Office of Elementary and Secondary Education conducted a program review in California. The program office team reviewed your State’s progress in meeting the highly qualified teacher provisions of the Elementary and Secondary Education Act (ESEA), as amended by the No Child Left Behind Act (NCLB) of 2001, and your State’s administration of the ESEA Title II, Part A, Improving Teacher Quality State Grants program.

I am enclosing with this letter a monitoring report that is based on information we collected during the review. I would like to note that, in general, the Department of Education team was pleased with the progress you are making in California to ensure that Federal funds are being used effectively to ensure that all teachers of core academic classes will be highly qualified.

We commend California for the development of the NCLB Highly Qualified Teacher Handbook that was extensively used by your school districts and teachers seeking to understand the requirements of the statute. The monitoring team was also impressed by the close working relationship among many of the State educational and credentialing agencies that have enabled the California Department of Education to put into action a comprehensive plan to meet the highly qualified teacher requirements.

As you will see from the enclosed report, the Department has also identified some areas in which further action is required, including more rigorous oversight of whether districts hire only highly qualified teachers for their Title I programs, as comprehensive and accurate reporting of data on highly qualified teachers. If there are factual errors in the report, we would appreciate receiving suggested corrections no later than October 11, 2005, so that we can appropriately incorporate them into the final version of the monitoring report. For areas in which the Department has recommended further actions, we would appreciate a written response by November 8, 2005.

Again, thank you for hosting a productive site visit. We are looking forward to working further with you and your staff in any follow-up activities, and in assisting you in any way to ensure that all teachers are meeting the highly qualified requirements and to help improve the delivery of Title II, Part A services in California.

Sincerely,

Robert M. Stonehill, Ph.D.
HIGHLY QUALIFIED TEACHERS AND IMPROVING TEACHER QUALITY STATE GRANTS (ESEA TITLE II, PART A)

MONITORING REPORT

California Department of Education
June 14-16, 2005

U.S. Department of Education Monitoring Team:
Robert Stonehill
Margaret Miles
Allison Henderson (Westat)
Darcy Pietryka (Westat)

California Department of Education (CDE)
Gavin Payne, Chief Deputy Superintendent
Sue Stickel, Deputy Superintendent
Dale Janssen, Director, Commission on Teacher Credentialing
Alice Parker, Special Education Division
Bill Vasey, Professional Development and Curriculum Support Division
Gordon Jackson, District and School Program Coordination
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Karen Steentoft, State Board of Education
Debbie Rury, State Board of Education
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Robert Lee, Education Programs Consultant
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Lloyd McCabe, Education Programs Consultant
Julie Klein, Categorical Programs Unit
Linda Peterson, Administrative and Fiscal Unit
Marcella Obregon-Enriquez, Professional Development
Rebecca Parker, State Board of Education
Sarah Solari, Professional Development
Tom Lugo, Professional Development
Janet Canning, Education Programs Consultant
Craig Heimbichner, Education Programs Consultant
Overview of California:
Number of districts: 1,041
Number of teachers: 309,773
Total State allocation (FY 2003): $341,185,718
Allocation for local educational agencies (LEAs): $320,885,167
State educational agency (SEA) State Activities allocation: $8,444,347
State Agency for Higher Education (SAHE) allocation: $8,444,347

Scope of Review:

Like all State educational agencies (SEAs), the California Department of Education (CDE), as a condition of receiving funds under Title I, Part A and Title II, Part A of the Elementary and Secondary Education Act (ESEA), as amended by the No Child Left Behind Act (NCLB), provided an assurance to the U.S. Department of Education (the Department) that it would administer these programs in accordance with all applicable statutory and regulatory requirements, including those in Title I, Part A that concern “Highly Qualified Teachers” (HQT) and those that govern the use of Title II, Part A funds. See §9304(a)(1) of the ESEA. One of the specific requirements the Department established for an SEA’s receipt of program funds under its consolidated state application (§9302(b)) was submission to the Department of annual data on how well the State has been meeting its performance target for Performance Indicator 3.1: “The percentage of classes being taught by ‘highly qualified’ teachers (as the term is defined in §9101(23) of the ESEA), in the aggregate and in ‘high-poverty’ schools (as the term is defined in §1111(h)(1)(C)(viii) of the ESEA).”

The Department’s monitoring visit to California had two purposes. One was to review the progress of the State in meeting the ESEA’s highly qualified teacher requirements. The second was to review the use of ESEA Title II, Part A funds by the SEA, selected LEAs, and the State agency for higher education (SAHE), to ensure that the funds are being used to prepare, retain, and recruit high-quality teachers and principals so that all children will achieve to a high academic achievement standard and to their full potential.

The monitoring review was conducted on June 14-16, 2005, at the offices of the CDE. In addition to meeting with the CDE staff noted above, as part of the review, the Department monitoring team met with Karen Humphrey, SAHE Coordinator. The monitoring team conducted conference calls with representatives of the Ventura County Office of Education, Eureka, Grant, Sacramento, and San Diego Public Schools and conducted site visits to the Elk Grove, San Francisco and Long Beach school districts.
### Summary of Monitoring Indicators

#### Monitoring Area 1: Highly Qualified Teacher Systems & Procedures

<table>
<thead>
<tr>
<th>Element Number</th>
<th>Description</th>
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<tbody>
<tr>
<td>Critical Element 1.1.</td>
<td>Has the State developed and implemented procedures, consistent with the statutory definition of highly qualified, to determine whether all teachers of core academic subjects are highly qualified (§9101(23))?</td>
<td>Commendation</td>
<td>7</td>
</tr>
<tr>
<td>Critical Element 1.2.</td>
<td>Are all new elementary school teachers (including special education teachers, as appropriate) required to pass a rigorous State test in reading, writing, mathematics, and the other areas of the elementary school curriculum to demonstrate subject-matter competency (§9101(23)(B)(II))?</td>
<td>Met Requirements</td>
<td>NA</td>
</tr>
<tr>
<td>Critical Element 1.3.</td>
<td>Are all new middle and secondary school teachers (including special education teachers, as appropriate) required to demonstrate subject-matter competency, in each core academic subject they teach, in one or more of the following ways (§9101(23)(B)(II)(ii))?</td>
<td>Finding Recommendations</td>
<td>7</td>
</tr>
<tr>
<td>Critical Element 1.4.</td>
<td>Are all veteran (i.e., those who are not new to the profession) elementary school teachers (including special education teachers, as appropriate) required to demonstrate subject-matter competency by passing a rigorous State test or by completing the State’s “High Objective Uniform State Standard of Evaluation” (HOUSSE) procedures (§9101(23)(C))?</td>
<td>Met Requirements</td>
<td>NA</td>
</tr>
<tr>
<td>Critical Element 1.5.</td>
<td>Are all veteran middle and secondary teachers (including special education teachers, as appropriate) required to demonstrate subject-matter competency in each core academic subject they teach?</td>
<td>Finding</td>
<td>8</td>
</tr>
<tr>
<td>Critical Element 1.6.</td>
<td>For each set of HOUSSE procedures the State has developed, can the State describe how it meets each of the statutory requirements in §9101(23)(C)(ii)?</td>
<td>Met Requirements</td>
<td>NA</td>
</tr>
<tr>
<td>Critical Element 1.7.</td>
<td>Does the SEA ensure that, since the beginning of the 2002-03 school year, districts only hire highly qualified teachers (including special education teachers, as appropriate) to teach in Title I programs?</td>
<td>Finding</td>
<td>9</td>
</tr>
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<tr>
<td>Critical Element 1.8.</td>
<td>Has the SEA ensured, since the beginning of the 2002-03 school year, that districts that use ESEA Title II funds to reduce class size hire only highly qualified teachers for such positions?</td>
<td>Finding</td>
<td>9</td>
</tr>
</tbody>
</table>
| Critical Element 1.9. | Does the SEA’s plan establish annual measurable objectives for each LEA and school to ensure that annual increases occur:  
• in the percentage of highly qualified teachers at each LEA and school; and  
• in the percentage of teachers who are receiving high-quality professional development to enable such teachers to become highly qualified and successful classroom teachers (§1119(a)(2)(A))? | Met Requirements | NA |
| Critical Element 1.10. | Does the SEA also have a plan with specific steps to ensure that poor and minority children are not taught at higher rates than other children by inexperienced, unqualified and out-of-field teachers?  
Does the plan include measures to evaluate and publicly report the progress of such steps (§1111(b)(8)(C))? | Met Requirements | NA |
<p>| Critical Element 1.11. | Has the State reported to the Secretary in its Consolidated State Performance Report (CSPR) the number and percentage of core academic classes taught by highly qualified teachers, in the aggregate and in high-poverty schools, consistent with the statutory definition of highly qualified (§1111(h)(4)(G); §9101(23))? | Met Requirements | NA |
| Critical Element 1.12. | Does the State prepare and disseminate to the public an Annual State Report Card (§1111(h)(1)(C)(viii))? If so, how is it disseminated? | Finding | 9 |</p>
<table>
<thead>
<tr>
<th>Element Number</th>
<th>Description</th>
<th>Status</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Critical</td>
<td>Does the SEA allocate funds according to the statute, using the most recent Census Bureau data as described in the Non-Regulatory Guidance (§2121(a))?</td>
<td>Finding</td>
<td>10</td>
</tr>
<tr>
<td>Critical</td>
<td>Does the SEA require an application from each LEA before providing Title II, Part A funding? If yes, what information does the SEA require in the LEA application (§2122(b))?</td>
<td>Met Requirements</td>
<td>NA</td>
</tr>
<tr>
<td>Critical</td>
<td>Does the SEA require each LEA to describe how the activities to be carried out are based on the required local needs assessment (§2122(b))?</td>
<td>Met Requirements</td>
<td>NA</td>
</tr>
<tr>
<td>Critical</td>
<td>Does the SEA have a procedure to determine the amount of funds each LEA expended during the period of availability?</td>
<td>Met Requirements</td>
<td>NA</td>
</tr>
<tr>
<td>Critical</td>
<td>Does the SEA have a procedure to regularly review the drawdowns of the LEAs?</td>
<td>Met Requirements</td>
<td>NA</td>
</tr>
<tr>
<td>Critical</td>
<td>Does the SEA have a written policy on allowable carryover funds?</td>
<td>Met Requirements</td>
<td>NA</td>
</tr>
<tr>
<td>Critical</td>
<td>If an LEA cannot obligate funds within the 27 months of availability (which includes the extra year of availability permitted under the Tydings amendment), does the SEA have a procedure for reallocating these funds to other LEAs?</td>
<td>Met Requirements</td>
<td>NA</td>
</tr>
<tr>
<td>Critical</td>
<td>Does the SEA have records to show that each LEA meets the maintenance of effort requirements?</td>
<td>Met Requirements</td>
<td>NA</td>
</tr>
<tr>
<td>Critical Element 2.9.</td>
<td>Does the SEA ensure that it and its component LEAs are audited annually, if required, and that all corrective actions required through this process are fully implemented?</td>
<td>Met Requirements</td>
<td>NA</td>
</tr>
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<tr>
<td>Critical Element 2.10.</td>
<td>Has the SEA identified and provided technical assistance to LEAs that are not making progress toward meeting their annual measurable objectives in meeting the highly qualified teacher challenge (§2141)?</td>
<td>Met Requirements</td>
<td>NA</td>
</tr>
</tbody>
</table>

### Monitoring Area 3: State Activities

<table>
<thead>
<tr>
<th>Critical Element Number</th>
<th>Description</th>
<th>Status</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Critical Element 3.1.</td>
<td>Does the State use its State Activities funds to promote the recruitment, hiring, training, and retention of highly qualified teachers and principals?</td>
<td>Commendation</td>
<td>10</td>
</tr>
<tr>
<td>Critical Element 3.2.</td>
<td>Does the State support activities that focus on increasing the subject-matter knowledge of teachers and that assist teachers to become highly qualified?</td>
<td>Commendation</td>
<td>11</td>
</tr>
</tbody>
</table>

### Monitoring Area 4: State Agency for Higher Education (SAHE) Activities

<table>
<thead>
<tr>
<th>Critical Element Number</th>
<th>Description</th>
<th>Status</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Critical Element 4.1.</td>
<td>Did the SAHE manage a competition for eligible partnerships?</td>
<td>Commendation</td>
<td>11</td>
</tr>
<tr>
<td>Critical Element 4.2.</td>
<td>Does the SAHE have procedures to ensure that eligible partnerships include the required members, i.e., an institution of higher education and the division of the institution that prepares teachers and principals, a school of arts and sciences, and a high-need LEA?</td>
<td>Finding Recommendation</td>
<td>11</td>
</tr>
</tbody>
</table>
Area 1: State Procedures to Identify Highly Qualified Teachers

Critical Element 1.1: Has the State developed and implemented procedures, consistent with the statutory definition of highly qualified, to determine whether all teachers of core academic subjects are highly qualified (§9101(23))? 

Commendation: The State has created and widely disseminated a comprehensive and clearly written NCLB Highly Qualified Teacher Handbook to assist LEAs with implementing the HQT provisions and to help teachers understand how their credentials would be evaluated to determine their HQT status.

Critical Element 1.3: Are all new middle and secondary school teachers (including special education teachers, as appropriate) required to demonstrate subject-matter competency, in each core academic subject they teach, in one or more of the following ways (§9101(23)(B)(ii))? 

Finding: The State does not require new middle and secondary school teachers of history, geography, civics/government, or economics to demonstrate subject-matter competency in each of those subjects they teach. The State allows middle and secondary social studies teachers new to the profession to demonstrate subject-matter competency by holding a general social studies endorsement; this endorsement requires candidates to meet the State standards over the 4 discrete areas of social studies. This broad-field endorsement may not provide adequate subject-matter preparation for each of the core academic subjects explicitly noted in the statute. New social studies teachers may also pass a broad-field content-area assessment. This assessment, similarly, may not provide adequate subject-matter preparation for each of the core academic subjects explicitly noted in the statute.

Citation: §9101(11) of the ESEA identifies history, geography, civics/government, and economics as individual core academic subjects. §9101(23)(B)(ii) of the ESEA requires new teachers of core academic subjects to demonstrate subject-matter competency in each core academic subject they teach. (§9101(23)(C) does the same for teachers not new to the profession.)

Further Action Required: The CDE must ensure that all history, geography, civics/government, and economics teachers demonstrate subject-matter competency in each of these subjects that they teach, no later than the end of the 2005-06 school year. (In doing so, if the CDE has determined that the coursework requirement for an academic major in social studies provides coursework “equivalent to a major” in each or in a subset of these specific core academic subjects, it also will need to specifically explain the basis for its determination.)

Recommendation: Though the State requires that all secondary special education teachers graduate with a content-area major, the State does not require alignment between the major and the teaching assignment. The monitoring team recommends that the State continue to work on this alignment.

Recommendation: The State issues a Supplementary Authorization to certified teachers seeking to obtain an additional content-area endorsement. Teachers have 3
years to complete the authorization. During these 3 years, the teacher works in the content area under a Limited Authorization. This authorization does not require demonstration of content knowledge prior to becoming the teacher of record. Teachers working under both the Limited and Supplementary Authorizations are not considered highly qualified, since the Supplementary Authorization requirements fall shy of meeting a major or major equivalent. To address this, the State has created a Major Authorization (with content requirements equivalent to a major), but it will continue to offer the Supplementary Authorization. The monitoring team suggested that the State adjust Supplementary Authorization requirements so that holders would fulfill HQT requirements.

**Commendation:** Many of the State’s agencies, including the CDE, the California Teachers’ Association, the State Board, the Commission on Teacher Credentialing, and the Special Education office have formed close working relationships. These relationships have enabled the State to create and implement a comprehensive and cohesive plan to implement HQT requirements.

**Critical Element 1.5:** Are all veteran middle and secondary teachers (including special education teachers, as appropriate) required to demonstrate subject-matter competency in each core academic subject they teach, in one or more of the following ways?

**Finding:** As noted in Critical Element 1.3, the State does not require middle and secondary school teachers of history, geography, civics/government, or economics to demonstrate subject-matter competency in each of the four discrete areas of the statute. Thus, veteran teachers of history, civics/government, or economics may not have demonstrated adequate subject-matter preparation for each of the core academic subjects explicitly noted in the statute.

**Citation:** §9101(23)(C) of the ESEA requires middle or secondary school teachers not new to the profession to demonstrate subject-matter competency in each of the core academic subjects they teach by passing a content test, successfully completing an academic major, coursework equivalent to a major, advanced certification, a graduate degree, or by satisfying the State’s HOUSSE requirements.

**Further Action Required:** The CDE must ensure that all history, geography, civics/government, and economics teachers demonstrate subject-matter competency in each of these subjects that they teach, no later than the end of the 2005-06 school year. (In doing so, if the CDE has determined that the coursework requirement for an academic major in social studies provides coursework “equivalent to a major” in each or in a subset of these specific core academic subjects, it also will need to specifically explain the basis for its determination.)

**Critical Element 1.7:** Does the SEA ensure that, since the beginning of the 2002-03 school year, districts only hire highly qualified teachers (including special education teachers, as appropriate) to teach in Title I programs?
Finding: Though the State has implemented procedures to ensure that LEAs hire only highly qualified teachers to teach in Title I programs, the State is not able to ensure that districts have hired only highly qualified teachers to teach in Title I. Similarly, the State is not able to ensure that districts are properly exercising the parental notification requirements.

Citation: §1119(a)(1) of the ESEA requires that all teachers hired after the first day of the 2002-03 school year to teach in Title I programs must be highly qualified.

Further Action Required: The CDE must submit a written plan with specific procedures and a timeline for requiring LEAs in the State to ensure that all teachers hired to teach in Title I programs after the first day of the 2002-03 school year, including special education teachers providing direct instruction in core academic subjects, demonstrate, no later than the end of the 2005-06 school year, that they are highly qualified in each core academic subject they teach, either by passing the State’s test for demonstrating subject-matter knowledge or, if the State establishes a HOUSSE, by satisfying HOUSSE procedures established by the State.

Critical Element 1.8: Has the SEA ensured, since the beginning of the 2002-03 school year, that districts that use ESEA Title II, Part A funds to reduce class size hire only highly qualified teachers for such positions?

Finding: As noted in Critical Element 1.7, though the State has implemented procedures to ensure that LEAs hire only highly qualified teachers with ESEA funds to reduce class size, the State is not able to ensure that districts use ESEA Title II funds to reduce class size by hiring only highly qualified teachers.

Citation: §2123(a)(2)(B) of the ESEA allows LEAs to use ESEA Title II, Part A funds to recruit and hire highly qualified teachers to reduce class size.

Further Action Required: The CDE must submit a written plan with specific procedures and a timeline for requiring LEAs in the State to ensure that all teachers hired after the first day of the 2002-03 school year, including special education teachers providing direct instruction in core academic subjects, be highly qualified prior to being hired with ESEA Title II funds to reduce class size.

Critical Element 1.12: Does the State prepare and disseminate to the public an Annual State Report Card (§1111(h)(1)(C)(viii))? If so, how is it disseminated?

Finding: The State prepares and disseminates, via the State website and mailings to LEAs, an Annual State Report Card. However, the State reported the percentage of classes taught by highly qualified teachers, rather than reporting the percentage of classes not taught by highly qualified teachers in various categories.

Citation: §1111(h)(1)(C)(viii) of the ESEA requires each SEA to include in its Annual State Report Card data on the percentage of classes in the State not taught (in core academic subjects) by highly qualified teachers, in the aggregate and disaggregate by
high-poverty (as the term is defined in §1111(h)(1)(C)(viii) of the ESEA) compared to low-poverty schools.

**Further Action Required:** The CDE must report to the public and to the Department, as required by §1111(h)(1)(C)(viii), the percentage of classes not taught by highly qualified teachers at all grade levels (and disaggregated by high- and low-poverty schools), as required for the Annual State Report Card. The State has the data to correct this issue and told the monitoring team this information will be amended.

**Area 2: Administration of ESEA Title II, Part A**

**Critical Element 2.1:** Does the SEA allocate funds according to the statute, using the most recent Census Bureau data as described in the Non-Regulatory Guidance (§2121(a))?

**Finding:** Though the SEA allocates funds using the most recent Census Bureau data, the SEA does not correctly allocate excess administrative funds. The SEA currently allocates excess administrative funds to the LEAs.

**Citation:** Under ESEA Title II, Part A, the Department reserves 1 percent of the State allocation for administration, divided between the SEA and the SAHE. Of the remaining allocation, the State must use 95 percent for LEA subgrants, 2.5 percent for SAHE grants, and the State shall "use the remainder of the funds for State activities described in subsection (c)." (Section 2113(a)(3)) Therefore, if there are administrative funds not needed either by the SEA or the SAHE, these funds should be used for additional State-level activities authorized by section 2123 of the ESEA.

**Further Action Required:** The CDE, as the agency that has not used all of its allotment of administrative funds for that purpose, must consult with the SAHE to determine whether the SAHE needs any of these funds for reasonable and necessary administration of the SAHE-funded subgrants. Remaining funds should then be re-allocated to State Activities.

**Area 3: State Activities**

**Critical Element 3.1:** Does the State use its State Activities funds to promote the recruitment, hiring, training, and retention of highly qualified teachers and principals?

**Commendation:** The State has a successful and comprehensive Beginning Teacher Support and Assessment Program (BTSA).
Critical Element 3.2: Does the State support activities that focus on increasing the subject-matter knowledge of teachers and that assist teachers to become highly qualified?

Commendation: The State is commended for its range of State- and locally funded initiatives, including the CA Paraprofessional Teacher Training Program, the Migrant Mini-Corps program, the Subject Matter Projects, loan forgiveness, and the Principal Training Program. The State has strategically leveraged Federal funds, including Title II, Part A funds, to address State needs, fill in gaps, and assist LEAs in meeting the HQT challenge.

Area 4: State Agency for Higher Education (SAHE) Activities

Critical Element 4.1: Did the SAHE manage a competition for eligible partnerships?

Commendation: The SAHE has a tiered application review process consisting of a paper application and an in-person interview.

Critical Element 4.2: Does the SAHE have procedures to ensure that eligible partnerships include the required members, i.e., an institution of higher education and the division of the institution that prepares teachers and principals, a school of arts and sciences, and a high-need LEA?

Finding: The SAHE must ensure that grantees adhere to the 50 percent “special rule.” The SAHE is implementing procedures to ensure this requirement is met in the next round of allocations.

Citation: § 2132(c) of the ESEA requires that “No single participant in an eligible partnership may use more than 50 percent of the funds made available to the partnership under this section.”

Further Action Required: For the next round of allocations to eligible partnerships, the SAHE must ensure that no participant uses more than 50 percent of the funds. The provision focuses not on which partner receives the funds, but on which partner directly benefits from them.

Recommendation: The SAHE should consider requiring potential applicants, in the required letter of intent, to name the high-need LEA partner(s).
LAST MINUTE MEMORANDUM

DATE: January 9, 2006

TO: MEMBERS, STATE BOARD OF EDUCATION

FROM: Sue Stickel, Deputy Superintendent
       Curriculum and Instruction Branch

RE: Item No. 19


These six pages, which replace Attachment 3 of Item 19, include edits that clarify the timeframe for the Monitoring Interventions and Sanctions (MIS) plan and the Memorandum of Understanding (MOU) between the California Department of Education and a district. Edits are on pages 3 and 5.

Attachment 8: Monitoring, Intervention, and Sanctions for No Child Left Behind Requirements (6 Pages)
Monitoring, Intervention, and Sanctions for No Child Left Behind Teacher Requirements

In contrast to previous reauthorizations of the Elementary and Secondary Education Act, the No Child Left Behind (NCLB) Act of 2001, requires that the state educational agency (SEA) and the local educational agencies (LEAs) be held jointly accountable for the goals included in the plan. As part of the plan described in Section 1111, each SEA must develop a plan to ensure that all teachers teaching in core academic subjects are highly qualified no later than the end of the 2005-06 school year.

This section describes California’s plan to meet the accountability requirements for NCLB teacher requirements, which include data collection and reporting, annual review of progress, improvement plans, the LEA monitoring and the California Department of Education (CDE) interventions. Sections one and two are required of all LEAs within California. The last three sections, three, four, and five, are directed at LEAs that have been identified as non-compliant under the Highly Qualified Teacher (HQT) Monitoring, Intervention, and Sanctions (MIS) system for improving teacher quality.

General Accountability Requirements for HQTs

During the 2002-03 school year, LEAs developed their LEA Plan for utilizing federal NCLB funds and for integrating federal and state programs, where allowable, to achieve NCLB goals. To meet Goal 3 of the LEA plan, districts and county offices were required to complete a needs assessment of their teachers and to develop plans for ensuring that all teachers would be highly qualified by the end of the 2005-06 school year. Also, LEAs were required to describe how they would provide high quality professional development and support for teachers to meet NCLB teacher requirements. Title II, Part A funds are available to support all school sites in an LEA service area to meet goal 3.

The State Board of Education (SBE) in the State Consolidated Application for NCLB funding established the following performance indicators for Goal 3, HQTs:

- An annual increase in the percent of core academic subject courses taught by NCLB compliant teachers in the aggregate (e.g., state, LEA, and school) and for schools in the highest quartile of poverty and those in the lowest quartile
- An annual increase in the percent of teachers receiving high quality professional development, and
- An annual increase in the percent of paraprofessionals assisting in instruction in Title I programs who are qualified.

The SBE adopted Annual Measurable Objectives (AMO) for each LEA and school that include, at a minimum: (A) an annual increase in the percent of classes in the core
academic subject that are taught by NCLB compliant teachers at each LEA and school, to ensure that all core academic classes are taught by NCLB compliant teachers no later than the end of the 2005-06 school year; (B) an annual increase in the percentage of teachers who are receiving high quality professional development to enable such teachers to become highly qualified and successful classroom teachers; and (C) an annual increase in the number of instructional paraprofessionals working in Title I supported programs who fully meet the paraprofessional requirements, to ensure that they meet these requirements by not later than January 2006.

Monitoring progress on AMOs: Year One and beyond.

The CDE must ensure the completeness and accuracy of HQT data reported to the State by LEAs specifically related to: (a) how LEAs report to parents and the public on classes taught by non-highly qualified teachers, (b) steps taken to ensure that core academic subjects are being taught by Highly Qualified teachers in at least the same proportion in low income schools as in high income schools in each LEA, and (c) hiring only highly qualified teachers in Title II Class Size Reduction and Title I programs. Additionally, the CDE must ensure that all LEAs are collecting the data necessary to report annually on these performance indicators for each. All schools and districts, irrespective of funding sources, must report annually on their progress toward achieving the federal goals on the Consolidated Application for Categorical Funds (Con App). If necessary, LEAs must modify their plans to achieve this goal. Detailed information about teacher and paraprofessional qualifications is available in the California NCLB Teacher Requirements Resource Guide at http://www.cde.ca.gov/nclb/sr/tq.

LEAs reported the number of core academic classes offered in October 2003, at each school and the number of these classes taught by NCLB compliant teachers on the ConApp Part I in spring 2004. This report established the LEA baseline percent of core academic subject courses taught by NCLB compliant teachers in October 2003, at each school. For the purposes of establishing this baseline, LEAs were to consider teachers NCLB compliant if the teachers completed their NCLB Teacher Requirements: Certificate of Compliance based solely on their prior education and/or testing results. The LEAs did not have sufficient time to include classes taught by teachers who are or will be NCLB compliant upon completion of the High Objective Uniform State Standard of Evaluation (HOUSSE) process. The LEAs’ AMOs were established at one-third of the difference between 100 percent and their baseline percent. For LEAs that failed to report on ConApp Part I, their baselines were set at zero and the AMOs at 33.3 percent. When reporting their Year One progress on the NCLB Teacher Requirement page of the ConApp Part II in fall 2004, LEAs included the classes taught by teachers who were compliant based on the completion of the California HOUSSE process. The ConApp reporting process provided immediate feedback to the LEAs if their AMOs for Year One had been achieved.

To monitor each school’s progress toward achieving their AMOs, LEAs must develop mechanisms to record the NCLB compliance status of their teachers annually by core subject area classes. The objective is to move all teachers into the “Compliant Teacher”
column in every core academic subject area through careful recruitment and hiring of highly qualified teachers and the application of appropriate staff development efforts. Annually, the compiled information should be used as a mechanism to develop a professional development plan which will offer opportunities for teachers to move into the “Compliant Teacher” column and for teacher recruitment efforts.

Furthermore, the CDE has created the HQT Monitoring, Intervention, and Sanctions (MIS) Team to rigorously monitor LEAs implementation of the HQT requirements. The HQT MIS plan implements a process that identifies schools which are struggling to meet their AMOs. The plan outlines a series of steps the team will take, with escalating sanctions to ensure all LEAs comply with the HQT requirements. Additionally, the MIS team will coordinate with existing CDE monitoring and technical assistance efforts, including Categorical Program Monitoring, School Assistance and Intervention Teams, District Assistance and Intervention Teams, and the Statewide System of School Support (S4). The team also coordinates with the California Subject Matter Projects, which provide the professional development for supporting HQT in the state. The plan includes timelines and specific activities to collect HQT data, monitor LEA implementation, and impose sanctions where appropriate, to ensure statewide compliance with the HQT provisions of NCLB Section 2141(c).

**LEA Non-compliance under HQT MIS Program-Level I**

If an LEA has not met its AMOs by year 2 of the plan, or does not achieve a satisfactory finding during the HQT MIS process the LEA must submit a current MIS Monitoring Form to the CDE for each school that failed the MIS monitoring process and for the LEA as a whole.

- Submit a NCLB MIS Improvement Plan, using step 1 through step 3, which outlines:

  a. LEA’s plan to move all of non-compliant teachers to the compliant teacher column

  b. LEA’s plan to address how parents and the public are notified of classes taught by non-HQT for over four consecutive weeks

  c. LEA’s plan to ensure that experienced and qualified teachers are equitably distributed among classrooms with poor and minority children as those with their peers

  d. LEA’s plan to ensure only HQTs are hired to teach in Title II Class Size Reduction and Title I programs

  e. LEA’s plan to increase teacher recruitment efforts in affected core areas
The MIS Improvement Plan must include the following:

- Timeline of activities designed to provide solutions
- Benchmarks for progress
- Funding sources and amount to be used

Directions for Developing LEA MIS Plan

STEP 1

The LEA should compile information about the NCLB compliance of all of their teachers by assigned core academic subject areas. (Review the NCLB Teacher Requirements Resource Guide and the school and district ConApp data.) The LEA should know which teachers have not completed a NCLB Teacher Requirements: Certificate of Compliance for the core academic subject areas to which they are assigned. Also, projected hiring needs over the next three years should be included in the review of data.

STEP 2

The LEA analyzes the data to determine the specific issues that have prevented the LEA and specific school sites from identifying individual teachers’ needs to become NCLB compliant. The LEA should analyze major differences among schools overall, within specific subject area and for high and low poverty schools in terms of equitable distribution of HQTs, as well as including an analysis to show how the LEA will re-allocate and recruit the necessary qualified teachers to fill gaps in current staffing by core content areas. Analyze the process for reporting to parents and the public on classes taught by non-highly qualified teachers. Analyze the data on hiring practices in Class Size Reduction and Title I programs.

STEP 3

The LEA will develop a plan that specifically addresses the issues that have prevented each school within the LEA and/or the LEA from meeting NCLB teacher requirements. LEAs must target solutions to these issues by providing teacher and/or site support. The solutions should ensure that qualified teachers are equitably distributed across all school sites within the LEA and that all core academic subject classes are taught by highly qualified teachers.

Possible recruitment solutions:

- Provide scholarships, signing bonuses, or other financial incentives, such as differential pay, for teachers to teach:
  
  a. In academic subjects in which there exists a shortage of HQTs within a school or within the LEA; and
b. In schools in which there exists a shortage of HQTs.

- Incentives, including financial incentives, to promote transfer of NCLB compliant teachers to sites within the LEA which have a large number of teachers not yet NCLB compliant.

- California Subject Examinations for Teachers (CSET) preparation and reimbursement.

Possible retention and stability solutions:

- CSET preparation and reimbursement.

- Innovative professional development programs (which may be provided through partnerships with Institutions of Higher Education, including credential programs).

- Development and use of proven, effective strategies for the implementation of professional development activities, such as through the use of technology and distance learning.

- AB 466/AB 75 training.

- Site, content or learner specific professional development.

- Beginning Teacher Support and Assessment/Induction program.

**LEA Non-compliance under HQT MIS Program-Level II**

If an LEA has failed to meet the conditions set-forth in the MIS plan after one year, the LEA must enter into a Memorandum of Understanding (MOU) with the CDE. This MOU will ensure that the LEA will meet all NCLB teacher requirements and conditions by the end of the school year.

**Memorandum of Understanding**

If the CDE determines that an LEA has failed to meet the requirements set forth in the MIS plan, the LEA shall enter into a MOU with the CDE. The MOU must include the following:

- A new corrective action plan developed by the CDE staff, in collaboration with the LEA which will provide a detailed description of all staffing, recruitment, and retention strategies the LEA will use to meet its goals.
The Corrective Action Plan must be reviewed and approved by:

a. The LEA school board members,
b. The Superintendent, and
c. All relevant site administrators.

Funding sources and projected budgets specific to each participating school site must be included with the plan.

Assurances that the LEA will not use Title I, Part A funds to fund any new paraprofessionals, except where specified in the MOU.

Evidence that the Title II, Part A funds are directed to specific schools that have not met their goals.

LEA Non-compliance under HQT MIS Program-Level III

A Level III for persistent noncompliant districts would most likely require withholding of funds. Further details on this process are currently under development. The following section from *The Education Department General Administrative Regulation (EDGAR)* Part 80.43 states as follows:

Remedies for noncompliance. If a grantee or subgrantee materially fails to comply with any term of an award, whether stated in a Federal statute or regulation, an assurance, in a State plan or application, a notice of award, or elsewhere, the awarding agency may take one or more of the following actions, as appropriate in the circumstances:

a. Temporarily withhold cash payments pending correction of the deficiency by the grantee or subgrantee or more severe enforcement action by the awarding agency,

b. Disallow (that is, deny both use of funds and matching credit for) all or part of the cost of the activity or action not in compliance,

c. Wholly or partly suspend or terminate the current award for the grantee’s or subgrantee’s program,

d. Withhold further awards for the program, or

e. Take other remedies that may be legally available.
## SUBJECT

<table>
<thead>
<tr>
<th></th>
<th>Action</th>
<th>Information</th>
<th>Public Hearing</th>
</tr>
</thead>
</table>

**No Child Left Behind Act of 2001: Approve Local Educational Agency Plans, Title 1, Section 1112**

### RECOMMENDATION

The California Department of Education (CDE) recommends that the State Board of Education (SBE) approve the local educational agency (LEA) Plans for LEAs listed on Attachment 1. These plans have met the requirements for full approval.

### SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

As of the November 2005 meeting, the SBE has approved a total of 1,247 LEA Plans.

### SUMMARY OF KEY ISSUES

The purpose of the LEA Plan is to develop an integrated, coordinated plan that describes educational services for all students and can be used to guide program implementation and resource allocation. A list of 12 LEA Plans from direct-funded charter schools recommended for full approval is attached.

### FISCAL ANALYSIS (AS APPROPRIATE)

There is no fiscal impact to state operations.

### ATTACHMENT(S)

Attachment 1: Local Educational Agency Plans for Direct-Funded Charter Schools Recommended for Full State Board of Education Approval, January 2006
## Local Educational Agency Plans for Direct-Funded Charter Schools

Recommended for Full State Board of Education Approval  
January 2006

<table>
<thead>
<tr>
<th>CoDistCode</th>
<th>SchCode</th>
<th>Direct-Funded Charter Schools</th>
</tr>
</thead>
<tbody>
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<td>0161259</td>
<td>0109983</td>
<td>Education for Change East Oakland Community</td>
</tr>
<tr>
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<td>6001788</td>
<td>Cox Elementary Charter School</td>
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<td>2065243</td>
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<td>0109017</td>
<td>Keiller Leadership Academy</td>
</tr>
<tr>
<td>3768338</td>
<td>0109033</td>
<td>King/Chavez Arts Academy Charter School</td>
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</table>
LAST MINUTE MEMORANDUM

DATE: January 3, 2006

TO: MEMBERS, STATE BOARD OF EDUCATION

FROM: Gavin Payne, Chief Deputy Superintendent
Assessment and Accountability Branch

RE: Item No. 20

SUBJECT: No Child Left Behind Act of 2001: Approve Local Educational Agency Plans, Title 1, Section 1112

Listed below for State Board of Education approval is a list of five additional local educational agency (LEA) Plans. These Plans are required under No Child Left Behind so that LEAs may receive federal categorical funding for educational programs.

Twelve LEA Plans were previously submitted with the original CDE State Board Item Sign-Off form. With the Board’s approval of these five additional Plans, a total of 1264 LEAs will have fully approved Plans.

The following LEAs need approval:

<table>
<thead>
<tr>
<th>CoDistCode</th>
<th>SchCode</th>
<th>Direct-Funded Charter Schools</th>
</tr>
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<tbody>
<tr>
<td>0161259</td>
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<td>California College Prep Academy</td>
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<td>1964733</td>
<td>0109918</td>
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<td>3968676</td>
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<td>Aspire South Stockton Academy</td>
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<td>4169005</td>
<td>6044473</td>
<td>Garfield Charter School</td>
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</table>
CALIFORNIA STATE BOARD OF EDUCATION

JANUARY 2006 AGENDA

SUBJECT
Consolidated Applications 2005-06: Approval

☐ Action
☐ Information
☐ Public Hearing

RECOMMENDATION

The California Department of Education (CDE) recommends that the State Board of Education (SBE) approve the 2005-06 Consolidated Applications (ConApps) submitted by local educational agencies (LEAs) in Attachment 1.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

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. To date, the SBE has approved ConApps for 1,225 LEAs.

Approximately $3.2 billion is distributed annually through the ConApp process. Assembly Bill 825 has incorporated three of the fund sources that were formerly in the Con App (School Improvement Program, California Public School Library Act, and Tenth Grade Counseling) into the Categorical Programs Block Grant. A new fund source, California School Age Families Education (Cal-SAFE) has been added to the ConApp. There are 14 state and federal programs that LEAs may apply for in the ConApp. The state funding sources include: Cal-SAFE; Economic Impact Aid (which is used for State Compensatory Education and/or English learners); Peer Assistance Review; School Safety (AB 1113); and Tobacco Use Prevention Education. The federal funding sources include Title I, Part A Basic Grant (Low Income); Title I, Part A (Neglected); Title I, Part D, (Delinquent); Title II, Part A (Teacher Quality); Title II, Part D (Technology); Title III, Part A (LEP Students); Title IV, Part A (SDFSC); and Title V, Part A (Innovative); and Title VI, Part B (Rural, Low-Income).

The CDE provides the SBE with two types of approval recommendations. Regular approval is recommended when an LEA has submitted a correct and complete ConApp, Part I, and has no serious noncompliant issues over 365 days. Conditional approval is
SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

recommended when an LEA has submitted a correct and complete ConApp, Part I, but has one or more serious noncompliant issues over 365 days. Conditional approval provides authority to the LEA to spend its categorical funds on the condition that it resolves or makes significant progress toward resolving noncompliant issues. In extreme cases, conditional approval may include the withholding of funds.

The attachments include ConApp entitlement figures and the Student Testing and Reporting (STAR) data from school year 2004-05. If fiscal data are absent, it indicates that the LEA is new or is applying for direct funding for the first time. If achievement data are absent, it indicates the LEA is new, the scores were attributed to their sponsoring LEA (in the case of charter schools), or there were an insufficient number of student results to report.

SUMMARY OF KEY ISSUES

The CDE recommends regular approval of the ConApp for 8 LEAs (see attachment 1 for the list of LEAs).

FISCAL ANALYSIS (AS APPROPRIATE)

There is minimal CDE cost to track the SBE approval status of the ConApp for approximately 1,300 LEAs.

ATTACHMENT(S)

Attachment 1: ConApp list – Regular Approvals (1 Page)
Recommended for Regular Approval:

The following LEAs have submitted a correct and complete ConApp, Part I, and have no compliance issues crucial to student achievement outstanding for more than 365 days. The Department recommends regular approval of these applications.

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<tr>
<th>CD Code</th>
<th>School Code</th>
<th>School Name</th>
<th>2004-05 Title I Entitlement</th>
<th>2004-05 ConApp Entitlement</th>
<th>2004-05 Entitlement Per Student</th>
<th>Mathematics Basic</th>
<th>Mathematics Proficient</th>
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<td>33.3</td>
<td>36.1</td>
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<td>36.1</td>
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</table>

8 Total Number of LEAs in the report

$34,167 Total ConApp entitlement for districts receiving regular approval

12/06/2005
SUBJECT
The Principal Training Program, Assembly Bill 75 (Chapter 697, Statutes of 2001): Approval of Training Providers

RECOMMENDATION

The California Department of Education (CDE) recommends that the State Board of Education (SBE) approve the list in Attachment 1 of Recommended Training Providers for Principal Training Program (PTP).

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

SBE approved the original criteria and requirements for the PTP applications at the February 2002 meeting.

SUMMARY OF KEY ISSUES

The PTP requires the SBE to approve all program providers. Applications to become SBE-approved providers are reviewed using SBE adopted criteria.

FISCAL ANALYSIS (AS APPROPRIATE)

This item is solely for approval of training providers. Approval of the providers does not directly result in the expenditure of any funds. There are relatively minor state costs associated with the review of submissions by prospective training providers.

ATTACHMENT(S)

Attachment 1: Principal Training Program: Recommended List of Training Providers (1 Page)
PRINCIPAL TRAINING PROGRAM
RECOMMENDED LIST OF TRAINING PROVIDERS
January 2006

MODULE 1 – Leadership and Support of Instructional Programs

Etiwanda School District
Middle School Level
McDougal Littell, Concepts and Skills
grade six through eight

Holt, Rinhart and Winston Literature & Language Arts
grade six through eight
The Principal Training Program, Assembly Bill 75 (Chapter 697, Statutes of 2001): Approval of Applications for Funding from Local Educational Agencies and Consortia

The California Department of Education (CDE) recommends that the State Board of Education (SBE) approve the attached lists of five local educational agencies (LEAs) that have submitted applications for funding under The Principal Training Program (PTP), Assembly Bill (AB) 75 (Chapter 697, Statutes of 2001).

The SBE approved criteria and requirements for PTP applications at the February 2002 meeting.

The PTP requires the SBE to approve all LEA applicants for funding by name only. Initial funding is dispersed once the LEA enters the participant name into the Management System for Principal Training (MSPT). Subsequent payments are dispersed once the training provider records the completed hours into the MSPT.

Actual LEA reimbursements are dependent upon further information to be provided by LEAs and training providers, such as names of administrator participants and number of hours in actual training. LEAs receive a payment of $1,200 per participant, once the participant name is entered into the MSPT. A second payment of $900 is dispersed once the first 80 hours of training is recorded into the MSPT. A final payment of $900 is dispersed once the participant completes 160 hours of training. It is feasible that initial award requests will be amended throughout the funding period. Estimated State expenditures resulting from this action: $21,000.
ATTACHMENT(S)

Attachment 1: Principal Training Program Local Educational Agencies Recommended for State Board of Education Approval January 2006 (1 Page)

Attachment 2: Principal Training Program Summary (1 Page)
# PRINCIPAL TRAINING PROGRAM
Local Educational Agencies Recommended For State Board of Education Approval January 2006

*Applications received during the months of October and November 2005*

<table>
<thead>
<tr>
<th>LOCAL EDUCATIONAL AGENCIES</th>
<th>Total Number of Site Administrators</th>
<th>Total Amount of State Funding Requested</th>
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<td></td>
<td></td>
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<tr>
<td>San Leandro Unified</td>
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<tr>
<td>BUTTE</td>
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<tr>
<td>Achieve Charter School of Paradise Inc.</td>
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<td>MENDOCINO</td>
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<tr>
<td>Leggett Valley Unified</td>
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<td>ORANGE</td>
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<td>Oceanside Unified</td>
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<td>Santa Clara Elementary</td>
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<tr>
<td><strong>TOTAL</strong></td>
<td>7</td>
<td><strong>$21,000</strong> (7 x $3,000)</td>
</tr>
</tbody>
</table>
PRINCIPAL TRAINING PROGRAM
Program Summary
January 2006

CURRENT REQUEST SUMMARY

Applications received in October and November 2005

Total number of LEAs recommended for January Approval.................................6
  Total number of administrators...........................................................................7

Total state funds requested by Single LEAs for January approval:
  (7 x $3,000) ............................................................................................................ $21,000

Total number of new Consortia recommended for January approval...........None
  (New participants added: 0)  (0 x $3,000).................................................................$0

Total State Funds Requested.................................................................................. $21,000
  (7 LEAs and new Consortium members x $3,000)

SUMMARY TO DATE

Total number of participating LEAs
  (447 Single LEAs plus 268 LEAs included in 20 SBE-approved Consortia..............715

Total number of administrators anticipated for program participation............. 11,237

Note: The numbers in the SUMMARY TO DATE have changed due to LEAs withdrawing from the program.
Mathematics and Reading Professional Development Program, Assembly Bill 466 (Chapter 737, Statutes of 2001): Approval of Training Providers and Training Curricula

RECOMMENDATION

The California Department of Education (CDE) recommends that the State Board of Education (SBE) approve the providers and training curricula listed on Attachment 1 for the professional development under the provisions of the Mathematics and Reading Professional Development Program, Assembly Bill (AB) 466 (Chapter 737, Statutes of 2001).

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

At the February 2002 meeting, the SBE approved criteria for the approval of training providers and training curricula. The SBE has approved AB 466 training providers and training curricula at previous meetings. The list of current SBE-approved AB 466 providers is available on the CDE Web site at http://www.cde.ca.gov/pd/ca/ma/mard03sbetrngprvdr.asp.

SUMMARY OF KEY ISSUES

AB 466 established the Mathematics and Reading Professional Development Program, which provides incentive funding to districts to train teachers, instructional aides, and paraprofessionals in mathematics and reading. Once the providers and their training curricula are determined to have satisfied the SBE-approved criteria and have been approved by the SBE, local educational agencies (LEAs) may contract with the approved providers for AB 466 professional development.

FISCAL ANALYSIS (AS APPROPRIATE)

Approval of additional AB 466 providers allows more choice for LEAs in selecting training providers, for which $31.7 million was allocated for Fiscal Year 2005-06. Approval of additional providers does not affect the total dollars available.
Attachment 1: Providers and Training Curricula Recommended for Board Approval
(1 page)
Providers and Training Curricula Recommended for Board approval

Mathematics and Reading Professional Development Program (AB 466) review panel recommends approval of the following provider and training curricula:

Provider: Sopris West Educational Services Inc.

Curriculum: Sopris West *Language!* A Literacy Intervention Curriculum, 2002 edition

Grade Levels: four through eight
Californian Department of Education
SBE-003 (REV 05/2005)
cib-pdd-jan06item02

California State Board of Education
January 2006 Agenda

Subject
Mathematics and Reading Professional Development Program, Assembly Bill 466 (Chapter 737, Statutes of 2001): Approval of Training Providers and Training Curricula

Recommendation
The California Department of Education (CDE) recommends that the State Board of Education (SBE) approve the providers and training curricula listed on Attachment 1 for the professional development under the provisions of the Mathematics and Reading Professional Development Program, Assembly Bill (AB) 466 (Chapter 737, Statutes of 2001).

Summary of Previous State Board of Education Discussion and Action
At the February 2002 meeting, the SBE approved criteria for the approval of training providers and training curricula. The SBE has approved AB 466 training providers and training curricula at previous meetings. The list of current SBE-approved AB 466 providers is available on the CDE Web site at http://www.cde.ca.gov/pd/ca/ma/mard03sbetmgprvdr.asp.

Summary of Key Issues
AB 466 established the Mathematics and Reading Professional Development Program, which provides incentive funding to districts to train teachers, instructional aides, and paraprofessionals in mathematics and reading. Once the providers and their training curricula are determined to have satisfied the SBE-approved criteria and have been approved by the SBE, local educational agencies (LEAs) may contract with the approved providers for AB 466 professional development.

Fiscal Analysis (as Appropriate)
Approval of additional AB 466 providers allows more choice for LEAs in selecting training providers, for which $31.7 million was allocated for Fiscal Year 2005-06. Approval of additional providers does not affect the total dollars available.
ATTACHMENT(S)

Attachment 1: Providers and Training Curricula Recommended for Board Approval (1 page)
Providers and Training Curricula Recommended for Board approval

Mathematics and Reading Professional Development Program (AB 466) review panel recommends approval of the following provider and training curricula:

Provider: Sopris West Educational Services Inc.

Curriculum: Sopris West *Language!* A Literacy Intervention Curriculum, 2005, 3rd edition, Grades 4-8

Grade Levels: four through eight
CALIFORNIA STATE BOARD OF EDUCATION

JANUARY 2006 AGENDA

SUBJECT
Mathematics and Reading Professional Development Program, Assembly Bill 466 (Chapter 737, Statutes of 2001): Approve Reimbursement Requests from Local Educational Agencies

RECOMMENDATION
The California Department of Education (CDE) recommends that the State Board of Education (SBE) approve reimbursement requests on Attachments 1 and 2 of local educational agencies (LEAs) that have complied with required assurances for the Mathematics and Reading Professional Development Program, Assembly Bill (AB) 466 (Chapter 737, Statutes of 2001).

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Education Code (EC) Section 99234(g), established by AB 466, stipulates that funding may not be provided to an LEA until the SBE approves the agency’s certified assurances. During 2002-03, the SBE approved AB 466 applications prior to a participating LEA commencing training. This process caused a time delay before an LEA could begin training. To avoid this delay in 2003-04 and subsequent years, the SBE Executive Director and the CDE Deputy Superintendent for Curriculum and Instruction agreed that LEA compliance with required assurances would be approved by the SBE when LEAs submit a Request for Reimbursement form, which occurs after training is completed.

SUMMARY OF KEY ISSUES
As a condition of the receipt of funds, EC Section 99237(a) requires that an LEA submit to the SBE a statement of assurance certified by the appropriate agency official and approved in a public session by the governing body of the agency. LEAs participating in the AB 466 program provide this proof of compliance with assurances by submitting a signed application. LEAs submitting a Request for Reimbursement Form additionally provide summary information regarding credentials held by each teacher who has successfully completed training.

The specific amount for each LEA will be determined by the CDE staff in accordance with law, regulation, and the established practice for this program.

FISCAL ANALYSIS (AS APPROPRIATE)
The Legislature appropriated $31.7 million (General Fund) for the AB 466 program for fiscal year (FY) 2004-05. To date the CDE has issued $27,935,000 in payments from FY 2004-05. Another $685,000 is pending payment for claims that were approved during the November SBE meeting and for additional claims submitted by previously approved LEAs; therefore sufficient funding remains to pay the FY 2004-05 claims shown on Attachment 1.

The Legislature also appropriated $31.7 million (General Fund) for the AB 466 program for FY 2005-06. To date the CDE has received $4,222,500 in FY 2005-06 claims. LEAs on Attachment 2 will be reimbursed from the current fiscal year’s appropriation.

ATTACHMENT(S)

Attachment 1: List of LEAs submitting certification of assurance via a signed Request for Reimbursement Form: Fiscal Year 2004-05 (January 2006) (1 Page)

Attachment 2: List of LEAs submitting certification of assurance via a signed Request for Reimbursement Form: Fiscal Year 2005-06 (January 2006) (6 Pages)
List of LEAs submitting certification of assurance via a signed **Request for Reimbursement Form**: Fiscal Year 2004-05 (January 2006)

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<tr>
<th>COUNTY</th>
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List of LEAs submitting certification of assurance via a signed **Request for Reimbursement Form:**
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<td>Sacramento COE</td>
<td>Hampton Brown, <em>High Point</em></td>
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<td>Tulare County Office of Education</td>
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<td>Woodland Joint Unified</td>
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<td>District</td>
<td>Houghton Mifflin, <em>A Legacy of Literacy</em></td>
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<td>Marysville Joint Unified</td>
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<td>MPDI, CSU, Pomona</td>
<td><em>Pre-Algebra, California Edition</em></td>
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## SUBJECT

Administrator Training Program, Assembly Bill 430: Module 1, 2, and 3 Guidelines and Criteria (Also referred to as Assembly Bill 75 until July 1, 2006)

| Action | Information | Public Hearing |

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## RECOMMENDATION

The California Department of Education (CDE) recommends that the State Board of Education (SBE) approve the incorporation of requirements of the Administrator Training Program, Assembly Bill (AB) 430 into the existing Curriculum Guidelines and Criteria for writing the Training Modules 1, 2, and 3.

## SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

In October 2001, AB 75, the Principal Training Program (PTP), was signed into law. In February 2002, the SBE approved the Curriculum Guidelines and Criteria for the development of the three training modules that encompass the entire PTP.

The PTP Modules consist of:

- **Module 1** emphasizes full implementation of standards-based instructional programs, including the ability to plan, monitor, and act on assessment data for improving instruction and student achievement.

- **Module 2** focuses on alignment of monetary and human resources to support and monitor effectiveness of instruction and to improve student achievement.

- **Module 3** focuses on technology applications, which link and support Module 1 and Module 2, in addition to serving a key role for process and system wide improvements.
SUMMARY OF KEY ISSUES

The PTP is due to sunset on June 30, 2006.

The PTP has been reauthorized as AB 430, effective July 1, 2006. This reauthorization was chaptered by the Secretary of State – chapter 364 and signed into law on September 28, 2005.

AB 430, just as the PTP provides professional development designed to enhance school site administrators’ leadership skills and effectiveness within their complex roles. AB 430 remains organized into the same three modules as the PTP.

AB 430, the reauthorization of the PTP, resulted in expanded and/or new statutory language being added to the existing Curriculum Guidelines and Criteria for writing the curriculum of the three training modules. These new Curriculum Guidelines and Criteria are reflected in Education Code sections 44511 (1)(3)(4)(6)(6b)(b3)(b5)(b6)(b8)(b9)(b10).

Approval of where this expanded and/or new statutory language should be placed within the existing guidelines and criteria for writing the curriculum is necessary so that the SBE-Approved Training Providers can begin to update their training materials that will go into effect on July 1, 2006.

The expanded and/or new language is displayed in bold text. In Attachment 1, pages 7, 9, 15, 17, 24, and 26; Attachment 2, pages 2, 3, 6, and 7; and Attachment 3, page 2.

Approval to incorporate requirements of Administrator Training Program, Assembly Bill (AB) 430 into the current AB 75 (Principal Training Program) Curriculum Guidelines and Criteria for the three modules is necessary so that the SBE-Approved Training Providers can begin to update their current training curriculum and submit the expanded material to CDE staff to demonstrate that it conforms to the updated requirements of AB 430.

New providers seeking SBE approval will be required to complete a provider application form and submit a detailed proposal. The proposal consists of six components: an explanation of the training program they plan to offer the local educational agencies (LEAs); a comprehensive curriculum package for the module they wish to teach; a description of their trainers’ capacity to deliver quality instruction; the training methods and delivery of instruction to be used; statements of assurances that they agree to follow the required methods of evaluation and reporting; and an assurance that they have exclusive legal rights to the curriculum-training package submitted for approval. Both the provider application form and the guidelines and requirements for completing the proposal are located on the CDE Web site at: http://www.cde.ca.gov/fg/fo/r12/ptp04rfas.asp.

FISCAL ANALYSIS (AS APPROPRIATE)

The request for SBE approval of the placement of the expanded and/or new statutory language within the Curriculum Guidelines and Criteria of the training modules has no fiscal impact.
ATTACHMENT(S)

Attachment 1: Module 1: Leadership and Support of Student Instructional Programs
AB 75 content Areas 2, 3, and 4 (27 pages)

Attachment 2: Module 2: Leadership and Management for Instructional Improvement
AB 75 Content Area 1: School Financial and Human Resources (8 Pages)

Attachment 3: Module 3: Instructional Technology to Improve Pupil Performance
AB 75 Content Area 5 (6 pages)
Module 1: Leadership and Support of Student Instructional Programs
AB 75 content Areas 2, 3, and 4

If principals serve as effective instructional leaders, they will increase their overall student achievement, as measured by the California Standardized Testing and Reporting System (STAR) program and decrease the time required to effectively implement their instructional strategy. Specifically, the training program for the Principal Training Program (PTP) content areas 2, 3, and 4, will build skills and capacity necessary to (1) establish and communicate state and district visions and goals for student focused instructional improvement; (2) create awareness and familiarity with state standards for all instructional team members and core subjects; (3) guide the full implementation of approved instructional program texts and materials; (4) direct and support proven staff training and professional development activities for uniform instruction and materials use; (5) manage data and assessment for the purpose of guiding teacher decisions regarding student interventions and school site instructional practices; and (6) fully utilize technology and fiscal and human resources for the purpose of student academic success.

Principals must be prepared to lead their schools through powerful academic improvement program change that produces improved student achievement and school success.

CLARIFICATION;
Approved training providers will offer training for Module 1 that addresses one of the following school levels and focus on specific local board-adopted program(s) and materials. If participants desire training on additional programs, it is suggested that they attend additional Module 1 training sessions.

Requirements for coverage of standards-based, adopted instructional materials by school levels:

<table>
<thead>
<tr>
<th>ELEMENTARY (K-5-6)</th>
<th>MIDDLE (6-8)</th>
<th>HIGH (9-12)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>ONE</strong> academic core content area: either reading-language arts <strong>OR</strong> mathematics</td>
<td><strong>TWO</strong> academic core content areas: English, reading-language arts (either 6-8 basic or intervention programs), and mathematics (both are required)</td>
<td><strong>ONE</strong> or <strong>TWO</strong> academic core content area or combinations: English/reading-language arts, mathematics, history-social science, science</td>
</tr>
<tr>
<td>Module 1 content may only address one academic core content area</td>
<td></td>
<td>One academic core area must be either English/language arts or mathematics</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Intervention programs in reading/language arts will be accepted as a core academic content area</td>
</tr>
</tbody>
</table>
## CURRICULUM GUIDELINES AND CRITERIA
### Principal Training Program Content Areas 2, 3, and 4

<table>
<thead>
<tr>
<th>Professional Development Components</th>
<th>Curriculum Guidelines and Criteria</th>
<th>Desired Participant Results</th>
</tr>
</thead>
</table>
| **Basic training program must offer…** | Information on how to access current and relevant resource materials, including state curricular frameworks; scientific research findings on instructional practices; and other pertinent materials to supplement the training curriculum (related to content of Institute training). Instruction on accessing and utilizing electronic resources, including:  
  - Core academic standards on line (by grade level and content area).  
  - STAR and Academic Performance Index (API) reports.  
  - California Learning Resources Network (CLRN) and web information links aligned with state academic content standards and electronic learning assessment resources.  
  - EdTechProfile, which offers teacher and student technology assessment and survey resources to assist administrators in identifying site technology professional development needs and monitoring the impact of the professional development.  
Full display of district-adopted instructional program materials – teacher editions (minimally those grade levels featured in the Institute).  
Participant training manual that includes an approximate agenda, a majority of overheads used by the provider/instructor, a majority of materials for activities, and reference list for a majority of materials and citations used in presentations. | Acquire a set of high quality materials for the principal’s professional library to reinforce learning and be available as reference material.  
Be able to access core academic standards on line, by grade level and content area.  
Be able to access STAR and API data on line by district/school.  
Be able to access and utilize CLRN to review supplemental electronic learning resources for alignment with state academic content standards.  
Be able to access and utilize EdTechProfile  
Be able to recognize and quickly reference adopted instructional materials.  
Be able to refer to training manual and, when appropriate, be able to use materials with staff. |
## CURRICULUM GUIDELINES AND CRITERIA - ELEMENTARY LEVEL

<table>
<thead>
<tr>
<th>Professional Development Components</th>
<th>Curriculum Guidelines and Criteria</th>
<th>Desired Participant Results</th>
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</thead>
<tbody>
<tr>
<td>Basic training program must offer...</td>
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<td>Participants will ...</td>
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</tbody>
</table>

### ELEMENTARY SCHOOL LEVEL

**Focus and Intent - Elementary School Level**

<table>
<thead>
<tr>
<th>Training on the SBE-adopted instructional program(s) since January 2001 (or if otherwise waived by the SBE) for one of the academic core content areas of reading/language arts or mathematics with attention to critical instructional practices and strategies embedded in the adopted instructional programs.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Training must include:</strong></td>
</tr>
<tr>
<td>Up to 4 hours for state/district vision, plan and expectations;</td>
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<tr>
<td>A minimum of 32 hours training on the instructional program, including the embedded standards, linkages to the curriculum frameworks, and the content, concepts, instructional strategies, and assessments;</td>
</tr>
<tr>
<td>A minimum of 2 hours for support systems and communications and technologies.</td>
</tr>
</tbody>
</table>

**Desired Participant Results**

- Develop a working knowledge of key terms.
- Understand the priority of specific components at various grade levels, major procedures, content, and strategies of instruction.
- Be able to apply knowledge of key components of the adopted instructional programs when working with teachers.
- Be able to lead, and effectively support, teachers and staff; achieve credibility as an instructional leader with teachers through familiarity with the district-adopted instructional programs.
<table>
<thead>
<tr>
<th>Professional Development Components</th>
<th>Curriculum Guidelines and Criteria</th>
<th>Desired Participant Results</th>
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</thead>
<tbody>
<tr>
<td><strong>Basic training program must offer...</strong></td>
<td><strong>Basic training program must offer...</strong></td>
<td><strong>Basic training program must offer...</strong></td>
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<tr>
<td><strong>ELEMENTARY SCHOOL LEVEL</strong></td>
<td><strong>Develop familiarity with instructional program material organization; how its structural features are used (e.g. weekly/daily lesson planner, teacher script for daily lesson, the components of learning strategies, etc.); and the general coverage of content related to the grade level content standards.</strong></td>
<td><strong>Develop familiarity with instructional program material organization; how its structural features are used (e.g. weekly/daily lesson planner, teacher script for daily lesson, the components of learning strategies, etc.); and the general coverage of content related to the grade level content standards.</strong></td>
</tr>
<tr>
<td><strong>Institute Materials – Elementary School Level</strong></td>
<td><strong>Achieve confidence to guide teachers’ use of district-adopted, standards-based instructional program materials.</strong></td>
<td><strong>Achieve confidence to guide teachers’ use of district-adopted, standards-based instructional program materials.</strong></td>
</tr>
<tr>
<td>Teacher Guide for district-adopted instructional program for English/language arts or mathematics (suggested focus on kindergarten (K) or grade 1 AND one of grades two through six).</td>
<td><strong>Attain tools and resources to share with teachers.</strong></td>
<td><strong>Attain tools and resources to share with teachers.</strong></td>
</tr>
<tr>
<td>Auxiliary Teacher Guides, when appropriate (e.g. guides for extended learning for various student populations: English Learner (EL), Special Education (SE), Gifted and Talented Education (GATE)).</td>
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<tr>
<td>Handouts of STAR Blueprint for the California Standards Tests, grades two to six.</td>
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<tr>
<td>Handouts specific to participating districts and not required at time of submission for approval of training curriculum:</td>
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<tr>
<td>- Local Board, district and school site rules and regulations that govern elementary instructional practices.</td>
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<td>- District’s current pacing/scheduling guides for adopted instructional programs.</td>
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<td>- District’s Board policy on instructional minutes for English/language arts and mathematics, K through six.</td>
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<td>- Guide/checklist for principals to observe classroom instruction.</td>
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<td>- Examples of assessments (entry level, monitoring of progress for delivery of instruction and student achievement, and summative student assessments) and other district tools</td>
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<tr>
<td>- District and school level STAR reports from California Department of Education (CDE) Web site for most recent year (specific to participant’s district/school)</td>
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<td>- California English Language Development Test (CELDT) assessments and reports</td>
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<tr>
<td>Professional Development Components</td>
<td>Curriculum Guidelines and Criteria</td>
<td>Desired Participant Results</td>
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<tr>
<td>State/District Vision, Plan and Expectations</td>
<td>Basic training program must offer…</td>
<td>Participants will …</td>
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**Institute Curriculum – Elementary School Level**

- Description and discussion of the state initiative (vision and mission): prepare ALL students to master the world-class, grade level content standards primarily in English/language arts and mathematics at the elementary school level.

- Explanation of the linkages to accountability, standards-based instructional programs, and professional development for most of the state’s teachers, instructional aides/paraprofessionals, and principals (AB 466).

- Description of studies, followed with discussion on, standards-based school reform (e.g. Rand Study (March 1998), Dana Center (1999), and Elmore [2001]).

- Description and discussion of the district’s instructional plan to support the teaching of the content standards through full implementation of the SBE adopted instructional materials for mathematics (January 2001) and reading/language arts/English language development (January 2002) (not required for submission approval).

- Description and discussion of the district’s expectations for, and responsibilities of, the principal and vice principal in supporting the district’s instructional plan for full implementation of the SBE adopted instructional materials for mathematics and reading/language arts/English language development (not required for submission approval).

Understand the state initiatives (vision and mission), including the linkage to accountability, standards-based instructional programs, and professional development for most of the state’s teachers, instructional aides/paraprofessionals, and principals.

- Understand the strategic focus on English/language arts and mathematics for elementary schools.

- Understand the necessary actions and support systems required to move schools from low to high performing.

- Understand the required organizational elements that need to be aligned within an academic improvement system.

- Understand the district’s instructional plan to support the teaching of the content standards through full implementation of the SBE adopted instructional materials for mathematics and reading/language arts/English language development.

- Understand the district’s expectations for, and responsibilities of, the principal and vice principal in supporting the district’s instructional plan for full implementation of the SBE adopted instructional materials for mathematics and reading/language arts/English language development.
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<tr>
<th>Professional Development Components</th>
<th>Curriculum Guidelines and Criteria</th>
<th>Desired Participant Results</th>
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<td>Basic training program must offer…</td>
<td>Participants will …</td>
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<td></td>
<td>Desired Participant Results</td>
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<tr>
<th>General Overview of Adopted Instructional Materials</th>
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<tr>
<td>A general orientation on the district-adopted instructional materials to be included in the Institute (e.g., Teacher Guides, student texts, student workbooks, assessments, student support materials, audio/visual/software/tapes).</td>
</tr>
<tr>
<td>Attain a comprehensive awareness of the materials linked to the district-adopted standards-based instructional program (Teacher Guides, student anthologies, student workbooks, assessments, supportive student reading materials, audio/visual/software/tapes).</td>
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<tr>
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<td>Desired Participant Results</td>
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<tr>
<th>Curricular Framework, Standards, and Research</th>
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<tr>
<td>Reading and discussion activities to become familiar with the state content standards, curricular frameworks, the scientific research – all of which focus on effective instructional strategies for improving achievement of <strong>ALL</strong> students and on analyzing and interpreting current STAR results (norm-referenced test and California Standards Tests).</td>
</tr>
<tr>
<td>Achieve in-depth familiarity with the state content standards, curricular frameworks, the scientific research – all of which focus on effective instructional strategies for improving achievement of <strong>ALL</strong> students and on analyzing and interpreting current STAR results (norm-referenced test and California Standards Tests).</td>
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<td>Professional Development Components</td>
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<td>Basic training program must offer…</td>
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<td>Institute Curriculum – Elementary School Level</td>
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<td>Professional Development Components</td>
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<tr>
<td>Institute Curriculum – Elementary School Level</td>
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## Professional Development Components

### Curriculum Guidelines and Criteria

**Basic training program must offer...**

<table>
<thead>
<tr>
<th>Assessments</th>
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<tbody>
<tr>
<td>Demonstration and discussion on the use of curriculum-embedded assessments provided in or based on the instructional program and other measurement tools recommended or mandated by the district</td>
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<tr>
<td>- Identify and examine use of tools that assess effectiveness of instructional delivery of program content.</td>
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<tr>
<td>- Identify and examine use of tools that assess student entry level for the specific district-adopted standards-based instructional program (if appropriate).</td>
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<tr>
<td>- Identify and examine use of tools that assess student progress.</td>
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<td>- Identify and examine effective tools to assess EL student needs.</td>
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<td>- Identify how to monitor and interpret the data obtained from these tools, utilizing technology as appropriate.</td>
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<tr>
<th>Desired Participant Results</th>
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<tr>
<td>Participants will ...</td>
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</table>

| Understand the use of curriculum-embedded assessments provided in or based on the instructional programs and other recommended, or mandated, district measurement tools, including: |
| - Tools that assess effectiveness of instructional delivery. |
| - Tools that assess progress of EL student needs. |
| - Tools that assess student progress. |

| Be able to understand the interpretations and use of STAR results and the API, and assist teachers and other members of the school community to interpret and understand the results. |

| Be able to understand the interpretations and use of CELDT, and assist teachers and other members of the school community to interpret and understand the results. |

<table>
<thead>
<tr>
<th>Institute Curriculum – Elementary School Level</th>
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<tbody>
<tr>
<td>Training on interpretation and use of the STAR results for reading, language arts, and mathematics, California Achievement Test Sixth Edition (CAT 6) and California Standards Tests and how to interpret API, utilizing technology to aggregate and disaggregate data, <strong>and analyze achievement of specific subgroups including English language learners and students with disabilities receiving special education services</strong></td>
</tr>
<tr>
<td>- Identify the features of the norm-referenced test and its importance to school wide achievement goals (features: comparative information and disaggregated scores by student populations).</td>
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<tr>
<td>- Identify the variations in the percentage of test items in the California Standards Tests (blueprint) by grade level to determine importance of content standard domains and strands.</td>
</tr>
<tr>
<td>- Study the percentage of students in each performance level of the California Standards Tests for English/language arts and mathematics at district and school site; discuss assumptions about factors which explain variability in the distribution of scores which have to do with school factors (instructional time, quality of the delivery of instruction, adherence/fidelity to adopted program for adequate coverage of content standards, adequacy of expectations for student work, etc.).</td>
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<tr>
<td>- Review and interpret district/school API for most current year.</td>
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Training on the interpretation and use of the CELDT.
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<tr>
<th>Professional Development Components</th>
<th>Curriculum Guidelines and Criteria</th>
<th>Desired Participant Results</th>
</tr>
</thead>
<tbody>
<tr>
<td>Basic training program must offer…</td>
<td>Identification of school structures and communication procedures and technology which can enhance opportunities for teachers to meet and discuss delivery of instruction, pacing, and curriculum-embedded assessment results by grade level, every four to six weeks. Demonstration and discussion of ways to use technology to support school and teacher monitoring and reporting of student assessment data for purposes of modifying delivery of instruction, planning additional instruction for groups of students, and keeping track of students who are succeeding and those who need more assistance (within a six-eight week cycle). Training on adopted instructional program’s software, videos, tapes, and CDs that support instruction.</td>
<td>Participants will … Anticipate the need to provide time and guidance to faculty members in developing the meeting agenda, sharing classroom data, and determining action plans based on the discussion about the teaching of reading/language arts or mathematics with the use of the district adopted instructional program, instructional and student data, and the use of technology to aid communications Be able to identify existing district technology services to assist with management of instructional and student data (obtained every six-eight weeks); and offer the rationale for use by teachers (e.g., data-based decisions on modification of instruction; the need to plan additional instruction for groups of students; the need to identify patterns of performance for students who are succeeding and those who are in need of more assistance). Be able to use and discuss the merits of the adopted instructional programs’ software, videos, tapes, and CDs that support instruction (for both teacher and student).</td>
</tr>
<tr>
<td>Professional Development Components</td>
<td>Curriculum Guidelines and Criteria</td>
<td>Desired Participant Results</td>
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<tr>
<td>Basic training program must offer...</td>
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<td>Participants will ...</td>
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</table>

**MIDDLE SCHOOL LEVEL**

- Training on the SBE-adopted instructional program(s) since January 2001 (or if otherwise waived by the SBE) for **two** of the academic core content areas (English, reading/language arts and mathematics), with attention to grade level course content and critical instructional practices and strategies embedded in the adopted instructional programs.

**Training must include:**

- Up to 4 hours for state/district vision, plan and expectations;

- A minimum of 32 hours training on the instructional programs, including the embedded standards, linkages to the curriculum frameworks, and the content, concepts, instructional strategies, and assessments;

- A minimum of 2 hours for support systems and communications and technologies.

- Develop a working knowledge of key terms.

- Understand priority of specific components at various grade levels, major procedures, content, and strategies of instruction.

- Be able to apply knowledge of key components of the instructional programs when working with teachers.

- Achieve credibility as an instructional leader with teachers through a familiarity with the content of the district-adopted programs.
<table>
<thead>
<tr>
<th>Professional Development Components</th>
<th>Curriculum Guidelines and Criteria</th>
<th>Desired Participant Results</th>
</tr>
</thead>
<tbody>
<tr>
<td>MIDDLE SCHOOL LEVEL</td>
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</tr>
<tr>
<td>Institute Materials – Middle School Level</td>
<td>Teacher’s Guide for district-adopted, standards-based instructional program for sixth through eighth (6-8) grade level courses included in the training (reading/language arts basic program, 6-8, or reading/language arts intervention program, 6-8; and mathematics basic, 6 and 7, or algebra, 8). Auxiliary Teacher's Guide, when appropriate (e.g. extensions for practice, and supplemental guides for groups of students -EL, GATE, SE etc.). Handouts specific to participating districts and not required at time of submission for approval of training curriculum: - Local Board, district and school site rules and regulations that govern middle school level instructional practices. - District's current pacing/scheduling guides for adopted instructional programs. - District's Board policy on instructional minutes for reading/language arts and mathematics, 6-8. - Guide checklist for principals to observe classroom instruction. - Examples of entry level, monitoring of progress for delivery of instruction and student achievement, summative student assessments, and other district tools. - STAR Blueprint for the California Standards Tests, grades 6-8. - District and school level STAR reports from CDE Web site for most recent year. - CELDT assessments and reports</td>
<td>Develop familiarity with instructional program material organization; how its structural features are used (e.g. weekly/daily lesson planner, teacher script for daily lesson, the components of learning strategies); and the general coverage of content related to the grade level content standards. Develop working familiarity with the district-adopted standards-based instructional program materials. Achieve confidence and ability, through familiarity with program, to guide teachers' use of district-adopted standards-based instructional program materials. Attain tools and resources to share with teachers.</td>
</tr>
<tr>
<td>Professional Development Components</td>
<td>Curriculum Guidelines and Criteria</td>
<td>Desired Participant Results</td>
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<tr>
<td>State/District Vision, Plan, and Expectations</td>
<td>Basic training program must offer...</td>
<td>Participants will ...</td>
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<tr>
<td>Institute Curriculum - Middle School Level</td>
<td>Understand the state initiatives (vision and mission), including the linkage to accountability, standards-based instructional programs, and professional development for most of the state’s teachers, instructional aides/paraprofessionals, and principals. Understand the strategic focus on English/language arts and mathematics content standards for middle schools. Understand the necessary actions and support systems required to move schools from low to high performing. Understand the required organizational elements that need to be aligned within an academic improvement system. Understanding of the district’s instructional plan to support the teaching of the content standards through full implementation of the SBE adopted instructional materials for mathematics (January 2001) and reading/language arts/English language development (January 2002).</td>
<td>Describe and discussion of the state initiative (vision and mission): prepare ALL students to master the world-class, grade level content standards in English/language arts and mathematics. Explanation of the linkages to accountability, standards-based instructional programs, and professional development for most of the state’s teachers, instructional aides/paraprofessionals, and principals (AB 466). Description of studies, followed with discussion, on standards-based school reform (e.g. Rand Study [March 1998], Dana Center [1999], and Elmore [2001]). Description and discussion of the district’s instructional plan to support the teaching of the content standards through full implementation of the SBE adopted instructional materials for mathematics (January 2001) and reading/language arts/English language development (January 2002) (not required for submission approval). Description and discussion of the district’s expectations for, and responsibilities of, the principal and vice principal in supporting the district’s instructional plan for full implementation of the SBE adopted instructional materials for mathematics and reading/language arts/English language development (not required for submission approval).</td>
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<tr>
<td>Professional Development Components</td>
<td>Curriculum Guidelines and Criteria</td>
<td>Desired Participant Results</td>
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<tr>
<td><strong>Curricular Framework, Standards, and Research</strong></td>
<td>Basic training program must offer…</td>
<td>Participants will …</td>
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<tr>
<td><strong>Institute Curriculum – Middle School Level</strong></td>
<td>Reading and discussion activities to become familiar with the state content standards, curricular frameworks, the scientific research – all of which focus on effective instructional strategies for improving achievement of ALL students; and on analyzing and interpreting current STAR results (norm-referenced test and California Standards Tests).</td>
<td>Achieve in-depth familiarity with the state content standards, curricular frameworks, the scientific research – all of which focus on effective instructional strategies for improving achievement of ALL students; and on analyzing and interpreting current STAR results (norm-referenced test and California Standards Tests).</td>
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</table>

<p>| General Overview of Adopted Instructional Materials | | |
|-----------------------------------------------------|-------------------------------------------------|
| <strong>Institute Curriculum – Middle School Level</strong> | A general orientation on the district-adopted instructional materials to be included in the Institute (e.g., Teacher Guides, student texts, student workbooks, assessments, audio/visual/software/tapes). | Attain a comprehensive awareness of materials linked to the district-adopted standards-based instructional program (Teacher Guides, student texts, student workbooks, assessments, audio/visual/software/tapes). |</p>
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<th>Professional Development Components</th>
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<tr>
<td>Institute Curriculum – Middle School Level</td>
<td>Basic training program must offer...</td>
<td>Participants will...</td>
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**Content, Concepts, Instructional Strategies**

- Demonstration and discussion on key content, concepts, and teaching strategies embedded in the English/reading/language arts and mathematics instructional programs for at least one grade level:
  - Identify and give examples of key content/concepts covered in program.
  - Model key teaching strategies related to content standards, including, as appropriate, the use of technology to enhance and support instruction.
  - Engage participants in practice activities to describe key strategies for various components.
  - Model key scaffolding techniques to address needs of diverse learners (e.g. EL, GATE, and SE, at-risk of grade retention).
  - Discuss these scaffolding techniques and practice articulating them.

- Demonstration, practice, and discussion on building a school culture that includes and values high expectations, collaboration, respect for diversity, pedagogical studies of learning, motivational methods for student performance, and instructional strategies that address the varied learning needs of students with a special emphasis on those identified as EL and students enrolled in SE programs.

- Be able to identify and articulate the content/concepts and key instructional strategies embedded in the adopted programs.

- Be able to articulate and identify instructional components with adoptions that are priorities for individual participant’s schools/district populations and needs.

- Participate in discussion regarding the building of a positive school culture which includes the need for collaboration, respect for diversity, pedagogical studies of learning, motivational methods for student performance, and instructional strategies that address the varied learning needs of students with special emphasis on those identified as EL and students with disabilities receiving SE services.

- Be able to identify and understand special education eligibility categories and how students qualify.

- Be able to identify and understand the various levels of the CELDT assessment and its purpose for meeting the needs of individual EL student.
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<tr>
<th>Professional Development Components</th>
<th>Curriculum Guidelines and Criteria</th>
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<tr>
<td><strong>Support Systems</strong></td>
<td>Basic training program must offer...</td>
<td>Participants will ...</td>
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**Institute Curriculum – Middle School Level**

Identification and discussion on effective uses of support systems for teachers (e.g., mentors, coaches, professional development, course-level teacher meetings, scheduling of block classes, selection of teachers for intervention classes, etc.) and planning implementation of new standards-based instructional programs (e.g., plan for implementing intervention program which includes considerations for student placement criteria; scheduling of two-period blocks for intervention program students; assignment, training, and support system for teachers for this program; information to parents on recommended action; etc.).

Be able to identify several options for assisting with full implementation of the program.
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<th>Professional Development Components</th>
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<tr>
<td>Institute Curriculum – Middle School Level</td>
<td>Basic training program must offer…</td>
<td>Participants will …</td>
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<tr>
<td>Assessments</td>
<td>Identification and discussion on the use of curriculum-embedded assessments provided in the instructional programs and other measurement tools recommended or mandated by the district.</td>
<td>Understand the use of curriculum-embedded assessments provided in, or based on, the instructional programs and other recommended or mandated measurement tools, including:</td>
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<td>− Identify and examine use of tools that assess effectiveness of instructional delivery of program content.</td>
<td>− Tools that assess effectiveness of instructional delivery.</td>
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<td>− Identify and examine use of tools that assess student entry level for the specific district-adopted standards-based instructional program.</td>
<td>− Tools that assess EL student needs.</td>
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<td>− Identify and examine use of tools that assess student progress.</td>
<td>− Tools which assess student progress</td>
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<td>− Identify and examine effective tools to assess EL student needs.</td>
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<td>− Identify how to monitor and interpret the data obtained from these tools, utilizing technology as appropriate.</td>
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<td>Training on interpretation and use of the STAR results for reading, language arts, and mathematics (CAT 6 and California Standards Tests) and how to interpret the API, utilizing technology to aggregate and disaggregate data, and analyze achievement of specific subgroups including English language learners and students with disabilities receiving special education services.</td>
<td>Be able to understand the interpretations and use of STAR results and the API, and assist teachers and other members of the school community to interpret and understand the results.</td>
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<td>− Identify the features of the norm-referenced test and its importance to school wide achievement goals (features: comparative information and disaggregated scores by student populations).</td>
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<td>− Identify the variations in the percentage of test items in the California Standards Tests Blueprint by grade level to determine importance of content standard domains and strands.</td>
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<td>− Study the percentage of students in each performance level of the California Standards Tests for English/language arts and mathematics at district and school site; discuss assumptions about variability in the distribution of scores related to school factors (instructional time, quality of the delivery of instruction, adherence/fidelity to adopted program for adequate coverage of content standards, adequacy of expectations for student work, etc.).</td>
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<td>− Review and interpret district/school API for most current year.</td>
<td>Be able to understand the interpretations and use of CELDT, and assist teachers and other members of the school community to interpret and understand the results.</td>
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<td>Training on the interpretation and use of the CELDT.</td>
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<tr>
<td>Professional Development Components</td>
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<td>Basic training program must offer…</td>
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<tr>
<td>Communications and Technologies</td>
<td></td>
<td>Be able to identify existing technology services to assist management of instructional and student data (obtained every six to eight weeks); and how such data could offer the administration insight on classroom teacher needs on a regular basis and provide teachers with data for instructional decision-making.</td>
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<tr>
<td>Institute Curriculum –Middle School Level</td>
<td>Demonstration and discussion of ways to use technology to support school and teacher monitoring of student progress data for purposes of modifying delivery of instruction, planning additional instruction for groups of students, and keeping track of students who are succeeding and those who need more assistance (within a six to eight week cycle). Identification of school structures and communication procedures and technology that can enhance opportunities for teachers to meet and discuss delivery of instruction, pacing, and curriculum-embedded assessment results (every four to six weeks). Training on adopted instructional program’s software, videos, tapes, and CDs that support instruction.</td>
<td>Be able to provide time and effective guidance to faculty members in developing meeting agendas, sharing classroom data, and determining action plans based on discussions and use of technology to aide communications. Be able to use and discuss the merits of the adopted instructional programs' software, videos, tapes, and CDs that support instruction (for both teacher and student).</td>
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# CURRICULUM GUIDELINES AND CRITERIA – HIGH SCHOOL

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<tr>
<td><strong>HIGH SCHOOL LEVEL</strong></td>
<td><strong>Focus and Intent - High School Level</strong></td>
<td><strong>Training must include:</strong></td>
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</table>

**Training on one or two core academic content areas for local board-adopted standards-based instructional programs for grades 9-12 English/language arts, mathematics, history-social science, and science.** One academic core area must be either English/language arts or mathematics. Intervention programs in reading/English/language arts will be accepted as a core academic content area.

**Training on how to supervise and support teacher delivery of standards-based instruction with emphasis on effective instructional strategies.**

**Up to 8 hours for state/district vision, plan and expectations;**

For high schools, a minimum of 32 hours of Module 1 institute training must cover the local board-adopted program; curricular frameworks, standards, and research; content, concepts, and instructional strategies; support systems; assessments; and communications and technology.

**Develop a working knowledge of key terms and the priority of certain components in various courses, major procedures, content, and strategies of instruction.**

**Be able to apply knowledge of key components of the instructional programs for academic core courses when working with teachers.**

**Achieve credibility as an instructional leader with teachers through a familiarity with the content of the district-adopted program(s).**

**Develop an understanding of higher education expectations for high school graduates, including A-G course sequence and higher education admission and placement exams.**

**Be able to provide guidance and support to teachers in the delivery of effective instructional strategies.**
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<td><strong>HIGH SCHOOL LEVEL</strong></td>
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</table>
| Institute Materials – High School Level | Teacher’s Guides for selected academic core courses. Auxiliary Teacher’s Guides, when appropriate. Handouts including:  
- Examples of assessments (entry level, monitoring of progress for delivery of instruction and student achievement, and summative student assessments).  
- STAR Blueprints for the California Standards Tests, grades 9-11. Handouts specific to participating district(s) (not required at time of submission for approval of training curriculum) including:  
- Local Board, district and school site rules and regulations that govern high school instructional practices (e.g., placement of students in courses, homework, course requirements, pre-requisites for courses, grading procedures, roles and responsibilities of principals).  
- District and school level STAR reports from CDE Web site for most recent year (specific to participants’ district/school site).  
- District and school level California High School Exit Exam (CAHSEE) reports and data specific to participants’ district/school site.  
- District and school level CELDT reports and data specific to participants’ district/school site.  
- District and school site student assessments.  
- Guide checklist for principals to use when observing classroom instruction  
- Master listing of local board approved, standards-based instructional programs for grades 9-12 for academic core subject areas included by Institute. | Develop a working understanding of how instructional program materials are organized by structural features, content features, and teacher/student aides.  
Attain tools and resources to share with teachers. |
As demonstrated through documentation of Institute training curriculum and agenda, up to 8 hours of the total instructional time focused on:
State/District Vision, Plan and Expectations

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<tr>
<td>Institute Curriculum – High School Level</td>
<td>Basic training program must offer…</td>
<td>Participants will …</td>
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<tr>
<td>State, District Vision, Plan, and Expectations</td>
<td>Understand the state initiative (vision and mission), including the linkage to accountability, standards-based instructional programs, and professional development for most of the state’s teachers, instructional aides/paraprofessionals, and principals.</td>
<td>Understand the state initiative (vision and mission), including the linkage to accountability, standards-based instructional programs, and professional development for most of the state’s teachers, instructional aides/paraprofessionals, and principals.</td>
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<td>Understand the necessary actions and support systems required to move schools from low to high performing including a focus on literacy, high expectations for all students, and supervision of teachers in the delivery of standards-based instructional programs</td>
<td>Understand the necessary actions and support systems required to move schools from low to high performing including a focus on literacy, high expectations for all students, and supervision of teachers in the delivery of standards-based instructional programs</td>
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<td>Understand the required organizational elements that need to be aligned within an academic improvement system.</td>
<td>Understand the required organizational elements that need to be aligned within an academic improvement system.</td>
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<td>Understand the district’s instructional plan to support the teaching of the content standards through full implementation of its local board adopted, standards-based instructional materials for mathematics, reading/language arts, history-social science, and science.</td>
<td>Understand the district’s instructional plan to support the teaching of the content standards through full implementation of its local board adopted, standards-based instructional materials for mathematics, reading/language arts, history-social science, and science.</td>
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<td>Understand the district’s expectations for, and responsibilities of, the principal and vice principal in supporting the district’s instructional plan for full implementation of the local board adopted, standards-based instructional materials for all academic core subjects.</td>
<td>Understand the district’s expectations for, and responsibilities of, the principal and vice principal in supporting the district’s instructional plan for full implementation of the local board adopted, standards-based instructional materials for all academic core subjects.</td>
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<td>Understand the connection between student achievement and rigorous high school courses and the role of research-based interventions programs to support student achievement.</td>
<td>Understand the connection between student achievement and rigorous high school courses and the role of research-based interventions programs to support student achievement.</td>
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<td>Understand the strategic focus on English/language arts and mathematics in the CAHSEE.</td>
<td>Understand the strategic focus on English/language arts and mathematics in the CAHSEE.</td>
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</table>
As demonstrated through documentation of Institute training curriculum and agenda, a minimum of 32 hours of the total instructional time focused on:

**General Overview of Adopted Instructional Materials; Curricular Frameworks, Standards, and Research; Content, Concepts, and Instructional Strategies; Support Systems; Assessments; Communications and Technologies**

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<td><strong>Basic training program must offer...</strong></td>
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<td>Participants will ...</td>
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<tr>
<td><strong>General Overview of Adopted Instructional Materials</strong></td>
<td></td>
<td>Attain a comprehensive awareness for selection of core academic subject instructional programs.</td>
</tr>
<tr>
<td>Institute Curriculum - High School Level</td>
<td>A general orientation on the local board adopted, standards-based instructional materials for the core academic subjects to be included in the Institute:</td>
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<tr>
<td></td>
<td>− Review any available description of the materials</td>
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<td>− Review any available evaluations of these materials</td>
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<td>(documentation for the local board recommendations for adoption – not required for submission approval)</td>
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<td>Description and discussion of intervention programs currently used by district/school site as well as an overview of interventions programs proved to be effective for high school level students.</td>
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<td>Professional Development Components</td>
<td>Curriculum Guidelines and Criteria</td>
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<tr>
<td>Institute Curriculum - High School Level</td>
<td>Reading and discussion and activities to become familiar with the state content standards, curricular frameworks, and scientific research – all of which focus on effective instructional strategies for improving achievement of ALL students. Analyzing and interpreting current STAR results (norm referenced test and California Standards Test(s)) and CAHSEE results.</td>
<td>Achieve in-depth familiarity with the state content standards, curricular frameworks, and scientific research – all of which focus on effective instructional strategies for improving achievement of ALL students. Understand how to analyze and interpret current STAR results (norm referenced test and California Standards Tests(s)) and CAHSEE results.</td>
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<tr>
<td>Content, Concepts, Instructional Strategies</td>
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<td>Participants will ...</td>
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**Institute Curriculum - High School Level**

- Demonstration and discussion on key content and concepts and teaching strategies embedded in the instructional program(s) selected for the Institute (may be combinations by grade level and core academic subject areas).
  - Model key teaching strategies related to content standards, including, as appropriate, the use of technology to enhance and support instruction;
  - Engage participants in practice activities to describe key strategies for various components;
  - Model key scaffolding techniques to address needs of diverse learners (e.g., EL, SE, GATE, at-risk of not passing the CAHSEE). Discuss scaffolding techniques and practice articulating them.

- Demonstration, practice, and discussion on building a school culture that includes and values high expectations, collaboration, respect for diversity, pedagogical studies of learning, motivational methods for student performance, and instructional strategies that address the varied learning needs of students with a special emphasis on those identified as English language learners and students enrolled in Special Education programs.

- Be able to identify and articulate the content, concepts, and teaching strategies embedded in the adopted programs.
- Develop an understanding of standards-based instruction that allows discussion of key content and instructional strategies with teaching.
- Be able to articulate and identify instructional components with adoptions that are priorities for individual participant’s schools/district populations and needs.
- Participate in discussion regarding the building of a positive school culture which includes the need for collaboration, respect for diversity, pedagogical studies of learning, motivational methods for student performance, and instructional strategies that address the varied learning needs of students with special emphasis on those identified as EL and student with disabilities receiving SE services.
- Be able to identify and understand special education eligibility categories and how students qualify.
- Be able to identify and understand the various levels of the CELDT assessment and its purpose for meeting the needs of individual EL student.
- Have knowledge of the transition planning requirements as outlined in Individuals with Disabilities Education Act (IDEA) for high school students with disabilities who receive special education services.
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<tr>
<td>Institute Curriculum - High School Level</td>
<td>Identification and discussion on effective uses of support systems for teachers (e.g., mentors, coaches, professional development, department or course-level teacher meetings, scheduling common preparation periods, and release time for collaboration)</td>
<td>Be able to identify and discuss effective uses of support systems for teachers (e.g., mentors, coaches, professional development, department or course-level teacher meetings, scheduling common preparation periods, and release time for collaboration).</td>
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<td>Description and discussion of how to supervise teachers’ delivery of instructional program and what a standards-based instructional classroom looks like.</td>
<td>Be able to describe and discuss how to supervise teachers’ delivery of instructional program and what a standards-based instructional classroom looks like.</td>
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</table>
| Professional Development Components | Curriculum Guidelines and Criteria | Desired Participant Results | Participants will ...
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<td>Assessments</td>
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</table>
| Institute Curriculum - High School Level | Identification and discussion on the use of multiple assessments, provided by the district, the school site and the instructional programs. Focused discussions on the following:  
- Identify and examine use of tools that assess student entry level for the specific district-adopted standards-based instructional program  
- Identify and examine the assessment tools that the publishers include as part of their instructional materials to provide evidence of students' progress towards meeting the content called for in the standards and framework  
- Identify and examine use of tools that measure the effectiveness of instructional delivery of program content  
- Identify and examine tools and strategies to assess the effectiveness of delivery of instruction for students with special needs (i.e. EL, SE; GATE; students below grade level)  
- Examine the use of available data to improve instructional delivery, program offerings, and student achievement.  
- Identify how to monitor and interpret the data obtained from these tools, utilizing technology as appropriate | Understand the use of multiple assessments, provided by the district, the school site and the instructional programs  
- Tools that assess student progress and needs  
- Tools that assess effectiveness of instructional delivery | |
| | Training on the interpretation and use of the STAR results for all academic content areas (California Standards Test) and the CAHSEE. Training on how to interpret API. Training on how to utilize technology to aggregate and disaggregate data and analyze achievement of specific subgroups including EL and students with disabilities receiving SE services.  
- Identify the features of the norm-referenced test and its importance or school wide achievement goals (features: comparative information and disaggregated scores by student populations)  
- Identify the variations in the percentage of test items in the California Standards Tests Blueprint by course to determine importance of content standard strands  
- Study the percentage of students in each performance level of the California Standards Tests for English/language arts and mathematics courses and CAHSEE at district and school site  
- Discuss assumptions about variability in the distribution of scores related to school factors to identify instructional weaknesses (e.g., instructional time, delivery of instruction, adherence/fidelity to adopted program for adequate coverage of content standards, academic expectations for all students)  
- Review and interpret district/school API for most current year | Understand how to interpret and use results from STAR, CAHSEE, and API to improve student academic achievement. Understand how to use technology to aggregate and disaggregate data Be able to understand the interpretations and use of CELDT, and assist teachers and other members of the school community to interpret and understand the results. |
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<td>Communications and Technologies</td>
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<td>Be able to provide time and effective guidance to faculty members in developing meeting agendas, sharing classroom data, determining action plans based on discussions, and using technology to aide communications.</td>
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| Institute Curriculum - High School Level | Identification of school structures, communication procedures, and technology that can enhance opportunities for teachers to meet and discuss delivery of instruction, pacing, and curriculum-embedded assessment results (every four to six weeks)  
Demonstration and discussion of ways to use technology to support school and teacher monitoring and reporting of student progress data for purposes of modifying delivery of instruction, planning additional instruction for groups of students, and keeping track on students who are succeeding and those who need more assistance (within a six to eight week cycle).  
Training on adopted instructional program’s software, videos, tapes, and CDs that support instruction | Be able to identify existing technology services to assist management of instructional and student data (obtained every six to eight weeks); and how such data could offer the administration insight on classroom teacher needs on a regular basis and provide teachers with data for instructional decision-making.  
Be able to use and discuss the merits of the adopted instructional program’s software, videos, tapes, and CDs that support instruction (for both teacher and student). |
If principals maximize the financial and human resources of the school site, they will increase their overall student achievement, as measured by Stanford Achievement Test (Stanford 9) (SAT 9), the California standards tests, and other assessments, and decrease the time required to effectively implement their instructional strategy. Specifically, the training program for Principal Training Program (PTP) content area 1 will build skills and capacity necessary to: instill an overall vision and focus; ensure a school site with qualified and competent teachers and staff; communicate a clear plan with accountability for the use of financial, technological and human resources; provide ongoing coaching and training to enhance teacher learning and professional development; resolve day-to-day challenges; and develop a collaborative and productive environment where teachers, staff, aides, parents, volunteers, and students remain focused on, and committed to, a common vision and strategy for continuous learning and student achievement.

| **Module 2: Leadership and Management for Instructional Improvement**  
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<th><strong>AB 75 Content Area 1: School Financial and Human Resources</strong></th>
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<tr>
<td>If principals maximize the financial and human resources of the school site, they will increase their overall student achievement, as measured by Stanford Achievement Test (Stanford 9) (SAT 9), the California standards tests, and other assessments, and decrease the time required to effectively implement their instructional strategy. Specifically, the training program for Principal Training Program (PTP) content area 1 will build skills and capacity necessary to: instill an overall vision and focus; ensure a school site with qualified and competent teachers and staff; communicate a clear plan with accountability for the use of financial, technological and human resources; provide ongoing coaching and training to enhance teacher learning and professional development; resolve day-to-day challenges; and develop a collaborative and productive environment where teachers, staff, aides, parents, volunteers, and students remain focused on, and committed to, a common vision and strategy for continuous learning and student achievement.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Leadership and Management for Instructional Improvement</strong></th>
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</thead>
<tbody>
<tr>
<td><strong>Provider Guidelines and Criteria</strong></td>
</tr>
<tr>
<td>Basic training program must (or may) offer…</td>
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<table>
<thead>
<tr>
<th><strong>Vision and Culture</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>In conjunction with the district:</td>
</tr>
<tr>
<td>- Provide an overview of the District’s vision, goals, improvement priorities, instructional strategies, investments, and development efforts.</td>
</tr>
<tr>
<td>- Communicate the district’s priorities and expectations for each specific school site.</td>
</tr>
<tr>
<td>- Clearly communicate structure for participation and decision making clarity of roles and responsibilities (accountability).</td>
</tr>
<tr>
<td>- Discuss techniques to plan and implement necessary action to align school and district.</td>
</tr>
</tbody>
</table>

<p>| In conjunction with the district, communicate the California state mission and increasing expectation. | Understand connection of districts vision and supporting activities to California state mission. |</p>
<table>
<thead>
<tr>
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<tbody>
<tr>
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<td>Participants will…</td>
</tr>
</tbody>
</table>

Demonstration, practice, and discussion on establishing a clear mission for the school site, with current student achievement data as the basis, that is clear, compelling, measurable, and relevant to school site needs, establishes clear goals, and identifies and communicates measures that will be used to assess and analyze progress.

Demonstration, practice, and discussion of leadership knowledge skills and abilities to effectively and efficiently build capacity of the staff toward increased student academic performance with special emphasis on providing support to pupils identified as EL and students with disabilities receiving SE services.

Be able to utilize mission to drive and communicate measurable improvement in student achievement.

Be able to identify stakeholders, within school and community; able to identify and communicate their respective role in supporting the school’s mission and student achievement goals.

Understand importance of sharing goals and measures, progress and results with teachers, staff, students, parents, and community.

Understand how to effectively create a professional learning community which includes building consensus and capacity amongst staff and creating a culture that proactively addresses the needs of all students.

Determine teacher professional development needs based on discussion of student data and including a set of base services to assist teachers entering the profession or receiving assistance in the profession (Beginning Teacher Support and Assessment (BTSA) Induction, Peer Assistance and Review (PAR), etc.).

Be able to explain the difference between language acquisition issues and reading issues for EL and describe the appropriate placement of students within the instructional program.

Be able to identify and understand special education eligibility categories and how students qualify.
## Leadership and Management for Instructional Improvement

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<tr>
<td>Demonstration, practice, and discussion on developing a site-specific action plan that identifies key activities, costs, responsibilities, due dates and measures, and provides focus on, and accountability for, priorities across human resources, financial, and technology areas. Discussion on key elements of managing action plans and change efforts. Demonstration, practice, and discussion on:  - Evaluating existing school goals, programs, and activities and corresponding resources.  - Establishing, and reinforcing, school priorities.</td>
<td>Develop a usable action plan for school site. Learn how to communicate progress, results, and challenges in order to promote continuous improvement and sustain involvement. Learn how to establish, and reinforce, priorities. Learn how to identify and evaluate existing goals, programs, and activities and eliminate use of resources that do not further the (newly) articulated mission.</td>
</tr>
<tr>
<td>Demonstration, practice, and discussion on building a school culture that <strong>promotes includes</strong> and values high expectations, accountability, learning, collaboration, conflict resolution, <strong>including the reduction of racial tensions</strong>, communication, parental involvement, respect, <strong>respect for diversity</strong>, positive staff relations, the creation of an effective, <strong>safe, and inclusive</strong> learning environment, a <strong>Single Plan for Pupil Achievement</strong> and ethical professional practices.</td>
<td>Establish practice and facilitate discussion on building a positive strong school culture that <strong>promotes includes</strong> and values high expectations, accountability, learning, collaboration, conflict resolution, <strong>including the reduction of racial tensions</strong>, communication, parental involvement, respect, <strong>respect for diversity</strong>, positive staff relations, the creation of an effective, <strong>safe, and inclusive</strong> learning environment, a <strong>Single Plan for Pupil Achievement</strong> and ethical professional practices. <strong>Participate in discussion regarding the administrator's role in modeling respect for, and acceptance of, all children, their home culture, language, disability and/or other attributes of individuals. Understand and discuss the value of a Single Plan for Pupil Achievement</strong></td>
</tr>
<tr>
<td>Demonstration, practice, and discussion on district, regional, and state management and availability of appropriate instructional materials, instructional resources, including textbooks. Discussion of where and how to find additional sources of funding to support ongoing reform.</td>
<td>Learn how to effectively utilize relevant district, regional, and state management and instruction resources. Be able to identify where and how to find additional sources of funding to support ongoing reform.</td>
</tr>
</tbody>
</table>
### Leadership and Management for Instructional Improvement

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</table>

#### Fiscal Management

Demonstration, practice, and discussion on:
- Establishing an overall operating budget with fiscal targets that are linked to the school mission, goals, and strategic action plan and to the allocation of resources.
- The relationship between, and necessary linkage of, budget with strategic goals/priorities and allocation of resources, including strategies to reconcile contradictions.
- Establishing fiscal targets, including operational and program targets, clear periodic and annual reporting processes, and methods for communicating progress against targets to all relevant audiences.

Identifying lead financial indicators for monitoring the achievement of fiscal goals, including simultaneously monitoring implementation of goals and strategic action plan and the allocation of resources.

Examples, practice, and discussion on the establishment and monitoring of key measures.

Be able to establish operating budget with fiscal targets linked to school mission, goals, and strategic action plan and to the allocation of resources... Understand the relationship between, and necessary linkage of, budget with strategic goals/priorities and allocation of resources...

Be able to establish fiscal targets, include operational and program targets, clear periodic and annual reporting processes, and methods for communicating progress against targets to all relevant audiences.

Be able to identify lead financial indicators and clear measures for monitoring the achievement of fiscal goals; able to simultaneously monitor implementation of goals and strategic action plan and the allocation of resources.

Attain familiarity with how to use spreadsheets and accounting software programs to plan, and monitor school site budget.

Be able to establish and monitor key measures.

Be able to effectively communicate progress, results, and key information through visual charting and presentation software.
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<tbody>
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</tr>
<tr>
<td><strong>Fiscal Management</strong></td>
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</tr>
<tr>
<td>Demonstration, practice, and discussion on tracking, monitoring, and evaluating the lead indicators within and across major categories, including operations, professional development, and instructional programs. Direction and practice with establishing actual case study school budget with corresponding methods and procedures for program-based accountability, taking into account district budgeting practices and level and size of participants' schools.</td>
<td>Be able to track, monitor, and evaluate lead indicators within and across major categories, including operations, professional development, and individual instructional programs. Understand expectations, fiscal requirements, and responsibilities, as specifically related to the instructional program; able to communicate expectations, requirements, and responsibilities to teacher and staff.</td>
</tr>
<tr>
<td>Discussion on leveraging existing financial, technological, and human resources to support the school site mission and student achievement goals. Discussion on leveraging community resources, form partnerships, and collaborate with related groups or organizations to support and promote student achievement.</td>
<td>Understand how to leverage existing financial, technological, and human resources to support the school site mission and student achievement goals. Understand how to leverage community resources, form partnerships, and collaborate with related groups or organizations to support and promote student achievement.</td>
</tr>
<tr>
<td>Demonstration and practice on effectively communicating budgets, key measures, progress, and results through visual charting and presentation software.</td>
<td>Be able to communicate school budget with, corresponding methods and procedures for program-based accountability. Be able to use spreadsheets for planning, projecting, and analyzing budgets. Be able to effectively communicate budgets through visual charting and presentation software. Understands importance of sharing relevant financial goals and measures, progress and results with teachers, staff, students, parents, and community.</td>
</tr>
<tr>
<td><strong>Leadership and Management for Instructional Improvement</strong></td>
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<td>-------------------------------------------------------------</td>
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<tr>
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<td></td>
</tr>
<tr>
<td><strong>People and Performance</strong></td>
<td></td>
</tr>
<tr>
<td>Discussion of key human resource related measures (related to teachers and staff) that will impact student achievement, including development of competencies, productivity, commitment, and retention rate.</td>
<td>Understanding of strategic human resource related functions and measures.</td>
</tr>
<tr>
<td>In conjunction with the district, discussion of district and school policies and practices related to: Human resources, Compensation, Participation and decision-making, Professional development, Student and community relations, Diversity, and conflict resolution.</td>
<td>Learn effective strategies to address prevailing district needs, within categories such as hiring, training, supporting, retaining, and motivating quality teachers.</td>
</tr>
<tr>
<td>Demonstration, practice, and discussion of effective professional development support for teachers and staff, including hands-on practice developing a district-specific, focused Professional Development program (based on a needs assessment, performance evaluation feedback, instructional priorities, and other relevant information).</td>
<td>Be able to complete a training needs assessment appropriate to district, performance evaluation feedback, instructional priorities, and other relevant information. Be able to create and apply an effective, district-specific, and focused Professional Development program. Continue the skill development of teachers and staff beyond designated training sessions.</td>
</tr>
<tr>
<td>Demonstration, practice, and discussion of effective strategies related to personnel management including hiring, recruitment, teacher retention practices, and the identification of misassignments of certificated personnel.</td>
<td>Be able to apply effective strategies related to personnel management including hiring, recruitment, teacher retention practices, and the identification of misassignments of certificated personnel. Have an understanding of the BTSA Induction Program including the credential completion requirements/licensure of beginning teachers and the role of the support provider and principal in supporting the new teacher.</td>
</tr>
<tr>
<td>Demonstration, practice, and discussion of effective strategies for evaluating, motivating, and establishing goals for teachers and staff. Demonstration, practice, and discussion of effective strategies for improving performance of teachers and staff with district’s environment.</td>
<td>Be able to apply effective strategies for evaluating, motivating, and establishing goals for teachers and staff. Be able to apply effective strategies for improving performance of teachers and staff, relevant to the specific district environment.</td>
</tr>
<tr>
<td><strong>Leadership and Management for Instructional Improvement</strong></td>
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<tr>
<td>----------------------------------------------------------</td>
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<tr>
<td><strong>Provider Guidelines and Criteria</strong></td>
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<tr>
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<td>Participants will...</td>
</tr>
<tr>
<td><strong>People and Performance</strong></td>
<td><strong>Acquire skills to facilitate a data-driven Single Plan for Pupil Achievement in order to improve the academic achievement of all students.</strong></td>
</tr>
<tr>
<td>Demonstration, practice, and discussion regarding the design, data, and implementation of a data-driven Single Plan for Pupil Achievement.</td>
<td><strong>Be able to apply effective strategies for improving productivity and management of teacher and staff relationships.</strong></td>
</tr>
<tr>
<td>Demonstration, practice, and discussion of effective strategies for improving productivity and management of teacher and staff relationships.</td>
<td><strong>Learn how to use, collect, track, store, and utilize databases as student data, human resource management, and personnel information.</strong></td>
</tr>
</tbody>
</table>
| Demonstration, practice, and discussion on use of database programs as they relate to tracking, monitoring, and storing of teacher, staff, and student information, including:  
  − Student information (e.g., classes, teachers, attendance, test scores)  
  − Human resource management (e.g., professional development plans, attendance)  
  − General personnel information for teachers and staff (e.g., hiring, performance evaluations, attendance) | **Be able to apply effective strategies for improving productivity and management of teacher and staff relationships.** |
<table>
<thead>
<tr>
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<tr>
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<tr>
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</tr>
<tr>
<td><strong>Knowledge and Data Management</strong></td>
</tr>
<tr>
<td><strong>Desired Participant Results</strong></td>
</tr>
<tr>
<td><strong>Participants will…</strong></td>
</tr>
<tr>
<td>Discussion on use of assessment data for continuous improvement goals and to guide decisions on instructional strategies in order to ensure the continuous improvement of students.</td>
</tr>
<tr>
<td>Direction and practice with formulating and articulating data-driven strategies to reach instructional goals.</td>
</tr>
<tr>
<td>Be able to lead collaborative process and formulate overall improvement and grade level improvement plans, based on data compilation.</td>
</tr>
<tr>
<td>Discussion on use of data to make decision on school site, instructional program, teaching strategies, allocation and use of resources, financial investments, technologies, and other school programs and activities.</td>
</tr>
<tr>
<td>Demonstration, practice, and discussion on techniques to developing and managing (collective) knowledge and data. Discussion of how to leverage existing knowledge within school site.</td>
</tr>
<tr>
<td>Be able to apply techniques to develop and manage (collective) knowledge and data. Understand how to manage, use, and interpret data effectively. Be able to utilize and act on data.</td>
</tr>
<tr>
<td>Demonstration, practice, and discussion on techniques to efficiently coordinate efforts, share information across school sites, and foster attitudes open to sharing information. Demonstration, practice, and discussion on using online tools and resources to develop an electronic network with other school leaders, using web-based technologies to communicate policies and regulations, using web, voice, and video reports connecting home and school, and using email, lists, and threaded discussions to assist in the day to day flow of their jobs.</td>
</tr>
<tr>
<td>Learn to use online tools and resources to develop and electronic network with other school leaders. Learn to use web-based technologies to communicate policies and regulations. Learn to use web, voice and video reports connecting home and school.</td>
</tr>
</tbody>
</table>
**Module 3: Instructional Technology to Improve Pupil Performance**  
**AB 75 Content Area 5**

If principals maximize their use of instructional technology, they will increase their overall student achievement, as measured by Stanford Achievement Test (Stanford 9) (SAT 9), the California standards tests, and other assessments, and decrease the time required to effectively implement their instructional strategy. Principals need to have a strong working knowledge of the use of technology and its relationship to school management, accountability, and the delivery and assessment of instruction to students and staff. In addition, the principal needs to understand how to connect to and navigate through the school to the vast amount of available instructional resources for classroom and school use.

<table>
<thead>
<tr>
<th>Topic</th>
<th>Expectations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Discussion on use of assessment data for continuous improvement goals and to guide decisions on instructional strategies in order to ensure the continuous improvement of students. Direction and practice with formulating and articulating data-driven strategies to reach instructional goals.</td>
<td>Be able to formulate and articulate data-driven strategies to reach instructional goals. Be able to provide clear guidance to teachers regarding data compilation and analysis. Able to lead collaborative process and formulate overall improvement and grade level improvement plans, based on data compilation.</td>
</tr>
<tr>
<td>Discussion on use of data to make decision on school site, instructional program, teaching strategies, allocation and use of resources, financial investments, technologies, and other school programs and activities.</td>
<td>Learn to use data to make decisions on school site, instructional program, teaching strategies, allocation and use of resources, financial investments, technologies, and other school programs and activities.</td>
</tr>
<tr>
<td>Demonstration, practice, and discussion on techniques to developing and managing (collective) knowledge and data. Discussion of how to leverage existing knowledge within school site.</td>
<td>Understand knowledge that exists within individual teachers and classrooms that should be shared across the school site (and vice versa). Be able to apply techniques to develop and manage (collective) knowledge and data. Understand how to manage, use, and interpret data effectively. Be able to utilize and act on data.</td>
</tr>
<tr>
<td>Demonstration, practice, and discussion on techniques to efficiently coordinate efforts, share information across school sites, and foster attitudes open to sharing information. Demonstration, practice, and discussion on using online tools and resources to develop an electronic network with other school leaders, using web-based technologies to communicate policies and regulations, using web, voice, and video reports connecting home and school, and using email, lists, and threaded discussions to assist in the day to day flow of their jobs.</td>
<td>Be able to apply effective techniques to efficiently coordinate efforts, share information across school sites, and foster attitudes open to sharing information. Learn to use online tools and resources to develop and electronic network with other school leaders. Learn to use web-based technologies to communicate policies and regulations. Learn to use web, voice and video reports connecting home and school.</td>
</tr>
<tr>
<td>Provider Guidelines and Criteria</td>
<td>Desired Participant Results</td>
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<tr>
<td><strong>Basic training program must (or may) offer…</strong></td>
<td><strong>Participants will…</strong></td>
</tr>
<tr>
<td><strong>General Applications</strong></td>
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</tr>
</tbody>
</table>
| Training on systems and databases that are compliant with generally accepted industry standard technologies and currently in use by the district. | Understand the relationship between technology, instructional leadership, and management.  
Learn how to use technology to effectively support instructional leadership and management and improve student performance. |
| An overview of district’s main technology systems, including multiple databases used by district as decision support systems and for data-driven decision making. | Become familiar, at the appropriate level, with district’s main technology systems, including multiple databases used by district as decision support systems and for data-driven decision-making. |
| In conjunction with the district, identify overall data reporting needs and requirements, including federal, state, district, and school. Identify the technology systems and databases that will be used to support management and instructional needs. | Be able to identify overall data reporting needs and requirements, including federal, state, district, and school.  
Be able to identify the technology systems and databases that will be used to support management and instructional needs. |
| Training, practice, and discussion on the use of pupil assessment instruments with specific ways of mastering the use of data from the STAR program, including analyzing achievement of specific subgroups including English language learners and students enrolled in Special Education programs. | Be able to use electronic learning assessment resources to master the use of data from the STAR program. |
## Instructional Technology

### Provider Guidelines and Criteria

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<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>Information on technology resources and support available to the district and school, including:</td>
<td>Participants will…</td>
</tr>
<tr>
<td>- Core academic standards on line (by grade level and content area).</td>
<td>Learn how to access and utilize Technology resources.</td>
</tr>
<tr>
<td>- Electronic STAR and Academic Performance Index (API) reports.</td>
<td>Utilize California Learning Resources Network (CLRN) for approved supplemental electronic learning resources and web information links aligned with state academic content standards and electronic learning assessment resources.</td>
</tr>
<tr>
<td>- California Learning Resource Network (CLRN) approved supplemental electronic learning resources and web information aligned with state academic content standards and electronic learning assessment resources.</td>
<td>Utilize Technical Support for Technology in Schools (TechSETS).</td>
</tr>
<tr>
<td>- Utilize Technical Support for Technology in Schools (TechSETS).</td>
<td>Utilize Technology Information Center for Administrative Leadership (TICAL) for resources to assist administrators in leadership, technology planning, and implementation.</td>
</tr>
<tr>
<td>- Administrative support and resources, such as Technology Information Center for Administrative Leadership (TICAL), located at political org., which offer hundreds of resources to assist administrators in leadership and technology, planning and implementation.</td>
<td>Utilize EdTechProfile for teacher and student technology assessment and survey resources to assist in identifying site technology professional development needs and monitoring the impact of professional development.</td>
</tr>
<tr>
<td>- Technology professional development planning resources, such as EdTechProfile, located at edtechprofile.org, which offers teacher and student technology assessment and survey resources to assist administrators in identifying site technology professional development needs and monitoring the impact of the professional development.</td>
<td>Learn to access the online education codes and to correlate them to existing district policies and regulations.</td>
</tr>
<tr>
<td>- Access to the online education codes and to correlate them to existing district policies and regulations.</td>
<td>Be exposed to online purchase order systems and data warehouses.</td>
</tr>
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</table>

### Classroom Instructional Resources

| Demonstration of adopted instructional program software, and supporting media, used to support learning. | Be able to use and discuss merits of the instructional program software and media for learning. |
| Discussion of instruction embedded assessment methods that are enhanced through the use of technology. | Familiarity with the range of instruction embedded assessment methods that are enhanced through the use of technology. |
| Discussion of how to organize and analyze data for the purpose of improving instruction. | Attain an understanding of how to organize and analyze data for the purpose of improving instruction. |
| Discussion of how to individualize instruction and provide extended day opportunities for classrooms and homes. | Able to individualize instruction and provide extended day opportunities for classrooms and homes. |

### Financial Management Technology

<p>| Demonstration, practice, and discussion on using technology to track, monitor, and evaluate the lead indicators within and across major categories, including operations, professional development, and instructional programs. | Learn how to track, monitor and analyze lead indicators within and across major categories, including operations, professional development, and individual instructional programs. |
| Model, and provide practice, effectively communicating budgets, key measures, progress, and results through visual charting and presentation software. | Understand linkage between budget and school goals, including instructional program implementation. |
| Be able to effectively communicate budgets through visual charting and presentation software. | Understands importance of sharing relevant financial goals and measures, progress and results with teachers, staff, students, parents, and community. |
| Demonstration, practice, and discussion on business management software (if currently used by district). | Attain familiarity with how to use business management software. |
| Demonstration, practice, and discussion on use of spreadsheets and accounting software programs, to plan, project, analyze, and monitor school site budget. | Attain familiarity with how to use spreadsheets and accounting software programs to plan and monitor school site budget. |</p>
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<tr>
<td><strong>People Management Technology</strong></td>
</tr>
<tr>
<td>Demonstration, practice, and discussion on use of database programs as they relate to tracking, monitoring, and storing teacher, staff, and student information, including:</td>
</tr>
<tr>
<td>− Student information (e.g., classes, teachers, attendance, test scores).</td>
</tr>
<tr>
<td>− Human resource management (e.g., professional development plans, attendance).</td>
</tr>
<tr>
<td>− General personnel information for teachers and staff (e.g., hiring, recruitment, teacher retention practices, the identification of misassignments of certificated personnel, performance evaluations, attendance).</td>
</tr>
<tr>
<td>Provide and share ideas within the educational community on how to improve principal practices.</td>
</tr>
<tr>
<td>Demonstrate means to identify courses and program opportunities that are available electronically for ongoing professional development.</td>
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</tbody>
</table>
### Instructional Technology

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</tr>
<tr>
<td><strong>Academic Data Management and Assessment Technology</strong></td>
<td></td>
</tr>
<tr>
<td>Demonstration, practice, and discussion on collecting, storing, accessing, and analyzing data on students, as related to peers, class/teacher, school, and district.</td>
<td>Be able to collect, store, access, and analyze data on students, as related to peers, class/teacher, school, and district.</td>
</tr>
<tr>
<td>Provide assistance navigating through multiple sources of data available and identifying methods to assess student data against peer groups. Demonstration, practice, and discussion on entering, storing, and accessing data that will be used by the school and district into the appropriate databases.</td>
<td>Learn how to enter, store, and access the student achievement data that supports specific school mission and identified measures.</td>
</tr>
<tr>
<td>Provide information on laws and policies regarding technology, copyright, and Internet use at school sites.</td>
<td>Become familiar with laws and policies regarding technology, copyright, and Internet use at school sites.</td>
</tr>
<tr>
<td>Demonstration, practice, and discussion on techniques to efficiently coordinate efforts, share information across school sites, and foster attitudes open to sharing information. Demonstration, practice, and discussion on using online tools and resources to develop an electronic network with other school leaders, were using web-based technologies to communicate policies and regulations, using web, voice and video reports connecting home and school, and using email lists, and threaded discussions to assist in the day to day flow of their jobs.</td>
<td>Be able to apply effective techniques to efficiently coordinate efforts, share information across school sites, and foster attitudes open to sharing information. Learn to use online tools and resources to develop an electronic network with other school leaders. Learn to use web-based technologies to communicate policies and regulations. Learn to use web, voice and video reports connecting home and school. Understanding of how to submit data in digital form.</td>
</tr>
<tr>
<td>Discussion on how to interpret data for the purpose of identifying student focused interventions. Discussion on purposes of assessment and the use of data to make educational decisions.</td>
<td>Understanding of how to interpret data for the purpose of identifying student focused interventions. Understanding of the purposes of assessment and the use of data to make educational decisions. How to use data to determine if subject matter standards have been met.</td>
</tr>
<tr>
<td><strong>Delivery of Instruction and Professional Development via Technology</strong></td>
<td></td>
</tr>
<tr>
<td>Demonstrate the use of technology to deliver, monitor and evaluate courses of the professional development program offerings.</td>
<td>Use technology to evaluate courses of the professional development program offerings. Participate in an on-line course evaluation process.</td>
</tr>
</tbody>
</table>
RECOMMENDATION

The California Department of Education (CDE) recommends that the State Board of Education (SBE) approve: (1) draft training criteria for chief business officers (CBOs); and (2) the draft application for prospective state-qualified training providers.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

None.

SUMMARY OF KEY ISSUES

Rationale for training program:

CDE’s October 11, 2005, Information Memorandum to the SBE discussed the provisions of Senate Bill (SB) 352 (Chapter 356, Statutes of 2005) by Senator Scott, which established a training program for CBOs. Administered by the State Superintendent of Public Instruction, with the approval of the SBE, this program provides incentive funding for school districts and county offices of education to send their CBOs or CBO candidates to training provided by state-qualified providers.

SB 352 was prompted by the recent increase in the number of local educational agencies (LEAs) experiencing financial difficulty and the shortage of experienced, well-qualified CBOs. Since 2000-2001, qualified certifications of LEA budgets have doubled, and negative certifications have increased five times. Negative and qualified designations are used to identify LEAs in stages of financial distress.

Currently, five districts are under some level of state administration, requiring loans from the State to maintain viability. Providing a comprehensive, intensive training course for school district and county office CBOs may help to reduce the number of LEAs which find themselves in these situations. CBOs are responsible for every financial and operational aspect of school districts, yet there are no standard requirements for these positions, nor has there been any state-sponsored training for them. SB 352 is an effort
to provide standardized training with the hope that it results in better fiscal health for school districts.

**Process for Developing Training Criteria and Provider Application**

SB 352 specifies that the SBE develop “rigorous criteria for the approval of state-qualified training providers... in consultation with the Fiscal Crisis and Management Assistance Team (FCMAT), CDE, and... any other individual or group with expertise....”

Staff developed an initial draft of the business officer training criteria based on our knowledge and understanding of what it means to be a CBO in a school district, and on the many good and relevant courses currently being offered in California. Several state colleges and universities, as well as the California Association of School Business Officials (CASBO) and the Association of California School Administrators (ACSA) provide classes, workshops, seminars, and programs in various areas of school business management and finance. Staff drew from these courses and others in developing the draft criteria.

Once the SBE approves the draft training criteria conceptually, CDE will finalize and submit it to the SBE for adoption after consulting with subject area experts, including the FCMAT, the Department of Finance, the Secretary of Education, Senator Scott’s office, the Legislative Analyst’s Office, and select representatives of school districts and county offices of education. Due to concerns about conflict of interest, any person or any organization that is directly involved in a training program of a potential state-qualified training provider will not be included as a consultant. There will be opportunity for public input when the item comes before the SBE for adoption.

**Timeline (Attachment 1)**

SB 352 intended that planning take place during the 2005-06 fiscal year, with implementation to begin in 2006-07. In order to begin distributing funds in July 2006 to the first school districts with approved applicants for CBO training, staff is on an ambitious timeline. We hope to begin accepting provider applications in April, and LEA applications in June. If there is a delay at any point along the way, it is unlikely that the program will be implemented and funds distributed in accordance with CDE’s proposed timeline. The attached proposed timeline indicates the points in time where SBE approval is necessary in order to proceed to the next step. Approval of the draft criteria and application at this point in time will allow us to move ahead with our plan of consulting with experts and finalizing the criteria and application for your approval at the March 2006 SBE meeting.

**Training Criteria (Attachment 2)**

SB 352 specifies that the training programs offered “shall be conducted for no fewer than 200 hours” including a minimum of 40 hours of “intensive individualized support and professional development.”

The draft training criteria presented for approval are consistent with the legislation. The curriculum is broken down into general course areas, with minimum hours of instruction for each area. All state-qualified training providers must offer courses consistent with the curriculum of 200 hours of instruction, including a minimum of 40 hours of
individualized support, which can be an application of the knowledge and skills learned in the coursework, or another type of mentoring program. The curriculum was developed following the guidance spelled out in SB 352, and supplemented by additional courses determined to be necessary for CBOs.

Application for State-approved Providers (Attachment 3)
In considering the application process and standards for state-qualified training providers, we drafted an application form following the model developed by the CDE and the SBE in the Principal Training Program (Assembly Bill (AB) 75, Chapter 697, Statutes of 2001). To be considered for state approval as training providers, applicants will be asked to complete an application form that includes detailed information about their training experience, their knowledge and expertise in the content areas, how quality control of instructors is ensured, and other information that will allow an assessment of their qualifications. In addition to specifying minimum qualifications related to instructors’ experience and expertise, we are proposing a qualitative assessment of the providers based on the extensive information submitted as part of the application package. The attached application is a draft, to be refined and clarified after further consulting with selected subject experts.

Next Step
If the SBE approves the draft criteria and provider application, over the next two months staff will consult with experts to refine and finalize the criteria and the application. SBE will receive final criteria for approval at its March 2006 meeting.

FISCAL ANALYSIS (AS APPROPRIATE)

The 2005-06 Budget Act appropriated $1.05 million for the purpose of implementing SB 352, with the intent of providing funds for 350 CBO trainees.

ATTACHMENT(S)

Attachment 1:  Proposed Timeline for January 2006 - July 2006 (1 Page)
Attachment 2:  Training Criteria (5 Pages)
Attachment 3:  Training Provider Application Form (1 Page)
Chief Business Officer Training Program
Proposed Timeline for January 2006 – July 2006

California Department of Education (CDE)

Jan * 2006
CDE prepares and recommends draft training criteria and application process for training providers

Feb 2006
CDE consults with experts and finalizes training criteria and application process for training providers

Mar * 2006
CDE recommends training criteria and training provider application process to SBE
CDE distributes training criteria and training provider applications to potential state-qualified training providers

Apr 2006
CDE receives and reviews prospective state-qualified training provider applications
CDE develops LEA application and assurance packet

May * 2006
CDE recommends state-qualified training providers to SBE
CDE notifies approved state-qualified training providers
CDE recommends LEA application and assurance packet to SBE
CDE distributes application and assurance packet to LEAs, including list of state-qualified training providers

Jun 2006
CDE reviews LEA training candidate applications

Jul * 2006
CDE recommends LEA training candidates to SBE
CDE notifies LEAs of approved training candidates and awards first 50% incentive funding

State Board of Education (SBE)

SBE gives approval of draft training criteria and application process for training providers
SBE approves training criteria and training provider application process
SBE approves LEA application and assurance packet
SBE approves LEA training candidates

* SBE meetings
Chief Business Officer Training Program
Criteria for State-qualified Training Providers
DRAFT

Senate Bill (SB) 352 specifies that the State Board of Education develop “rigorous criteria for the approval of state-qualified training providers, and that “a training program... shall be conducted for no fewer than 200 hours, a minimum of 40 hours of which shall involve intensive individualized support and professional development.”

The proposed training is categorized into four main areas: (1) School finance, accounting and auditing; (2) school operations; (3) leadership; and (4) intensive individualized support and professional development. State-qualified providers must offer a curriculum that includes these subject matters. The courses need not have the same titles or be grouped in exactly the same manner; however, they must include the basic topics described below:

I. SCHOOL FINANCE, ACCOUNTING, AND AUDITING (80 hours minimum)

Overview of School Business Administration
Overview of the history, concepts, and legal aspects of financing public schools in California; review the philosophical, sociological, and political forces that bring pressure for change and their impact in practical terms for school business officers; the role of the chief business officer (CBO) in ensuring the district’s financial solvency; review of various legal issues typically encountered in the day-to-day operations of chief business officials in public schools; the role of the CBO and the organization, structure, and function of a school district’s business division and its impact on the educational program.

School Business Accounting
School district financial and managerial accounting, accounting system components; time accounting for federal program funds; student body organization funds, state and federal projects, certificated and classified payroll as it relates to school district accounting, and other areas; year-end closing; analysis of the legal requirements and the specific reporting functions that affect the organization and management of accounting processes in school systems; effective internal controls.

Average Daily Attendance Projections and Accounting
In-depth focus on student attendance accounting, record-keeping, reporting, and audit requirements mandated for kindergarten through grade twelve school districts; how to accurately project a district’s average daily attendance (ADA): birth rate data, historical trends, building trends; ongoing monitoring of ADA; details of how ADA is calculated; instructional time requirements, declining enrollment, highly qualified teacher/credential requirements, charter school credential requirements for claiming ADA; independent study and other instructional strategies and delivery systems are reviewed in detail, including legal and compliance issues; includes the preparation of all state-required
forms and an understanding of the intricacies of the relationship between income and student attendance.

**Revenue Limits**
An in-depth study of how revenue limit funding works, including a conceptual overview as well as specific formulas; an historical perspective including *Serrano vs. Priest*, Proposition 13, the Gann Limit, and Proposition 98; covers such details as cost of living adjustments, deficits, equalization, and charter schools.

**Revenue Projection**
A review of the revenues received by a school district including ADA and revenue limit funding, taxes, categorical funds, understanding restricted and unrestricted funds, supplant vs. supplement; trend analyses; strategies and techniques to increase and maximize revenues, be more efficient, and reduce budgets; examples of flexibility such as mega-item transfer and AB 825 categorical block transfer; creative financing instruments and methods.

**Budget Development and Monitoring**
Techniques and strategies for developing, monitoring and evaluating district, department, and site budgets emphasizing multi-year projections, assumptions, internal controls, budget calendar, how to prepare and present budgets, how to monitor results against projections; collaborative development approaches and increased accountability; analysis of the impact of local district philosophy and state legal requirements on the budget development process; managerial skills necessary to prepare and administer the district budget; effective methods for monitoring and adjusting school district budgets; standardized account code structure (SACS) technical checklist, and standards and criteria for self-monitoring; the state’s economy and budget and implications for schools and districts.

**Cash-flow Management**
Covers the state apportionment schedule, taxes, managing state and federal categorical funds; borrowing strategies, such as Tax and Revenue Anticipation Notes (TRANs), or from other funds, or the county.

**AB 1200**
A review of the AB 1200 process, as enhanced by AB 2756, whereby district budgets are reviewed by county offices of education to ensure fiscal solvency; includes the budget and interim report process and timeline, qualified and negative certifications, the definition of financially troubled districts, and the intervention process by the county and the state; includes how to identify warning signs, and prevent fiscal problems.

**Financial Reporting**
Includes budget and financial reporting calendar and timelines; the statewide SACS; year-end closing.

**Auditing**
Includes the purpose of audits, the audit process, and preparing for an audit; critical internal audit functions; using audit reports as a management tool; managing auditing procedures that comply with federal, state, and local requirements; analysis of the legal requirements and the specific reporting functions that affect the organization and management of auditing processes in school systems; implementing procedures and processes to address audit findings, including the audit appeal process.

II. SCHOOL OPERATIONS (60 hours minimum)

Facilities Planning and Construction
An overview of the construction process from planning to culmination; discussion of the interrelationships and functions of the Office of the State Architect, CDE, State Allocation Board, county and city agencies, and building inspection requirements; case study of an actual project from the planning stages to completion; analysis of the interaction of school boards, superintendents, architects, maintenance staff, purchasing, accounting, local agencies/contractors and facilities planning staff; an in-depth review of educational specifications relating to school construction, financing new schools, master planning and property management, and enrollment projections; how to develop a Facilities Master Plan, select school sites, plan construction projects, construct capital facility projects, and assess completed projects; review of how facilities are funded, including an overview of statewide funding and need; charter schools; general obligation bonds, developer fees, and alternate sources of funding.

Maintenance and Operations
An overview of the importance of maintaining a district’s buildings and grounds, including the Williams Settlement and its provisions; how to meet safety standards at low cost, optimize maintenance resources and capital equipment life, minimize energy usage, implement cost reductions where possible; how to determine adequate custodial, maintenance and grounds staff; understanding the responsibilities and services necessary in a school district; legal restrictions on contracting out; bidding process; routine repair and maintenance account; preventive and deferred maintenance; training, planning, budgeting, and staffing.

Transportation
Overview of laws and regulations governing school district transportation; includes establishing/recommending service criteria (walking distances, parent fees, athletic/field trip); transportation schedules and cost effectiveness; school bus replacement for small districts; evaluating costs, managing liability, protecting assets, ensuring student/staff safety; training employees, recommending delivery method (in-house or contract vendor); understanding state funding; effective delivery systems for pupil transportation; alternative methods of financing and operating a pupil transportation system.

Food Services
Overview of the operation of food and nutritional services in public schools; methods for ensuring compliance with state and federal regulations, cost and accounting controls
and ways to contribute to the educational goals by providing nutritional meals and services to students; an in-depth study of state and federal law related to food service; legal requirements, organization, mission and staffing of food services; understanding revenue streams; legal requirements for food preparation.

**Collective Bargaining and Contract Administration**
Overview of California’s public school collective bargaining and contract administration principles and processes, including a brief history of public school collective bargaining; approaches for developing and presenting contract language and determining strategies for handling grievances, impasse, fact finding, mediation, and arbitration; the role of the chief school business official in classified and certificated collective bargaining; equity considerations for bargaining units; the importance of being involved in the negotiation process; includes a review of the types of negotiations and their advantages and disadvantages; understanding conflicting demands, and fiscal aspects; how to cost out proposals, and the impact of collective bargaining on the budget.

**Risk Management**
Basic processes, goals, and strategies associated with risk management principles including legal aspects; the interrelationship and functions among occupational safety and health act, Joint Powers Authority, third party administrators, brokers/consultants and insurance companies and an analysis of the interaction with school boards, site administrators, the district office and interdepartmental operations and the injured worker or visitor; workers’ compensation, employee benefits, property liability, safety issues and mandates, and alternative risk financing; the historical role of risk management in an organization and common risks, including how to mitigate accidents and losses; insurance programs for employees, liability, property and risk reduction; review of typical school district programs for insurance and optimal strategies for providing programs including self-insurance; Schools Excess Liability Fund (SELF); predicting and managing school district insurance risks; strategies for analyzing and responding to the insurance marketplace.

**Purchasing and Warehousing**
An in-depth study of legal requirements, organization, mission and staffing of purchasing and warehousing, separation of duties – adequate oversight of function and process for expenditure control; a review of bidding procedures, contracting, inventory control; fundamental concepts associated with purchasing processes and supply chain managements; includes standards of purchasing practice, bonding requirements and legal aspects of purchasing from the perspectives of the California Public Contract Code and the California Commercial Code.

**Management Information Systems**
Information and technology systems used in school finance and business operations; topics include hardware and software, role of information systems in school business; security issues; computer-assisted management decision-making; integrating network applications; managing data and knowledge, and planning for future technology needs; examine the structure and organization of a management information system for both
district and site operations; review the different needs and demands on management information system; methods of delivery; network management; how to plan and install information and technology systems; procedures for developing an information database; selecting data processing equipment, and interfacing business and instructional information systems.

Human Resources Management
Methods for managing human resources from a school business officer’s perspective; ways to maintain high productivity and quality of work life; ethics and social responsibility in a demographically and culturally diverse workforce; linking personnel to student learning; blending organizational goals and objectives with personal goals; regulations, laws, and court cases relating to personnel administration in kindergarten through grade twelve districts, including workforce increase and reduction; salary calculations and salary schedules; creating contingency formulas for salary negotiations; highly qualified teachers, and credential and assignment monitoring; importance of position control, and of hiring and retaining good employees; effective personnel management.

III. LEADERSHIP (20 hours minimum)

Principles of leadership and key components for becoming a visionary leader; methods for demonstrating vision, positive communication, positioning and empowerment which contribute to the success of CBOs and a strategic planning process that enhances a school district’s ability to plan for the future; the expanding role of the chief school business officer with emphasis on leadership strategies and techniques, including organizational dynamics, communication, facilitation, and presentation skills; review the issues of district politics, legal communications, and confidentiality; how to facilitate meetings and lead groups; collaboration skills and techniques; develop and implement long range plans; role and relationship with the school board, district staff, parents, and community.

IV. INTENSIVE INDIVIDUALIZED SUPPORT AND PROFESSIONAL DEVELOPMENT (40 hours minimum)

Supervised practicum experiences within the area of school business; an application of knowledge, skills, and principles gained in coursework, for example, with approval of a mentor or advisor, a relevant or significant project is researched, completed, and presented to advisor/mentor, and/or district supervisor; projects might include procedural or training manuals; cost analysis studies; studies of classroom and staffing needs, student-teacher ratios, standardizing financial information; practicum experiences may also be ongoing throughout the program, with projects, assignments, and research associated with various subject areas; other mentoring programs that are well-defined and relevant may also satisfy this 40 hour requirement.
Chief Business Officer Training Program

Training Provider Application Form

DRAFT

| Name of Provider Organization: | | | | |
| Address: | | | | |
| City: | State: | Zip: | |
| Contact Name and Title: | | | |
| Phone #: | Fax #: | |
| E-Mail: | Website: | |

The following information and documentation are enclosed:

- [ ] Training curriculum that meets the state’s criteria. (Provider maintains proprietary or copyright over its training curriculum as submitted for this state program.)
- [ ] Description of training setting and delivery, including any distance learning.
- [ ] Detailed description of intensive individualized support and professional development.
- [ ] Evidence of organizational training experience, including history and types of training programs offered.
- [ ] Evidence of individual training experience, including resumes for all instructors; description of knowledge and expertise in relevant content areas.

**Evaluation and Reporting Assurances:**

- [ ] Will survey participants on quality of instructors and content at end of training.

RETURN COMPLETED PROVIDER PLAN TO:

School Fiscal Services Division
1430 N Street, Suite 3800
Sacramento, CA 95814
Attention: CBO Training Program (SB 352)
CALIFORNIA STATE BOARD OF EDUCATION

JANUARY 2006 AGENDA

SUBJECT
2005 Academic Performance Index Base Methodology

☐ Action
☒ Information
☐ Public Hearing

RECOMMENDATION

The California Department of Education (CDE) recommends that the State Board of Education (SBE) approve the methodology for calculating the 2005 Academic Performance Index (API) Base in the following two areas:

- Addition of two new subgroups, English learners and students with disabilities, in determining comparable improvement in the API
- Addition of six new variables in the determination of similar schools ranks

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SBE is responsible for determining the indicators and methodology for each year’s API reporting cycle, which begins with the API Base report. (The 2005 Base and 2006 Growth make up the upcoming 2005-06 API reporting cycle.) The 2005 API Base reports are scheduled to be released in March 2006.

SUMMARY OF KEY ISSUES

Although no new indicators (test results) are scheduled to be added to the 2005 API Base, the SBE will need to determine the following:

- The inclusion of English learners and students with disabilities as API subgroups in order to meet the requirements of Senate Bill 722 (Chapter 915 of 2004), and
- The addition of new variables to the similar schools ranking methodology

FISCAL ANALYSIS (AS APPROPRIATE)

There is minimal cost in modifying the methodology to calculate and produce the 2005 API Base report.
ATTACHMENT(S)

Attachment 1: 2005 API Base: English Learners and Students With Disabilities Subgroups (4 pages)

Attachment 2: 2005 API Base: Six New Variables for Similar Schools Ranks (6 pages)
2005 Academic Performance Index (API) Base:
English Learners and Students with Disabilities Subgroups

SUMMARY

The Public Schools Accountability Act (PSAA) of 1999 requires that schools demonstrate “comparable improvement in academic achievement by all numerically significant ethnic and socioeconomically disadvantaged subgroups within schools.” The State Board of Education (SBE) further defined “comparable improvement” to mean that all numerically significant student subgroups in a school must make an Academic Performance Index (API) gain of at least 80 percent of the schoolwide API growth target, with a minimum of one point growth, unless the subgroups were already at or above the statewide performance goal of an API score of 800.

Senate Bill 722 (Chapter 915, Statutes of 2004) requires that comparable improvement in the API be made by two new subgroups, English learners and students with disabilities. The bill does not define these subgroups or what is meant by comparable improvement for these two new subgroups.

Recommended Approach

Several alternative approaches for adding the new subgroups to the 2005 API Base were considered, and a “status quo” approach is recommended. This approach recommends the following:

1. Use the current definitions for English learners and students with disabilities and include these subgroups in the API in the same way as all other API subgroups.

2. Use the current API definition for comparable improvement (i.e., 80 percent of the schoolwide API) for English learners and students with disabilities.

This “status quo” approach is recommended as the best alternative because it has the following advantages:

- Least confusing of all alternatives
- Most consistent with current definitions
- Easiest and most logical to implement

The complete issue paper is provided in the following pages 2-4 of this attachment.
2005 Academic Performance Index (API) Base: English Learners and Students with Disabilities Subgroups

Purpose

This paper reviews and makes recommendations regarding the extension of “comparable improvement” as it applies to the Academic Performance Index (API) to include two new student subgroups, English learners and students with disabilities, as required by Senate Bill 722 (Chapter 915, Statutes of 2004). These two new subgroups are scheduled to be added to the API in March 2006 with the release of the 2005 API Base report. Prior to 2006, scores for the two student subgroups were included in a school’s API, and these students were included as members of other student subgroups in determining comparable improvement; however, APIs for English learners and students with disabilities were not calculated or reported separately as two distinct subgroups.

This paper is divided into four sections:

- Background information about comparable improvement in API calculations
- Description of issue and alternatives considered
- Simulations conducted
- Recommended approach

Background

The Public Schools Accountability Act (PSAA) of 1999 requires the development of an API that would be used to measure the performance of schools as well as demonstrate “comparable improvement in academic achievement by all numerically significant ethnic and socio-economically disadvantaged subgroups within schools.” The intent of “comparable improvement” was clearly to preclude schoolwide progress from masking the lack of improvement by numerically significant student subgroups. In order to be eligible for the statewide awards programs also authorized by the PSAA, schools had not only to meet their schoolwide API growth target but also demonstrate comparable improvement.

In implementing the PSAA, the State Board of Education (SBE) defined “ethnic and socioeconomically disadvantaged” to consist of the seven ethnic groups reflected in the California Basic Educational Data System (CBEDS) as well as of a “socioeconomically disadvantaged” subgroup that combined the criteria of parental education and participation in the free or reduced price lunch program. The SBE further provided that in order for a school to make comparable improvement, all numerically significant student subgroups in a school must make an API gain of at least 80 percent of the schoolwide API growth target, with
a minimum of one point growth, unless the subgroups were already at or above the statewide performance goal of an API score of 800.

In 2000 Senate Bill 1552 (Chapter 695, Statutes of 2000) clarified the relationship between comparable improvement, meeting the API growth target, and awards eligibility. Henceforth, a school must demonstrate comparable improvement in order to meet the API growth target, which in turn determined awards eligibility.

In 2004, Senate Bill 722 (Chapter 915, Statutes of 2004) added two more student subgroups to those that must demonstrate comparable improvement for the API: English learners and students with disabilities. This action brought certain features of the state API requirements into alignment with the requirements of the federal No Child Left Behind (NCLB) Act of 2001 and the determination of Adequate Yearly Progress (AYP). The bill also brought the state API formula for determining numerical significance into accord with the AYP criteria. In order to be numerically significant students within a subgroup must generate:

- A minimum of 100 valid scores
  OR
- At least 50 valid scores that constitute 15 percent or more of a school’s total valid scores.

**Issue and Alternatives**

While current state law requires comparable improvement on the part of all numerically significant subgroups, including the two new subgroups, it does not define which students are considered to be “English learners” or “students with disabilities” nor does it define what is meant by “comparable improvement” (currently 80 percent of the schoolwide API growth target) for these two subgroups.

As a result, several alternative approaches for adding the new subgroups to the API were considered and discussed at the PSAA Advisory Committee meeting in August 2005. One approach would define improvement at a lower level for the new subgroups. Another approach would propose adding a new indicator to the API for English learners. A third approach would combine the first two approaches. The final approach would use the status quo in definitions. Specifically, this approach would include English learners and students with disabilities as subgroups in the API in the same way all other subgroups are included. The same comparable improvement definition would apply (i.e., 80 percent of the schoolwide API).

**Simulations**

The Policy and Evaluation Division of the CDE conducted simulations to estimate the impact that the addition of the two subgroups would have on the number and
percentage of schools that meet their API growth targets. Data from the 2004 and 2005 Standardized Testing and Reporting (STAR) Program and California High School Exit Examination (CAHSEE) were used in the simulations. This ensured that APIs would be calculated using the most current test results as well as the weighting methodologies first employed with the 2004 API Base. The use of current data and methodologies resulted in estimates that are more reliable than could be achieved with 2003-04 data. Accurate estimates are critical in evaluating whether or not more ambitious growth targets are realistic.

It is estimated that a moderate impact in the number of schools not meeting growth targets would occur as a result of implementing the status quo approach:

### Status Quo Approach (Current Definitions)

<table>
<thead>
<tr>
<th>School Type</th>
<th>Estimated Percentage of Schools That Would Not Meet API Targets If Two New Subgroups Added to API</th>
</tr>
</thead>
<tbody>
<tr>
<td>Elementary</td>
<td>2.8%</td>
</tr>
<tr>
<td>Middle</td>
<td>8.6%</td>
</tr>
<tr>
<td>High</td>
<td>10.6%</td>
</tr>
</tbody>
</table>

Data source: 2004 and 2005 STAR Program and CAHSEE

### Recommended Approach

The final approach (status quo) is recommended as the best alternative because it has the following advantages:

- Least confusing of all alternatives
- Most consistent with current definitions
- Easiest and most logical to implement
2005 Academic Performance Index (API) Base: Six New Variables for Similar School Ranks

SUMMARY

The Public Schools Accountability Act (PSAA) of 1999 requires that schools be ranked on the Academic Performance Index (API) compared with other schools statewide and compared with other schools that have "similar characteristics." The PSAA specifies eight "similar characteristics," which have been included in similar schools ranks calculations since the API was established in 1999.

Similar schools ranks based on the current similar characteristics have attracted wide attention from school districts, school administrators, teachers, and parents. It is commonly asked why certain variables are not included in the current model and why some schools are ranked with other schools that are so different.

California Department of Education (CDE) staff conducted analyses to determine if six new characteristics should be added to the similar schools ranks calculation to improve the accuracy of the rankings.

Recommended Action

Based on results of the CDE analyses, the PSAA Advisory Committee and its Technical Design Group (TDG) supported the addition of the following six variables to the model for calculating the similar schools ranks, beginning with the 2005 API Base:

- Percentage of grade span enrollments
- Percentage of students in gifted and talented education program (GATE)
- Percentage of students with disabilities
- Percentage of Reclassified Fluent-English-Proficient (RFEP) students
- Percentage of migrant education students
- Percentage of students in reduced class size for full day

In addition, it is recommended that the definition of school mobility used in the calculation of the similar schools ranks be changed from "students who first attended the school in the current year" to "students who were not continuously enrolled in the school since the October CBEDS date." This new definition of school mobility is the same one used in determining which students are excluded from API and AYP calculations. Adopting the new definition would make the definitions consistent for similar schools ranks and API score calculations.

The complete issue paper is provided in the following pages 2-6 of this attachment.
2005 Academic Performance Index (API) Base:
Six New Variables for Similar School Ranks

Purpose

This paper reviews and makes recommendations regarding the addition of six new variables in the determination of similar schools ranks for the 2005 Academic Performance Index (API) Base. In the past, there have been concerns about accuracy in similar schools selection used in producing a school’s similar schools rank for the API. Proposed changes described in this paper would help improve accuracy. No new data collections would be needed to incorporate the proposed changes.

This paper is divided into four sections:

- Background information about similar schools ranks for the API
- Description of the issue and analyses conducted to address the issue
- Findings from the statistical analyses conducted
- Recommendations

Background

The Public Schools Accountability Act (PSAA) of 1999 [Section 52056(a)] requires that schools be ranked on the API compared with other schools statewide and compared with other schools that have “similar characteristics.” The PSAA specifies that “similar characteristics” include, but are not limited to, the following characteristics, insofar as data are available from the California Department of Education (CDE):

- Pupil mobility
- Pupil ethnicity
- Pupil socioeconomic status
- Percentage of teachers who are fully credentialed
- Percentage of teachers who hold emergency credentials
- Percentage of pupils who are English language learners
- Average class size per grade level
- Whether the schools operate multi-track year-round educational programs

In October 1999, the Technical Design Group (TDG) for the PSAA Advisory Committee researched the extent to which data related to the similar characteristics defined in law were available from the CDE. It found that the CDE collected data for all of the characteristics listed in the law and recommended that all characteristics be used to calculate the similar schools ranks. This
recommendation was adopted by the PSAA Advisory Committee and the State Board of Education (SBE). Operational definitions and data sources for similar schools calculations are as follows:

### Similar Schools Demographic Characteristics Definitions

<table>
<thead>
<tr>
<th>Characteristic Mandated in PSAA</th>
<th>Operational Definition</th>
<th>Data Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pupil mobility</td>
<td>School, prior year</td>
<td>Standardized Testing and Reporting (STAR) Program answer document</td>
</tr>
<tr>
<td></td>
<td>Percentage of students who first attended the school in the current year. Students in the school’s lowest grade are excluded.</td>
<td></td>
</tr>
<tr>
<td>Pupil ethnicity</td>
<td>Ethnic/Racial</td>
<td>STAR Program answer document</td>
</tr>
<tr>
<td></td>
<td>Percentage of students in the school in each ethnic category.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- African American (not of Hispanic origin)</td>
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<tr>
<td></td>
<td>- American Indian or Alaska Native</td>
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<tr>
<td></td>
<td>- Asian</td>
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<td></td>
<td>- Filipino</td>
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<td>- Hispanic or Latino</td>
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<td></td>
<td>- Pacific Islander</td>
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<tr>
<td></td>
<td>- White (not of Hispanic origin)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Percentages for ethnic/racial may not sum to 100 due to responses of “Other,” “Multiple,” or “Decline to State.”</td>
<td></td>
</tr>
<tr>
<td>Pupil socioeconomic status</td>
<td>Parent Education Level</td>
<td>STAR Program answer document</td>
</tr>
<tr>
<td></td>
<td>Average of all parent educational level responses for the school where the following scale is used:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>“1” = “Not high school graduate”</td>
<td></td>
</tr>
<tr>
<td></td>
<td>“2” = “High school graduate”</td>
<td></td>
</tr>
<tr>
<td></td>
<td>“3” = “Some college”</td>
<td></td>
</tr>
<tr>
<td></td>
<td>“4” = “College graduate”</td>
<td></td>
</tr>
<tr>
<td></td>
<td>“5” = “Graduate school/post graduate training”</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Percentage of students in the school that participated in the free or reduced price lunch program, also known as the National School Lunch Program (NSLP)</td>
<td></td>
</tr>
<tr>
<td>Percentage of teachers who are fully credentialed</td>
<td>Percentage of teachers who are fully credentialed in the school</td>
<td>October CBEDS Professional Assignment Information Form (PAIF)</td>
</tr>
</tbody>
</table>
How Similar Schools Rank is Determined

Several steps are used to calculate the similar schools ranks. After schools are divided into grade level categories (elementary, middle, and high), the School Characteristics Index (SCI) is calculated for each school using a statistical regression model procedure. The SCI is a numerical score calculated as a composite of the school’s demographic characteristics. Next, a comparison group of 100 similar schools are formed, based on similar SCIs. Last, the similar schools rank for a school is calculated. The Base APIs of its 100 similar schools are sorted from lowest to highest and then divided into ten equal groups (or deciles) ranked from lowest (one) to highest (ten). The school’s rank is the decile between one and ten where its API score occurs compared with the APIs of the 100 other similar schools in the comparison group.

The SCI is the API adjusted by the demographic characteristics of a school. It is calculated through a statistical procedure that produces a single index based on all of the factors included. Schools with SCIs that are close in numerical value tend to face similar educational challenges and opportunities.

From these calculations, the similar schools rank shows where a school ranks academically on a scale of one to ten compared with 100 other schools with similar demographic characteristics. California public schools serve students with many different backgrounds and needs. As a result, schools face different educational challenges. The similar schools ranks allow schools to look at their academic performance compared to other schools with some of the same opportunities and challenges.
## Issue and Analyses Conducted

Similar schools ranks based on the characteristics included in the current models have attracted wide attention from school districts, school administrators, teachers, and parents. It is commonly asked why certain variables are not included in the current model for calculating the similar schools ranks and why some schools are ranked with other schools that are so different.

In order to address these concerns, staff of the CDE conducted statistical analyses in August 2005 to determine if adding more demographic characteristic variables to the procedure would increase the accuracy in determining the 100 similar schools and the similar schools rank for each school.

The variables added into the statistical analyses included the new proposed demographic characteristics shown in the following table. Data from the 2004 STAR Program were used in the analyses.

### Similar Schools Demographic Characteristics Definitions

#### Six Proposed New Variables

<table>
<thead>
<tr>
<th>Characteristic</th>
<th>Operational Definition</th>
<th>Data Source</th>
</tr>
</thead>
</table>
| Percentage of grade span enrollments                     | Percentage of the following: Elementary Schools  
  - Grade 2 enrollment  
  - Grade 6 enrollment  
  - Grades 7 and 8 enrollment  
  - Grades 9-11 enrollment  
  Middle Schools  
  - Grades 2-5 enrollment  
  - Grade 6 enrollment  
  - Grades 9-11 enrollment  
  High Schools  
  - Grades 2-5 enrollment  
  - Grade 6 enrollment  
  - Grades 7-8 enrollment | STAR Program answer document                                                            |
<p>| Percentage of students in gifted and talented program (GATE) | Student participation in specially funded gifted and talented program                  | STAR Program answer document       |
| Percentage of students with disabilities                 | Student with valid disability code                                                     | STAR Program answer document       |
| Percentage of Reclassified Fluent-English-Proficient     | Student ‘s English proficiency shown as Reclassified Fluent-English-Proficient (RFEP) | STAR Program answer document       |</p>
<table>
<thead>
<tr>
<th>(RFEP) students</th>
<th>Percentage of migrant education students</th>
<th>Student participated in specially funded migrant education program</th>
<th>STAR Program answer document</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Percentage of students in reduced class size for full day</td>
<td>Student participated in class size reduction, option 1—full day</td>
<td>STAR Program answer document</td>
</tr>
</tbody>
</table>

**Findings**

At the elementary level, all six variables were found to be statistically significant in adding information for similar school selection. Results at the middle and high school level were mixed depending on which model was used (with or without parent education). However, in combination, the six variables added enough information to improve the accuracy of similar school selection.

**Recommendations**

Based on these statistical findings, TDG and the PSAA Advisory Committee both supported the addition of all six variables to the methodology for calculating the similar schools ranks.

In addition, it is recommended that the definition of school mobility used in the calculation of the similar schools ranks be changed from “students who first attended the school in the current year” to “students who were not continuously enrolled in the school since the October CBEDS date.” This new definition of school mobility is the same one used in determining which students are excluded from API and AYP calculations. Adopting the new definition would make the definitions consistent for similar schools ranks and API score calculations.
## SUBJECT

| District Assistance and Intervention Team (DAIT): Standards and Criteria to be Applied by a DAIT in Local Educational Agencies in Program Improvement Corrective Action |
| Action |
| Information |
| Public Hearing |

## RECOMMENDATION

The California Department of Education (CDE) recommends that the State Board of Education (SBE) approve the proposed standards and criteria to be applied by a District Assistance and Intervention Team (DAIT) in carrying out its duties, as included in Attachments 1 and 2.

## SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

*Education Code (EC) Section 52055.57(d)(4) requires that no later than January 31, 2006, the State Superintendent of Public Instruction (SSPI) shall develop, and the SBE shall approve, standards and criteria to be applied by a DAIT in carrying out its duties.*

In October and December 2005, the SBE reviewed information memoranda concerning standards and criteria to be applied by a DAIT in carrying out its duties in Program Improvement (PI) districts and county offices once they reach the Corrective Action stage. The process for developing the standards and criteria was described in the December SBE item.

A local educational agency (LEA) in PI, which has failed Adequate Yearly Progress (AYP) for two consecutive years, is subject to corrective action. The assignment of a DAIT is one option in addition to other sanctions that the SBE must invoke when PI districts move into corrective action in fall 2007. *EC Section 52055.57(c) identifies the following sanctions from which the state must select at least one:*

(c) (1) A local educational agency that has been identified for corrective action under the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.), shall be subject to one or more of the following sanctions as recommended by the Superintendent and approved by the state board:
SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION . . . (Cont.)

(A) Replacing local educational agency personnel who are relevant to the failure to make adequate yearly progress.
(B) Removing schools from the jurisdiction of the local educational agency and establishing alternative arrangements for the governance and supervision of those schools.
(C) Appointing, by the state board, a receiver or trustee, to administer the affairs of the local educational agency in place of the county superintendent of schools and the governing board.
(D) Abolishing or restructuring the local educational agency.
(E) Authorizing pupils to transfer from a school operated by the local educational agency to a higher performing school operated by another local educational agency, and providing those pupils with transportation to those schools, in conjunction with carrying out not less than one additional action described under this paragraph.
(F) Instituting and fully implementing a new curriculum that is based on state academic content and achievement standards, including providing appropriate professional development based on scientifically based research for all relevant staff, that offers substantial promise of improving educational achievement for high-priority pupils.
(G) Deferring programmatic funds or reducing administrative funds.

(2) In addition to the sanctions prescribed by paragraph (1), the Superintendent may recommend, and the state board may approve, the requirement that a local educational agency contract with a district assistance and intervention team to aid a local educational agency.

As discussed in the October and December 2005 SBE information memoranda, a DAIT is envisioned as being analogous to a School Assistance and Intervention Team (SAIT) in function and role, with the exception that a DAIT focuses on district activities. Accordingly, DAIT providers would investigate and recommend corrective actions for improving teaching and learning through district-level findings, support, and assistance.

SUMMARY OF KEY ISSUES

The standards and criteria to be adopted in January 2006 will govern the work done by, and the qualifications for, DAIT provider organizations. As required by EC Section 52055.57(c)(4), the following areas shall all be included in the standards and criteria to be applied in the work of a DAIT:

(A) Governance
(B) Alignment of curriculum, instruction, and assessments to state standards
(C) Fiscal operations
SUMMARY OF KEY ISSUES (Cont.)

(D) Parent and community involvement
(E) Human resources
(F) Data systems and achievement monitoring
(G) Professional development

The recommended standards to guide a DAIT in its work are contained in Attachment 1, Standards for District Improvement and the Focus of Work of a District Assistance and Intervention Team.

The recommended criteria for selecting providers of DAIT are contained in Attachment 2, Criteria for District Assistance and Intervention Team Providers.

FISCAL ANALYSIS (AS APPROPRIATE)

Authority will be sought in the 2006-07 Budget Act to support preparatory costs of DAIT providers and services, and in 2007-08 for implementation of Corrective Actions.

ATTACHMENT(S)

Attachment 1: Standards for the Work of a District Assistance and Intervention Team
(3 Pages)

Attachment 2: Criteria for District Assistance and Intervention Team Providers
(3 Pages)
Standards for the Work of a
District Assistance and Intervention Team

A. Governance

1. The local educational agency’s (LEA’s) vision, mission, values, and priorities are focused on the achievement and needs of all students, especially English Language Learners and other special needs students.

2. The LEA plan provides a coherent, focused plan and a ‘road map’ to achievement for all student groups.

3. The LEA’s policies, culture, and practices reflect a commitment to implementing systemic reform, innovative leadership, and high expectations to improve student achievement and learning.

4. The LEA plan builds on state requirements and initiatives, and on research-based practices, for improving student achievement and school leadership.

5. The LEA budget allocates aligned resources based on instructional priorities and student achievement needs.

6. The LEA has policies to fully implement the State Board of Education (SBE)-adopted Essential Program Components (EPCs) for Instructional Success. These include evidence of implementation regarding instructional materials, intervention programs, aligned assessments, appropriate use of pacing and instructional time, and alignment of categorical programs and instructional support.

7. The LEA applies student achievement data to establish and communicate instructional priorities and strategies for improved student learning and achievement.

8. The LEA holds teachers, site administrators, and district personnel accountable for student achievement.

9. The LEA policies, practices, and staff demonstrate a commitment to equally serving the needs and interests of all students, parents, and family members.

B. Alignment of Curriculum, Instruction, and Assessments to State Standards

1. The district optimizes all students’ opportunities to access appropriate instruction, including underperforming students and English Language Learners.

2. The district has planned and implemented an academic program based upon California content standards, frameworks, and SBE-adopted/aligned materials, and articulated to curriculum, instruction, and assessments of the LEA plan.
3. The district provides and fully implements SBE-adopted and standards-based (or aligned for secondary) instructional textbooks and materials for all students, including intervention in reading/language arts, math, history, social studies, and science.

4. The district utilizes and interprets data to inform classroom instruction, school site decision-making, and district policies and practices.

5. The LEA employs specialists for improving student learning, including content experts and specialists with skills to assist students with special instructional needs.

6. The district uses a variety of assessment systems to appropriately place students at grade level, and in intervention and other special support programs.

7. The LEA communicates systematically and clearly with all stakeholders, especially teachers, students and parents, about student achievement, academic expectations, and accountability requirements.

C. Fiscal Operations

1. The LEA has fiscal policies and expenditures that give priority to student achievement, instructional goals, and implementation of all EPCs.

2. The LEA and school plans align categorical expenditures with achievement and instructional goals.

3. The LEA plan details fiscal plans and expenditures as tied to achievement goals and priorities.

D. Parent and Community Involvement

1. The LEA provides clear, timely, and two-way communications with parents, families, and community members about student achievement, academic and other expectations, accountability requirements, and support for their students’ academic success.

2. The district has family and parent involvement programs at all schools.

3. The district’s teachers and parents participate in decisions affecting school and categorical programs.

4. The district office and all schools provide multiple opportunities for parents and family members to access school programs and staff, receive student and school information and resources, and be a part of decision-making.
E. Human Resources

1. The district recruits, selects, and monitors principals with strong leadership skills, with a priority on placement of strong leaders at underperforming schools.

2. The LEA works with the teachers’ association to recruit highly-qualified teachers, and to link evaluations to student success and to effective delivery of curriculum, instruction, and assessment.

3. The LEA provides support systems for teachers, especially for new teachers.

4. The district provides competitive salaries, wages, and benefits to classroom personnel.

F. Data Systems and Achievement Monitoring

1. The LEA provides and supports the use of information systems and technology, and provides professional development to site staff on effectively analyzing and applying data to improve student learning and achievement.

2. The district provides an accurate and timely school-level assessment and data system, as needed by teachers for the decision-making and monitoring of instruction.

G. Professional Development

1. The LEA plan includes budgeted coherent professional development activities that reflect research-based strategies for improved student achievement and a focus on standards-based content knowledge.

2. The LEA provides materials-based professional development, based on data and adoptions in use focused on improving student achievement.

3. The LEA provides opportunities for professional development in reading/language arts, math, and interventions, through Assembly Bill (AB) 430 (Nava/2005) Principal Training Program, AB 466 (Strom-Martin/2001) training for teachers, and other materials based trainings as available.

4. The LEA provides opportunities for teachers to collaborate on the analysis and improvement of curriculum, instruction, and use of assessment data.
Criteria for
District Assistance and Intervention Team Providers

A. Governance

1. Advanced leadership skills in kindergarten through twelfth grade education, including:
   - Site administrative experience.
   - District-level experience.
   - Effective school management experience and leadership skills in “turning around” underperforming districts and schools.
   - Experience and skills applicable to coaching a superintendent.

2. Strong communications skills, including:
   - Experience communicating effectively with all stakeholders, particularly administrators, community leaders, parents, families, teachers, and students of underperforming districts.

3. Research knowledge and application skills, including:
   - Knowledge of sound research on strategies for improved student achievement, and successful systemic reform and evaluation.

4. Substantial experience developing cohesive local educational agency (LEA) plans, which align student achievement priorities with budget allocations.

B. Alignment of Curriculum, Instruction, and Assessments to State Standards

1. Knowledge and experience with curriculum, instruction, and assessment, including:
   - Knowledge of State Board of Education (SBE)-adopted and aligned academic content standards and frameworks.
   - Experience in implementing SBE-adopted and standards-aligned texts in California kindergarten through twelfth grade public school classrooms.
   - Experience in effective teaching of standards-based reading, writing, language arts, and mathematics for students by grade span.
   - Knowledge and use of student achievement monitoring systems, including
Student Testing and Reporting (STAR) assessments; curriculum-embedded assessments; standardized, criterion-referenced and other assessments; and application of assessment tools to improve achievement.

- Knowledge of criteria for accelerated mathematics interventions and SBE-adopted reading intervention programs for underperforming schools and students.

2. Knowledge of instructional programs and achievement strategies for underperforming and language minority students, including:
   - Knowledge and experience with effective strategies and materials to help English Language Learners acquire full academic proficiency in English and meet grade-level standards in the context of state requirements.
   - Knowledge and experience in successful instruction of special education students.

3. Experience in applying Essential Program Components at the school level to improve achievement.

4. Knowledge and skills in education research, particularly pertaining to:
   - Evaluation and research-based reform strategies.

C. Fiscal Operations

1. Experience in maximizing fiscal resources to accelerate the academic achievement of underperforming students.

2. Knowledge and experience in creating district and school budgets, aligned with LEA and school improvement plans, which support academic achievement of underperforming students.

D. Parent and Community Involvement

1. Strong communications skills, including:
   - Experience communicating effectively with parents, students, families, and community leaders in underperforming districts.

2. Knowledge of parent and family involvement programs and strategies at district and school levels.
E. Human Resources

1. Human resources knowledge, including:

   • Experience in maximizing and improving human resources at all district and school levels to accelerate the academic achievement of underperforming students.

   • Negotiation skills, and experience with collective bargaining agents.

F. Data Systems and Achievement Monitoring

1. Experience in planning and utilizing student assessment data to monitor achievement and modify student instruction and learning, including:

   • Knowledge of various student achievement monitoring systems, such as curriculum embedded assessments, district and state assessments, and early and intermediate methods of assessment.

G. Professional Development

1. Expertise and skills in:

   • Professional development that addresses standards-based instruction focused on SBE-adopted (kindergarten through eighth grade) or standards-aligned (ninth through twelfth grade) instructional materials in use at a school.

   • Content of Assembly Bill (AB) 466 (Strom-Martin/2001) *Mathematics and Reading Professional Development Program* and AB 430 (Nava/2005) *Principal Training Program*.

   • Professional development that supports the analysis and application of data to improve student achievement.

2. Coaching skills applicable to providing support for teachers, principals, district administrative staff, and a superintendent.

3. Knowledge of research on effective professional development strategies.
RECOMMENDATION

The California Department of Education (CDE) recommends that the State Board of Education (SBE):

1. Determine that one Immediate Intervention/Underperforming Schools Program (II/USP) school listed on Attachment 2 and four High Priority Schools Grant Program (HPSGP) schools listed on Attachment 3 are state-monitored,

2. Assign a School Assistance and Intervention Team (SAIT) to each of these state-monitored schools and allow the local governing board to retain its legal rights, duties, and responsibilities with respect to each school, and

3. With regard to the HPSGP schools, provide that other interventions may be imposed after two data points have demonstrated that the schools are not making progress in exiting the HPSGP program.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Pursuant to Education Code (EC) sections 52055.5(b) and 52055.650, II/USP and HPSGP schools failing to demonstrate significant growth are subject to state monitoring.

Title 5 regulations require II/USP schools to make at least one point of Academic Performance Index (API) growth in order to demonstrate significant growth.

HPSGP schools without valid API data in at least one of the three years require the application of alternative growth criteria as defined in Title 5 regulations and included in Attachment 1.
SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION . . . (Cont.)

At the September and November 2005 SBE meetings, the SBE approved the State Superintendent of Public Instruction’s (SSPI) recommendation that districts whose II/USP and HPSPG schools failed to show significant growth or to meet the alternative growth criteria defined in regulations contract for the services of an approved SAIT Provider.

SUMMARY OF KEY ISSUES

The SSPI, with the approval of the SBE, is required to invoke sanctions from one of two groups for any of these schools failing to make significant growth:

1. According to the provisions of EC sections 52055.5(b) and 52055.650(e)(2), the SSPI shall:
   - Assume all the legal rights, duties, and powers of the governing board, unless the SSPI and the SBE allow the local governing board to retain these rights;
   - Reassign the principal of that school, subject to a hearing; and
   - Do one or more of the following with respect to a state-monitored school:
     - Revise attendance options;
     - Allow parents to apply directly to the SBE to establish a charter school;
     - Assign the management of the school to a school management organization;
     - Reassign other certificated employees of the school;
     - Renegotiate a new collective bargaining agreement at the expiration of the existing one;
     - Reorganize the school, and/or
     - Close the school.
   - Place a trustee at the school for a period not to exceed three years (only available for II/USP schools).

2. As an alternative to the above, the SSPI, with the approval of the SBE, may require districts to contract with a SAIT in lieu of other interventions and
SUMMARY OF KEY ISSUES (Cont.)

sanctions. If the SBE approves, the governing board of the school district may retain its legal rights, duties, and responsibilities with respect to that school. (EC sections 52055.51[a] and 52055.650[e][1])

The 2005 schoolwide API results yielded one Cohort 2 II/USP school which failed to make significant growth and which did not appear in our earlier calculations. Attachment 2 describes the school’s API growth data.

Eleven Cohort 1 HPSGP schools that have been changing data and are missing data in one or more years, require application of the alternative growth criteria as defined in Title 5 regulations. Of these schools, four failed to meet the alternative growth criteria and are subject to state monitoring. Attachment 3 describes the schools’ API growth data.

FISCAL ANALYSIS (AS APPROPRIATE)

Details of the expenditure plan for allocations to state-monitored II/USP and HPSGP schools are contained in a January 2006 SBE item entitled:

Immediate Intervention/Underperforming Schools Program (II/USP) and High Priority Schools Grant Program (HPSGP): School Assistance and Intervention Team (SAIT): Approval of Expenditure Plan to Support SAIT Activities and Corrective Actions in State-Monitored Schools

ATTACHMENT(S)


Attachment 2: 2005-06 Immediate Intervention/Underperforming Schools Program Cohort 2 School that Did Not Make Significant Growth (1 Page)

Attachment 3: 2005-06 Cohort 1 High Priority Schools Grant Program Schools Without Valid Growth Academic Performance Index Data that Failed to Meet the Alternative Growth Criteria for Significant Growth (1 Page)
ATTACHMENT(S) (Cont.)

There are a number of II/USP and HPSGP schools that are subject to the alternative growth criteria and/or are now changing data that will need to be re-evaluated upon the next data release in January 2006 and which may require a last minute memorandum.
Title 5. EDUCATION

Division 1. California Department of Education

Chapter 2. Pupils
Subchapter 4. Statewide Testing of Pupils and Evaluation Procedures

Article 1.6. Immediate Intervention/Underperforming Schools Program (II/USP) and High Priority Schools Grant Program (HPSGP): Definition of Significant Growth and Criteria to Determine Academic Growth for II/USP and HPSGP Schools Without Valid API’s

§ 1030.5. Definition of Significant Growth for II/USP Schools.

A school participating in the Immediate Intervention/Underperforming Schools Program (II/USP) of Education Code sections 52053 through 52055.55 achieves “significant growth” as that term is used in Education Code sections 52055.5 and 52055.55 when its schoolwide Academic Performance Index (API) growth is greater than zero and the school does not achieve its API growth target pursuant to Education Code section 52052(c).


§ 1030.6. Criteria to Demonstrate Significant Growth for II/USP Schools Without Valid APIs.

Schools participating in the II/USP without a valid API score pursuant to Education Code section 52052(f) demonstrate academic growth equivalent to significant growth for purposes of Education Code sections 52055.5 and 52055.55 when the weighted average percent proficient across all California Standards Tests in (a) English/language arts and (b) mathematics increased by at least one percentage point from the prior year to the year in which they have an invalid score. For purposes of this calculation, there shall be no rounding (e.g., 0.99 does not round up to 1.00).
§ 1030.7. Definition of Significant Growth for HPSGP Schools.

A school participating in the High Priority Schools Grant Program (HPSGP) of Education Code sections 52055.600 through 52055.662 achieves “significant growth” as that term is used in Education Code section 52055.650 when its combined growth is equal to or greater than ten Academic Performance Index (API) points on the API over the last three years it participates in the program and also achieves positive API growth in two of the last three years.


§ 1030.8. Criteria to Demonstrate Significant Growth for HPSGP Schools Without Valid APIs.

Schools participating in the HPSGP without a valid API score pursuant to Education Code section 52052(f) in at least one out of three years demonstrate academic growth equivalent to significant growth for purposes of Education Code section 52055.650 when the school’s weighted average percent proficient across all California Standards Tests in (a) English/language arts and (b) mathematics increased by at least two percentage points over the prior three year period. For purposes of this calculation, there shall be no rounding (e.g., 0.99 does not round up to 1.00).

<table>
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</tr>
</thead>
<tbody>
<tr>
<td>San Francisco Unified</td>
<td>Burbank (Luther) Middle</td>
<td>2</td>
<td>558</td>
<td>18</td>
<td>Yes</td>
<td>Yes</td>
<td>571</td>
<td>10</td>
<td>No</td>
<td>No</td>
<td>587</td>
<td>-2</td>
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</table>
### 2005-06 Cohort 1 High Priority Schools Grant Program Schools Without Valid Growth Academic Performance Index Data that Failed to Meet the Alternative Criteria for Significant Growth

<table>
<thead>
<tr>
<th>CDS Code</th>
<th>District Name</th>
<th>School Name</th>
<th>Met Alternative Growth Criteria</th>
<th>Difference in ELA % Proficient</th>
<th>Difference in Math % Proficient</th>
</tr>
</thead>
<tbody>
<tr>
<td>19647331935519</td>
<td>Los Angeles Unified</td>
<td>Manual Arts Senior High</td>
<td>No</td>
<td>2.74</td>
<td>-0.05</td>
</tr>
<tr>
<td>36677103630480</td>
<td>Fontana Unified</td>
<td>Citrus High (Continuation)</td>
<td>No</td>
<td>4.67</td>
<td>1.40</td>
</tr>
<tr>
<td>19647331935154</td>
<td>Los Angeles Unified</td>
<td>Locke (Alain Leroy) Senior High</td>
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<td>0.09</td>
</tr>
<tr>
<td>36677103630019</td>
<td>Fontana Unified</td>
<td>Birch High (Continuation)</td>
<td>No</td>
<td>3.46</td>
<td>-1.97</td>
</tr>
</tbody>
</table>
CALIFORNIA STATE BOARD OF EDUCATION

JANUARY 2006 AGENDA

SUBJECT

Immediate Intervention/Underperforming Schools Program and High Priority Schools Grant Program: School Assistance and Intervention Team (SAIT): Approval of Expenditure Plan to Support SAIT Activities and Corrective Actions in State-Monitored Schools

RECOMMENDATION

The California Department of Education (CDE) recommends that the State Board of Education (SBE) approve the expenditure plans as described in Attachments 1 and 2.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

At the previous SBE meetings in September and November 2005, the SBE deemed 53 Immediate Intervention/Underperforming Schools Program (II/USP) and 18 High Priority Schools Grant Program (HPSGP) schools as state-monitored. The SBE assigned School Assistance and Intervention Teams (SAITs) to all state-monitored schools and approved funding for SAIT activities and implementation of corrective actions.

SUMMARY OF KEY ISSUES

The October 27, 2005, schoolwide Academic Performance Index (API) results yielded one Cohort 2 II/USP school and four Cohort 1 HPSGP schools that failed to make significant growth as per Title 5 regulations. These schools are being recommended for state monitoring in 2005-06. Upon approval of the recommendation for a SAIT, this item will allow the CDE to issue a grant award to support the work in the II/USP school.

As stated in the November 2005 SBE Item, legislative authority to disburse funds to state-monitored HPSGP schools will be pursued. Until the passage of the legislation, districts and schools will be sent letters notifying them of the requirement to implement state monitoring activities using local funds. However, contingent upon passage of authorized legislation, the state anticipates that the districts will be reimbursed for the costs of SAIT activities and implementation of corrective actions in 2005-06.
FISCAL ANALYSIS (AS APPROPRIATE)

Attachment 1 lists federal funds required to implement the SAIT and Corrective Actions for one Title I school in Cohort 2 II/USP. The total federal expenditure proposed is $122,100.

Attachment 2 lists general funds proposed for four schools in HPSGP. The total state General Funds expenditure proposed is $1,648,150.

ATTACHMENT(S)

Attachment 1: Table 1: 2005-06 Expenditure Plan for Immediate Intervention/Underperforming Schools Program State-Monitored School (1 Page)

Attachment 2: Table 2: 2005-06 Expenditure Plan for High Priority Schools Grant Program State-Monitored Schools (1 Page)

There are a number of II/USP and HPSGP schools that are subject to the alternative growth criteria and/or are now changing data that will need to be re-evaluated upon the next data release in January 2006 and which may require a last minute memorandum.
### Table 1
#### 2005-06 Expenditure Plan for Immediate Intervention/Underperforming Schools Program
**State-Monitored School**

<table>
<thead>
<tr>
<th>Funding</th>
<th>Newly Identified School</th>
<th>School Assistance and Intervention Team (SAIT) Work</th>
<th>Corrective Actions as a Result of SAIT Work</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Federal Funds</strong></td>
<td><strong>Cohort 2</strong></td>
<td>$ 75,000 x 1 = $ 75,000</td>
<td>314 students x $150 = $ 47,100</td>
</tr>
<tr>
<td></td>
<td><strong>Middle</strong> 1</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>SAIT and Corrective Actions Federal Funds:</strong> $122,100</td>
<td></td>
</tr>
</tbody>
</table>
Table 2

2005-06 Expenditure Plan for High Priority Schools Grant Program
State-Monitored Schools

<table>
<thead>
<tr>
<th>Funding</th>
<th>Newly Identified Schools</th>
<th>School Assistance and Intervention Team (SAIT) Work</th>
<th>Corrective Actions as a Result of SAIT Work</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Funds</td>
<td>High 4</td>
<td>$100,000 x 4 = $400,000</td>
<td>8,321 students x $150 = $1,248,150</td>
</tr>
<tr>
<td></td>
<td>Subtotal $400,000</td>
<td>Subtotal $1,248,150</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>SAIT and Corrective Actions General Funds: $1,648,150</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Standardized Testing and Reporting Program: Including but not limited to Program Update  

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

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Grade Four and Seven Writing Tests

In 2001, the California Writing Standards Tests (CSTs in Writing) were added to the Standardized Testing and Reporting (STAR) Program in grades four and seven as part of the California English-Language Arts Standards Tests (CSTs in English-Language Arts). In October 2004, the California Department of Education (CDE), the SBE, and Educational Testing Service (ETS) convened a statewide Writing Test Task Force in Sacramento to review the current status of the CSTs in Writing and recommend possible changes. The task force consisted of Assessment Review Panel (ARP) members, teachers (kindergarten through grade twelve), administrators, test measurement specialists, university professors, and other educators.

The task force was convened because the majority of students who took the CSTs in Writing during the first five years of its administration received scores of two, three, or four out of a possible eight on the writing test. A large number of students who scored two, three, or four were among those who scored Proficient or Advanced on the overall grade four and grade seven English-language arts (ELA) California Standards Tests (CSTs).

These results gave rise to two main issues: First, when writing test scores are confined to such a narrow range, they may not be discriminating effectively among student writing abilities and, consequently, contribute relatively little useful information to the grade four and grade seven ELA CST results. Second, the Standards and Assessment Division had received numerous inquiries from parents, teachers, and school and district administrators about why many of their students who had achieved Proficient
SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

and Advanced on the grade four and seven ELA CSTs received scores of 4 or below on the writing tests.

Convening the Writing Test Task Force provided an opportunity for representatives from the field and other specialists to recommend possible changes to the writing test that could be incorporated into any new field testing. The task force made a number of recommendations, two of which required SBE action:

- Approve adopting a one-reader model with ten percent read-behinds for scoring the grades four and seven CSTs in Writing.
- Approve the field testing of 40 additional writing tasks.

The SBE approved these recommendations at their January 2005 meeting. Other task force recommendations included modification of the writing test format, clarification of the directions to students, and review of the scoring rubric. The full text of the task force recommendations is available in Item #4 of the SBE January 2005 Meeting Agenda. The agenda can be accessed at CDE’s Web site http://www.cde.ca.gov/be/ag/ag/yr05/agenda0105.asp.

SUMMARY OF KEY ISSUES

Grade Four and Seven Writing Tests

Pursuant to task force recommendations, ETS developed new writing prompts for grades four and seven. The proposed prompts were then submitted to the CDE content-area experts and the ELA ARP for review. The reviewers approved 20 new prompts for field testing in grade four and 20 new prompts for field testing in grade seven.

Following the ARP approval of the writing prompts, ETS pilot tested several of the prompts with the modifications to format and directions recommended by the Writing Test Task Force to determine which modifications were most helpful to students. Based on pilot test results, the formats and directions that proved most helpful during the pilot test were incorporated into the field test booklets and the 40 new prompts with the new formats and directions were field tested in September 2005. A sample from a writing test booklet with the modified format and directions is attached.

The student responses from the field tests were scored. The ELA ARP met to review the field tested prompts and their accompanying statistics and to recommend four prompts for spring 2006 testing. Having reviewed field test data, the ARP recommended two grade four and two grade seven prompts for spring 2006 testing. The ARP also reviewed the grade four and grade seven scoring rubrics and made slight adjustments as a result of the field test scoring. Copies of the rubrics are attached with the adjustments noted.
SUMMARY OF KEY ISSUES

STAR Orders

District STAR coordinators submitted orders for CST, California Alternate Performance Assessment (CAPA), and Aprenda, La prueba de logros en español, Tercera edición (Aprenda 3) testing materials for the spring 2006 administration during November and December. The test contractors, ETS for the CSTs and CAPA and Harcourt Assessment for the Aprenda 3, are in the process of verifying and finalizing the orders for all districts and charter schools, as well as contacting districts and charter schools that did not submit orders.

The STAR Management System Pre-ID Component for the CSTs and CAPA was opened on December 8, for districts to begin uploading student pre-ID files for the spring test administration. ETS made a number of enhancements to this year’s system, including giving districts the option of updating their student files from spring 2005 to pre-ID spring 2006 student answer documents. The edits that are applied to pre-ID files were modified so that districts receive more information about corrections that are needed to produce a clean file than was available during previous years. ETS again worked with California School Information Services (CSIS) staff so that districts have the option of submitting pre-ID files to CSIS and receiving edit reports that can be used to correct files before they are submitted to ETS to generate student answer documents. Since districts pay for data corrections after testing is completed, using the CSIS edit system ensures that the cleanest possible data are available to report test results and calculate Academic Performance Index and Adequate Yearly Progress, as well as saving districts the costs associated with correcting data after testing is completed.

ETS and Harcourt Assessment will be conducting spring 2006 pre-test workshops throughout the state during January and February. ETS also will produce a Web cast of the CST/CAPA workshop.

Standards-Based Tests in Spanish (STS)

During the past year, the STS Mathematics ARP met three times and the Reading/Language Arts ARP met four times to prepare field-test questions for grades two, three, and four. The field-test will occur in 2006 and grades two, three, and four will be operational in 2007. Following the ARP review, the reading/language arts and previously reviewed mathematics questions will go to the Statewide Pupil Assessment Review (SPAR) Panel during February.

California Alternate Performance Assessment (CAPA)

The CAPA English-language arts, mathematics, and science ARPs have been meeting to draft revised blueprints for the assessments. The panels drafted English-language arts and mathematics blueprints for grades two through seven and science blueprints for grades five and eight during December. The panels will meet to continue work on
SUMMARY OF KEY ISSUES

English-language arts and mathematics for grades eight through eleven and science for grade ten the first week of February. The CDE expects to present revised English-language arts and mathematics blueprints for at least grades two through five and science for grades five and eight to the SBE for review and approval during March.

California Modified Assessment (CMA)

The CMA ARPs for English-language arts, mathematics, and science met during November 2005, and began drafting English-language arts and mathematics blueprints for grades two through seven and science blueprints for grades five and eight. The panels are meeting during late January to continue work on English-language arts and mathematics for grades eight through eleven and science for grade ten. The CDE expects to present English-language arts and mathematics blueprints for at least grades two through five and science for grades five and eight to the SBE for review and approval during March.

FISCAL ANALYSIS (AS APPROPRIATE)

All costs associated with the activities in this update are included in the current contracts with Harcourt Assessment for the Aprenda 3 and ETS for the CSTs, STS, CAPA, and CMA.

ATTACHMENT(S)

Attachment 1: Sample Writing Test Booklet (6 Pages). A copy of the Sample Writing Test Booklet is also available for viewing at the State Board office. Attachment 2: Grade Four Rubric and Grade Seven Rubric (4 Pages)
Grade Four Scoring Rubric

4 The writing—
- Clearly addresses all parts of the writing task.
- Demonstrates a clear understanding of purpose.
- Maintains a consistent point of view, focus, and organizational structure, including paragraphing when appropriate.
- Includes a clearly presented central idea with relevant facts, details, and/or explanations.
- Includes a variety of sentence types. sentence variety.
- Contains few, if any, errors in the conventions of the English language (grammar, punctuation, capitalization, spelling). These errors do not interfere with the reader’s understanding of the writing.

Narrative writing—
- Provides a thoroughly developed sequence of significant events to relate ideas observations, and/or memories.
- Includes vivid descriptive language and sensory details that enable the reader to visualize imagine the events or experiences.

Summary writing—
- Is characterized by paraphrasing of the main idea(s) and significant details. Summarizes text with clear identification of the main idea(s) and the most significant details, in student’s own words.

Response to literature writing—
- Demonstrates a clear understanding of the literary work.
- Provides effective support for judgments through specific references to text and/or prior knowledge.

3 The writing—
- Addresses all parts most of the writing task.
- Demonstrates a general understanding of purpose.
- Maintains a mostly consistent point of view, focus, and organizational structure, including paragraphing when appropriate.
- Presents a central idea with mostly relevant facts, details, and/or explanations.
- Includes a variety of sentence types. some sentence variety.
- Contains some errors in the conventions of the English language (grammar, punctuation, capitalization, spelling). These errors do not interfere with the reader’s understanding of the writing.

Narrative writing—
- Provides an adequately developed sequence of significant events to relate ideas observations, and/or memories.
- Includes some descriptive language and sensory details that enable the reader to visualize imagine the events or experiences.

Summary writing—
- Is characterized by paraphrasing of the main idea(s) and significant details. Summarizes text with the main idea(s) and important details, generally in the student’s own words.

Response to literature writing—
- Demonstrates an understanding of the literary work.
- Provides some support for judgments through references to text and/or prior knowledge.

2 The writing—
- Addresses only parts some of the writing task.
- Demonstrates little understanding of purpose.
- Maintains an inconsistent point of view, focus, and/or organizational structure; may lack appropriate paragraphing.
- Suggests a central idea with limited facts, details, and/or explanations.
- Includes little variety in sentence types. little sentence variety.
- Contains several errors in the conventions of the English language (grammar, punctuation, capitalization, spelling). These errors may interfere with the reader’s understanding of the writing.

Narrative writing—
- Provides a minimally developed sequence of events to relate ideas observations, and/or memories.
• Includes limited descriptive language and sensory details that enable the reader to visualize the events or experiences.

**Summary writing—**
• Is characterized by substantial copying of key phrases and minimal paraphrasing. Summarizes text with some of the main idea(s) and details, minimal use of the student’s own words.

**Response to literature writing—**
• Demonstrates a *limited* understanding of the literary work.
• Provides *weak* support for judgments.

1 **The writing—**
• Addresses *only one part* of the writing task.
• Demonstrates *no* understanding of purpose.
• *Lacks* a clear point of view, focus, and/or organizational structure; *may contain inappropriate paragraphing*.
• *Lacks* a central idea but may contain *marginally related* facts, details, and/or explanations.
• *Includes* no sentence variety.
• *Contains serious errors* in the conventions of the English language (grammar, punctuation, capitalization, spelling). These errors interfere with the reader’s understanding of the writing.

**Narrative writing—**
• Lacks a sequence of events to relate ideas observations, and/or memories.
• Lacks descriptive language and sensory details that enable the reader to visualize the events or experiences.

**Summary writing—**
• Is characterized by substantial copying of indiscriminately selected phrases or sentences. Summarizes text with few, if any main idea(s) and/or details, little or no use of the student’s own words.

**Response to literature writing—**
• Demonstrates little or no understanding of the literary work.
• *Fails* to provide support for judgments.
Grade Seven Scoring Rubric

4 The writing—
- Clearly addresses all parts of the writing task.
- Demonstrates a clear understanding of purpose and audience.
- Maintains a consistent point of view, focus, and organizational structure, including the effective use of transitions.
- Includes a clearly presented central idea with relevant facts, details, and/or explanations.
- Includes a variety of sentence types: sentence variety.
- Contains few, if any, errors in the conventions of the English language (grammar, punctuation, capitalization, spelling). These errors do not interfere with the reader’s understanding of the writing.

Fictional or autobiographical narrative writing—
- Provides a thoroughly developed plot line, including major and minor characters and a definite setting.
- Includes appropriate strategies (e.g., dialogue; suspense; narrative action.)

Response to literature writing—
- Develops interpretations that demonstrate a thoughtful, comprehensive grasp of the text.
- Organizes accurate and coherent interpretations around clear ideas, premises, or images from the literary work.
- Provides specific textual examples and details to support the interpretations.

Persuasive writing—
- Authoritatively defends a clear position with precise and relevant evidence and convincingly addresses the reader's concerns, biases, and expectations.

Summary writing—
- Is characterized by paraphrasing of the main idea(s) and significant details. Summarizes text with clear identification of the main idea(s) and most significant details, in student's own words, and clearly reflects underlying meaning.

3 The writing—
- Addresses all parts most of the writing task.
- Demonstrates a general understanding of purpose and audience.
- Maintains a mostly consistent point of view, focus, and organizational structure, including the effective use of some transitions: use of isolated and/or single word transitions.
- Presents a central idea with mostly relevant facts, details, and/or explanations.
- Includes a variety of sentence types: some sentence variety.
- Contains some errors in the conventions of the English language (grammar, punctuation, capitalization, spelling). These errors do not interfere with the reader’s understanding of the writing.

Fictional or autobiographical narrative writing—
- Provides an adequately developed plot line, including major and minor characters and a definite setting.
- Includes appropriate strategies (e.g., dialogue; suspense; narrative action.)

Response to literature writing—
- Develops interpretations that demonstrate a comprehensive grasp of the text.
- Organizes accurate and reasonably coherent interpretations around clear ideas, premises, or images from the literary work.
- Provides textual examples and details to support the interpretations.

Persuasive writing—
- Generally defends a position with relevant evidence and addresses the reader’s concerns, biases, and/or expectations.

Summary writing—
- Is characterized by paraphrasing of the main idea(s) and significant details.
- Summarizes text with the main idea(s) and important details, mostly in the student’s own words, and generally reflects underlying meaning.

2 The writing—
- Addresses only parts some of the writing task.
- Demonstrates little understanding of purpose and audience.
- Maintains an inconsistent point of view, focus, and/or organizational structure, which may include ineffective or awkward transitions that do not unify important ideas.
- Suggests a central idea with limited facts, details, and/or explanations.
- Includes little variety in sentence types. Little sentence variety.
- Contains several errors in the conventions of the English language (grammar, punctuation, capitalization, spelling). These errors may interfere with the reader's understanding of the writing.

**Fictional or autobiographical narrative writing**
- Provides a minimally developed plot line, including characters and a setting.
- Attempts to use strategies but with minimal effectiveness (e.g., dialogue; suspense; narrative action.)

**Response to literature writing**
- Develops interpretations that demonstrate a limited grasp of the text.
- Includes interpretations that lack accuracy or coherence as related to ideas, premises, or images from the literary work.
- Provides few, if any, textual examples and details to support the interpretations.

**Persuasive writing**
- Defends a position with little, if any, evidence and may address the reader’s concerns, biases, and expectations.

**Summary writing**
- Is characterized by substantial copying of key phrases and minimal paraphrasing.
- Summarizes text with some of the main idea(s) and details, which may be superficial, minimal use of the student’s own words, and minimal reflection of underlying meaning.

1. The writing
   - Addresses only one part of the writing task.
   - Demonstrates no understanding of purpose and audience.
   - Lacks a point of view, focus, organizational structure, and transitions that unify important ideas.
   - Lacks a central idea but may contain marginally related facts, details, and/or explanations.
   - Includes no sentence variety.
   - Contains serious errors in the conventions of the English language (grammar, punctuation, capitalization, spelling). These errors interfere with the reader’s understanding of the writing.

**Fictional or autobiographical narrative writing**
- Lacks a developed plot line.
- Fails to use strategies (e.g., dialogue; suspense; narrative action).

**Response to literature writing**
- Demonstrates little grasp of the text.
- Lacks an interpretation or may be a simple retelling of the passage.
- Lacks textual examples and details.

**Persuasive writing**
- Fails to defend a position with any evidence and fails to address the reader’s concerns, biases, and expectations.

**Summary writing**
- Is characterized by substantial copying of indiscriminately selected phrases or sentences.
- Summarizes text with few, if any, of the main ideas and/or details, little or no use of the student’s own words, little or no reflection of underlying meaning.
Sample Grade Four Narrative Writing Task*

 Narrative Writing Task

Directions:
- In this writing test, you will respond to the writing task on the following pages.
- You will have time to plan your response and write a first draft with edits.
- Only what you write on the lined pages in this booklet will be scored.
- Use only a No. 2 pencil to write your response.

Scoring:
Your writing will be scored on how well you
- include a beginning, a middle, and an end;
- use details; and
- use correct grammar, spelling, punctuation, and capitalization.

* This sample is intended only to illustrate the changes made to the test format and directions to students for the 2006 administration. It is not intended to suggest that the writing genre or prompt shown here been selected for the 2006 CST in writing.
DO NOT WRITE ON THIS PAGE.

This page is blank on purpose.

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Sample Grade Four Narrative Writing Task

Read the following writing task. You must write a narrative about this topic.

Writing a Narrative

Imagine that you are asked to keep an elephant for a week. Write a story about your unusual experiences with your elephant.*

When you write about this experience, remember
- to include a beginning, a middle, and an end;
- to use details to describe the experience; and
- to use correct grammar, spelling, punctuation, and capitalization.

* Please note that this prompt was administered operationally in grade four in 2002 and subsequently released.

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GO ON ➤
GO ON

YOU MAY USE THIS PAGE TO HELP YOU PLAN YOUR NARRATIVE BEFORE YOU BEGIN WRITING YOUR WORK. YOUR WORK ON THIS PAGE WILL NOT BE SCORED.

You should not spend more than 10 to 15 minutes planning your narrative.

You may use this page to help you plan your narrative before you begin writing. Your work on this page will NOT be scored.

When you write about this experience, remember:

- Include a beginning, a middle, and an end;
- Use details to describe the experience; and
- Use correct grammar, spelling, punctuation, and capitalization.

Your work on the lined pages that follow WILL be scored.

USE ONLY A NO. 2 PENCIL TO WRITE YOUR NARRATIVE.

GO ON

YOU MAY USE THIS PAGE TO HELP YOU PLAN YOUR NARRATIVE BEFORE YOU BEGIN WRITING YOUR WORK. YOUR WORK ON THIS PAGE WILL NOT BE SCORED.

You should not spend more than 10 to 15 minutes planning your narrative.

You may use this page to help you plan your narrative before you begin writing. Your work on this page will NOT be scored.

When you write about this experience, remember:

- Include a beginning, a middle, and an end;
- Use details to describe the experience; and
- Use correct grammar, spelling, punctuation, and capitalization.

Your work on the lined pages that follow WILL be scored.

USE ONLY A NO. 2 PENCIL TO WRITE YOUR NARRATIVE.

GO ON

YOU MAY USE THIS PAGE TO HELP YOU PLAN YOUR NARRATIVE BEFORE YOU BEGIN WRITING YOUR WORK. YOUR WORK ON THIS PAGE WILL NOT BE SCORED.

You should not spend more than 10 to 15 minutes planning your narrative.

You may use this page to help you plan your narrative before you begin writing. Your work on this page will NOT be scored.

When you write about this experience, remember:

- Include a beginning, a middle, and an end;
- Use details to describe the experience; and
- Use correct grammar, spelling, punctuation, and capitalization.

Your work on the lined pages that follow WILL be scored.

USE ONLY A NO. 2 PENCIL TO WRITE YOUR NARRATIVE.
Sample Grade Seven Narrative Writing Task*

Directions:
- In this writing test, you will respond to the writing task on the following pages.
- You will have time to plan your response and write a first draft with edits.
- Only what you write on the lined pages in this booklet will be scored.
- Use only a No. 2 pencil to write your response.

Scoring:
Your writing will be scored on how well you
- develop a plot with a beginning, a middle, and an end;
- develop a setting and character(s);
- use appropriate strategies: for example, dialogue, suspense, narrative action; and
- use correct grammar, spelling, punctuation, and capitalization.

Fictional Narrative Writing Task

* This sample is intended only to illustrate the changes made to the test format and directions to students for the 2006 administration. It is not intended to suggest that the writing genre or prompt shown here been selected for the 2006 CST in writing.
Sample Grade Seven Narrative Writing Task

Read the following writing task. You must write a narrative about this topic.

Writing a Fictional Narrative

Imagine that in the year 2005 the world’s technologies suddenly stop working. Write a narrative about a day in the life of a person if this occurred.*

When you write about this experience, remember:
- to develop a plot with a beginning, a middle, and an end;
- to develop a setting and character(s);
- to use appropriate strategies: for example, dialogue, suspense, narrative action; and
- to use correct grammar, spelling, punctuation, and capitalization.

Planning Your Narrative

The following page may be used to help you plan your essay before you begin writing. Your work for the planning activity will NOT be scored.

You should not spend more than 10 to 15 minutes planning your narrative.

* Please note that this prompt previously appeared in the May 2002 Teacher Guide for the California Writing Standards Tests at Grades 4 and 7.
You may use this page to plan what you want to write. Remember: This prewriting activity will NOT be scored.

Writing a Fictional Narrative

Imagine that in the year 2005 the world’s technologies suddenly stop working. Write a narrative about a day in the life of a person if this occurred.

When you write about this experience, remember:

- to develop a plot with a beginning, a middle, and an end;
- to develop a setting and character(s);
- to use appropriate strategies: for example, dialogue, suspense, narrative action; and
- to use correct grammar, spelling, punctuation, and capitalization.

Your work on the lined pages that follow WILL be scored.

USE ONLY A NO. 2 PENCIL TO WRITE YOUR NARRATIVE.
Revised 1/20/2012 4:31 PM

California Department of Education
SBE-003 (REV 05/2005)
aab-sad-jan06item07

ITEM #33

CALIFORNIA STATE BOARD OF EDUCATION

JANUARY 2006 AGENDA

SUBJECT

Standardized Testing and Reporting Program: Approval of Contract and Scope of Work for the Standardized Testing and Reporting Program

☐ Action
☐ Information
☐ Public Hearing

RECOMMENDATION

The California Department of Education (CDE) recommends that the State Board of Education (SBE) approve the Standardized Testing and Reporting (STAR) Program Contract and Scope of Work.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SBE authorized the release of the Request for Submission (RFS) for the STAR Program at its July 2005 meeting. The RFS specified issuance of a four-year contract (January 2006 through December 2009) contingent on the annual budget process for administering the STAR Program for the 2006-07, 2007-08, and 2008-09 school years.

The contract included five of the six STAR Program tests; three continuing and two new ones. The continuing tests included in this RFS are: the California Standards Tests (CSTs) for grades two through eleven; the California Alternate Performance Assessment (CAPA) for students with significant cognitive disabilities in grades two through eleven; and a national norm-referenced test (NRT) for grades three and seven. The two new tests are the Standards-based Test in Spanish (STS) for grades two through eleven and the California Modified Assessment (CMA). (The Aprenda 3 is part of the STAR Program but is supported through a separate contract.)

The Superintendent, after considering CDE’s review and report of all submissions, recommended that the SBE designate Educational Testing Service (ETS) with the California Achievement Test, Sixth Edition (CAT/6) as the nationally-normed test for the next three years and reject all other submissions.

At its November meeting, the SBE moved to designate the submission of ETS with the California Achievement Test, Sixth Edition (CAT/6) as the nationally-normed test for the next three years and reject all other submissions.
The SBE’s first motion included the following:

“This designation is expressly conditioned on ETS meeting each of the stated conditions that follow. If these conditions are not satisfied by the January 2006 State Board meeting, the State Board gives notice that it is expressly reserving its right to rescind this designation and select another submission at the January meeting. The conditions to be met are as follows:

1. A draft contract and scope of work to which the parties will have reached substantial agreement shall be presented at the January 2006 State Board meeting. The contract shall be executed shortly thereafter with the approval of the State Board President or her designee and the Superintendent of Public Instruction or his designee.

2. In no event shall the contract price exceed the amount that is estimated to be included in the annual Budget Act, based on the cost of the current Statewide Testing and Reporting (STAR) Program, and it is the intent of the State Board that the cost be less than that amount.

3. The contract scope of work must provide a specific commitment that in addition to the current executive director of the STAR Program, ETS will include a senior decision-making person in Sacramento to serve as a designated liaison to the State Board for purposes of facilitating timely policy discussions.

Further, the State Board reserves the right to extend the ETS designation for three additional years through December 31, 2011, subject to an evaluation of the overall quality of the STAR Program.”

The SBE’s second motion included the following:

“Move that the State Board accept the recommendations of ETS with respect to Cluster Scores, Expedited return of results and Exemplars with the caveat noted in Ms. Belisle’s memorandum that ETS include the Assessment Review Panels in the development of exemplars.

As to methods to assist schools and districts analyze grade-level and course results, ETS is to work with Department and Board staff and Board consultants to develop a proposal to be included in the scope of work at the January 2006, State Board meeting.”

**SUMMARY OF KEY ISSUES**

State law requires that the STAR contract be approved by the SBE, CDE, and the Department of Finance. Representatives each have been meeting daily with the ETS since the November SBE meeting to negotiate the final contract and scope of work. Items included in the negotiation include the following:
SUMMARY OF KEY ISSUES

1. A senior decision-making person in Sacramento to serve as a designated liaison to the SBE for purposes of facilitating timely policy discussions.

2. Longitudinally comparable test scores.

3. Further discussion on helping schools and districts analyze grade level and course results.

4. Further discussion of the California State University Early Assessment Program.

5. Further discussion on the suggestion for a pilot for computer based testing.

6. Discussion on shortening the test window.

7. Addition of writing prompt development.

8. Increased time for both item development and Assessment Review Panel meetings to review items.

9. Further discussion on a communication strategy for released test questions.

10. Addition of recommendations regarding Grade 3 ELA testing.


12. Discussion of incorporating current parent and teacher reports.

13. Implications of the CDE’s additional contract language on Web site requirements.

All of these issues will continue to be discussed and a near final draft contract, scope of work, and budget will be presented to the SBE at the January meeting for approval.

FISCAL ANALYSIS (AS APPROPRIATE)

Funding of $12 million for the first year of the transition period of the contract is included in the 2005-06 budget.

ATTACHMENT(S)

A last minute memorandum will provide the draft contract, scope of work, and budget.
CALIFORNIA STATE BOARD OF EDUCATION

JANUARY 2006 AGENDA

SUBJECT
Independent Evaluation of Standards and Assessment Program Request for Proposals

☐ Action
☐ Information
☐ Public Hearing

RECOMMENDATION

The California Department of Education (CDE) recommends that the State Board of Education (SBE) approve the Request for Proposals (RFP) for an independent evaluation to determine whether California has met the assessment requirements of the No Child Left Behind (NCLB) Act.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

In September 2005, the SBE received information on the NCLB Peer Review of the Standards and Assessment Program.

SUMMARY OF KEY ISSUES

The California 2005-06 budget appropriated $2,000,000 from Federal Title I funds to contract for an independent evaluation to determine whether California has met the assessment requirements of NCLB. The expenditure of these funds is contingent on approval by the SBE and the Department of Finance.

The NCLB reformed Federal educational programs to require states to establish challenging standards, develop aligned assessments, and build accountability systems for districts and schools. California’s assessment system was designed and implemented before NCLB became law.

To determine whether States have met NCLB standards and assessments requirements, the United States Department of Education is using a peer review process. The peer review examines evidence compiled and submitted by each State that is intended to show that its assessment system meets NCLB requirements. Such evidence may include, but is not limited to, results from independent alignment studies.

The RFP will invite submissions for an independent alignment study of California’s standards and assessments system, the development of aligned descriptors for achievement standards, and an external audit of the extent to which the assessment program contractor’s implementation of California’s assessment program meets NCLB requirements.
FISCAL ANALYSIS (AS APPROPRIATE)

All costs for the contract (up to $2,000,000) are contained in the 2005-06 State budget.

ATTACHMENT(S)

A last minute memorandum will provide a copy of the Request for Proposals.
RECOMMENDATION

The California Department of Education (CDE) recommends that the State Board of Education (SBE) approve the following district apportionment amounts for Standardized Testing and Reporting (STAR) testing during the 2005-06 school year:

- $0.32 for completing demographic information for each student not tested with the California Standards Tests (CSTs) and the California Achievement Tests, Sixth Edition Survey (CAT/6 Survey) or the California Alternate Performance Assessment (CAPA).
- $2.52 per student for completing demographic information and administering the CST-CAT/6 Survey.
- $5.00 per student for completing demographic information and administering the CAPA.
- $2.44 per student for administering the designated primary language test, Aprenda, La prueba de logros en español, Tercera edición (Aprenda 3).

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SBE annually approves the amount to be apportioned to districts to offset the costs associated with administering the tests within the STAR Program.

SUMMARY OF KEY ISSUES

California Education Code Section 60640(h) (1) specifies that the State Superintendent of Public Instruction shall apportion funds to districts to enable districts to administer the tests within the STAR Program.

California Education Code Section 60640(h) (2) states that the SBE shall annually establish the amount of funding to be apportioned to districts for each test administered.
SUMMARY OF KEY ISSUES

The recommended apportionment amounts for the CST-CAT/6 Survey and CAPA are unchanged from 2005. The recommended apportionment amount for the newly designated primary language test, Aprenda 3, is the same rate apportioned for the previous primary language test used in 2005.

FISCAL ANALYSIS (AS APPROPRIATE)

The funding for the 2006 STAR apportionments has been approved by the Department of Finance and is included in the approved 2005-06 STAR budget. A total of $12,200,875 has been approved to fund the 2006 CST-CAT/6 Survey apportionment. This amount includes the $0.32 for submitting demographic information for students who are not tested. A total of $275,000 has been approved for the Aprenda 3 apportionment and $200,000 has been approved for the CAPA apportionment.

ATTACHMENT(S)

None.
California English Language Development Test: Including, but not limited to, update on California English Language Development Test Program

**RECOMMENDATION**

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

**SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION**

In November 2005, the SBE received an update on the California English Language Development Test (CELDT) program including the results for the 2004-05 CELDT initial identification assessment.

**SUMMARY OF KEY ISSUES**

The contractor for the CELDT program is completing scoring and reporting for the results of the 2005 annual assessment, administered from July through October 2005. Preliminary counts indicate that the number of students taking the annual assessment will be slightly less than last year. Statewide results will be available in February 2006.

The contractor will conduct a CELDT performance level standards setting session in February. Updated performance level standards for the CELDT are needed to respond to new accountability requirements brought about by the No Child Left Behind (NCLB) Act of 2001, and improvements in the design of CELDT that were implemented to streamline the test and reduce the burden on school districts of administration.

**FISCAL ANALYSIS (AS APPROPRIATE)**

All costs for the current CELDT administration are included in the current CELDT contract ($12 million in 2004-05).

**ATTACHMENT(S)**

None.
CALIFORNIA STATE BOARD OF EDUCATION

JANUARY 2006 AGENDA

SUBJECT
California High School Exit Examination: including, but not limited to, California High School Exit Examination program and independent evaluation update

RECOMMENDATION

The California Department of Education (CDE) provides the following item to the State Board of Education (SBE) for information and action as deemed necessary and appropriate.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Fall 2005 CAHSEE Administrations

The SBE received regular updates on California High School Exit Examination (CAHSEE) administrations in the 2004-05 school year. There were two fall 2005 administrations of the CAHSEE: September 13-14 and November 1-2.

Independent Evaluation Biennial Report

The SBE received copies of the Year 6 Independent Evaluation Report in October 2005. In accordance with California Education Code 60855(d), the CAHSEE independent evaluator is required to report to the Governor of California, the Office of the Legislative Analyst, the Superintendent of Public Instruction, the SBE, and the chairs of the education policy committees in both houses of the California Legislature by February 1, in even-numbered years. The current CAHSEE independent evaluator is the Human Resources Research Organization (HumRRO). The last biennial report was submitted to the SBE in February 2004.

SUMMARY OF KEY ISSUES

Fall 2005 CAHSEE Administrations

In September and November 2005, the CAHSEE was administered to students in grades eleven and twelve and adult students who had not yet passed one or both portions of the exam. In September, approximately 46,000 students took the English-language arts (ELA) portion of the exam and approximately 48,000 students took the mathematics portion of the exam. Approximately 33 percent of all students passed the ELA portion and 31 percent passed the mathematics portion. In November,
SUMMARY OF KEY ISSUES

approximately 114,000 students took the ELA portion of the exam and approximately 126,000 students took the mathematics portion of the exam. Results from this administration will be available in mid January 2006.

Independent Evaluation Biennial Report

The next independent evaluation biennial report is due February 1, 2006. The report, which covers 2004 and 2005 evaluation activities, will include results of HumRRO’s instruction survey, trends found in other student outcomes (e.g., dropout rates, graduation rates), and further discussion of the Senate Bill 964 options for special education students and a more critical evaluation of other options for all students mentioned in HumRRO’s 2005 Annual Report. Dr. Lauress Wise, President of HumRRO, will present preliminary findings from the February 2006 Biennial Report to the SBE in January 2006.

FISCAL ANALYSIS (AS APPROPRIATE)

The HumRRO independent evaluation is currently funded under contract with CDE.

ATTACHMENT(S)

A last minute memorandum will be submitted to provide a handout of the presentation slides HumRRO will use in its biennial report presentation to the SBE in January 2006.
The California Department of Education (CDE) provides the following item to the State Board of Education (SBE) for information and action as deemed necessary and appropriate.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND

In November 2005, the SBE received an update on the independent evaluation of the California High School Exit Examination (CAHSEE) that is being conducted by the Human Resources Research Organization (HumRRO). HumRRO delivered the Year-6 Evaluation Report to the CDE on September 30, 2005. The report contains findings and recommendations, as well as an analysis of the CAHSEE results from the 2004-05 test administrations and results from student, teacher, and administrator surveys. The report also contains a chapter addressing options for students receiving special education services. The final CAHSEE Year-6 Evaluation Report was delivered to SBE members in early October 2005, and was posted on the CDE Web site at http://www.cde.ca.gov/ta/tg/hs/evaluations.asp on September 30, 2005.

The State Superintendent of Public Instruction (SSPI) believes that the report’s main recommendation to keep the CAHSEE requirement in place for the Class of 2006 and beyond is an appropriate and important recommendation. HumRRO also recommended the consideration of options for those students who may be unable to satisfy the CAHSEE requirement by June 2006. In addition, California Education Code Section 60856, a part of the CAHSEE law, directs the study of “. . . the appropriateness of other criteria by which high school pupils who are regarded as highly proficient but unable to pass the high school exit examination may demonstrate their competency and receive a high school diploma.” Therefore, the SSPI directed CDE staff to study options for these students.

SUMMARY OF KEY ISSUES

As one step in this process, the SSPI held a public meeting on December 15, 2005, in Sacramento.
SUMMARY OF KEY ISSUES

The SSPI requested invited interested individuals to submit information about alternatives which would constitute methods by which students may demonstrate their competency on the standards covered on the CAHSEE at the same level of rigor as the CAHSEE.

The SSPI carefully considered the recommendations of staff and the public at that hearing and subsequently. He may make recommendations to the SBE related to suggested options or alternatives. The SSPI made it very clear in his letter that "[w]hile it is appropriate to consider these options, it is critical that in doing so we keep one core principle front and center: awarding a student a diploma without the knowledge and skills to back it up does a great disservice to that student."

FISCAL ANALYSIS (AS APPROPRIATE)

The HumRRO independent evaluation is currently funded under contract with CDE.

ATTACHMENT(S)

Attachment 1: California High School Exit Examination (CAHSEE) Alternatives Public Meeting letter dated November 30, 2005 (2 Pages)

A last minute memorandum will be submitted summarizing the written and verbal recommendations from the public meeting regarding CAHSEE alternatives and will be posted on the CDE Web site by January 6, 2006.
November 30, 2005

Dear Interested Person:

The California High School Exit Examination (CAHSEE) has proven to be a major reform effort in making sure that California high school students are provided a rigorous curriculum to be successful in the post-secondary environment and compete in today’s information-driven global economy. The CAHSEE was first administered to the Class of 2004 in the spring of 2001. Since then, the CAHSEE has been revised and the consequence delayed to 2006. The graduating Class of 2006 will be the first class required to pass the CAHSEE in order to receive a high school diploma. These students took the CAHSEE initially as sophomores in the spring of 2004 and the test has been administered several times each subsequent year.

Recently the independent evaluator of the CAHSEE, the Human Resources Research Organization (HumRRO), released an independent evaluation report, as required by law. One of the primary goals of the CAHSEE was to bring increased meaning to earning a California high school diploma and to ensure that all students that graduate from a California public high school have met at least minimum academic standards. The HumRRO found that the CAHSEE has indeed led to increased alignment of instruction to California Content Standards, and that this alignment has increased steadily over the past several years at both the high school and middle school levels. I strongly believe the report’s main recommendation -- to keep the CAHSEE requirement in place for the Class of 2006 and beyond -- is an appropriate and important recommendation.

The HumRRO also recommends the consideration of options for those students who may be unable to satisfy the CAHSEE requirement by June 2006. In addition, California Education Code Section 60856, a part of the CAHSEE law, directs the study of “the appropriateness of other criteria by which high school pupils who are regarded as highly proficient but unable to pass the high school exit examination may demonstrate their competency and receive a high school diploma.” Thus, I have directed my staff to study options for these students.

As one step in this process, I would like to invite you to meet with my staff to provide information on options for these students to satisfy the CAHSEE requirement. This public meeting will be held on December 15, 2005, in the State Board Room at 1430 N Street in Sacramento. The meeting will begin at 10:00 a.m. The information provided should focus on alternatives you believe would constitute a method by which students may demonstrate their competency on the standards covered on the CAHSEE at the same level of rigor as the CAHSEE. In addition to your appearance at this meeting, I invite you to provide a written summary describing the alternatives you will present, including support for your belief that...
these alternatives are of equal rigor to the CAHSEE and are an appropriate means of assessing these students.

Please provide these written comments by December 7, 2005 to:

Amy Cameron, Consultant
Executive Office
California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814-5901

If you are interested in presenting at the meeting, please contact Amy Cameron, at (916) 322-4917 by December 9, 2005, to confirm your attendance. If you are unable to attend the public meeting, but would like to submit written comments, please send them to Ms. Cameron at the above address by December 15, 2005.

As I have stated previously, if at the end of this process I am convinced that an alternative would ensure students are able to demonstrate their competency on the standards assessed by the CAHSEE at the same level of rigor and that such alternatives would be in the best interest of all California’s students, I will work with the Governor, the State Board of Education and the Legislature to implement such options by June 2006. Additionally, I will provide a report to the State Board of Education at its January 2006 meeting in furtherance of the Board’s study pursuant to California Education Code Section 60856.

While it is appropriate to consider these options, it is critical that in doing so we keep one core principle front and center: awarding a student a diploma without the knowledge and skills to back it up does a great disservice to that student. I want every student in California to get a diploma, but more importantly, I want every student in California to graduate from high school with the knowledge and skills necessary to truly compete.

Thank you again for your support of public education in California and your willingness to provide recommendations to further strengthen California’s education system. I look forward to reviewing any information you will be providing.

If you have any additional questions about the public meeting, please contact Amy Cameron, Consultant, Executive Office, at (916) 322-4917.

Sincerely,

JACK O’CONNELL

JO:ac
November 30, 2005

Dear Interested Person:

CALIFORNIA HIGH SCHOOL EXIT EXAMINATION ALTERNATIVES PUBLIC MEETING

The California High School Exit Examination (CAHSEE) has proven to be a major reform effort in making sure that California high school students are provided a rigorous curriculum to be successful in the post-secondary environment and compete in today’s information-driven global economy. The CAHSEE was first administered to the Class of 2004 in the spring of 2001. Since then, the CAHSEE has been revised and the consequence delayed to 2006. The graduating Class of 2006 will be the first class required to pass the CAHSEE in order to receive a high school diploma. These students took the CAHSEE initially as sophomores in the spring of 2004 and the test has been administered several times each subsequent year.

Recently the independent evaluator of the CAHSEE, the Human Resources Research Organization (HumRRO), released an independent evaluation report, as required by law. One of the primary goals of the CAHSEE was to bring increased meaning to earning a California high school diploma and to ensure that all students that graduate from a California public high school have met at least minimum academic standards. The HumRRO found that the CAHSEE has indeed led to increased alignment of instruction to California Content Standards, and that this alignment has increased steadily over the past several years at both the high school and middle school levels. I strongly believe the report’s main recommendation—to keep the CAHSEE requirement in place for the Class of 2006 and beyond—is an appropriate and important recommendation.

The HumRRO also recommends the consideration of options for those students who may be unable to satisfy the CAHSEE requirement by June 2006. In addition, California Education Code Section 60856, a part of the CAHSEE law, directs the study of “... the appropriateness of other criteria by which high school pupils who are regarded as highly proficient but unable to pass the high school exit examination may demonstrate their competency and receive a high school diploma.” Thus, I have directed my staff to study options for these students.

As one step in this process, I would like to invite you to meet with my staff to provide information on options for these students to satisfy the CAHSEE requirement. This public meeting will be held on December 15, 2005, in the State Board Room at 1430 N Street in Sacramento. The meeting will begin at 10:00 a.m. The information provided should focus on alternatives you believe would constitute a method by which students may demonstrate their competency on the standards covered on the CAHSEE at the same level of rigor as the CAHSEE. In addition to your appearance at this meeting, I invite you to provide a written
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Please provide these written comments by December 7, 2005, to:

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While it is appropriate to consider these options, it is critical that in doing so we keep one core principle front and center: awarding a student a diploma without the knowledge and skills to back it up does a great disservice to that student. I want every student in California to get a diploma, but more importantly, I want every student in California to graduate from high school with the knowledge and skills necessary to truly compete.

Thank you again for your support of public education in California and your willingness to provide recommendations to further strengthen California’s education system. I look forward to reviewing any information you will be providing.

If you have any additional questions about the public meeting, please contact Amy Cameron, Consultant, Executive Office, at (916) 322-4917.

Sincerely,

JACK O'CONNELL

JO:ac
## CALIFORNIA STATE BOARD OF EDUCATION

### JANUARY 2006 AGENDA

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### RECOMMENDATION

The California Department of Education (CDE) recommends that the State Board of Education (SBE) adopt a Negative Declaration (Attachment 1), which concludes that the proposed unification would not have any significant effects on the environment.

### SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SBE has not heard this issue previously.

### SUMMARY OF KEY ISSUES

The SBE is the lead agency for all aspects of school district unifications, including reviewing potential impacts on the environment in accordance with the California Environmental Quality Act (CEQA) and State CEQA guidelines. The CDE has completed the CEQA Initial Study (Attachment 2). The study describes the project and its potential impacts on the environment.

A copy of the Initial Study and Negative Declaration, concluding that the proposed unification would not have any significant effects on the environment, has been filed with the State Clearinghouse for state agency review. Also, the Siskiyou County Clerk’s Office, the Etna Union High School District, the Etna Union Elementary School District, the Fort Jones Union School District, and the Quartz Valley School District have posted a copy of the Initial Study and Negative Declaration for public review. Furthermore, a notice of the availability and intent to consider a Negative Declaration for the proposed unification, and the location and time of the public hearing, have been published in a local newspaper of general circulation. Any comments from this public review period that are received by CDE will be forwarded to the SBE or presented verbally at the public hearing.

### FISCAL ANALYSIS (AS APPROPRIATE)

There is no fiscal effect to adopting the Proposed Negative Declaration.
ATTACHMENT(S)

Attachment 1: Proposed Negative Declaration (2 Pages)

Attachment 2: Initial Study/Proposed Negative Declaration for the Unification of Etna Union High School District with Etna Union Elementary School District, Fort Jones Union School District, and Quartz Valley School District in Siskiyou County (65 Pages)
PROPOSED NEGATIVE DECLARATION

Project: Unification of the Etna Union High School District in Siskiyou County

Lead Agency: California State Board of Education (SBE)

Availability of Documents: The Initial Study (IS) for this Negative Declaration (ND) is available for review at the following locations:

- California Department of Education
  1430 N Street, Suite 3800
  Sacramento, CA 95814

- Etna Union High School District
  501 Howell Avenue
  Etna, CA 96027

- Etna Union Elementary School District
  Collier Way
  Etna, CA 96027

- Fort Jones Union School District
  11501 Mathews Street
  Fort Jones, CA 96032

- Quartz Valley School District
  11033 Quartz Valley Road
  Fort Jones, CA 96032

- Siskiyou County Office of Education
  609 South Gold Street
  Yreka, CA 96097

Project Description

The Governing Boards of the Etna Union High School District (EUHSD), the Etna Union Elementary School District (EUESD), the Fort Jones Union School District (FJUSD), and the Quartz Valley School District (QVSD) propose to unify, i.e., merge, the four districts into a single unified district. EUHSD, EUESD, FJUSD, and QVSD are located in the Scott Valley area of Siskiyou County, California. EUHSD serves 352 students in grade levels seven through twelve, whereas EUESD and QVSD have enrollments of 247 and 48 kindergarten through eighth grade students, respectively, and FJUSD has 116 kindergarten through sixth grade students. Together, the four districts serve 763 students. The Forks of Salmon School District (enrollment of 14 kindergarten through eighth grade students) is a fourth component school district of EUHSD, and secondary students residing in this district would continue to attend their same high schools. The SBE previously approved exclusion of the Forks of Salmon School District from the unification.

EUHSD operates three school sites: one comprehensive high school (Etna High School) with 255 students in ninth through twelfth grade, one continuation school (Scott River High School) with 21 students in ninth through twelfth grade, one junior high school (Scott Valley Junior High School) with 72 students in seventh through ninth grade. EUHSD also operates two community day schools with a total enrollment of four students. The junior high school site is located in the city of Fort Jones, while the other sites are in the city of Etna. EUESD has one school facility in the city of Etna that contains an elementary school (208 kindergarten through sixth grade students), a charter school (37 seventh and eighth grade students) and a community day school with two students. FJUSD has one site in the city of Fort Jones, containing 114 kindergarten through sixth grade students and a community day school with two students. QVSD has a single school site, on the outskirts of the city of Fort Jones, serving 48 kindergarten through eighth grade students. All eighth grade students move on to EUHSD for their secondary education.
All four districts have separate administrative structures (e.g., superintendent, business office and student support services). There are separate administrative facilities for each of the four districts—district administrative offices for each elementary district are located in one of the district’s school facilities while the high school administrative office is located on a separate site.

The proposed unification is a discretionary action that would not lead to physical changes in the environment. The proposed unification would not cause changes in administrative staffing levels or their commute patterns, student enrollment levels or their school locations, or bus routing or maintenance practices. The proposed unification would not create a need for nor propose new or modified school facilities in either affected school district.

**Findings**

An IS has been prepared to assess the proposed project's potential effects on the environment and the significance of those effects. Based on the IS, it has been determined that the proposed unification would not have any significant effects on the environment. This conclusion is supported by the following finding:

1. The proposed unification would not have a significant effect related to aesthetic resources, agricultural resources, air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, noise, population and housing, public services, recreation, transportation and traffic, and utilities and service systems.

A copy of the IS is attached. Questions or comments regarding this ND and IS may be addressed to:

Larry Shirey, Field Representative  
Financial Accountability and Information Services  
California Department of Education  
1430 N Street, Suite 3800  
Sacramento, CA  95814  
Telephone: (916) 322-1468  

Pursuant to Section 21082.1 of the California Environmental Quality Act, the SBE has independently reviewed and analyzed the IS and ND for the proposed project and finds that the IS and ND reflect the independent judgment of the SBE. Adoption of the ND occurs with the signature below.

__________________________________________  _______________________
President    Date  
California State Board of Education  

(To be signed upon adoption of the ND after the public review period is completed.)
INITIAL STUDY / NEGATIVE DECLARATION

for the

UNIFICATION OF
ETNA UNION HIGH SCHOOL DISTRICT WITH
ETNA UNION ELEMENTARY SCHOOL DISTRICT,
FORT JONES UNION SCHOOL DISTRICT, AND
QUARTZ VALLEY SCHOOL DISTRICT
IN SISKIYOU COUNTY

Prepared for:
California State Board of Education
1430 N Street, Suite 5111
Sacramento, CA 95814

Prepared by:
California Department of Education
1430 N Street, Suite 3800
Sacramento, CA 95814

Contact:
Larry Shirey
Field Representative
(916) 322-1468

October 27, 2005
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PROPOSED NEGATIVE DECLARATION

Project: Unification of the Etna Union High School District in Siskiyou County

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Project Description

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The proposed unification is a discretionary action that would not lead to physical changes in the environment. The proposed unification would not cause changes in administrative staffing levels or their commute patterns, student enrollment levels or their school locations, or bus routing or maintenance practices. The proposed unification would not create a need for nor propose new or modified school facilities in either affected school district.

**Findings**

An IS has been prepared to assess the proposed project's potential effects on the environment and the significance of those effects. Based on the IS, it has been determined that the proposed unification would not have any significant effects on the environment. This conclusion is supported by the following finding:

1. The proposed unification would not have a significant effect related to aesthetic resources, agricultural resources, air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, noise, population and housing, public services, recreation, transportation and traffic, and utilities and service systems.

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Pursuant to Section 21082.1 of the California Environmental Quality Act, the SBE has independently reviewed and analyzed the IS and ND for the proposed project and finds that the IS and ND reflect the independent judgment of the SBE. The adoption of the ND occurs with the signature below.

________________________________________   _______________________
President    Date
California State Board of Education

(To be signed upon adoption of the ND after the public review period is completed.)
1. INTRODUCTION

1.1 Overview and Regulatory Guidance
This Initial Study and proposed Negative Declaration (IS/ND) has been prepared by the California Department of Education (CDE), for the California State Board of Education (SBE), to evaluate the potential environmental effects of the proposed unification (i.e., merger) of the Etna Union High School District (EUHSD) with the Etna Union Elementary School District (EUESD), the Fort Jones Union School District (FJUSD), and the Quartz Valley School District (QVSD), located in the Scott Valley area of Siskiyou County, California. The unification would result in the establishment of a single unified district that would be named by the newly elected governing board. The Governing Boards of EUHSD and its four component elementary school districts are proposing this unification (with Forks of Salmon School District excluded from the unification). This document has been prepared in accordance with the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et seq., and the State CEQA Guidelines contained in Title 14, California Code of Regulations (CCR) Section 15000 et seq.

An Initial Study is conducted by a lead agency to determine if a project may have a significant effect on the environment. In accordance with CCR Section 15064(a), an Environmental Impact Report (EIR) must be prepared if there is substantial evidence that a project may have a significant effect on the environment. A Negative Declaration (ND) shall be prepared instead, if the lead agency determines that there is no substantial evidence, in light of the whole record, that a project may have a significant effect on the environment, or that potential significant effects are identified, but revisions made to the project, or agreed to by the proponent, avoid or mitigate the potentially significant effects to a less-than-significant level (CCR Section 15070). The lead agency prepares a written statement describing the reasons why a proposed project would not have a significant effect on the environment, and therefore, why it does not require the preparation of an EIR (CCR Section 15369.5).

1.2 Lead Agency
Under CEQA, the lead agency is the public agency with primary responsibility over the proposed project. In accordance with CCR Section 15051(b)(1), “the lead agency will normally be an agency with general governmental powers, such as a city or county, rather than an agency with a single or limited purpose.” The lead agency for the proposed project is the SBE.
1.3 **Purpose and Organization of the Document**

The purpose of this document is to evaluate the potential environmental effects of the proposed unification.

This document is organized as follows:

- **Proposed Negative Declaration**: The proposed ND, which precedes the IS analysis, summarizes the environmental conclusions related to the proposed project. It would be signed by a representative of the SBE, if the proposed unification is approved.

- **Chapter 1**: Introduction. This chapter provides an introduction and describes the purpose and organization of this document.

- **Chapter 2**: Project Description. This chapter describes the project location and setting, the project objectives, project background, and the physical changes related to the proposed project.

- **Chapter 3**: Environmental Checklist. This chapter provides an environmental setting by environmental issue (where appropriate), and evaluates a range of impacts classified as "no impact," "less than significant impact," "less than significant with mitigation incorporated," or "potentially significant impact" in response to the environmental checklist.

- **Chapter 4**: References. This chapter identifies the references used in preparing this IS/ND.

1.4 **Summary of Findings**

Chapter 3 of this document contains the Environmental Checklist that identifies the potential environmental impacts (presented by environmental issue) and a discussion of each impact that would result from implementation of the proposed unification. Based on the Environmental Checklist and the supporting environmental analysis provided in this document, implementation of the proposed unification would result in no impacts for the following issues: aesthetics, agricultural resources, air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, noise, population and housing, public services, recreation, transportation and traffic, and utilities and service systems. No potential for significant effects on the environment is evident in any environmental issue areas.

In accordance with Section 15070(a) of the CCR Guidelines, a Negative Declaration may be prepared if the proposed project will not have a significant effect on the environment. There is no substantial evidence that the proposed unification would have a significant effect on the
environment, based on the available project information and the environmental analysis presented in this document. A Negative Declaration will be adopted in accordance with CEQA and the State CEQA Guidelines.

1.5 Public Review and Comment Process

This IS/ND is available for a 30-day public review period beginning November 30, 2005, and ending on December 30, 2005. Written comments regarding the IS/ND may be submitted by 5 p.m. on December 30, 2005, to:

Larry Shirey
Field Representative
Financial Accountability and Information Services
California Department of Education
1430 N Street, Suite 3800
Sacramento, CA  95814
Telephone: (916) 322-1468

A copy of the IS/ND may be obtained from the CDE office at the address above. Comments may also be provided on this IS/ND at a public hearing scheduled for January 12, 2006, at 10 a.m. at the SBE at 1430 N Street, Room 1101, Sacramento, California. Information on the public hearing will be made available on the SBE Web site at http://www.cde.ca.gov/be/ag/ag/ at least ten days prior to the meeting.
2. PROJECT DESCRIPTION

2.1 Introduction
This Initial Study and proposed Negative Declaration (IS/ND) evaluates the potential environmental effects of the proposed unification of the Etna Union High School District (EUHSD) with the Etna Union Elementary School District (EUESD), the Fort Jones Union School District (FJUSD), and the Quartz Valley School District (QVSD). The unification would result in creation of a single unified district that would be named by a newly elected governing board. One other elementary school district (Forks of Salmon School District) is a component elementary district of the EUHSD but has been approved for exclusion from the unification by the SBE. After unification, the high school students from the Forks of Salmon School District would attend the same schools that they currently attend.

2.2 Project Location and Setting
EUHSD encompasses the city of Etna, the city of Fort Jones, other small communities (including Callahan, Cecilville, Forks of Salmon, Greenview, and Sawyers Bar), and surrounding unincorporated areas of southwest Siskiyou County. The cities of Etna and Fort Jones lie along the Scott River, which is a tributary of the Klamath River, and are within the Scott Valley. The other communities either lie within Scott Valley or are within the Klamath National Forest, which surrounds the valley. This surrounding terrain is characterized by National Forest and industrial timberland. The city of Fort Jones (population 668) is located approximately 18 miles on State Route (SR) 3 from the city of Yreka (population 7,391), the Siskiyou County seat (U.S. Census). The city of Etna is located approximately 11 miles south of Fort Jones on SR 3. The climate in Scott Valley is typified by the hot, dry summers and cool, wet winters of Mediterranean climates. Average temperatures on the valley floor range from 33 (winter) to 70 (summer) degrees Fahrenheit. Annual precipitation in the mountains to the west and south of Scott Valley ranges from 60 to 80 inches, while annual precipitation in the mountains on the east side of the valley ranges from 12 to 15 inches (North Coast Regional Water Quality Control Board, 2005).

EUHSD serves 352 students in grade levels seven through twelve whereas EUESD, FJUSD, and QVSD have a combined enrollment of 411 kindergarten through eighth grade students. Together, the four districts serve 763 students (California Department of Education, 2005). Secondary students residing in the Forks of Salmon School District would continue to attend
their same high schools and, therefore, are included in the EUHSD and total enrollment numbers.

EUHSD operates three school sites; one comprehensive high school (Etna High School) with 255 students in ninth through twelfth grade, one continuation school (Scott River High School) with 21 students in ninth through twelfth grade, one junior high school (Scott Valley Junior High School) with 72 students in seventh through ninth grade. EUHSD also operates two community day schools with a total enrollment of four students. The junior high school site is located in the city of Fort Jones, while the other sites are in the city of Etna.

EUESD has one school facility in the city of Etna that contains an elementary school (208 kindergarten through sixth grade students, a charter school (37 seventh and eighth grade students) and a community day school with two students. FJUSD has one site in the city of Fort Jones, containing 114 kindergarten through sixth grade students and a community day school with two students. QVSD has a single school site, on the outskirts of the city of Fort Jones, serving 48 kindergarten through eighth grade students. All students from EUESD, FJUSD, and QVSD move on to EUHSD for their secondary education.

All four districts currently have separate administrative structures (e.g., superintendent, business office and student support services). There are separate administrative facilities for each of the four districts—district administrative offices for each elementary district are located in one of the district’s school facilities while the high school administrative office is located on a separate site. Exhibit 2-1 shows the boundaries of the proposed Scott Valley Unified School District.
Proposed Scott Valley Unified School District Boundaries

Exhibit 2-1


2.3 Project Objectives

The EUESD, the FJUSD, and the QVSD are each elementary school districts serving students living in the Scott Valley area. The EUHSD provides the secondary (ninth through twelfth grade) for all of its component elementary districts. Additionally, EUHSD operates a junior high program for the seventh and eighth grade students from FJUSD. In general, the proposed unification could provide the following benefits:

- Enhanced opportunities for greater kindergarten through twelfth grade program articulation;
- Enhanced kindergarten through twelfth grade educational program opportunities funded through an upward and permanent adjustment to the base revenue limit funding; and,
- Improved administrative efficiencies/services and associated cost savings achieved by eliminating redundancies in the administrative operations of two districts.

2.4 Proposed Project

2.4.1 Project Background

EUHSD provides secondary education opportunities to four elementary school districts (also known as “component” districts). The proposed unification of EUHSD with three of its component districts (EUESD, FJUSD, and QVSD) is the subject of this Initial Study/proposed Negative Declaration. The remaining component school district, Forks of Salmon School District, has been excluded from the unification process by the SBE and will remain as an independent school district, as allowed under Education Code Section 35542(b).

In January and February of 2004, the proposed unification process was initiated by petition from the governing boards of EUHSD and its component school districts, prepared pursuant to Education Code Section 35700(d) and Section 35542. On March 24, 2004, the Siskiyou County Superintendent of Schools transmitted the petitions to the SBE. The County Committee held four public hearings, one on May 11, 2004, two on May 18, 2004, and one on May 24, 2004, in the affected school district areas.

Before a recommendation for the petition was adopted by the County Committee, a study was completed by the Siskiyou County Office of Education. The study considered whether the
proposed unification substantially met the state's conditions for reorganization, or unification. On September 1, 2004, the County Committee recommended that the California SBE approve the unification (Siskiyou County Office of Education, 2004).

The County Committee then forwarded the unification proposal to the SBE, which is now considering the issue. A public hearing has been scheduled for 10 a.m. on January 12, 2006, where the SBE will consider approval of the proposed unification petition, as well as adoption of this IS/ND. At this meeting, the SBE also may designate the composition of the proposed unified district's governing board with respect to the number of members (five or seven members), trustee areas (by district or population), board member term limits, and election area for the proposal. The CDE is preparing its required feasibility study to determine whether the unification substantially meets the state conditions for reorganization. Under Education Code Section 35753(a), the SBE may approve proposals for reorganization, if the SBE determines that all of the following conditions are substantially met:

1. The new district is adequate in terms of number of pupils enrolled (i.e., pupil enrollment is 1,500 or more).

2. The district is organized on the basis of a substantial community identity.

3. The proposed district reorganization will result in an equitable division of property and facilities of the original district or districts.

4. The proposed district reorganization will not promote racial or ethnic discrimination or segregation.

5. The proposed district reorganization will not result in any substantial increase in costs to the state.

6. The proposed district reorganization will not significantly disrupt the educational programs in the affected districts and will continue to promote sound educational performance.

7. The proposed reorganization will not result in a significant increase in school housing costs.

8. The proposed reorganization is not primarily designed to result in a significant increase in property values.
9. The proposed reorganization will not cause a substantial negative effect on the fiscal management or fiscal status of the proposed districts or any existing district affected by the proposed unification.

10. Any other criteria as the Board may, by regulation, prescribe.

The findings will be made available to the public approximately ten days prior to the public hearing on January 12, 2006.

The following table highlights the effective dates of activities related to the proposed unification. If approved by the electorate, the unification would be fully effective as of July 1, 2007.

<table>
<thead>
<tr>
<th>Date</th>
<th>Major Actions/Activities Related to Unification</th>
</tr>
</thead>
<tbody>
<tr>
<td>January/February 2004</td>
<td>Approval of Unification Resolutions/Petitions by Affected Governing Boards</td>
</tr>
<tr>
<td>March 2004</td>
<td>County Superintendent of Schools Verifies Petition is Valid</td>
</tr>
<tr>
<td>May 2004</td>
<td>Public Hearings in the Affected School Districts</td>
</tr>
<tr>
<td>June 2004</td>
<td>Siskiyou County Committee on School District Organization Approves Unification and Forwards Petition to the SBE</td>
</tr>
<tr>
<td>January 12, 2006</td>
<td>SBE Public Hearing to Consider Approval of Proposed Unification Petition and this Initial Study/proposed Negative Declaration</td>
</tr>
<tr>
<td>January/February 2006</td>
<td>Siskiyou County Superintendent of Schools Delivers Election Order to County Clerk for Proposed Unification</td>
</tr>
<tr>
<td>June 2006</td>
<td>District Election on the Proposed Unification at First Regularly Scheduled Election in 2006</td>
</tr>
<tr>
<td>December 1, 2006</td>
<td>If the unification is approved, filing is completed with the California State Board of Equalization</td>
</tr>
<tr>
<td>July 1, 2007</td>
<td>Unification is fully effective</td>
</tr>
</tbody>
</table>
2.4.2 Absence of Physical Changes Related to the Proposed Unification

After a reconnaissance visit to the four districts, detailed discussion with the school districts’ and Siskiyou County Office of Education’s administrative staffs, and careful review of materials that have been prepared in relation to the proposed project, it is evident that the proposed unification would not result in (1) an increase or decrease in staffing levels or movement of staff from one facility to another, (2) an increase or decrease in numbers of students at any school site or movement of students from one school to another, or (3) changes to bus routing or maintenance practices, as discussed below. Similarly, the proposed unification would not create a need for new or modified school facilities and involves no proposed changes in facilities.

The following discussion summarizes the information that indicates a lack of physical changes related to the proposed unification. This information is relevant to the evaluation of environmental impacts in Section 3.

The proposed unification is not expected to result in changes in administrative personnel levels or their location. The same number of students will be served in the new unified district as currently are served in the three affected districts; therefore, reduction in certificated staff is not expected. Further, Education Code Section 45121 provides job protection for district classified staff for at least two years following the date of the unification election. For these reasons, the unification of the district is unlikely to result in meaningful reduction in administrative staffing.

The proposed unification is not expected to affect student enrollment levels or to create a need for new or modified school facilities. Because students from EUESD, FJUSD, and QVSD already advance to EUHSD for their secondary (high school) education, unification would not require additional or changed school facilities.

The proposed unification would make available additional funding. The additional funding would not be used for facility construction or modernization, but rather for enhanced kindergarten through twelfth grade educational program opportunities (Superintendent meeting, 2005). The new funding would be realized through cost savings related to consolidating the three districts into one, and an increased base revenue limit per unit of average daily attendance (ADA) that would be established to eliminate the salary and benefit differentials of the original districts by leveling up salaries, assuming the increased revenue limit covers the increased cost of raising salaries.
As described above, the proposed unification is a policy decision that would not result in any physical facility changes or operational changes related to student enrollment, travel, or personnel for any existing district. The Initial Study in Section 3 presents the substantial evidence that the absence of physical changes caused by the proposed unification supports the conclusion that the proposed project would not result in any significant effects on the environment.
### 3. Environmental Checklist

<table>
<thead>
<tr>
<th>PROJECT INFORMATION</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1. Project Title:</strong></td>
</tr>
</tbody>
</table>
| **2. Lead Agency Name and Address:** | California State Board of Education  
1430 N Street, Suite 5111  
Sacramento, CA 95814 |
| **3. Contact Person and Phone Number:** | Larry Shirey, California Department of Education, (916) 322-1468 |
| **4. Project Location:** | Scott Valley, Siskiyou County, California |
| **5. Project Sponsor’s Name and Address:** | Governing Boards of Etna Union High School District (EUHSD), Etna Union Elementary School District (EUESD), Fort Jones Union School District (FJUSD), and Quartz Valley School District (QVSD):  
EUHSD  
P.O. Box 340  
Etna, CA 96027  
EUESD  
P.O. Box 490  
Etna, CA 96027  
FJUSD  
P.O. Box 249  
Fort Jones, CA 96032  
QVSD  
11033 Quartz Valley Road  
Fort Jones, CA 96032 |
| **6. General Plan Designation:** | Not applicable. |
| **7. Zoning:** | Not applicable. |
| **8. Description of Project:** | (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation.) Refer to Chapter 2, Project Description |
| **9. Surrounding Land Uses and Setting:** | Refer to Chapter 3, Section IX, Land Use and Planning  
(Briefly describe the project’s surroundings) |
| **10. Other public agencies whose approval is required:** | Not applicable.  
(e.g., permits, financing approval, or participation agreement) |
## ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a “Potentially Significant Impact” as indicated by the checklist on the following pages.

| ☐ Aesthetics | ☐ Agriculture Resources | ☐ Air Quality |
| ☐ Biological Resources | ☐ Cultural Resources | ☐ Geology / Soils |
| ☐ Hazards & Hazardous Materials | ☐ Hydrology / Water Quality | ☐ Land Use / Planning |
| ☐ Mineral Resources | ☐ Noise | ☐ Population / Housing |
| ☐ Public Services | ☐ Recreation | ☐ Transportation / Traffic |
| ☐ Utilities / Service Systems | ☐ Mandatory Findings of Significance | ☑ None |

## DETERMINATION (To be completed by the Lead Agency)

On the basis of this initial evaluation:

I find that the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.

I find that although the proposed project **COULD** have a significant effect on the environment, **WILL NOT** be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.

I find that the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.

I find that the proposed project **MAY** have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.

I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an
earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature

Date

Larry Shirey

Field Representative

Printed Name

Title

California Department of Education

Agency
EVALUATION OF ENVIRONMENTAL IMPACTS

1. A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.

4. “Negative Declaration: Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from “Earlier Analyses,” as described in (5) below, may be cross-referenced).

5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. [Section 15063(c)(3)(D)]. In this case, a brief discussion should identify the following:
   a) Earlier Analysis Used: Identify and state where they are available for review.
   b) Impacts Adequately Addressed: Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
   c) Mitigation Measures: For effects that are “Less than Significant with Mitigation Measures Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.

9. The explanation of each issue should identify: the significance criteria or threshold, if any, used to evaluate each question; and the mitigation measure identified, if any, to reduce the impact to less than significance.
<table>
<thead>
<tr>
<th>ENVIRONMENTAL ISSUES</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
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<tr>
<td>I. Aesthetics. Would the project:</td>
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<tr>
<td>a) Have a substantial adverse effect on a scenic vista?</td>
<td>✗</td>
<td></td>
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<tr>
<td>b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?</td>
<td>✗</td>
<td></td>
<td></td>
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<tr>
<td>c) Substantially degrade the existing visual character or quality of the site and its surroundings?</td>
<td>✗</td>
<td></td>
<td></td>
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<tr>
<td>d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?</td>
<td>✗</td>
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**Environmental Setting**

Staff from California Department of Education (CDE) made observations at each of the Etna Union High School District (EUHSD), Etna Union Elementary School District (EUED), Fort Jones Union School District (FJUSD), and Quartz Valley School District (QVSD) school sites on October 13, 2005. There are a number of churches located in Etna and Fort Jones (Scott Valley Chamber of Commerce, 2005) with many located in the vicinity of school sites in EUHSD, EUESD, and FJUSD. State Route (SR) 3, which connects Etna and Fort Jones with other communities in Siskiyou County, is not currently an officially designated scenic highway nor is it listed as an eligible state scenic highway (Caltrans, 2005).

EUHSD, EUESD, FJUSD, and QVSD schools are located within or near Etna (population–770) or Fort Jones (population–660). The immediate area surrounding each of the school sites is primarily characterized by small town/rural residential properties.

**Discussion**

- **Have a substantial adverse effect on a scenic vista?**
  SR 3 runs through the entire Scott Valley and provides views of the Klamath National Forest on the mountains surrounding Scott Valley. No EUHSD, EUESD, FJUSD, or QVSD school sites currently block views of the National Forest from SR 3. For this
reason, and because the proposed unification would not create a need for any new or modified school facilities, it would not have an adverse effect on any scenic vistas. Therefore, no impact would occur.

b) **Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?**

SR 3 is not currently an officially designated scenic highway nor is it listed as an eligible state scenic highway. Because of the facts that SR 3 is the only highway in Scott Valley and that the proposed unification would not create a need for nor propose any new or modified school or administrative facilities, there would be no change or damage to any scenic resources near a state scenic highway. Therefore, no impact would occur.

c) **Substantially degrade the existing visual character or quality of the site and its surroundings?**

No EUHSD, EUESD, FJUSD, or QVSD school sites currently block views of the National Forest from SR 3. Because of this, and the fact that the proposed unification would not create a need for nor propose any new or modified school or administrative facilities, there would be no substantial degradation of the visual character or quality of any of the school sites or other areas within the districts’ boundaries. Therefore, no impact due to the proposed unification would occur.

d) **Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?**

The proposed unification would not create a need for nor propose any new or modified school or administrative facilities, including exterior and interior lighting that could have an adverse effect on day or nighttime views in the area. Therefore, no impact would occur.
ENVIRONMENTAL ISSUES

<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
</table>

II. Agricultural Resources.

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997, as updated) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland.

Would the project:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

b) Conflict with existing zoning for agricultural use or a Williamson Act contract?

c) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?


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**Environmental Setting**

Farmlands are mapped by the State of California Department of Conservation under the Farmland Mapping and Monitoring Program (FMMP). The FMMP was created by the State of California to provide data for decision makers to use in planning for current and future uses of the state’s agricultural lands. Farmlands fall into the following eight categories: Prime Farmland; Farmland of Statewide Importance; Unique Farmland; Farmland of Local Importance; Grazing Land; Urban or Built-Up Land; Other Land; and Water. Mapping is conducted on a countywide scale, with minimum mapping units of 10 acres unless otherwise specified. The FMMP identifies 13 soil mapping units in Central Siskiyou County that meet the criteria for Prime Farmland and 11 soil mapping units that meet the criteria for Farmland of Statewide Importance (California Department of Conservation, 1995).

The Williamson Act allows counties to protect agricultural land by offering tax incentives to owners and by entering into contracts that maintain the land in agricultural production.
Significant agricultural resources in Scott Valley are secured in agricultural preserves under the Williamson Act (Siskiyou County Planning Department, 2005).

**Discussion**

(a-c) **Conversion of farmland, conflict with zoning for agricultural use or Williamson Act, or changes leading to conversion of farmland (all questions in this section).**

The proposed unification would not create a need for nor propose new school or administrative facilities, cause any modifications to existing facilities, or involve other physical changes to the existing environment. For these reasons, the proposed unification would not convert farmland, conflict with agricultural zoning or Williamson Act land, make changes that could indirectly lead to conversion of farmland, or otherwise affect any agricultural resources. Therefore, no impact would occur.
<table>
<thead>
<tr>
<th>ENVIRONMENTAL ISSUES</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
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<tbody>
<tr>
<td>III. Air Quality.</td>
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</table>
| Where available, the significance of criteria established by the applicable air quality management or air pollution control district may be relied on to make the following determinations. Would the project: a) Conflict with or obstruct implementation of the applicable air quality plan? □ □ □ □ x b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? □ □ □ □ x c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? □ □ □ □ x d) Expose sensitive receptors to substantial pollutant concentrations? □ □ □ □ x e) Create objectionable odors affecting a substantial number of people? □ □ □ □ x

**Environmental Setting**

EUHSD, EUESD, FJUSD, and QVSD are located in the Northeast Plateau Air Basin (NPAB), which encompasses three air pollution control districts (APCD)—Siskiyou County APCD, Modoc County APCD, and Lassen County APCD (California Air Resources Board, 2005). The Siskiyou County APCD has the responsibility of regulating the air emissions from stationary sources within the county. The California Air Resources Board (CARB) has the responsibility for mobile emission sources and for overseeing the APCD.

Ambient air quality standards represent the levels of air pollutant concentrations considered safe to protect public health and welfare. They are designed to protect people most sensitive to respiratory distress, such as asthmatics, the elderly, very young children, people already weakened by other disease or illness, and persons engaged in strenuous work or exercise. The Siskiyou County APCD is designated as attainment with respect to state standards for ozone, suspended particulate matter (PM$\text{_{10}}$), nitrogen dioxide, sulfur dioxide, and lead. The APCD is
unclassified (available data are insufficient to support designation as attainment or nonattainment) with respect to state standards for fine suspended particulate matter (PM$_{2.5}$), carbon monoxide, hydrogen sulfide, and visibility reducing particles. The Siskiyou County APCD is designated as unclassified/attainment with respect to all United States Environmental Protection Agency standards (California Air Resources Board, 2005).

**Discussion**

a) **Conflict with or obstruct implementation of the applicable air quality plan?**

Projects resulting in an increase in population or employment growth beyond that identified in local plans may result in an increase in vehicle miles traveled (VMT) and corresponding mobile source emissions, which could conflict with the NPAB air quality planning efforts, since NPAB uses these plans as the basis for preparing air quality emissions inventories and subsequent attainment plans. Consequently, an increase in VMT beyond projections in local plans could potentially result in a significant adverse incremental effect on the region’s ability to attain and/or maintain state and national ambient air quality standards. The proposed unification would not cause changes in administrative staffing levels and student populations or their travel patterns, or bus routing or maintenance practices. In addition, the proposed unification would not create a need for nor propose any new or modified school or administrative facilities. Therefore, the project would not increase VMT, nor would it result in the construction or operation of any stationary emission sources. Because the proposed unification would not increase air emissions beyond current levels, it would not conflict with or obstruct implementation of the applicable air quality attainment plans. Therefore, no impact would occur.

b) **Violate any air quality standard or contribute substantially to an existing or projected air quality violation?**

Construction emissions that are temporary in duration, but which have the potential to represent a significant impact with respect to air quality (especially fugitive dust emissions (PM$_{10}$)), generally are described as “short-term.” The proposed unification would not create a need for nor propose new or modified school facilities and, therefore, would not produce any short-term construction emissions. Similarly, the proposed unification would not cause changes in administrative staffing levels and student populations or their travel patterns, and would have no effect on bus routing. For these
reasons, the proposed unification would not change traffic volumes and VMT on local roadways from existing conditions. Thus, the project would not cause an increase in long-term emissions and would not violate any air quality standard or contribute to an existing or projected air quality violation. Therefore, no impact would occur.

c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?

As previously stated, the proposed project is located within the Siskiyou Count APCD under the jurisdiction of the NPAB. The NPAB has not been designated as nonattainment with respect to any state or national standards. Moreover, as discussed above in items (a) and (b), the proposed project would not result in the construction or operation of any stationary emission sources. Similarly, the proposed unification would not cause an increase in mobile source emissions, because the proposed project would not cause an increase in student or administrative staff commute trips, populations, VMT, or growth beyond current projections used by the NPAB in its air quality planning efforts. For these reasons, the proposed unification would not contribute to a cumulatively considerable net increase in ozone or particulate matter emissions. Therefore, no impact would occur.

d) Expose sensitive receptors to substantial pollutant concentrations?

As discussed in items (a), (b), and (c) above, the proposed unification would not generate short-term or long-term emissions nor would it relocate any existing air quality sensitive receptors. For these reasons, the proposed unification would not expose on-site sensitive receptors at school district sites, nor would it expose other receptor locations within the district boundaries to any change in pollutant concentrations. Therefore, no impact would occur.

e) Create objectionable odors affecting a substantial number of people?

The proposed unification would not involve the use of any materials or equipment that could create objectionable odors. Therefore, no impact would occur.
### ENVIRONMENTAL ISSUES

<table>
<thead>
<tr>
<th>IV. Biological Resources. Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service?</td>
<td>☐</td>
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<tr>
<td>b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service?</td>
<td>☐</td>
<td>☐</td>
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<tr>
<td>c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?</td>
<td>☐</td>
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<tr>
<td>d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?</td>
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<tr>
<td>e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?</td>
<td>☐</td>
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<tr>
<td>f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?</td>
<td>☐</td>
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</table>

### Environmental Setting

Staff from CDE made observations at each of the EUHSD, EUESD, FJUSD, and QVSD school sites on October 13, 2005. The immediate area surrounding each of the school sites is primarily characterized by rural/small town residential lands. The school districts are located within the Scott River watershed, which is a 520,000 acre watershed draining the Klamath Mountains (North Coast Regional Water Quality Control Board, 2005). The Scott River watershed is characterized by wetland and riparian habitat areas, with conifer tree species being the most common vegetation especially in the mountains of the northern, western, and southern portions of the watershed. In fact, the southwestern area of the watershed is known to have the greatest...
diversity of conifer species in the world. The primary forms of vegetation in the wetlands area of the valley floor are annual grasses, sedge, and rush. The riparian habitat vegetation primarily is in the form of mixed hardwoods, annual grasses, and agricultural crops. Endangered plant species that exist near inhabited areas along SR 3 include the Shasta chaenactis, Scott Valley phacelia, grape fern, and wooly balsamroot.

Scott Valley is a primary deer wintering area in Siskiyou County. The Scott River does not serve as a major spawning ground or migration route for anadromous fishes due to elevated water temperature, excessive sediment loads, and canyon barriers to spawning and rearing habitat (Armstrong, 2004). Endangered bird species that exist near inhabited areas along SR 3 include the Sand Martin swallow, the greater sandhill crane, the goshawk, the prairie falcon, and the golden eagle.

**Discussion**

*a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service?*

Special-status species include plants and animals that are legally protected, or that are otherwise considered sensitive by federal, state, or local resource conservation agencies and organizations. Because the proposed unification would not create a need for nor propose new or modified school facilities and would not result in any physical changes, no construction or change in student populations at the schools would occur. The proposed unification would not alter any existing habitat on school district properties, disturb existing species inhabiting the properties or surrounding area, or change the level or type of uses of the properties. Consequently, the proposed unification would not have an adverse effect on any special-status species. Therefore, no impact would occur.

*b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service?*

Sensitive natural communities are plant communities that are especially diverse, regionally uncommon, or of special concern to local, state, and federal agencies. As discussed in item (a) above, the proposed unification would not result in construction
activities that could have an effect on any habitats, including sensitive natural communities. Therefore, no impact would occur.

c) *Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?*

The U.S. Army Corps of Engineers (USACE) has jurisdiction over navigable bodies of water and other waters of the United States, including wetlands. As discussed in item (a) above, the proposed unification would not result in any construction activities that could have an effect on any habitats, including protected wetlands through direct removal, filling, hydrological interruption or other means. Therefore, no impact would occur.

d) *Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?*

A wildlife corridor is generally a topographical/landscape feature or movement area that connects two areas of natural habitat. As discussed in item (a) above, the proposed unification would not result in any construction activities that could interfere with the movement of wildlife or impede the use of native wildlife nursery sites. Therefore, no impact would occur.

e & f) *Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance, or the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?*

As discussed in item (a) above, the proposed unification would not result in any construction activities. For this reason, implementation of the proposed unification would not conflict with any local policies or ordinances protecting any of the biological resources found within the project area or the provisions of an approved local, regional, or state habitat conservation plan. Therefore, no impact would occur.
Environmental Setting

In Siskiyou County, culturally sensitive areas are sites that have special importance to Native Americans. The Scott Valley area was occupied by the Shasta tribe. Geographically, the Shasta villages primarily were located at the edges of Scott Valley where a stream came down from the mountains. The Quartz Valley Native American community, which was recognized by the federal government in 1983, has representation from the Shasta, Karuk, and Upper Klamath tribes. The Quartz Valley Indian reservation is part of the tribal trust lands in Siskiyou County. (Siskiyou County Planning Department, 2005; North Coast Regional Water Quality Control Board, 2005).

The original site of Fort Jones is a California State Historical Landmark in the Fort Jones area. Fort Jones House (on Main Street in Fort Jones), the Sawyers Bar Catholic Church (in Sawyers Bar), and the Fong Wah Cemetery (in the Forks of Salmon area) are recognized on the National Registrar of Historic Sites (2005).
Discussion

a & b) **Cause a substantial adverse change in the significance of a historical resource, as defined in Section 15064.5, or an archaeological resource, pursuant to Section 15064.5?**

The proposed unification would not create a need for nor propose new school or administrative facilities, cause any modifications to existing facilities, or involve construction or any other physical changes to the existing environment. For these reasons, the proposed unification would not cause change in the significance of any historical or archaeological resources. Therefore, no impact would occur.

c) **Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?**

As discussed in item (a) and (b) above, the proposed unification would not result in any construction activities. For this reason, the proposed unification would not directly or indirectly destroy a unique paleontological resource or site or geologic feature. Therefore, no impact would occur.

d) **Disturb any human remains, including those interred outside of formal cemeteries?**

As discussed in item (a) and (b) above, the proposed unification would not result in any construction activities. For this reason, the proposed unification would not have the potential to disturb any human remains. Therefore, no impact would occur.
VI. Geology and Soils. Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:
   i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to California Geological Survey Special Publication 42.)
   ii) Strong seismic ground shaking?
   iii) Seismic-related ground failure, including liquefaction?
   iv) Landslides?

b) Result in substantial soil erosion or the loss of topsoil?

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?

d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994, as updated), creating substantial risks to life or property?

e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

Environmental Setting
The diverse bedrock comprising the Scott River watershed includes both high and medium grade pre-Cenozoic metamorphic rock, slightly metamorphosed Paleozoic sedimentary rocks and volcanics, granitic rocks primarily from the Mesozoic Age, ultramafic rocks from the Mesozoic age that are mostly altered to serpentine, and small amounts of limestone. Folding, intense shearing, and thrust faulting of the bedrock over the past one to two million years has resulted in uplift of the mountains and subsidence in Scott Valley.
The Scott Valley area of Siskiyou County historically is not a seismically active area, although there are mapped fault lines in the western portion of the valley. There are no Alquist-Priolo Special Study Zones designated in the Scott Valley area. (Siskiyou County Planning Department, 2005; California Department of Conservation, 2005).

Other geological hazards include landslides and soil stability. The steeply sloped terrain surrounding the valley contains highly erosive soil types and seasonal rains make soil erosion a pervasive problem. Designated landslide areas are located in the hills along the western portion of the valley.

Historical subsidence in the valley has resulted in the bedrock of the middle part of the valley being several hundred feet below the bedrock at the downstream portion of the valley. During the subsidence, this depression has been filled by sediments (gravel and sand) from mountain streams. Neither seiches nor tsunamis are a great concern in the county.

A number of areas along SR 3 have building foundation limitations due to high shrink-swell behavior soils. This soil type has potential for volume change due to loss or gain in moisture. Additionally, significant areas of the valley have severe septic tank limitations due to soil type. (Siskiyou County Planning Department, 2005).

**Discussion**

a) **Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:**

i) **Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to California Geological Survey Special Publication 42.)**

Fault rupture can occur along fault systems during seismic events (earthquakes). If the rupture extends to the surface, movement on a fault is visible as a surface rupture. The occurrence of fault rupture depends on several factors including location of the epicenter in relation to the project site and the characteristics of the earthquake, such as intensity and duration. The hazards associated with fault rupture generally occur in the immediate vicinity of the fault system.
There are a couple of mapped faults in Scott Valley that could expose people or structures in the project vicinity to hazards associated with fault rupture. Because the proposed unification would not cause changes in administrative staffing levels or student populations, and would not result in the construction of any new or modified school facilities, it would not create a change in risk related to fault rupture. Therefore, no impact would occur.

ii) **Strong seismic ground shaking?**
Strong earthquakes generated along a fault system generally create ground shaking, which attenuates with distance from the epicenter. In general, the area affected by strong ground shaking would depend on the characteristics of the earthquake such as intensity and duration and the location of the epicenter from the project site. As indicated previously, Scott Valley historically is not a seismically active area although there are a couple of mapped fault lines in the western portion of the valley. A potential for ground shaking also exists from earthquakes on regional faults outside the immediate vicinity. However, because the proposed unification would not cause changes in administrative staffing levels or student populations, and would not result in the construction of any new or modified school facilities, it would not create a change in risk related to seismic events and associated ground shaking. Therefore, no impact would occur.

iii) **Seismic-related ground failure, including liquefaction?**
Primary factors in determining the liquefaction potential are soil type, the level and duration of seismic ground motions, the type and consistency of soils, and the depth to groundwater. Soil types in Scott Valley are conducive to liquefaction or seismically-related ground failure. However, because the proposed unification would not cause changes in administrative staffing levels or student populations, and would not result in the construction of any new or modified school facilities, it would not create a change in risk related to ground failure. Therefore, no impact would occur.

iv) **Landslides?**
Landslide hazards primarily exist in the foothills and hilly terrain areas along the western side of Scott Valley. However, because the proposed unification would not cause changes in administrative staffing levels or student populations, and would not result in
the construction of any new or modified school facilities, it would not create a change in risk related to landslides. Therefore, no impact would occur.

b) **Result in substantial soil erosion or the loss of topsoil?**

The proposed unification would not involve construction, create a need for new school facilities, cause any modifications to existing facilities, or involve other physical changes to the existing environment. For these reasons, the proposed project would not result in erosion or the loss of topsoil. Therefore, no impact would occur.

c & d) **Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse, or on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994, as updated), creating substantial risks to life or property?**

As discussed in item (b) above, the proposed unification would not result in any construction activities. For this reason, the proposed project would not create substantial risks to life or property by being located on a geologic unit or soil that is unstable or on expansive soils. Therefore, no impact would occur.

e) **Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?**

The proposed unification would not create a need for new school facilities, cause any modifications to existing facilities, or involve other physical changes to the existing environment. For these reasons, the proposed unification would have no impact on existing septic or other waste water systems.
ENVIRONMENTAL ISSUES

<table>
<thead>
<tr>
<th>VII.</th>
<th>Hazards and Hazardous Materials. Would the project:</th>
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<tbody>
<tr>
<td>a)</td>
<td>Create a significant hazard to the public or the</td>
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<td>environment through the routine transport, use,</td>
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<td>or disposal of hazardous materials?</td>
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<td>b)</td>
<td>Create a significant hazard to the public or the</td>
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<td>environment through reasonably foreseeable upset</td>
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<td>and/or accident conditions involving the release</td>
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<td>of hazardous materials into the environment?</td>
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<td>c)</td>
<td>Emit hazardous emissions or handle hazardous or</td>
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<td>acutely hazardous materials, substances, or waste</td>
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<td>within one-quarter mile of an existing or</td>
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<td>proposed school?</td>
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<td>d)</td>
<td>Be located on a site which is included on a list</td>
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<td>of hazardous materials sites compiled pursuant to</td>
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<td>Government Code Section 65962.5 and, as a result,</td>
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<td>would it create a significant hazard to the public</td>
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<td>or the environment?</td>
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<td>e)</td>
<td>For a project located within an airport land use</td>
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<td>plan or, where such a plan has not been adopted,</td>
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<td>within two miles of a public airport or public use</td>
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<td>airport, would the project result in a safety</td>
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<td>hazard for people residing or working in the</td>
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<td>project area?</td>
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<td>f)</td>
<td>For a project within the vicinity of a private</td>
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<td>airstrip, would the project result in a safety</td>
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<td>hazard for people residing or working in the</td>
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<td>project area?</td>
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<td>g)</td>
<td>Impair implementation of or physically interfere</td>
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<td>with an adopted emergency response plan or</td>
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<td>emergency evacuation plan?</td>
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<td>h)</td>
<td>Expose people or structures to a significant</td>
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<td>risk of loss, injury, or death involving wildland</td>
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<td>fires, including where wildlands are adjacent to</td>
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<td>urbanized areas or where residences are intermixed</td>
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<td>with wildlands?</td>
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</table>

Environmental Setting
The State Water Resources Control Board maintains records on sites that are considered Leaking Underground Fuel Tank (LUFT); Spills, Leaks, Investigation, and Cleanup (SLIC); and Landfill. Within the EUHSD area, there are six open LUFT cases (including one at Etna High School), six open SLIC cases, and two open Landfill cases. No underground storage tank sites
are located in the EUHSD area (GeoTracker, 2005). There are no other hazardous materials issues known to exist near the school sites or administrative offices of the affected districts.

**Discussion**

*a)* *Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?*

The proposed unification includes consolidating three school districts into one and would not involve the routine, transport, use or disposal of hazardous materials. Therefore, no impact would occur.

*b & c)* *Create a significant hazard to the public or the environment through reasonably foreseeable upset and/or accident conditions involving the release of hazardous materials into the environment, or emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?*

The proposed unification would not cause changes in administrative staffing levels or their commute trips, student populations or their travel patterns, or bus routing or maintenance practices. In addition, the proposed unification would not create a need for or propose any new or modified school or administrative facilities. Existing bus maintenance facilities for EUHSD, may contain diesel and gasoline fuel storage tanks, and may include the use and storage of minor amounts of lubricating oils and other hazardous substances used in vehicle maintenance. The use of buses and other district vehicles would not change as a result of the proposed unification, because student populations, district employees, and travel patterns would not be modified. The proposed unification would have no effect on the storage and use of these materials. Therefore, no impact would occur.

*d)* *Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code §65962.5 and, as a result, would it create a significant hazard to the public or the environment?*

The proposed unification would consolidate existing school districts into a single unified district. The proposed unification would not create a need for nor propose new or modified school facilities. No change in the use of existing school district facilities is proposed. For these reasons, the proposed project would not create a significant hazard
to the public or the environment by being located on a hazardous materials site. Therefore, no impact would occur.

**e & f)** *For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport, public use airport, or private airstrip, would the project result in a safety hazard for people residing or working in the project area?*

There are two small airports in Scott Valley—Lefko Airport and Scott Valley Airport. However, no school sites are located within two miles of the airports. Additionally, the proposed unification would have no effect on existing conditions related to the airports. Therefore, no impact would occur.

**g)** *Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?*

The proposed unification would consolidate existing districts into a single unified district. The proposed unification would not cause changes in administrative staffing levels or their commute trips, student populations or their travel patterns, or bus routing. In addition, the proposed unification would not create a need for new or modified school facilities. For these reasons, the proposed project would not impair the implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. Therefore, no impact would occur.

**h)** *Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?*

Very high wildfire hazards exist throughout most of the valley area. The proposed unification would not cause changes in administrative staffing levels or their commute trips, student populations or their travel patterns, or bus routing or maintenance practices. In addition, the proposed unification would not create a need for new or modified school facilities. For these reasons, the proposed project would not create a change in fire risk. Therefore, no impact would occur.
<table>
<thead>
<tr>
<th>ENVIRONMENTAL ISSUES</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
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<tbody>
<tr>
<td>VIII. Hydrology and Water Quality. Would the project:</td>
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<tr>
<td>a) Violate any water quality standards or waste discharge requirements?</td>
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<tr>
<td>b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level that would not support existing land uses or planned uses for which permits have been granted)?</td>
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<tr>
<td>c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial on- or off-site erosion or siltation?</td>
<td>☐</td>
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<tr>
<td>d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in on- or off-site flooding?</td>
<td>☐</td>
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<td>e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?</td>
<td>☐</td>
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<tr>
<td>f) Otherwise substantially degrade water quality?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>i) Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>j) Result in inundation by seiche, tsunami, or mudflow?</td>
<td>☐</td>
<td>☐</td>
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</tr>
</tbody>
</table>

**Environmental Setting**

Scott Valley is part of the Klamath River-North Coast Region Basin Planning Area, which covers all of Del Norte County and major portions of Humboldt, Modoc, Siskiyou, and Trinity Counties,
and small portions of Glenn, Lake, and Marin Counties. The Scott River hydrological area is in
the Klamath Mountains—the mountains in the area range up to about 8,500 feet and receive
over 70 inches of rain annually. The Scott Valley floor elevation ranges from 2,500 to 3,000 feet
and receives below 20 inches of rain annually. (North Coast Regional Water Control Board,
2005),

Water supply needs in the Scott Valley hydrological area (both domestic and agricultural) are
provided for by surface water diversion (from the Scott River and streams that empty into it),
groundwater pumping, and springs. (North Coast Regional Water Control Board, 1993). As
noted in Section VI-Geology and Soils, historical subsidence in the valley has resulted in a
bedrock depression that has been filled by gravel and sand. This basin fill is a high capacity
aquifer that supports much of the agricultural irrigation in Scott Valley. Recharge of this aquifer
is dependent upon precipitation stored as snow in the mountains. Melted snow flows to the
valley floor in the many streams leaving the mountains and percolates into the permeable gravel
and sand to recharge the aquifer (North Coast Regional Water Control Board, 2005).

Excessive sediment in the Scott River and its tributaries has lead to non-attainment of water
quality objectives for sediment, suspended material, and settleable material. Sediment
originates from natural sources (e.g., landslide, streamside features like gullies and bank
failures) as well as from anthropogenic sources (e.g., road surface erosion, timber harvest and
mining related landslides). The Scott River watershed has been listed as impaired regarding
sediment (pursuant to Section 303(d) of the Clean Water Act) since 1992 (North Coast Regional
Water Control Board, 2005).

In Scott Valley, 100-year flood areas are limited to land adjacent to river and stream beds
(Siskiyou County Planning Department, 2005).

Discussion

a) Violate any water quality standards or waste discharge requirements?
Because the proposed unification would not result in the construction of any new or
modified school facilities, it would not alter runoff water quality from current conditions.
No change in the number of students or employees would occur, so the use of water and
generation or disposal of wastewater by the districts would not be altered. Therefore, the
proposed unification would not contribute to a violation of water quality standards or waste discharge requirements. No impact would occur.

b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of preexisting nearby wells would drop to a level that would not support existing land uses or planned uses for which permits have been granted)?

Because the proposed unification would not cause changes in administrative staffing levels or student populations, and would not result in the construction of any new or modified school facilities that could alter groundwater recharge, and it would not involve the use of new or expanded water entitlements other than utilizing those already existing within the affected school districts. Further, the project would have no effect on groundwater supplies, because the number of employees and students associated with the unified school district would not change. Therefore, no impact would occur.

c & d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial on- or off-site erosion or siltation or substantially increase the rate or amount of surface runoff in a manner which would result in on- or off-site flooding?

Because the proposed unification would not result in the construction of any new or modified school facilities and would not create new impervious surfaces, the project would not alter any existing drainage patterns in the project area. Therefore, no impact would occur.

e & f) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff or otherwise substantially degrade water quality?

Because the proposed unification would not result in the construction of any new or modified school facilities, it would not involve the addition of any new impervious surfaces that would create or contribute runoff water. Therefore, no impact to the capacity of existing or planned stormwater drainage systems would occur, nor would the project provide substantial additional sources of polluted runoff. Therefore, no impact would occur.
g & h) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map or Place within a 100-year flood hazard area structures that would impede or redirect flood flows?
The proposed unification would not result in the construction of housing or other structures. Therefore, no impact would occur.

i) Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?
Because the proposed unification would not cause changes in administrative staffing levels or student populations or locations, or result in the construction of any new or modified school facilities, so it would not create a change in risk related to flooding. Therefore, no impact would occur.

j) Result in inundation by seiche, tsunami, or mudflow?
Seiches and tsunamis are not great concerns in Siskiyou County. Mudflow is an issue during the raining season in the hills along the western portion of the valley, which is most susceptible to landslides. Because the proposed unification would not cause changes in administrative staffing levels or student populations, and would not result in the construction of any new or modified school facilities, it would not create a change in risk related to inundation by seiche, tsunami or mudflow. Therefore, no impact would occur.
Environmental Setting
Staff from CDE made observations at each of the EUHSD, EUESD, FJUSD, and QVSD school sites on October 13, 2005. The land uses in the immediate area surrounding each of the school sites is primarily characterized by rural/small town residential properties.

Discussion

a) **Physically divide an established community?**
   The proposed unification would not create a need for new school facilities, result in any construction, cause any modifications to existing facilities, or involve other physical changes to the existing environment. Therefore, no impact would occur related to the physical division of an established community.

b & c) **Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, a general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect, or with any applicable habitat conservation plan or natural community conservation plan?**
   The proposed unification would consolidate existing districts into a single unified district. The proposed unification would not cause changes in administrative staffing levels or their commute trips, student populations or their travel patterns, or bus routing or maintenance practices. In addition, the proposed unification would not create a need for new or modified school facilities. No land use changes would occur at any district...
properties. For these reasons, the proposed unification would not conflict with any land use plans, policies or regulations adopted for environmental protection nor would it conflict with any habitat conservation plan or natural community conservation plan. Therefore, no impact would occur.
ENVIRONMENTAL ISSUES

<table>
<thead>
<tr>
<th>X. Mineral Resources. Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
</tbody>
</table>

Environmental Setting

Extracted mineral resources in Scott Valley include gold, pumice, stone, gravel, and volcanic cinder. There currently are ten surface mines in the Scott Valley area. Scott Valley has many areas affected by historic placer mining for gold and gravel—most notable are the dredger trailing piles or terrace deposits, which exist today as piles of boulders and cobble that still lack soil and contain little vegetation. (Armstrong, 2004; North Coast Regional Water Quality Control Board, 2005; Siskiyou County Planning Department, 2005).

Discussion

a & b) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state, or of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?

The proposed unification would not create a need for new school facilities, cause any modifications to existing facilities, or involve other physical changes to the existing environment. No change in land use of any district properties would occur. For these reasons, the proposed unification would not result in the loss of availability of known mineral resources or of a locally important mineral resource recovery site. Therefore, no impact would occur.
ENVIRONMENTAL ISSUES

<table>
<thead>
<tr>
<th>XI. Noise. Would the project result in:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant Impact with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or in other applicable local, state, or federal standards?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
</tbody>
</table>

Environmental Setting

Existing noise level standards in Siskiyou County have not been updated for many years. However, Siskiyou County Planning Department staff state that the old standards are still valid for planning purposes. The major sources of noise in Scott Valley are SR 3 and the Scott Valley Airport. Noise levels in Scott Valley are well within generally acceptable limits. (Siskiyou County Planning Department, 2005).
Discussion

a & c) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or in other applicable local, state, or federal standards, or a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

The proposed unification would not result in an increase in short- or long-term ambient noise levels for several reasons. First, the proposed unification would not cause changes in administrative staffing levels or their commute trips, student populations or their travel patterns, or bus routing or maintenance practices. In addition, the proposed unification would not create a need for new school facilities, cause any modifications to existing facilities, or involve other physical changes to the existing environment. For these reasons, the project would not result in changes in traffic volumes on local roadways or corresponding roadside noise levels, nor would it result in the construction or operation of any stationary noise sources. The project would have no effect on long-term operational noise levels. For these reasons, the project would not result in an increase in ambient noise levels in the project vicinity above levels existing without the project.

Further, the proposed unification would not shift the location of persons, nor would it have the potential to expose persons to noise levels in excess of established noise level standards beyond any exceedances that already exist. Therefore, no impact would occur.

b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

The proposed unification would not create a need for new school facilities, cause any modifications to existing facilities, or involve other physical changes to the existing environment. Therefore, the proposed unification would not result in construction activities that could generate excessive groundborne vibration or groundborne noise levels. Therefore, no impact would occur.

d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

As discussed in item (b) above, the proposed unification would not result in construction activities that could generate a substantial temporary or periodic increase in ambient noise levels.
noise levels in the project vicinity above levels existing without the project. Therefore, no impact would occur.

**e & f) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport, public use airport, or private airstrip would the project expose people residing or working in the project area to excessive noise levels?**

There are two small airports in Scott Valley—Lefko Airport and Scott Valley Airport. However, no school sites are located within two miles of the airports and the airport noise spheres for the airports do not overlap any of the school sites. The proposed unification would not result in any changes to the exposure of people residing or working in the project area to excessive noise levels related to airports. Therefore, no impact would occur.
### ENVIRONMENTAL ISSUES

<table>
<thead>
<tr>
<th>XII. Population and Housing. Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>b) Displace substantial numbers of existing homes, necessitating the construction of replacement housing elsewhere?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
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</tr>
</tbody>
</table>

### Environmental Setting

According to the 2004 U.S. Census estimates, Siskiyou County has a population of 44,891, an increase of about 3.1 percent from a 1990 Census population of 43,531. There are two Census County Divisions (CCD) within Scott Valley—Etna CCD and Fort Jones CCD. According to the 2000 U.S. Census, the population of Etna CCD is 3,380 and the population of Fort Jones CCD is 1,749. The city of Etna is the center of the Etna CCD and has experienced a population decrease of about 5.3 percent since the 1990 Census, according to 2004 Census estimates. Over the same time period, the city of Fort Jones, as the center of the Fort Jones CCD, has experienced a four percent population increase. These trends indicate that Scott Valley, as well as Siskiyou County as a whole, historically has experienced slow population growth. (U.S. Census, 2005).

### Discussion

**a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?**

The proposed unification would not induce population growth either directly or indirectly, as the proposed unification would not cause changes in administrative staffing levels or student populations. In addition, the proposed unification would not create a need for new school facilities, cause any modifications to existing facilities, or involve other
physical changes to the existing environment. For these reasons, no impact relative to population growth would occur.

**b & c) Displace substantial numbers of people or existing homes, necessitating the construction of replacement housing elsewhere?**

As discussed in item (a) above, the proposed unification would not result in any construction activities. For this reasons, the proposed unification would not displace any people or existing housing. Therefore, no impact would occur.
XIII. **Public Services. Would the project:**

a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:

<table>
<thead>
<tr>
<th>Service</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fire protection?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>Police protection?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>Schools?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>Parks?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>Other public facilities?</td>
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<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
</tbody>
</table>

**Environmental Setting**

The Siskiyou County Sheriff’s Office provides law enforcement in the unincorporated areas of the county, while the California Highway Patrol monitors SR 3. The city of Etna receives police services from the Etna Police Department (Siskiyou Planning Department, 2005).

Federal and State agencies generally are responsible for fire protection and services on their respective lands. Federal agencies with fire protection responsibilities in the Scott Valley area are the Bureau of Land Management, the National Park Service, and the U. S. Fish and Wildlife Service. The California Department of Forestry and Fire Protection has responsibility for wildfires in areas of the county not covered by Federal agencies or a local fire district. The communities of Etna and Fort Jones have volunteer fire departments. The general Scott Valley area receives fire protection services through the Scott Valley Fire Protection District. (Scott Valley Chamber of Commerce, 2005; Siskiyou Planning Department, 2005).

Scott Valley school facilities are described in Chapter 2, Project Description. EUHSD serves four elementary or “component” school districts, which include EUESD, FJUSD, and QVSD, as well as the Forks of Salmon School District that is excluded from the unification. School sites of these component districts also are described in Chapter 2, Project Description. Students from all four component elementary school districts move on to EUHSD for their secondary education.
Refer to Section XIV, Recreation, below for a discussion of existing parks and other recreation opportunities.

**Discussion**

a) *Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any public services.*

The proposed unification would not cause changes in administrative staffing levels or locations, or student populations or locations, nor would it create a need for new or modified school facilities. For these reasons, the proposed unification would not impair an emergency response or evacuation plan, nor would it degrade existing levels of fire protection and emergency response or cause an increased demand for police protection services. No additional parks or other public facilities would be needed to implement the proposed unification. Therefore, no impact would occur.
Environmental Setting

Opportunities for recreation and tourism are abundant in Siskiyou County with significant portions of the county protected open space, forests, and recreation areas. Scott Valley is surrounded by the Klamath National Forest with the Marble Mountain Wilderness Area nearby. At present, 10.4 percent of the Scott River watershed is protected as designated Wilderness and one percent as Wild and Scenic River. (Scott Valley Chamber of Commerce, 2005; North Coast Regional Water Quality Control Board, 2005).

Discussion

a) *Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?*

The proposed unification would not generate additional demand or have any other effect on existing recreational facilities, because the proposed project would not generate an increase in population or cause a shift in the location or use of existing recreational facilities by students, administrative staff, or other persons. Therefore, no impact would occur on recreational resources with implementation of the proposed unification.

b) *Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?*

The proposed unification would not cause changes in administrative staffing levels or locations, or student populations or locations. For these reasons, the proposed
unification would not create a need for new or modified school facilities, and therefore, would not displace existing recreational facilities or cause a need to construct new recreational facilities. No impacts would occur on recreational resources with implementation of the proposed unification.


<table>
<thead>
<tr>
<th>ENVIRONMENTAL ISSUES</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>XV. Transportation/Traffic. Would the project:</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>b) Exceed, individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>e) Result in inadequate emergency access?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>f) Result in inadequate parking capacity?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
</tbody>
</table>

**Environmental Setting**

SR 3 links Scott Valley and the communities of Etna and Fort Jones with Yreka (Siskiyou County seat) and Interstate Highway 5. There is no railroad service through Scott Valley, but two small airports (Lefko and Scott Valley) exist. (HomeTown Locator, 2005; Siskiyou County Planning Department, 2005).

**Discussion**

a) **Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?**

The proposed unification would not cause changes in administrative staffing levels and student populations, their travel patterns, or bus routing. In addition, the proposed
unification would not create a need for any new or modified school facilities. No changes in traffic generation would occur. Therefore, the project would not increase vehicle trips, nor would it change the volume to capacity ratio on roads or congestion at intersections from current conditions. Therefore, no impact would occur.

b) *Exceed, individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?*

As discussed in item (a) above, the proposed unification would not generate any additional trips beyond current conditions. For this reason, the proposed unification would not change the level of service of any roadway, nor would it cause an exceedance of a level of service standard established by the county congestion management agency for designated roads or highways. Therefore, no impact would occur.

c) *Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?*

The proposed unification would not increase the population in the area, nor would it cause any change in air traffic operations. Therefore, no impact would occur related to air traffic patterns and safety risks.

d) *Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?*

The proposed unification would not result in the construction or modification of any school facilities, nor would it alter land uses so as to introduce incompatible uses. Therefore, no impact would occur.

e & f) *Result in inadequate emergency access or parking capacity?*

Because the proposed unification would not result in the construction of any new or modified school facilities, it would not result in inadequate emergency access or parking capacity. Therefore, no impact would occur.

g) *Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?*

The proposed unification would not result in the construction of any new or modified school facilities, nor would it result in any permanent features that could affect regional transportation or interfere with construction of any future planned facilities that are intended to service alternative modes of transportation (i.e., bus turnouts, bicycle lanes,
etc.). Therefore, potential conflicts with alternative transportation policies, plans, or programs would not occur.
**ENVIRONMENTAL ISSUES**

<table>
<thead>
<tr>
<th>XVI. Utilities and Service Systems. Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>e) Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand, in addition to the provider's existing commitments?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>g) Comply with federal, state, and local statutes and regulations related to solid waste?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
</tbody>
</table>

**Environmental Setting**

The North Coast Regional Water Quality Control Board maintains a water quality control plan (Basin Plan) that contains water quality objectives and implementation plans for attaining the water quality objectives. The required triennial review of the North Coast Basin Plan was completed in 2004 (North Coast Regional Water Quality Control Board, 2005).

Within the EUHSD, the communities of Callahan, Etna, and Fort Jones have public water and sewage systems. Residents in the rest of the district rely on domestic wells for their water source and dispose of waste through septic tanks and leach fields.
The Siskiyou County Department of Public Works contracts with Scott Valley Disposal for the collection, transportation, and disposal of residential and commercial garbage, rubbish, and solid waste. The county landfill is located in Yreka and is operated by the City of Yreka (Siskiyou County Department of Public Works, 2005; Siskiyou County Planning Department, 2005).

**Discussion**

a, b, c) *Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board or require or result in the construction of new or expanded water or wastewater treatment facilities, or new or expanded storm water drainage facilities, the construction of which could cause significant environmental effects?*

Because the proposed unification would not cause changes in administrative staffing levels or student populations, and would not result in the construction of any new or modified school facilities, it would not result in an increased need for wastewater treatment by any sewer service district. Further, the proposed unification would not in itself cause an exceedance of the wastewater treatment requirements of the North Coast Regional Water Quality Control Board, nor would it result in the construction of new or expanded water or wastewater treatment facilities, or storm water drainage facilities. Therefore, no impact would occur.

d) *Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?*

As discussed in items (a), (b), and (c) above, the proposed unification would not result in changes in administrative staffing or student population levels, or school facilities. For these reasons, the proposed unification would not create the need for additional water supplies. Therefore, no impact would occur.

e) *Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project’s projected demand, in addition to the provider’s existing commitments?*

As discussed in items (a), (b), and (c) above, the proposed unification would not result in changes in staffing or student population levels, or school facilities. For these reasons, the proposed unification would not create the need for additional or altered wastewater treatment systems. Therefore, no impact would occur.
f) **Be served by a landfill with sufficient permitted capacity to accommodate the project’s solid waste disposal needs?**

As discussed in items (a), (b), and (c) above, the proposed unification would not result in changes in staffing or student population levels, or school facilities. For these reasons, the proposed unification would not affect the amount of waste generated in the county, solid waste disposal practices, or permitted landfill capacity. Therefore, no impact would occur.

g) **Comply with federal, state, and local statutes and regulations related to solid waste?**

As discussed above in item (f), the proposed unification would not change the amount of waste generated in the county, nor would it change the county’s solid waste disposal practices. For these reasons, the proposed unification would not conflict with federal, state, and local statutes and regulations related to solid waste. Therefore, no impact would occur.
ENVIRONMENTAL ISSUES

<table>
<thead>
<tr>
<th>XVII. Mandatory Findings of Significance.</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of an endangered, rare, or threatened species, or eliminate important examples of the major periods of California history or prehistory?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
</tbody>
</table>

Discussion

a) **Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of an endangered, rare, or threatened species, or eliminate important examples of the major periods of California history or prehistory?**

The proposed unification would not create a need for nor propose new school or administrative facilities, cause any modifications to existing facilities, or involve other physical changes to the existing environment. No change in land use of any district properties would occur. The proposed unification would not cause changes in administrative staffing levels or locations, or student populations or locations. Implementation of the proposed unification would, therefore, not degrade the quality of the environment; substantially reduce the habitat of a fish or wildlife species; cause a fish or wildlife population to drop below self-sustaining levels; threaten to eliminate a
plant or animal community; reduce or restrict the range of rare, threatened or endangered plants or animals; or eliminate important examples of the major periods of California history or prehistory. Therefore, no impact would occur.

b) **Does the project have impacts that are individually limited, but cumulatively considerable?** ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)

No contribution to cumulatively considerable impacts would occur with implementation of the proposed unification, because no construction, need for new or modified school or administrative facilities, or change in employees or student population would occur. There is no evidence to suggest that the unification itself would encourage or discourage the construction of a new high school, or alter the pattern of shifting student enrollment. No other related past, current or probable future projects were identified in the project area. The environmental analysis in this document preliminarily finds that the proposed unification would have no effect on the environment. Therefore, the proposed unification would not result in any cumulatively considerable impacts.

c) **Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?**

No significant and unavoidable environmental effects of the proposed unification were identified in this environmental analysis. Therefore, no substantial adverse effects on human beings, either directly, or indirectly, would occur.
4. REFERENCES

Armstrong, Marcia H. 2004. *A Siskiyou County Perspective*, presentation given on
June 7, 2004, at the Lower Klamath River Basin Science Conference at Humboldt State
University

California Air Resources Board. 2005. Area Designation Maps/State and National. Available at


California Department of Education (DataQuest). 2005. Available at

California Department of Transportation (Caltrans). 2005. The California Scenic Highway
August 17, 2005.

County Superintendent of Schools Meeting—Yreka, CA. October 13, 2005—meeting with
Siskiyou County Superintendent of Schools and staff regarding the proposed unification.


Fort Jones Union School District (FJUSD). 2005. Available at

GeoTracker, State Water Resources Control Board. 2005. Available at


Siskiyou County Planning Department—Yreka, CA. October 12, 2005—meeting with Planning Department staff regarding Siskiyou County and Scott Valley General Plans.

Superintendent Meeting—Fortuna, CA. September 14, 2005—meeting with superintendents of FUESD, FUHSD, and RSD regarding the proposed unification.

ITEM #40

CALIFORNIA STATE BOARD OF EDUCATION

JANUARY 2006 AGENDA

SUBJECT

Proposed Unification of the Etna Union High School District with the Etna Union Elementary School District, the Fort Jones Union School District, and the Quartz Valley School District in Siskiyou County

RECOMMENDATION

The California Department of Education (CDE) recommends that the State Board of Education (SBE) adopt the proposed resolution approving the petition to unify the Etna Union High School District (SD), the Etna Union Elementary SD, the Fort Jones Union SD, and the Quartz Valley SD. The SBE previously excluded the Forks of Salmon SD from the unification.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SBE has not heard this item previously. However, at its July 2004 meeting, the SBE did vote to exclude the Forks of Salmon SD from the proposed unification.

SUMMARY OF KEY ISSUES

Four elementary school districts (Etna Union Elementary SD, Forks of Salmon SD, Fort Jones Union SD, and Quartz Valley SD) currently are component districts within the Etna Union High SD. Resolutions proposing the unification of the Etna Union High SD were submitted to the Siskiyou County Office of Education (SCOE) by the governing boards of the Etna Union High SD, the Etna Union Elementary SD, the Fort Jones Union SD, and the Quartz Valley SD. The Forks of Salmon SD supports the unification concept but does not support its inclusion in the unification due to the extreme geographic isolation of the district. The affected districts proposed the unification with the belief that it would be in the best long-term interests of the students and districts.

Subsequent to initial adoption of resolutions supporting unification and public hearings on the unification proposal, the governing boards of the Etna Union Elementary SD and the Quartz Valley SD adopted resolutions requesting exclusion from the unification. The reasons for these exclusion requests include:

- Unification is against the wishes of the governing board.
- The county level unification process was based on miscommunications and misunderstandings.
The local unification proposal is insufficient, because it fails to provide information to make findings required by Education Code Section (EC) 35753(a) and provides no plan to inform the community about what will happen to schools, teachers, support staff, and students.

The Siskiyou County Committee on School District Organization (SCC) found that all of the nine conditions for unification in EC 35753(a) are substantially met and, on September 1, 2004, the SCC recommended approval of the unification proposal.

CDE staff also finds that all nine conditions in EC 35753(a) are substantially met and recommends that the SBE approve the proposal to unify Etna Union High SD with Etna Union Elementary SD, Fort Jones Union SD, and Quartz Valley SD. Staff’s analysis is provided as Attachment 1. A proposed resolution approving the petition is provided as Attachment 2 for the Board’s consideration.

The SBE may exclude Etna Union Elementary SD and Quartz Valley SD from the unification pursuant to EC 35542(b). The staff analysis indicates that, with such exclusions, all nine conditions in EC 35753(a) still are substantially met. However, the analysis further finds that the unification will not be as economically or educationally beneficial if the two districts are excluded. Although the CDE does not recommend excluding the districts, an alternative resolution approving the petition, but excluding the Etna Union Elementary SD and the Quartz Valley SD, is provided as Attachment 3.

While EC 35754 directs the SBE to either approve or disapprove the formation of a proposed new district, the section does not place timelines on the SBE decision. Therefore, if the SBE believes it needs additional information to decide whether to approve or disapprove the unification (or to approve or disapprove the exclusion requests) the SBE may take action to postpone its decision if the SBE believes that such postponement is necessary to obtain the necessary information.

FISCAL ANALYSIS (AS APPROPRIATE)

Based on 2004-05 data from the SCOE, and the CDE, the blended Etna Union High SD, Etna Union Elementary SD, Fort Jones Union SD, and Quartz Valley SD revenue limit, including enhancements due to salary and benefit differentials, is estimated to be $5,364.81 per average daily attendance (ADA) for the new district. The blended, or weighted average, revenue limit per ADA is revenue neutral. It is only the $354,417 ($484.21 per ADA) adjustment for salary and benefit differentials that yields new revenues to the districts and associated costs to the state. The revenue limit computation is included as Attachment 4. Increases in Proposition 98 revenue limit funding due to reorganization are not considered unanticipated increased costs to the state since these funding increases are provided for in statute and are capped, and do not increase the total amount of state General Fund that is provided for kindergarten through twelfth grade education.

Both Etna Union High SD and Quartz Valley SD have schools that qualify for Necessary Small School (NSS) funding. Currently, EC 35735.1 requires that the ADA associated
with NSS funding be excluded from the calculation of the revenue limit for the new unified school district. The CDE has concerns with this exclusion and may introduce legislation to change the method of calculation. If legislation that affects the calculation of the revenue limit is signed into law, the CDE will make any necessary adjustments to the revenue limit pursuant to EC 35735.1(c).

No other effects on state costs due to the reorganization have been identified.

ATTACHMENT(S)

Attachment 1: Report of Required Conditions for Reorganization (22 Pages)

Attachment 2: Proposed Resolution (1 Page)

Attachment 3: Alternative Approval Resolution (1 Page)

Attachment 4: Revenue Limit Worksheet for Reorganized School Districts (4 Pages) (This attachment is not available for Web viewing, a printed copy is available for viewing in the SBE Office)

Attachment 5: March 24, 2004, letter to Reed Hastings, State Board President from Barbara M. Dillmann, Superintendent of Schools, Siskiyou County (6 Pages) (This attachment is not available for Web viewing, a printed copy is available for viewing in the SBE Office)

Attachment 6: May 25, 2004, letter to Rae Belisle, Executive Director, California State Board of Education, from Elizabeth H. Hanauer, Administrator, Forks of Salmon School District (3 Pages) (This attachment is not available for Web viewing, a printed copy is available for viewing in the SBE Office)

Attachment 7: Siskiyou County Committee on School District Organization, September 1, 2004, meeting minutes (1 Page) (This attachment is not available for Web viewing, a printed copy is available for viewing in the SBE Office)

Attachment 8: June 20, 2005, letter to Catherine Barkett, Executive Director, State Board of Education, from Glenn R. Harris, Superintendent, Etna Union Elementary School District (14 Pages) (This attachment is not available for Web viewing, a printed copy is available for viewing in the SBE Office)

Attachment 9: Criteria for Approval of Reorganization Proposals (7 Pages) (This attachment is not available for Web viewing, a printed copy is available for viewing in the SBE Office)

Attachment 10: School District: “New Unified District,” Four Participating Districts Combined into High School Salary Schedule (5 Pages) (This
attachment is not available for Web viewing, a printed copy is available for viewing in the SBE Office)

Attachment 11: Proposed Unification, Scott Valley School Districts (2 Pages) (This attachment is not available for Web viewing, a printed copy is available for viewing in the SBE Office)

Attachment 12: December 5, 2005, letter to State Board of Education, from Winifred A. Walker, Superintendent, Etna Union High School District (2 Pages) (This attachment is not available for Web viewing, a printed copy is available for viewing in the SBE Office)

Attachment 13: Revenue Limit Worksheet for Reorganized School Districts Excluding Two School Districts (4 Pages) (This attachment is not available for Web viewing, a printed copy is available for viewing in the SBE Office)

Attachment 14: School District: “New Unified District,” Fort Jones Union School District Placed onto High School Salary Schedule (1 Page) (This attachment is not available for Web viewing, a printed copy is available for viewing in the SBE Office)

Attachment 15: Alternative Resolution (1 Page)
PROPOSED UNIFICATION OF THE ETNA UNION HIGH SCHOOL DISTRICT WITH THE ETNA UNION ELEMENTARY SCHOOL DISTRICT, THE FORT JONES UNION SCHOOL DISTRICT, AND THE QUARTZ VALLEY SCHOOL DISTRICT IN SISKIYOU COUNTY

REPORT OF REQUIRED CONDITIONS FOR REORGANIZATION

1.0 RECOMMENDATION

Staff recommends that the State Board of Education (SBE) adopt the resolution in Attachment 2, which would approve the proposal to form a unified school district from territory of the Etna Union High School District (SD). The SBE previously excluded the Forks of Salmon SD, which is an elementary school district currently within the high school district boundaries, from the unification. Education Code (EC) Section 35542(b) gives the SBE the authority to exclude elementary districts from a proposal to unify a high school district.

2.0 BACKGROUND

Four elementary school districts (Etna Union Elementary SD, Forks of Salmon SD, Fort Jones Union SD, and Quartz Valley SD) currently are component districts within the Etna Union High SD. Resolutions proposing the unification of the Etna Union High SD with Etna Union Elementary SD, Fort Jones Union SD, and Quartz Valley SD were submitted to the Siskiyou County Office of Education (SCOE) by the governing boards of those districts (Attachment 5). The Forks of Salmon SD requested exclusion from the unification, pursuant to EC 35542(b), and the SBE approved this exclusion on July 8, 2004 (Attachment 6).

The county superintendent of schools is required to examine resolutions for a proposed school district organization and determine whether the resolutions are sufficient and signed as required by law (EC 35704). On or about March 24, 2004, the Siskiyou County Superintendent of Schools determined that the resolutions for the unification of the Etna Union High SD, the Etna Union Elementary SD, the Fort Jones Union SD, and the Quartz Valley SD were sufficient and signed as required by law.

At a public hearing and deliberation meeting held September 1, 2004, the Siskiyou County Committee on School District Organization (SCC) unanimously voted to recommend approval of the unification proposal (Attachment 7).

3.0 REASONS FOR THE UNIFICATION

The resolutions of the affected school districts state that unification be pursued for reasons of increased efficiency and effectiveness of educational service delivery.
4.0 POSITIONS OF SCHOOL DISTRICTS

All affected districts adopted identical resolutions (Attachment 5), which indicate support for unification of the Etna Union High SD. However, the day before the SCC voted to approve the unification proposal, the governing board of the Etna Union Elementary SD adopted a resolution requesting exclusion from the unification. The governing board of the Quartz Valley SD adopted a similar resolution on January 11, 2005 (Attachment 8). The reasons for the districts requesting exclusion include:

- Unification is against the wishes of the governing board.
- The county level unification process was based on miscommunications and misunderstandings.
- The local unification proposal is insufficient, because it fails to provide information to make findings required by EC 35753(a) and provides no plan to inform the community about what will happen to schools, teachers, support staff, and students.

5.0 EC 35753 CONDITIONS

The SBE may approve proposals for the reorganization of districts if the SBE has determined the proposal substantially meets the nine conditions in EC 35753. Those conditions are further clarified by California Code of Regulations, Title 5 (5 CCR), Section 18573.

For its analysis of the current proposal, CDE staff met with SCOE staff and superintendents of the affected districts, and reviewed the following information provided by the SCOE and affected school districts:

- Resolutions for the proposed reorganization.
- “Criteria for Approval of Reorganization Proposals,” prepared by the SCC.
- Miscellaneous support documents.

Staff findings and conclusions regarding the required conditions in EC 35753 and 5 CCR Section 18573 conditions follow:

5.1 The new districts will be adequate in terms of number of pupils enrolled.

Standard of Review

It is the intent of the SBE that direct service districts not be created which will become more dependent upon county offices of education and state support unless unusual circumstances exist. Therefore, each district affected must be adequate in terms of numbers of pupils, in that each such district should have the following projected enrollment on the date the proposal becomes effective.
or any new district becomes effective for all purposes: elementary district, 901; high school district, 301; unified district, 1,501. (5 CCR Section 18573(a)(1)(A))

**County Committee Evaluation/Vote**

On September 1, 2004, the SCOE reported that total enrollment of the new unified district would be 704, not including an operating charter school, with an enrollment of 30 (Attachment 9).

**Staff Findings/Conclusion**

As stated previously, a new unified district is adequate in terms of number of pupils if projected enrollment is 1,501 or greater on the date the new district becomes effective for all purposes. The following table depicts 2004-05 California Basic Educational Data System (CBEDS) enrollment for all five current districts, as well as the combined enrollment for the proposed unified district.

**Current Enrollment in Affected Districts**

<table>
<thead>
<tr>
<th>District</th>
<th>2004-05 CBEDS Enrollment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Etna Union High SD</td>
<td>352</td>
</tr>
<tr>
<td>Etna Union Elementary SD</td>
<td>247</td>
</tr>
<tr>
<td>Fort Jones Union SD</td>
<td>116</td>
</tr>
<tr>
<td>Quartz Valley SD</td>
<td>48</td>
</tr>
<tr>
<td>Forks of Salmon SD</td>
<td>14</td>
</tr>
<tr>
<td>Proposed Unified SD</td>
<td>763</td>
</tr>
</tbody>
</table>

The following table displays historical enrollment in the districts proposed for unification and the percent growth for each year.

**Five-Year Enrollment Trend for Proposed Unified District**

<table>
<thead>
<tr>
<th>Year</th>
<th>Enrollment</th>
<th>Percent Growth</th>
</tr>
</thead>
<tbody>
<tr>
<td>1999-2000</td>
<td>969</td>
<td></td>
</tr>
<tr>
<td>2000-2001</td>
<td>930</td>
<td>-4.0%</td>
</tr>
<tr>
<td>2001-02</td>
<td>845</td>
<td>-9.1%</td>
</tr>
<tr>
<td>2002-03</td>
<td>820</td>
<td>-3.0%</td>
</tr>
<tr>
<td>2003-04</td>
<td>796</td>
<td>-2.9%</td>
</tr>
<tr>
<td>2004-05</td>
<td>763</td>
<td>-4.1%</td>
</tr>
</tbody>
</table>

Enrollment in the Etna Union High SD and its component districts has been declining steadily over the past five years—over 21 percent decline in
enrollment since 2000-2001. Unification would provide the districts a larger pool of students and more flexibility to address issues of declining enrollment.

Total enrollment in the proposed unified school district does not reach the 1,501 level required for adequate enrollment in a new district. However, the intent of the 1,501 student limit is to avoid creation of new direct service districts. All five affected districts currently are direct service districts, so “it is not practical or possible to apply” this condition (EC 35753(b)). The proposal would not result in any increase in the number of students eligible for direct service funding and would decrease the number of direct service districts in Siskiyou County.

5.2 The districts are each organized on the basis of a substantial community identity.

Standard of Review

The following criteria from 5 CCR Section 18573(a)(2), should be considered to determine whether a new district is organized on the basis of substantial community identity: isolation; geography; distance between social centers; distance between school centers; topography; weather; community, school and social ties; and other circumstances peculiar to the area.

County Committee Evaluation/Vote

The SCOE noted that all affected districts are located within the Scott Valley community and each of the affected elementary school districts are component districts of Etna Union High SD (Attachment 9).

Staff Findings/Conclusion

The new unified school district would correspond to the boundaries of the existing high school district. Therefore, a distinct educational community already exists within the boundaries of the proposed unified school district. Additionally, the communities within the Etna Union High SD area have shared a sense of identity over the years through the high school district. This district-wide community identity role of the Scott Valley will not be affected by the unification since the boundaries of the proposed unified district are the same as the current high school district.

The primary communities in the Scott Valley area are the cities of Etna and Fort Jones. These communities are about 11 miles apart. Each of the schools in the affected districts is less than 12 miles from any of the other schools. Thus, the primary communities and the schools affected by the unification are in a relatively geographically compact area.
The SBE has approved exclusion of Forks of Salmon SD from the unification because of its extreme geographic isolation. Forks of Salmon SD is remote from the Scott Valley area (about an hour and half drive in good weather) and surrounded by mountains. Because of this isolation, only about 30 percent of Forks of Salmon SD graduates attend Etna High School—the remainder choose other alternatives, including moving from the area, home schooling, or boarding schools.

Staff finds that the proposed district would be organized on the basis of a substantial community identity since it would correspond to existing school district boundaries and contribute to increased community identity in the Scott Valley area. Staff concludes that this condition is substantially met.

5.3 The proposal will result in an equitable division of property and facilities of the original district or districts.

Standard of Review

To determine whether an equitable division of property and facilities will occur, the California Department of Education (CDE) reviews the proposal for compliance with the provisions of EC 35560 and 35564 and determines which of the criteria authorized in EC 35736 shall be applied. The CDE also ascertains that the affected districts and county office of education are prepared to appoint the committee described in EC 35565 to settle disputes arising from such division of property. (5 CCR Section 18573(a)(3))

County Committee Evaluation/Vote

The SCOE indicates that the unification will not result in any division of property since all districts are being consolidated into a single unified district (Attachment 9).

Staff Findings/Conclusion

Staff concludes that this condition has been met. Staff agrees with the SCOE that there will be no need to divide property, funds, and obligations because no district in the proposal will be divided. At the time the unification proposal was heard by the SCC, there was no outstanding bonded indebtedness in any of the affected districts. Any bonded indebtedness acquired by the high school district prior to the effective date of the unification will remain the liability of property owners within the entire proposed unified school district.

The Etna Union Elementary SD maintains a charter school (Etna Academy of Arts, Sciences, and Technology). Upon a unification that includes Etna Union Elementary SD, the new unified district will assume rights and responsibilities, pursuant to Part 26.8 of the EC, for this charter school.
5.4 The reorganization of the districts will not promote racial or ethnic discrimination or segregation.

**Standard of Review**

In 5 CCR Section 18573(a)(4), the SBE set forth five factors to be considered in determining whether reorganization will promote racial or ethnic discrimination or segregation:

(a) The current number and percentage of pupils in each racial and ethnic group in the affected districts and schools in the affected districts, compared with the number and percentage of pupils in each racial and ethnic group in the affected districts and schools in the affected districts if the proposal or petition were approved.

(b) The trends and rates of present and possible future growth or change in the total population in the districts affected, in each racial and ethnic group within the total district, and in each school of the affected districts.

(c) The school board policies regarding methods of preventing racial and ethnic segregation in the affected districts and the effect of the proposal or petition on any desegregation plan or program of the affected districts, whether voluntary or court ordered, designed to prevent or alleviate racial or ethnic discrimination or segregation.

(d) The effect of factors such as distance between schools and attendance centers, terrain, geographic features that may involve safety hazards to pupils, capacity of schools, and related conditions or circumstances that may have an effect on the feasibility of integration of the affected schools.

(e) The effect of the proposal on the duty of the governing board of each of the affected districts to take steps, insofar as reasonably feasible, to alleviate segregation of minority pupils in schools regardless of its cause.

**County Committee Evaluation/Vote**

The SCOE notes that all affected elementary school districts are components of the Etna Union High SD and, therefore, unification will not promote racial or ethnic discrimination or segregation (Attachment 9).

**Staff Findings/Conclusion**

The current (2004-05 CBEDS) percent of minority students in Etna Union High SD and its component elementary districts is depicted in the following table. The percentages of minority students in the proposed unified school district also are displayed.
Percentages of Minority and White Students in Affected Districts*

<table>
<thead>
<tr>
<th>District</th>
<th>Minority Students</th>
<th>White Students</th>
</tr>
</thead>
<tbody>
<tr>
<td>Etna Union High SD</td>
<td>15.5% 18.5%</td>
<td>84.5% 81.3%</td>
</tr>
<tr>
<td>Etna Union Elementary SD</td>
<td>14.6% 23.1%</td>
<td>85.4% 72.5%</td>
</tr>
<tr>
<td>Fort Jones Union SD</td>
<td>23.1% 16.4%</td>
<td>76.9% 83.6%</td>
</tr>
<tr>
<td>Quartz Valley SD</td>
<td>28.0% 39.6%</td>
<td>72.0% 60.4%</td>
</tr>
<tr>
<td>Proposed unified district</td>
<td>17.1% 21.0%</td>
<td>82.9% 77.5%</td>
</tr>
<tr>
<td>Forks of Salmon SD</td>
<td>16.7% 35.7%</td>
<td>83.3% 64.3%</td>
</tr>
<tr>
<td>Countywide</td>
<td>20.7% 22.2%</td>
<td>78.7% 74.6%</td>
</tr>
</tbody>
</table>

*Percentages for a given year may not sum to 100 percent because the multiple/no response category is not included in the table.

Because the unification is a consolidation of districts, the racial/ethnic composition of students in the proposed unified district reflects the entire Scott Valley area. The few students in the Forks of Salmon District (14 in 2004-05) would have little effect on the racial/ethnic composition of students in the new unified district.

The unification proposes a consolidation of the Etna Union High SD with the Etna Union Elementary SD, the Fort Jones Union SD, and the Quartz Valley SD. The excluded Forks of Salmon SD will continue to operate its own kindergarten through eighth grade program and send secondary students to high schools under the same terms and conditions as existed prior to unification. Thus, the proposed unification will not cause any student to move from one school to another.

Staff finds that the proposed unification will not negatively affect (1) the districts’ duty to take steps to alleviate any segregation of minority pupils in schools and (2) any factor that may have an effect on the feasibility of the integration of affected school. Given the lack of negative effects and the fact that no students will be displaced or transferred to different schools as a result of the proposal, staff finds that this condition is substantially met.

5.5 The proposed reorganization will not result in any substantial increase in costs to the state.

Standard of Review

EC 35735 through 35735.2 mandate a method of computing revenue limits without regard to this condition. Although the estimated revenue limit is considered in this section, only potential costs to the state other than those mandated by EC 35735 through 35735.2 are used to analyze the proposal for compliance with this condition.
County Committee Evaluation/Vote

The SCOE study includes a calculation of the projected revenue limits for the proposed unified school district. Based on this calculation, unification of the Etna Union HSD with the Etna Union ESD, the Fort Jones Union ESD, and the Quartz Valley SD will increase the revenue limit for that area by ten percent (Attachment 9).

Staff Findings/Conclusion

Current law specifies that when computing the base revenue limit of the newly reorganized unified school district, the total base revenue limit for all affected districts is divided by the total average daily attendance (ADA) for the newly reorganized district. This weighted average calculation is revenue neutral since it yields the same total base revenue limit as for the affected districts. Once the base revenue limit is established, it will be used to determine the district’s funding levels.

The law also provides that the funding and ADA associated with pupils attending necessary small schools funded through necessary small school allowances be excluded from the calculation of the new base revenue limit. It may seem appropriate that such funding and ADA be excluded from this calculation since necessary small schools are not funded through a district’s base revenue limit. However, it seems improper that a district’s base revenue limit permanently exclude the necessary small school population since a school district’s eligibility for necessary small school funding can change from year to year. CDE staff may propose legislation to clarify the method for computing the base revenue limit of the newly reorganized unified school district.

Based on 2004-05 data from the SCOE, and CDE, the blended Etna Union High SD, Etna Union Elementary SD, Fort Jones Union SD, and Quartz Valley SD revenue limit, including enhancements due to salary and benefit differentials, is estimated to be $5,364.81 per ADA for the new district. Should the proposed unified district become effective for all purposes, the revenue limit will be calculated by staff in the CDE Principal Apportionment Unit using information submitted by the SCOE based on second prior fiscal year data (2005-06 for a July 1, 2007, effective date), including any adjustments for which the proposed district may be eligible. If legislation that affects the calculation of the revenue limit is signed into law, CDE will make any necessary adjustments to the revenue limit pursuant to Education Code Section 35735.1(c). Staff estimates that revenue limit funding will increase by approximately ten percent as a result of formation of the new unified district. As stated previously, increases in revenue limit funding due to reorganization are not considered to be increased costs to the state since these funding increases are statutorily authorized.
State costs for transportation, categorical programs, regular programs, and special education should not be affected significantly by the proposed reorganization since, typically, funding for these programs would follow the students.

Staff concludes that this condition is substantially met.

5.6 **The proposed reorganization will not significantly disrupt the educational programs in the proposed districts and districts affected by the proposed reorganization and will continue to promote sound education performance in those districts.**

**Standard of Review**

The proposal or petition shall not have a significant adverse effect on the educational programs of districts affected by the proposal or petition, and the CDE shall describe the district-wide programs, and the school site programs, in schools not a part of the proposal or petition, that will be adversely affected by the proposal or petition. (5 CCR Section 18573(a)(5))

**County Committee Evaluation/Vote**

The SCOE notes that the proposed unification will lead to a better articulated kindergarten through twelfth grade program and that factor, in addition to the high test scores in all the districts, will ensure that sound educational performance will continue (Attachment 9).

**Staff Findings/Conclusion**

Schools in the affected districts currently perform well on academic accountability measures. Every one of the schools in the Etna Union High SD and its component elementary school districts met all 2005 Adequate Yearly Progress (AYP) criteria. The following table displays the 2005 Academic Performance Index (API) Growth score for each of the schools. A number of schools (especially community day schools) in the districts are not included in the table since no valid API score can be calculated for schools that have fewer than 11 valid scores.
### 2005 API Growth Scores

<table>
<thead>
<tr>
<th>District</th>
<th>School</th>
<th>API Growth</th>
</tr>
</thead>
<tbody>
<tr>
<td>Etna Union High SD</td>
<td>Scott Valley Junior High</td>
<td>787</td>
</tr>
<tr>
<td>Etna Union High SD</td>
<td>Etna High</td>
<td>780</td>
</tr>
<tr>
<td>Etna Union Elementary SD</td>
<td>Etna Elementary</td>
<td>829</td>
</tr>
<tr>
<td>Etna Union Elementary SD</td>
<td>Etna Community Day School</td>
<td>813</td>
</tr>
<tr>
<td>Etna Union Elementary SD</td>
<td>Etna Academy of Arts, Sciences, and Technology</td>
<td>757</td>
</tr>
<tr>
<td>Fort Jones Union SD</td>
<td>Fort Jones Elementary</td>
<td>779</td>
</tr>
<tr>
<td>Quartz Valley SD</td>
<td>Quartz Valley Elementary</td>
<td>747</td>
</tr>
</tbody>
</table>

Currently, the affected districts informally collaborate to address issues of articulation of the educational program across grade spans. Establishing a unified school district with a single governing board will help to ensure the continuity of curriculum from kindergarten to twelfth grade.

No students will be displaced or transferred to different schools as a result of the proposal. No educational program (high school, junior high school, or elementary school) will be threatened due to reduction in student or staffing level. Thus, the unification should have minimal effect (if any) on ability to implement the educational program at the school site level.

The proposed unification will allow the realignment of duties for administrative staff, thus reducing the number of staff performing multiple functions. Instead of a small number of staff responsible for multiple tasks, individual staff can develop specialized skills in an area of responsibility. This should increase the efficiency and effectiveness of district operations, especially in the area of instructional leadership.

The new unified district will annually receive about a ten percent increase in revenue currently received by affected districts. CDE estimates that at approximately $285,000 (or approximately $389 per ADA) could be available annually to augment educational programs (see Section 5.9).

Staff agrees with the SCC’s finding that this condition is substantially met.
5.7 The proposed reorganization will not result in a significant increase in school housing costs.

County Committee Evaluation/Vote

The SCOE (Attachment 9) notes that the districts currently have adequate facilities to house existing students.

Staff Findings/Conclusion

Since no students will be displaced or transferred to different schools as a result of the proposal, no additional facilities will be required as a consequence of the unification.

Staff agrees with the SCC’s finding that this condition is substantially met.

5.8 The proposed reorganization is not primarily designed to result in a significant increase in property values causing financial advantage to property owners because territory was transferred from one school district to an adjoining district.

County Committee Evaluation/Vote

The SCOE states: “The proposed reorganization will have no impact on property owners” (Attachment 9).

Staff Findings/Conclusion

No evidence was presented to indicate that the proposed unification of Etna Union High SD with Etna Union Elementary SD, Fort Jones Union SD, and the Quartz Valley SD would increase property values in either of the districts. Nor is there any evidence from which it can be discerned that an increase in property values could be the primary motivation for the proposed reorganization. Staff concludes this condition is substantially met.

5.9 The proposed reorganization will not cause a substantial negative effect on the fiscal management or fiscal status of the proposed district or any existing district affected by the proposed reorganization.

County Committee Evaluation/Vote

The SCOE report notes that the proposed unification would not have a fiscal impact on the proposed district or any existing district affected by the proposed reorganization (Attachment 9).
Staff Findings/Conclusion

To assess the financial impact of the proposed reorganization, staff reviewed each district’s annual audit report and information provided by the SCOE. Staff concluded that if the proposed unification was approved, the reorganization would result in the following:

- The new district would have adequate reserves. All of the affected districts have sustained at least the recommended reserves for the past three years. Currently, each district has the viability to continue operating as a separate entity. However, the Etna Union Elementary SD has incurred a deficit in the past three years. The factors that are contributing to deficit spending are predominately declining enrollment, exacerbated by an aging facility in need of major repair and renovation.

- The new district would receive a blended, or weighted average, revenue limit. This blended revenue limit is adjusted for salary and benefit differentials. (See 5.5 above) Thus, the new unified district will receive more revenue limit funding than would be received by the combined affected school districts.

- State funding would increase by approximately $354,000 as a result of the unification. This increase is predicated on differences among districts’ average costs of salaries and benefits for full-time equivalent staff. The new district could raise all salary levels to that of the district with the highest rates. If this were done, approximately $69,000 would be required (Attachment 10), leaving an estimated $285,000 for the augmentation of kindergarten through twelfth grade educational programs. However, the new district is not obligated to adopt the highest salary schedules. The new schedules will be a product of negotiations between the district and the bargaining units.

- Etna Union High SD, Etna Union Elementary SD, Fort Jones Union ESD, and Quartz Valley SD have existing administrative structures. The unification should not cause an expansion in the combined administrative overhead but, instead, should result in a shift in fixed administrative expenses. According to estimates from the SCOE (Attachment 11), the reorganization would result in savings of over $59,000 annually from consolidating district costs, related district support services, school districts audits, technology services, and other administrative services. Further incremental savings may be achieved over time due to attrition, and as some functions in the areas of business, superintendent, and board are streamlined.

- Declining enrollment results in decreased revenue for school districts. Unification would provide a larger pool of students and more flexibility to address effects of this decrease in revenue.
Staff concludes the proposed reorganization would not have a substantial negative effect on the fiscal management or fiscal status of the proposed district or any existing district affected by the proposed reorganization and concludes that this condition is substantially met.

6.0 COUNTY COMMITTEE EC 35707 REQUIREMENTS

EC 35707 requires the county committee on school district organization to make certain findings and recommendations and to expeditiously transmit them along with the reorganization petition to the SBE. The SCC made the following findings and recommendations:

6.1 County Committee Recommendation for the Petition

The SCC voted to recommend approval of the proposal to unify Etna Union High SD with Etna Union Elementary SD, Fort Jones Union SD, and Quartz Valley SD.

6.2 County Committee Opinion Regarding EC 35753 Conditions

The SCC approved the SCOE findings based on the nine conditions listed in EC 35753(a).

7.0 STAFF RECOMMENDED AMENDMENTS TO THE PETITION

The SBE has authority to amend or add certain provisions to any petition for reorganization. This section contains CDE staff recommendations for such amendments.

7.1 Article 3 Amendments

Petitioners may include, and the county committee or SBE may add or amend, any of the appropriate provisions specified in Article 3 of the EC (commencing with Section 35730). These provisions include:

Membership of Governing Board/Trustee Areas

The resolutions petitioning for unification that were approved by the governing boards of the affected districts (Attachment 5) do not address the membership of the governing board of the proposed unification or whether trustee areas should be established for electing members of the new governing board.

However, the SCC added a provision to establish trustee areas in the new unified school district. The SCC provision calls for two trustee areas: one trustee area representing Etna Union Elementary SD and Forks of Salmon SD; and one trustee area representing Fort Jones Union SD and Quartz Valley SD.
Two governing board members must reside in each trustee area and the fifth board member can reside in either area. All five governing board members would be elected at-large, with voters from the entire unified school district voting for each board member (Attachment 9).

There were some concerns expressed during local public hearings regarding trustee area boundaries. Establishing and changing trustee areas are primarily local issues, with the SBE’s only role in the process coming at the time of the initial formation of a district. Should the voters or the governing board of the district wish to change trustee areas at any time in the future, this change can be accomplished locally without SBE approval.

Computation of Base Revenue Limit

A proposal for reorganization of school districts must include a computation of the base revenue limit per ADA for each reorganized district. Working with staff from SCOE, CDE staff obtained an estimated base revenue limit based on 2004-05 data. This base revenue limit computation of $5,364.81 per ADA is contained in Attachment 4.

Division of Property and Obligations

A proposal for the division of property (other than real property) and obligations of any district whose territory is being divided among other districts may be included. Since no district is divided as a result of the current unification proposal, there will be no division of property and obligations.

Upon a unification that includes any school district that maintains a charter school, the new unified school district will assume the rights and responsibilities, pursuant to Part 26.8 of the EC, for the charter schools.

Method of Dividing Bonded Indebtedness

A proposal for reorganization may include a method of dividing the bonded indebtedness other than the method established in EC 35576 for the purpose of providing greater equity in the division. No current bonded indebtedness exists in any of the affected districts.

7.2 Area of Election

A provision specifying the territory in which the election to reorganize the school districts will be held is one of the provisions under EC Article 3 (see 7.1 above) that the SBE may add or amend. EC 35756 also indicates that, should the SBE approve the proposal, the SBE must determine the area of election.

The area proposed for reorganization is the Etna Union High SD. Thus, the “default” election area is this school district. (EC 35732) The SBE may alter
this “default” election area if it determines that such alteration complies with the following area of election legal principles. Again, the election area must be determined only if the SBE approves the unification proposal.

Area of Election Legal Principles

The Local Agency Formation Commission (LAFCO)\(^1\) court decision provides the most current legal interpretations to be followed in deciding the area of school district reorganization elections. This decision upheld a limited area of election on a proposal to create a new city, citing the "rational basis test." The rational basis test may be used to determine whether the area of election should be less than the total area of the district affected by the proposed reorganization unless there is a declared public interest underlying the determination that has a real and appreciable impact upon the equality, fairness, and integrity of the electoral process, or racial issues. If so, a broader area of election is necessary.

In applying the rational basis test, a determination must be made as to whether:

(a) There is a genuine difference in the relevant interests of the groups, in which case an enhancement of the minority voting strength is permissible.

(b) The reduced voting area has a fair relationship to a legitimate public purpose. The fair relationship to a legitimate public purpose is found in Government Code Section 56001, which expresses the legislative intent "to encourage orderly growth and development," such as promoting orderly school district reorganization statewide that allows for planned, orderly community-based school systems that adequately address transportation, curriculum, faculty, and administration. This concept includes both:

1. Avoiding the risk that residents of the area to be transferred, annexed, or unified might be unable to obtain the benefits of the proposed reorganization if it is unattractive to the residents of the remaining district; and

2. Avoiding islands of unwanted, remote, or poorly served school communities within large districts.

However, even under the rational basis test, a determination to reduce the area of election would, according to LAFCO, be held invalid if the determination constituted an invidious discrimination in violation of the

\(^1\)Board of Supervisors of Sacramento County, et al., v. Local Agency Formation Commission (3 Cal. 4th 903, 1992)
CDE Staff Recommendation for Area of Election

The SBE may reduce the election area from the entire Etna Union High SD, which includes all component elementary school districts, if it determines that such reduction is in accordance with the above area of election legal principles. Although the reorganization proposal calls for the exclusion of the Forks of Salmon SD from the unification process, staff recommends the entire Etna Union High SD as the area of election should the SBE approve the unification proposal. The new unified school district will provide the secondary education program for all students residing within the district. Voters within the excluded elementary school district also will vote for governing board members of the unified district and general obligation bond measures targeted for secondary facilities.

7.3 Exclusion of Component Elementary Districts

EC 35542(b), added by Chapter 1186, Statutes of 1994, provides that:

[A]n elementary school district that has boundaries that are totally within a high school district may be excluded from an action to unify those districts if the governing board receives approval for an exclusion from the State Board of Education. Any elementary school district authorized by the State Board of Education to be excluded from an action to unify may continue to feed into the coterminous high school under the same terms that existed before any action to unify . . . .

Circumstances of Current Unification Proposal

On May 25, 2004, the governing board of Forks of Salmon SD requested that the SBE exclude that district from the proposed unification (Attachment 6). At its July 8, 2004 meeting, the SBE approved the exclusion for Forks of Salmon. Thus, the unification proposal that was considered at the local level and recommended for approval by the SCC, was a proposal to unify around the boundaries of the Etna Union High SD and to exclude Forks of Salmon SD from the unification.

The day before the SCC voted to approve the unification proposal, the governing board of the Etna Union Elementary SD adopted a resolution requesting exclusion from the unification. The governing board of the Quartz Valley SD adopted a similar resolution on January 11, 2005 (Attachment 8). As stated previously, only the SBE has authority to approve exclusion of component elementary districts, and such exclusion is discretionary.
CDE Staff Recommendation for Exclusion of Component Districts

CDE staff has significant concerns regarding the requests of the governing boards of the Etna Union Elementary SD and the Quartz Valley SD to be excluded from the unification. As stated previously, the specific proposal recommended for approval by the SCC addressed exclusion of only Forks of Salmon SD. Over the last ten years, the SBE has heard 19 unifications that proposed consolidations of high school districts while excluding one or more component elementary school districts. All exclusions approved by the SBE during this time period were exclusions that were part of the local proposal as recommended by the county committee. Should the SBE approve the exclusions of Etna Union Elementary SD and Quartz Valley SD from the unification, it would be the first time for approval of exclusions without a county committee recommendation.

In all past cases, CDE recommendation for approval of exclusion has been for one of two reasons:

- The district requesting exclusion was geographically isolated from the remainder of the elementary component districts involved in the unification (as is the current case with the Forks of Salmon SD).

- The exclusions were part of the unification proposal that was validated by the county superintendent of schools, considered at public hearings, and analyzed by the county committee.

As stated previously, the reasons for the districts requesting exclusion include:

- Unification is against the wishes of the governing board.

- The county level unification process was based on miscommunications and misunderstandings.

- The local unification proposal is insufficient, because it fails to provide information to make findings required by EC 35753(a) and provides no plan to inform the community about what will happen to schools, teachers, support staff, and students.

From review of public hearing proceedings and discussions with district superintendents, it appears to CDE staff that the primary concerns for the two districts requesting exclusion are (1) a study examining the effects of the unification has not been completed, and (2) especially for Quartz Valley SD, a concern that Quartz Valley Elementary School could be closed as a result of the unification. CDE staff believes that this current report has examined all issues that can be examined prior to a unification actually taking effect. This analysis finds that all required conditions have been substantially met, and that the unification could be beneficial to the districts especially in the areas of (1) addressing effects...
of declining enrollment in the Scott Valley area, (2) improving articulation of the educational program, and (3) improving the overall fiscal status of the districts.

Specific questions regarding whether schools will be closed and where staff will actually be working cannot be addressed at this time. These are issues that the governing board of the any new unified district must address. The governing board of the new district will not be elected until the new district is approved by voters—so it is not possible to determine, at this time, what actions the new governing board will take. However, it should be noted that CDE staff has not seen nor heard any public expression of support for closure of any school or disruption of any existing program. In fact, the governing board resolutions for unification (Attachment 5) contain a provision for maintaining all existing school sites.

If the SBE approves the exclusion of Etna Union Elementary SD and Quartz Valley SD, the analyses of some of the nine conditions (Section 5.0 of this report) require modification. The following conditions will not be substantially affected by the exclusion of the two districts:

- The districts are each organized on the basis of a substantial community identity.
- The proposal will result in an equitable division of property and facilities of the original district or districts.
- The reorganization of the districts will not promote racial or ethnic discrimination or segregation.
- The proposed reorganization will not result in any substantial increase in costs to the state.
- The proposed reorganization will not result in a significant increase in school housing costs.
- The proposed reorganization is not primarily designed to result in a significant increase in property values causing financial advantage to property owners because territory was transferred from one school district to an adjoining district.

Exclusion of the two districts from the unification will affect the remaining three conditions. Brief analyses of those conditions, with the two districts excluded, follow:

- The new districts will be adequate in terms of number of pupils enrolled.

If Etna Union Elementary SD and Quartz Valley SD are excluded from the unification, enrollment in the proposed unified district will be substantially
reduced from the 763 students reported in Section 5.1. The table below depicts historical enrollment trends for the combined Etna Union High SD and Fort Jones Union SD.

<table>
<thead>
<tr>
<th>Year</th>
<th>Enrollment</th>
<th>Percent Growth</th>
</tr>
</thead>
<tbody>
<tr>
<td>1999-2000</td>
<td>659</td>
<td></td>
</tr>
<tr>
<td>2000-2001</td>
<td>660</td>
<td>0.2%</td>
</tr>
<tr>
<td>2001-02</td>
<td>580</td>
<td>-12.1%</td>
</tr>
<tr>
<td>2002-03</td>
<td>590</td>
<td>1.7%</td>
</tr>
<tr>
<td>2003-04</td>
<td>514</td>
<td>-12.9%</td>
</tr>
<tr>
<td>2004-05</td>
<td>468</td>
<td>-8.9%</td>
</tr>
</tbody>
</table>

As can be seen in the above table, excluding the two districts will reduce enrollment in the new unified district to 468—from the 763 enrollment if all districts are included (see Section 5.1). Etna Union High SD and Fort Jones Union SD have stated concerns with the size of the new district if Etna Union Elementary SD and Quartz Valley SD are excluded from the unification (Attachment 12).

- The proposed reorganization will not significantly disrupt the educational programs in the proposed districts and districts affected by the proposed reorganization and will continue to promote sound education performance in those districts.

Unification excluding Etna Union Elementary SD and Quartz Valley SD will not significantly disrupt educational programs in affected districts. However, the advantages for educational program due to unification will be reduced with the exclusions. Ability to realign duties of administrative staff (to allow greater specialization of skills) will be reduced because of the smaller number of school sites and associated staff involved in the unification. New revenue that could be available to augment educational programs would be reduced from approximately $389 per ADA to $119 per ADA.

- The proposed reorganization will not cause a substantial negative effect on the fiscal management or fiscal status of the proposed district or any existing district affected by the proposed reorganization.

Removal of Etna Union Elementary SD and Quartz Valley SD will result in a recalculation of the new revenue limit (Attachment 13) and will significantly affect the amount of new funding for the districts. Instead of an additional $354,417 ($484.21 per ADA) annually, exclusion of the two districts will result in new revenue of $79,429 (or approximately $166 per ADA). Costs to place the Fort Jones Union SD certificated staff on the higher Etna Union High SD salary schedule would be $22,257 (Attachment 14). Thus, new revenue available for other programs could be reduced to approximately $57,172 (or approximately $119 per ADA). Moreover, the anticipated cost
savings associated with the unification (Attachment 11) will be reduced somewhat by excluding Etna Union Elementary SD and Quartz Valley SD from the unification. Etna Union High SD and Fort Jones Union SD have stated concerns that cost savings for the new district will not be there if the two districts are excluded from the unification (Attachment 12).

The following table summarizes the numerical differences between a proposed unification with all four districts included and a proposed unification with the two districts excluded.

<table>
<thead>
<tr>
<th>Unification Effect</th>
<th>All Districts Included</th>
<th>Two Districts Excluded</th>
</tr>
</thead>
<tbody>
<tr>
<td>Enrollment</td>
<td>763</td>
<td>468</td>
</tr>
<tr>
<td>New Revenue</td>
<td>$354,417</td>
<td>$79,429</td>
</tr>
<tr>
<td>New Revenue/ADA</td>
<td>$484</td>
<td>$166</td>
</tr>
<tr>
<td>Possible New Funding for Program Augmentation</td>
<td>$285,000</td>
<td>$57,172</td>
</tr>
<tr>
<td>Possible New Funding/ADA for Program Augmentation</td>
<td>$389</td>
<td>$119</td>
</tr>
</tbody>
</table>

Given the concerns that CDE staff has with the exclusion requests of the Etna Union Elementary SD and Quartz Valley SD, a belief that the issues raised by these districts have been addressed (at least those that can be addressed currently), and the reduced benefits of unification if the districts are excluded, CDE does not recommend that the SBE approve the exclusion requests. However, district staff and community members may bring additional concerns to the attention of the SBE at its public hearing. Significant community concerns regarding the unification indicate questionable approval of the unification when it is put before the electorate.

As stated previously, the SBE already has approved exclusion of the Forks of Salmon SD from the proposed unification. The following conditions would apply to the Forks of Salmon SD if the unification is approved by voters. These conditions also would apply to the Etna Union Elementary SD and the Quartz Valley SD should the SBE approve the unification and approve exclusion of these districts.

- At any time in the future, any component elementary district excluded from the unification action may initiate consolidation with the new unified district.
- Residents of an excluded component elementary district may continue to enroll their children in the new unified school district under the same terms and conditions as existed previously in the high school district.
- Voters in an excluded component elementary district will participate in the election of governing board members for the unified district.
Voters in an excluded component elementary district will participate with the voters in the unified district in voting in any future bond elections affecting high school facilities just as they did in the previous high school district and will pay their prorated shares for any such bond issues passed as they did in the previous high school district.

8.0 STATE BOARD OF EDUCATION OPTIONS

The EC outlines the SBE’s options:

(a) The SBE shall approve or disapprove the proposal. *(EC 35754)*

1) The SBE may approve the proposal if it determines all the conditions in *EC 35753(a)* have been substantially met.

2) The SBE may approve the proposal pursuant to *EC 35753(b)* if it determines the conditions in *EC 35753(a)* are not substantially met but it is not possible to apply the conditions literally and an exceptional situation exists.

(b) If the SBE approves the proposed unification, it may exclude Etna Union Elementary SD and Quartz Valley SD from the unification *(EC 35542(b))*. The SBE already has excluded Forks of Salmon SD from the unification.

(c) While EC 35754 requires the SBE to “approve or disapprove the formation of the proposed new district,” the section does not require an immediate decision. Therefore, the SBE may take action to postpone its decision if the SBE believes that such postponement is necessary to obtain information required for the decision.

(d) If the SBE approves the formation of the proposed districts, it may amend or include in the proposal any of the appropriate provisions of *EC Article 3*, commencing with Section 35730. Per staff recommendation, two items would be incorporated into the proposal and also approved if the SBE approves the overall petition:

1) The estimated base revenue limit based on 2004-05 data would be $5,364.81 per ADA.

2) The governing board of the new unified district would be five members elected from two trustee areas—one trustee area representing the current Etna Union Elementary SD and Forks of Salmon SD, and one trustee area representing the current Fort Jones Union SD and Quartz Valley SD. Voting for the trustees would be at-large.
3) For all affected charter schools, the new unified school district shall assume the rights and responsibilities, pursuant to Part 26.8 of the *EC*, of any school district included in the unification.

(e) If the SBE approves the proposal, it must determine the area of election (*EC 35756*). As previously discussed, staff recommends the territory of the entire high school district as the area of election.

9.0 RECOMMENDED ACTION

Staff recommends that the SBE approve the proposed unification of Etna Union High SD with the Etna Union Elementary SD, the Fort Jones Union SD, and the Quartz Valley SD. The SBE already has approved the exclusion of the Forks of Salmon SD from the unification. Staff further recommends that the SBE approve provisions that the governing board of the new district be five members elected from two trustee areas—one trustee area representing the current Etna Union Elementary SD and Forks of Salmon SD, and one trustee area representing the current Fort Jones Union SD and Quartz Valley SD. Voters in the geographic area of the entire unified district would elect each of the five trustees. Finally, staff recommends that the SBE determine the election area to be the entire Etna Union High SD. A proposed resolution addressing all the above recommendations is included as Attachment 2.

An alternative approval resolution is provided as Attachment 3 should the SBE decide to approve exclusion of Etna Union Elementary SD and Quartz Valley SD. An alternative resolution is provided as Attachment 15 should the SBE decide to disapprove the unification proposal.
PROPOSED RESOLUTION

Petition to Unify the Etna Union High School District with the Etna Union Elementary School District, the Fort Jones Union School District, and the Quartz Valley School District in Siskiyou County

RESOLVED, that under the authority of Education Code Section 35754, the proposal to form a new unified district from the Etna Union High School District with the Etna Union Elementary School District, the Fort Jones Union School District, and the Quartz Valley School District, which was filed on or about March 24, 2004, with the Siskiyou County Office of Education pursuant to Education Code Section 35700(d) is hereby approved; and be it

RESOLVED further, that the 2004-05 base revenue limit per unit of average daily attendance for the new unified district is estimated to be $5,364.81 and shall be recalculated using second prior fiscal year data from the time the unification becomes effective for all purposes; and be it

RESOLVED further, that the Forks of Salmon School District shall be excluded from action to unify the high school district and residents of the excluded district may continue to enroll their children in the new unified school district under the same terms and conditions as existed previously in the high school district; and be it

RESOLVED further, that the governing board of the new unified district shall consist of five trustees elected from two trustee areas—two trustees who are residents of a trustee area representing the Etna Union Elementary School District and Forks of Salmon School District, two trustees who are residents of a trustee area representing the Fort Jones Union School District and Quartz Valley School District, and one trustee residing in either of the two trustee areas—but elected by the voters of the entire unified school district; and be it

RESOLVED further, that for all affected charter schools, the new unified school district shall assume the rights and responsibilities, pursuant to Part 26.8 of the Education Code, of any school district included in the unification; and be it

RESOLVED further, that the State Board of Education shall direct the county superintendent of schools to call for the election and sets the area of election to be the territory of the entire Etna Union High School District; and be it

RESOLVED further, that the Executive Director of the State Board of Education shall notify, on behalf of said Board, the Siskiyou County Office of Education, Etna Union Elementary School District, Etna Union High School District, Forks of Salmon School District, Fort Jones Union School District, and Quartz Valley School District of the action taken by the State Board of Education.
CALIFORNIA STATE BOARD OF EDUCATION  
January 2006

ALTERNATIVE APPROVAL RESOLUTION

Petition to Unify the  
Etna Union High School District with the  
Etna Union Elementary School District, the  
Fort Jones Union School District, and the  
Quartz Valley School District in Siskiyou County

RESOLVED, that under the authority of Education Code Section 35754, the proposal to form a new unified district from the Etna Union High School District with the Etna Union Elementary School District, the Fort Jones Union School District, and the Quartz Valley School District, which was filed on or about March 24, 2004, with the Siskiyou County Office of Education pursuant to Education Code Section 35700(d) is hereby approved; and be it

RESOLVED further, that the 2004-05 base revenue limit per unit of average daily attendance for the new unified district is estimated to be $5,649.93 and shall be recalculated using second prior fiscal year data from the time the unification becomes effective for all purposes; and be it

RESOLVED further, that the Forks of Salmon School District, the Fort Jones Union School District, and the Quartz Valley Union School District shall be excluded from action to unify the high school district and residents of the excluded districts may continue to enroll their children in the new unified school district under the same terms and conditions as existed previously in the high school district; and be it

RESOLVED further, that the governing board of the new unified district shall consist of five trustees elected from two trustee areas—two trustees who are residents of a trustee area representing the Etna Union Elementary School District and Forks of Salmon School District, two trustees who are residents of a trustee area representing the Fort Jones Union School District and Quartz Valley School District, and one trustee residing in either of the two trustee areas—but elected by the voters of the entire unified school district; and be it

RESOLVED further, that the State Board of Education shall direct the county superintendent of schools to call for the election and sets the area of election to be the territory of the entire Etna Union High School District; and be it

RESOLVED further, that the Executive Director of the State Board of Education shall notify, on behalf of said Board, the Siskiyou County Office of Education, Etna Union Elementary School District, Etna Union High School District, Forks of Salmon School District, Fort Jones Union School District, and Quartz Valley School District of the action taken by the State Board of Education.
CALIFORNIA STATE BOARD OF EDUCATION  
January 2006

ALTERNATIVE RESOLUTION

Petition to Unify the  
Etna Union High School District with the  
Etna Union Elementary School District, the  
Fort Jones Union School District, and the  
Quartz Valley School District in Siskiyou County

RESOLVED, that under the authority of Education Code Section 35754, the proposal to form a new unified district from the Etna Union High School District with the Etna Union Elementary School District, the Fort Jones Union School District, and the Quartz Valley School District, which was filed on or about March 24, 2004, with the Siskiyou County Office of Education pursuant to Education Code Section 35700(d) is hereby disapproved; and be it

RESOLVED further, that the Executive Director of the State Board of Education shall notify, on behalf of said Board, the Siskiyou County Office of Education, Etna Union Elementary School District, Etna Union High School District, Forks of Salmon School District, Fort Jones Union School District, and Quartz Valley School District of the action taken by the State Board of Education.
Federal Waiver

**SUBJECT**


Waiver Number: Fed-29-2005

**RECOMMENDATION**

☒ Approval  ☐ Approval with conditions  ☐ Denial

**SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION**

The State Board of Education (SBE) adopted guidelines in February 2001 to assist California Department of Education (CDE) staff in reviewing this type of waiver (Waiver Policy #2001-02). The SBE has approved a number of these waivers over the years.

**SUMMARY OF KEY ISSUES**

Section 131(d)(1) of the Carl D. Perkins Vocational and Technical Education Act of 1998 (Public Law 105-332) requires local educational agencies (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(d)(2) of the Act permits states to waive the consortium agreement in any case in which the LEA is:

- In a rural, sparsely populated area, or is a public charter school operating secondary vocational and technical education programs; and

- Demonstrates it is unable to enter into a consortium to participate in the Perkins funding.

CDE staff contacted the John Swett Unified School District and verified that the LEA received its first consortium waiver in the 1994-95 program year, and that the LEA continues to meet the waiver criteria. The LEA requests a renewal of the consortium waiver in order to receive its allocated funds for the 2005-06 program year.

**Authority for Waiver:** Carl D. Perkins Vocational and Technical Education Act of 1998, Section 131(d)(2)

**Period of request:** July 1, 2005, through June 30, 2006
Local board approval date(s): September 21, 2005

FISCAL ANALYSIS (AS APPROPRIATE)
Approval will enable the John Swett Unified School District to receive its Perkins funds for the 2005-06 program year (estimated to be $10,973) without having to participate in a consortium. The waiver has no significant effect on the distribution of Perkins funds, statewide.

BACKGROUND INFORMATION
Consent Item: Backup materials, waiver request forms and supporting documents are not available for web viewing but are available for inspection in the Waiver Office.
Federal Waiver

SUBJECT


Waiver Number: Fed-30-2005

RECOMMENDATION

☐ Approval  ☐ Approval with conditions  ☐ Denial

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The State Board of Education (SBE) adopted guidelines in February 2001 to assist California Department of Education (CDE) staff in reviewing this type of waiver (Waiver Policy #2001-02). The SBE has approved a number of these waivers over the years.

SUMMARY OF KEY ISSUES

Section 131(d)(1) of the Carl D. Perkins Vocational and Technical Education Act of 1998 (Public Law 105-332) requires local educational agencies (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(d)(2) of the Act permits states to waive the consortium agreement in any case in which the LEA is:

- In a rural, sparsely populated area, or is a public charter school operating secondary vocational and technical education programs; and

- Demonstrates it is unable to enter into a consortium to participate in the Perkins funding.

CDE staff contacted the Southern Humboldt Unified School District and verified that the LEA received its first consortium waiver in the 2003-04 program year, and that the LEA continues to meet the waiver criteria. The LEA requests a renewal of the consortium waiver in order to receive its allocated funds for the 2005-06 program year.

Authority for Waiver: Carl D. Perkins Vocational and Technical Education Act of 1998, Section 131(d)(2)

Period of request: July 1, 2005, through June 30, 2006
Local board approval date(s): September 8, 2005

**FISCAL ANALYSIS (AS APPROPRIATE)**

Approval will enable the Southern Unified School District to receive its Perkins funds for the 2005-06 program year (estimated to be $10,052) without having to participate in a consortium. The waiver has no significant effect on the distribution of Perkins funds, statewide.

**BACKGROUND INFORMATION**

Consent Item: Backup materials, waiver request forms and supporting documents are not available for web viewing but are available for inspection in the Waiver Office.
CALIFORNIA STATE BOARD OF EDUCATION
JANUARY 2006 AGENDA

Federal Waiver

SUBJECT

Waiver Number: Fed-31-2005

RECOMMENDATION
☑ Approval ☐ Approval with conditions ☐ Denial

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION
The State Board of Education (SBE) adopted guidelines in February 2001 to assist California Department of Education (CDE) staff in reviewing this type of waiver (Waiver Policy #2001-02). The SBE has approved a number of these waivers over the years.

SUMMARY OF KEY ISSUES
Section 131(d)(1) of the Carl D. Perkins Vocational and Technical Education Act of 1998 (Public Law 105-332) requires local educational agencies (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(d)(2) of the Act permits states to waive the consortium agreement in any case in which the LEA is:

- In a rural, sparsely populated area, or is a public charter school operating secondary vocational and technical education programs; and

- Demonstrates it is unable to enter into a consortium to participate in the Perkins funding.

CDE staff contacted the Kelseyville Unified School District and verified that the LEA received its first consortium waiver in the 2004-05 program year, and that the LEA continues to meet the waiver criteria. The LEA requests a renewal of the consortium waiver in order to receive its allocated funds for the 2005-06 program year.

Authority for Waiver: Carl D. Perkins Vocational and Technical Education Act of 1998, Section 131(d)(2)

Period of request: July 1, 2005, through June 30, 2006
Local board approval date(s): September 13, 2005

FISCAL ANALYSIS (AS APPROPRIATE)
Approval will enable the Kelseyville Unified School District to receive its Perkins funds for the 2005-06 program year (estimated to be $11,473) without having to participate in a consortium. The waiver has no significant effect on the distribution of Perkins funds, statewide.

BACKGROUND INFORMATION
Consent Item: Backup materials, waiver request forms and supporting documents are not available for web viewing but are available for inspection in the Waiver Office.
Federal Waiver

SUBJECT
Request by Eastern Sierra Unified School District for a waiver of Section 131(d)(1) of the Carl D. Perkins Vocational and Technical Education Act of 1998 (Public Law 105-332).

Waiver Number: Fed-32-2005

Action
Consent

RECOMMENDATION
Approval
Approval with conditions
Denial

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION
The State Board of Education (SBE) adopted guidelines in February 2001 to assist California Department of Education (CDE) staff in reviewing this type of waiver (Waiver Policy #2001-02). The SBE has approved a number of these waivers over the years.

SUMMARY OF KEY ISSUES
Section 131(d)(1) of the Carl D. Perkins Vocational and Technical Education Act of 1998 (Public Law 105-332) requires local educational agencies (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(d)(2) of the Act permits states to waive the consortium agreement in any case in which the LEA is:

- In a rural, sparsely populated area, or is a public charter school operating secondary vocational and technical education programs; and

- Demonstrates it is unable to enter into a consortium to participate in the Perkins funding.

CDE staff contacted the Eastern Sierra Unified School District and verified that the LEA received its first consortium waiver in the 1991-92 program year, and that the LEA continues to meet the waiver criteria. The LEA requests a renewal of the consortium waiver in order to receive its allocated funds for the 2005-06 program year.

Authority for Waiver: Carl D. Perkins Vocational and Technical Education Act of 1998, Section 131(d)(2)

Period of request: July 1, 2005, through June 30, 2006
Local board approval date(s): September 8, 2005

FISCAL ANALYSIS (AS APPROPRIATE)
Approval will enable the Eastern Sierra Unified School District to receive its Perkins funds for the 2005-06 program year (estimated to be $3,117) without having to participate in a consortium. The waiver has no significant effect on the distribution of Perkins funds, statewide.

BACKGROUND INFORMATION
Consent Item: Backup materials, waiver request forms and supporting documents are not available for web viewing but are available for inspection in the Waiver Office.
# Federal Waiver

**SUBJECT**

Request by Fall River Unified School District for a renewal waiver of Section 131(d)(1) of the Carl D. Perkins Vocational and Technical Education Act of 1998 (Public Law 105-332).

Waiver Number: Fed-33-2005

**RECOMMENDATION**

- ☑ Approval
- ☐ Approval with conditions
- ☐ Denial

## SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The State Board of Education (SBE) adopted guidelines in February 2001 to assist the California Department of Education (CDE) staff in reviewing this type of waiver (Waiver Policy #2001-02). The SBE has approved a number of these waivers over the years.

## SUMMARY OF KEY ISSUES

Section 131(d)(1) of the Carl D. Perkins Vocational and Technical Education Act of 1998 (Public Law 105-332) requires local educational agencies (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(d)(2) of the Act permits states to waive the consortium agreement in any case in which the LEA is:

- In a rural, sparsely populated area or is a public charter school operating secondary vocational and technical education programs; and
- Demonstrates it is unable to enter into a consortium to participate in the Perkins funding.

CDE staff contacted the Fall River Unified School District and verified that the LEA received its first consortium waiver in the 1991-92 program year and that the LEA continues to meet the waiver criteria. The LEA requests a renewal of the consortium waiver in order to receive its allocated funds for the 2005-06 program year.

**Authority for Waiver:** Carl D. Perkins Vocational and Technical Education Act of 1998, Section 131(d)(2)

**Period of request:** July 1, 2005, through June 30, 2006
Local board approval date(s): October 5, 2005

FISCAL ANALYSIS (AS APPROPRIATE)
Approval will enable the Fall River Unified School District to receive its Perkins funds for the 2005-06 program year (estimated to be $10,254) without having to participate in a consortium. The waiver has no significant effect on the distribution of Perkins funds, statewide.

BACKGROUND INFORMATION
Consent Item: Backup materials, waiver request forms and supporting documents are not available for web viewing but are available for inspection in the Waiver Office.
Federal Waiver

SUBJECT


Waiver Number: Fed-34-2005

RECOMMENDATION

☐ Approval  ☐ Approval with conditions  ☐ Denial

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The State Board of Education (SBE) adopted guidelines in February 2001 to assist the California Department of Education (CDE) staff in reviewing this type of waiver (Waiver Policy #2001-02). The SBE has approved a number of these waivers over the years.

SUMMARY OF KEY ISSUES

Section 131(d)(1) of the Carl D. Perkins Vocational and Technical Education Act of 1998 (Public Law 105-332) requires local educational agencies (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(d)(2) of the Act permits states to waive the consortium agreement in any case in which the LEA is:

- In a rural, sparsely populated area or is a public charter school operating secondary vocational and technical education programs; and
- Demonstrates it is unable to enter into a consortium to participate in the Perkins funding.

CDE staff contacted the Durham Unified School District and verified that the LEA meets the waiver criteria. The LEA requests a waiver of the consortium requirement in order to receive its allocated funds for the 2005-06 program year.

Authority for Waiver: Carl D. Perkins Vocational and Technical Education Act of 1998, Section 131(d) (2)

Period of request: July 1, 2005, through June 30, 2006
Local board approval date(s): October 12, 2005

FISCAL ANALYSIS (AS APPROPRIATE)
Approval will enable the Durham Unified School District to receive its Perkins funds for the 2005-06 program year (estimated to be $14,093) without having to participate in a consortium. The waiver has no significant effect on the distribution of Perkins funds, statewide.

BACKGROUND INFORMATION
Consent Item: Backup materials, waiver request forms and supporting documents are not available for web viewing but are available for inspection in the Waiver Office.
Federal Waiver

SUBJECT

Waiver Number: Fed-36-2005

RECOMMENDATION
☑ Approval ☐ Approval with conditions ☐ Denial

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION
The State Board of Education (SBE) adopted guidelines in February 2001 to assist the California Department of Education (CDE) staff in reviewing this type of waiver (Waiver Policy #2001-02). The SBE has approved a number of these waivers over the years.

SUMMARY OF KEY ISSUES
Section 131(d)(1) of the Carl D. Perkins Vocational and Technical Education Act of 1998 (Public Law 105-332) requires local educational agencies (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(d)(2) of the Act permits states to waive the consortium agreement in any case in which the LEA is:

- In a rural, sparsely populated area or is a public charter school operating secondary vocational and technical education programs; and

- Demonstrates it is unable to enter into a consortium to participate in the Perkins funding.

CDE staff contacted the Durham Unified School District and verified that the LEA received its first consortium waiver in the 1997-98 program year and that the LEA continues to meet the waiver criteria. The LEA requests a renewal of the consortium waiver in order to receive its allocated funds for the 2005-06 program year.

Authority for Waiver: Carl D. Perkins Vocational and Technical Education Act of 1998, Section 131(d)(2)

Period of request: July 1, 2005, through June 30, 2006
Local board approval date(s): October 11, 2005

FISCAL ANALYSIS (AS APPROPRIATE)
Approval will enable the Shandon Unified School District to receive its Perkins funds for the 2005-06 program year (estimated to be $3,366) without having to participate in a consortium. The waiver has no significant effect on the distribution of Perkins funds, statewide.

BACKGROUND INFORMATION
Consent Item: Backup materials, waiver request forms and supporting documents are not available for web viewing but are available for inspection in the Waiver Office.
Federal Waiver

SUBJECT
Request by San Luis Obispo County Office of Education for a renewal waiver of Section 131(d)(1) of the Carl D. Perkins Vocational and Technical Education Act of 1998 (Public Law 105-332).

Waiver Number: Fed-37-2005

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION
The State Board of Education (SBE) adopted guidelines in February 2001 to assist the California Department of Education (CDE) staff in reviewing this type of waiver (Waiver Policy #2001-02). The SBE has approved a number of these waivers over the years.

SUMMARY OF KEY ISSUES
Section 131(d)(1) of the Carl D. Perkins Vocational and Technical Education Act of 1998 (Public Law 105-332) requires local educational agencies (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(d)(2) of the Act permits states to waive the consortium agreement in any case in which the LEA is:

- In a rural, sparsely populated area or is a public charter school operating secondary vocational and technical education programs; and

- Demonstrates it is unable to enter into a consortium to participate in the Perkins funding.

CDE staff contacted the San Luis Obispo County Office of Education and verified that the LEA received its first consortium waiver in the 1994-95 program year and that the LEA continues to meet the waiver criteria. The LEA requests a renewal of the consortium waiver in order to receive its allocated funds for the 2005-06 program year.

Authority for Waiver: Carl D. Perkins Vocational and Technical Education Act of 1998, Section 131(d)(2)

Period of request: July 1, 2005, through June 30, 2006
Local board approval date(s): October 6, 2005

FISCAL ANALYSIS (AS APPROPRIATE)
Approval will enable the San Luis Obispo County Office of Education to receive its Perkins funds for the 2005-06 program year (estimated to be $8,876) without having to participate in a consortium. The waiver has no significant effect on the distribution of Perkins funds, statewide.

BACKGROUND INFORMATION
Consent Item: Backup materials, waiver request forms and supporting documents are not available for web viewing but are available for inspection in the Waiver Office.
California State Board of Education

January 2006 Agenda

Federal Waiver

SUBJECT


Waiver Number: Fed-38-2005

RECOMMENDATION

☑ Approval  ☐ Approval with conditions  ☐ Denial

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The State Board of Education (SBE) adopted guidelines in February 2001 to assist the California Department of Education (CDE) staff in reviewing this type of waiver (Waiver Policy #2001-02). The SBE has approved a number of these waivers over the years.

SUMMARY OF KEY ISSUES

Section 131(d)(1) of the Carl D. Perkins Vocational and Technical Education Act of 1998 (Public Law 105-332) requires local educational agencies (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(d)(2) of the Act permits states to waive the consortium agreement in any case in which the LEA is:

- In a rural, sparsely populated area or is a public charter school operating secondary vocational and technical education programs; and
- Demonstrates it is unable to enter into a consortium to participate in the Perkins funding.

CDE staff contacted the El Tejon Unified School District and verified that the LEA received its first consortium waiver in the 2004-05 program year and that the LEA continues to meet the waiver criteria. The LEA requests a renewal of the consortium waiver in order to receive its allocated funds for the 2005-06 program year.

Authority for Waiver: Carl D. Perkins Vocational and Technical Education Act of 1998, Section 131(d)(2)

Period of request: July 1, 2005, through June 30, 2006
Local board approval date(s): October 19, 2005

FISCAL ANALYSIS (AS APPROPRIATE)
Approval will enable the El Tejon Unified School District to receive its Perkins funds for the 2005-06 program year (estimated to be $8,604) without having to participate in a consortium. The waiver has no significant effect on the distribution of Perkins funds, statewide.

BACKGROUND INFORMATION
Consent Item: Backup materials, waiver request forms and supporting documents are not available for web viewing but are available for inspection in the Waiver Office.
CALIFORNIA STATE BOARD OF EDUCATION
JANUARY 2006 AGENDA

Federal Waiver

SUBJECT

Waiver Number: Fed-39-2005

RECOMMENDATION
☐ Approval  ☐ Approval with conditions  ☐ Denial

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION
The State Board of Education (SBE) adopted guidelines in February 2001 to assist the California Department of Education (CDE) staff in reviewing this type of waiver (Waiver Policy #2001-02). The SBE has approved a number of these waivers over the years.

SUMMARY OF KEY ISSUES
Section 131(d)(1) of the Carl D. Perkins Vocational and Technical Education Act of 1998 (Public Law 105-332) requires local educational agencies (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(d)(2) of the Act permits states to waive the consortium agreement in any case in which the LEA is:

- In a rural, sparsely populated area or is a public charter school operating secondary vocational and technical education programs; and

- Demonstrates it is unable to enter into a consortium to participate in the Perkins funding.

CDE staff contacted the Waterford Unified School District and verified that the LEA received its first consortium waiver in the 2003-04 program year and that the LEA continues to meet the waiver criteria. The LEA requests a renewal of the consortium waiver in order to receive its allocated funds for the 2005-06 program year.

Authority for Waiver: Carl D. Perkins Vocational and Technical Education Act of 1998, Section 131(d)(2)

Period of request: July 1, 2005, through June 30, 2006
Local board approval date(s): October 13, 2005

FISCAL ANALYSIS (AS APPROPRIATE)
Approval will enable the Waterford Unified School District to receive its Perkins funds for the 2005-06 program year (estimated to be $13,069) without having to participate in a consortium. The waiver has no significant effect on the distribution of Perkins funds, statewide.

BACKGROUND INFORMATION
Consent Item: Backup materials, waiver request forms and supporting documents are not available for web viewing but are available for inspection in the Waiver Office.
CALIFORNIA STATE BOARD OF EDUCATION
JANUARY 2006 AGENDA

☐ Federal Waiver

SUBJECT


Waiver Number: Fed-40-2005

☐ Action

☐ Consent

RECOMMENDATION

☐ Approval  ☐ Approval with conditions  ☐ Denial

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The State Board of Education (SBE) adopted guidelines in February 2001 to assist the California Department of Education (CDE) staff in reviewing this type of waiver (Waiver Policy #2001-02). The SBE has approved a number of these waivers over the years.

SUMMARY OF KEY ISSUES

Section 131(d)(1) of the Carl D. Perkins Vocational and Technical Education Act of 1998 (Public Law 105-332) requires local educational agencies (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(d)(2) of the Act permits states to waive the consortium agreement in any case in which the LEA is:

- In a rural, sparsely populated area or is a public charter school operating secondary vocational and technical education programs; and

- Demonstrates it is unable to enter into a consortium to participate in the Perkins funding.

CDE staff contacted the Acton-Aqua Dulce Unified School District and verified that the LEA received its first consortium waiver in the 1994-95 program year and that the LEA continues to meet the waiver criteria. The LEA requests a renewal of the consortium waiver in order to receive its allocated funds for the 2005-06 program year.

Authority for Waiver: Carl D. Perkins Vocational and Technical Education Act of 1998, Section 131(d)(2)

Period of request: July 1, 2005, through June 30, 2006
Local board approval date(s): September 8, 2005

FISCAL ANALYSIS (AS APPROPRIATE)
Approval will enable the Acton-Aqua Dulce Unified School District to receive its Perkins funds for the 2005-06 program year (estimated to be $9,383) without having to participate in a consortium. The waiver has no significant effect on the distribution of Perkins funds, statewide.

BACKGROUND INFORMATION
Consent Item: Backup materials, waiver request forms and supporting documents are not available for web viewing but are available for inspection in the Waiver Office.
### Federal Waiver

**SUBJECT**

Request by **Silver Valley Unified School District** for a renewal waiver of Section 131(d)(1) of the Carl D. Perkins Vocational and Technical Education Act of 1998 (Public Law 105-332).

Waiver Number: Fed-41-2005

| Action | Consent |

### RECOMMENDATION

- [ ] Approval
- [ ] Approval with conditions
- [ ] Denial

### SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The State Board of Education (SBE) adopted guidelines in February 2001 to assist the California Department of Education (CDE) staff in reviewing this type of waiver (Waiver Policy #2001-02). The SBE has approved a number of these waivers over the years.

### SUMMARY OF KEY ISSUES

Section 131(d)(1) of the Carl D. Perkins Vocational and Technical Education Act of 1998 (Public Law 105-332) requires local educational agencies (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(d)(2) of the Act permits states to waive the consortium agreement in any case in which the LEA is:

- In a rural, sparsely populated area or is a public charter school operating secondary vocational and technical education programs; and

- Demonstrates it is unable to enter into a consortium to participate in the Perkins funding.

CDE staff contacted the Silver Valley Unified School District and verified that the LEA received its first consortium waiver in the 2003-04 program year and that the LEA continues to meet the waiver criteria. The LEA requests a renewal of the consortium waiver in order to receive its allocated funds for the 2005-06 program year.

**Authority for Waiver:** Carl D. Perkins Vocational and Technical Education Act of 1998, Section 131(d)(2)

**Period of request:** July 1, 2005, through June 30, 2006
Local board approval date(s): October 17, 2005

FISCAL ANALYSIS (AS APPROPRIATE)
Approval will enable the Silver Valley Unified School District to receive its Perkins funds for the 2005-06 program year (estimated to be $14,162) without having to participate in a consortium. The waiver has no significant effect on the distribution of Perkins funds, statewide.

BACKGROUND INFORMATION
Consent Item: Backup materials, waiver request forms and supporting documents are not available for web viewing but are available for inspection in the Waiver Office.

Waiver Number: Fed-42-2005

SUMMARY OF KEY ISSUES
Section 131(d)(1) of the Carl D. Perkins Vocational and Technical Education Act of 1998 (Public Law 105-332) requires local educational agencies (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(d)(2) of the Act permits states to waive the consortium agreement in any case in which the LEA is:

- In a rural, sparsely populated area or is a public charter school operating secondary vocational and technical education programs; and
- Demonstrates it is unable to enter into a consortium to participate in the Perkins funding.

CDE staff contacted the Golden Valley Unified School District and verified that the LEA meets the waiver criteria. The LEA requests a waiver of the consortium requirement in order to receive its allocated funds for the 2005-06 program year.

Authority for Waiver: Carl D. Perkins Vocational and Technical Education Act of 1998, Section 131(d) (2)

Period of request: July 1, 2005, through June 30, 2006
Local board approval date(s): November 15, 2005

FISCAL ANALYSIS (AS APPROPRIATE)
Approval will enable the Golden Valley Unified School District to receive its Perkins funds for the 2005-06 program year (estimated to be $4,101) without having to participate in a consortium. The waiver has no significant effect on the distribution of Perkins funds, statewide.

BACKGROUND INFORMATION
Consent Item: Backup materials, waiver request forms and supporting documents are not available for web viewing but are available for inspection in the Waiver Office.
CALIFORNIA STATE BOARD OF EDUCATION
JANUARY 2006 AGENDA

☐ Federal Waiver

SUBJECT

Request by Lassen County Consortium (Lassen County Office of Education) and nine districts to waive No Child Left Behind Act (NCLB); Title IV, Part A, Section 4115 (a)(1)(c) to use Safe and Drug Free Schools and Communities funds to support the cost of Character Counts, a Comprehensive Health, Substance Abuse, Violence Prevention Program.

Waiver Number: Various (see Attachment 1)

☐ Action

☐ Consent

RECOMMENDATION

☐ Approval  ☑ Approval with conditions  ☐ Denial

The Lassen County Office of Education and the nine district consortium must submit a report to the Safe and Healthy Kids Program Office (SHKPO) no later than January 2006 that describes the progress made by the University of Akron in evaluating the Character Counts program. In addition, the district must submit a report to the SHKPO no later than January 2007 that describes the progress made by National Center for Character Counts in submitting the results of the evaluation to (1) the National Registry of Evidence-based Programs, (2) the University of Colorado’s Center for the Study and Prevention of Violence, or (3) the California Healthy Kids Resource Center, for possible designation as a Model, Blueprint, or Validated Program. The district must be willing to take part in a formal evaluation, if requested. The district must also evaluate its own comprehensive prevention program implemented in accordance with the district’s approved Local Educational Agency (LEA) Plan.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

State Board of Education (SBE) Policy 03-01 contains guidelines for approval of applications for waiver of the NCLB requirements that Title IV funds be used for “science-based” prevention programs. The SBE has previously approved waivers allowing the use of the Character Counts program by the Buena Vista Elementary School District (FED-13-2003), Empire Union School District (FED-6-2005), and Mojave Unified School District (FED-05-2005).

SUMMARY OF KEY ISSUES

This waiver request summary actually covers the Lassen County Consortium, which consist of the Lassen County Office of Education, and nine other districts or in that area of the state, see the attachment for the numbers and names of each individual
A waiver is requested so that the LEA may use the “promising” prevention program, *Character Counts*, to supplement their use of a “science-based” prevention program (*Too Good for Drugs*). In accordance with SBE Policy 03-01, the following three conditions must be satisfied before use of a “promising” prevention program may be approved:

1. **Is the program innovative?**
   This condition is satisfied because the program uses an innovative youth development approach to character education in order build positive strengths, assets, and character in students.

2. **Does the program demonstrate substantial likelihood of success?**
   The program was previously the subject of an evaluation that was not completed. Researchers at South Dakota State University conducted a five-year study of *Character Counts* using an extensive questionnaire covering demographics, attitudes, and behavior from a large student sample that comprised as many as 8,419 respondents. Preliminary results indicated that the program cut crime and drug use sharply. Students who said they had drunk alcoholic beverages dropped 31 percent and those that had taken illegal drugs dropped 32 percent. Unfortunately, this study was not completed in part because researchers did not believe they could continue withholding the program from the students in the control group.

3. **Is there a plan and timeline for submitting the program for review?**
   The University of Akron is in the midst of a comprehensive study of *Character Counts* as implemented throughout a school district in Alliance, Ohio. This study is designed in line with the federal requirements for "scientifically-based research." Final results will be available in June 2006 with the possibility of preliminary data being available sooner. The staff at the National Center for Character Counts will submit the results of the evaluation to one or all of (1) the National Registry of Evidence-based Programs, (2) the University of Colorado’s Center for the Study and Prevention of Violence, and (3) the California Healthy Kids Resource Center, no later than August 2006. The LEA has committed to participating in the data collection process for that study if requested. The district has provided supplemental information attached to the original waiver application stating it will use the *Character Counts* program in combination with the science-based program *Too Good for Drugs*. Following through on these commitments are therefore a condition for approval of the waiver.

The California Department of Education recommends that this waiver request be approved as it meets each of the three criteria identified in SBE Policy 03-01.

**Authority for Waiver:** NCLB, Title IV, Part A, Section 4115(a) (3)

**Period of request:** January 2005-January 2007
Local board approval date(s): August 31, 2005

FISCAL ANALYSIS (AS APPROPRIATE)
Waiver approval will allow the district to use Title IV, Safe and Drug Free Schools and Communities funds for this program.

BACKGROUND INFORMATION
Consent Item: Backup materials, waiver request forms and supporting documents are not available for Web viewing but are available for inspection in the Waiver Office.

Attachment 1: Waivers Included in This Request (ten)
Specific Waiver

SUBJECT
Request by Waugh School District under the authority of Education Code (EC) Section 53863 for a waiver of EC Section 52852, allowing one joint school site council to function for two schools (Meadow School and Corona Creek School).

Waiver Number: 1-10-2005

RECOMMENDATION
☑ Approval    ☐ Approval with conditions    ☐ Denial

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION
The State Board of Education (SBE) has granted similar waivers to other small rural districts under waiver guidelines approved by the SBE. This is a renewal of a previously granted waiver.

SUMMARY OF KEY ISSUES
Waugh School District is a small two school elementary district in Sonoma County. The two elementary schools, Meadow School with 439 students and Corona Creek School with 453 students, serve similar student and parent populations. The two schools share an administrative team, have a common Parent Teacher Association, English-Learner Advisory Committee, and a common educational foundation. All curriculum is identical, all teachers meet together for planning and staff development purposes, and the facilities are essentially identical. Both Meadow and Corona Creek are California Distinguished Schools which attests to the effectiveness of planning and training together. The two schools are located less than a mile apart.

The SBE has previously granted the district a renewal waiver to have one school site council for these two schools over a twelve year period.

Authority for the Waiver: EC 52863

Period of request: September 1, 2005, through August 31, 2007

Local board approval date(s): September 20, 2005

Bargaining unit(s) consulted on date(s): September 1, 2005
Waugh Teacher’s Association, September 1, 2005

Name of bargaining unit(s)/representative(s): Waugh Teacher’s Association
Position of bargaining unit(s) (choose only one):

☐ Neutral  ☑ Support  ☐ Oppose

FISCAL ANALYSIS (AS APPROPRIATE)

This request utilizes existing funds and will not result in additional costs to the district or to the state.

BACKGROUND INFORMATION

Consent Item: Backup materials, waiver request forms and supporting documents are not available for web viewing but are available for inspection in the Waiver Office.
## Specific Waiver

### SUBJECT

Request by **Clovis Unified School District** under the authority of **Education Code (EC) Section 53863** to waive **EC Section 52852**, allowing two school site councils to function for four schools, one school site council for Gateway and Enterprise High Schools and one school site council for Clovis Community Day School (CDS) grades 4-8 and Excel CDS grades 9-12.

Waiver Number: 7-10-2005

### RECOMMENDATION

- **Approval**  
- **Approval with conditions**  
- **Denial**

The State Board of Education (SBE) has granted waivers to other small rural districts under similar circumstances.

### SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SBE granted a similar but slightly different waiver to Clovis Unified School District (USD) in 2004 and 2002.

### SUMMARY OF KEY ISSUES

Clovis USD is a rural district in Fresno County. The district has two alternative education schools, Gateway High School with 348 students and Enterprise Alternative with 137 students, which are located on the same site and share common facilities and administration. Clovis USD would like to have one school site council serve these two schools.

Recently, Excel High School, which was included in a similar waiver in 2004 was dissolved and is a Community Day Secondary School with an enrollment of 37 students. They are located in the same facility as Clovis Community Day Elementary with an enrollment of 42 students and share a common administration. Clovis USD would like to have one school site council serve these two community day schools.

**Authority for the Waiver:** **EC Section 52852**

**Period of request:** January 1, 2006, to December 31, 2007

**Local board approval date(s):** September 28, 2005
Bargaining unit(s) consulted on date(s): Not required for a specific waiver of this type.

Name of bargaining unit(s)/representative(s): Not required for a specific waiver of this type.

Position of bargaining unit(s) (choose only one): Not required for a specific waiver of this type.
☐ Neutral  ☐ Support  ☐ Oppose

FISCAL ANALYSIS (AS APPROPRIATE)
This request utilizes existing funds and will not result in additional costs to the district or to the state.

BACKGROUND INFORMATION
Consent Item: Backup materials, waiver request forms and supporting documents are not available for web viewing but are available for inspection in the Waiver Office.
CALIFORNIA STATE BOARD OF EDUCATION
JANUARY 2006 AGENDA

Specific Waiver

SUBJECT
Request by Shandon Joint Unified School District under the authority of Education Code (EC) Section 53863 for a waiver of EC Section 52852, allowing one joint school site council to function for two small rural schools (Shandon Elementary School and Shandon High/Middle School).

Waiver Number: 8-10-2005

RECOMMENDATION
☐ Approval ☐ Approval with conditions ☐ Denial

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION
The State Board of Education (SBE) has approved similar waiver requests for small rural schools.

SUMMARY OF KEY ISSUES
Shandon Joint Unified School District, in San Luis Obispo County, operates two small schools, Shandon Elementary with enrollment of 210 students and Shandon High/Middle with enrollment of 151 students. The two schools are within a block of each other and operate with a two-person administrative team, one parent organization, and one English Learner Advisory Committee.

Authority for the Waiver: EC 52863

Period of request: August 23, 2004 to June 30, 2006

Local board approval date(s): May 10, 2005

Bargaining unit(s) consulted on date(s):
CTA: April 26, 2005
CSEA: April 26, 2005

Name of bargaining unit(s)/representative(s):
CTA: Susan Jamele
CSEA: Jan Speer

Position of bargaining unit(s) (choose only one):
FISCAL ANALYSIS (AS APPROPRIATE)
Approval of this request would not result in additional costs to the district or to the state.

BACKGROUND INFORMATION
Consent Item: Backup materials, waiver request forms and supporting documents are not available for web viewing but are available for inspection in the Waiver Office.
Specific Waiver

SUBJECT
Request by Surprise Valley Joint Unified School District under the authority of Education Code (EC) Section 53863 for a waiver of EC Section 52852, allowing one school site council to function for four schools (Surprise Valley Elementary, Surprise Valley High, Surprise Valley Community Day and Grand Basin Continuation High).

Waiver Number: 11-10-2005

RECOMMENDATION
☑ Approval ☐ Approval with conditions ☐ Denial

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION
The State Board of Education (SBE) has granted similar waivers to other small rural districts under waiver guidelines approved by the SBE.

SUMMARY OF KEY ISSUES
Surprise Valley Joint Unified School District is a small district with four schools in Modoc County. Surprise Valley Elementary has 115 students and is located at the same facility as Surprise Valley Community Day which has 3 students. Surprise Valley High has 49 students and is located at the same facility as Great Basin Continuation High which has 4 students. Both facilities are less then a mile apart. The four schools share a common administrative team of two persons and one parent organization. Staff at all four sites routinely hold common meetings and plan, implement, monitor and evaluate as one group.

Authority for the Waiver: EC Section 52863

Period of request: August 30, 2005, To June 10, 2007

Local board approval date(s): October 18, 2005

Bargaining unit(s) consulted on date(s): October 3, 2005

Name of bargaining unit(s)/representative(s):
Teamsters Local 137/Randy Quick
Position of bargaining unit(s) (choose only one):

☐ Neutral  ☒ Support  ☐ Oppose

FISCAL ANALYSIS (AS APPROPRIATE)
This request utilizes existing funds and will not result in additional costs to the district or to the state.

BACKGROUND INFORMATION
Consent Item: Backup materials, waiver request forms and supporting documents are not available for web viewing but are available for inspection in the Waiver Office.
CALIFORNIA STATE BOARD OF EDUCATION
JANUARY 2006 AGENDA

General Waiver

SUBJECT
Request by Alisal Union School District to waive Education Code (EC) Section 15102, to allow the district to exceed its bonding limit of 1.25 percent of the taxable assessed value of property.
(Requesting 1.40 percent).

Waiver Number: 1-11-2005

RECOMMENDATION
☐ Approval  ☒ Approval with conditions  ☐ Denial

That the condition that the bonded indebtedness of Alisal Union School District not exceed 1.40 percent of the assessed valuation of taxable property of the district and that the waiver is limited to the sale of the bonds approved by the voters in the November 1999 election.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION
The State Board of Education (SBE) has approved previous bond issuance limit waiver requests that have been limited to specific general obligation bond issues already approved by local voters. The SBE previously approved a waiver on this subject for the Alisal Union School District in December 1999. According to the district, within one year after the approval of the 1999 waiver, the district’s ratio of bonded indebtedness to assessed valuation declined to within the statutory limit so the waiver was no longer needed.

SUMMARY OF KEY ISSUES
The Alisal Union School District, in Monterey County, is requesting a waiver of EC Section 15102 which limits the district to issuance of bonds totaling no more than 1.25 percent of the assessed valuation of taxable property of the district. The district’s current indebtedness is equal to 1.02 percent of its assessed valuation. If approved, this waiver would permit the district to increase its bonded indebtedness to 1.40 percent of its assessed valuation.

Granting the waiver would enable the district to issue bonds that have already been approved by the voters and use the proceeds to complete capital projects at two schools. Specifically, on November 2, 1999, the voters approved a general obligation bond for $25 million. To date, the district has issued bonds totaling approximately $15.9 million, and has remaining bonding authority of $9.1 million. In order to adhere to the bonded indebtedness limit of 1.25 percent of its assessed valuation, the district is permitted to issue only $5.5 million of these remaining bonds. With a waiver, the district would be permitted to issue the full $9.1 million in remaining bonds.
The District estimates that if the waiver is approved and the district promptly issues the $9.1 million in remaining bonds, the district’s bonded indebtedness level will decline to within the statutory limit by August 2006. The district’s estimate is based on its assessed valuation as of August 2005, the scheduled reduction in principal on the outstanding bonds, and an assumed seven percent projected growth in assessed valuation from August 2005 to August 2006. In the two prior years, the actual annual growth in assessed valuation was 14 percent and 17.1 percent. If the waiver is approved, at no time would the district debt limit exceed 1.40 percent of the assessed property value.

The district plans to use the $9.1 million in bond proceeds to complete modernization projects at the Bardin Elementary School and Sanchez Elementary School. These schools were built in the 1950’s. Among other things, the projects entail replacing windows, updating electrical and fire alarm systems, and making modifications to meet the American Disability Act (ADA) requirements.

If the waiver is not approved, the district will need to obtain interim financing through the issuance of Certificates of Participation (COPs) or Bond Anticipation Notes which could result in the district incurring over $100,000 in issuance and financing costs, depending on the financing terms. These costs are paid by the bond holders in the case of general obligation bonds. The district also indicates that issuing COPs and notes involves a lengthier process than issuing approved general obligation bonds. Thus, the use of interim financing would delay the completion of the school modernization projects and would result in escalating construction costs.

Authority for Waiver: EC Section 33050

Period of request: January 12, 2006 to January 10, 2008

Local board approval date(s): October 5, 2005

Public hearing held on date(s): October 5, 2005


Name of bargaining unit/representative(s) consulted: Alisal Teachers Association, John Aaron and Victoria Ponce, California School Employees Association, Chapter #577

Position of bargaining unit(s) (choose only one):
☐ Neutral ☒ Support ☐ Oppose

Comments (if appropriate):

Public hearing advertised by (choose one or more):
☒ posting in a newspaper ☒ posting at each school ☒ other (specify) District Office

Revised: 1/20/2012 4:34 PM
Advisory committee(s) consulted: Leadership Group

Objections raised (choose one): ☒ None  ☐ Objections are as follows:

Date(s) consulted: October 2005

FISCAL ANALYSIS (AS APPROPRIATE)
Approval of this waiver would allow the district to issue the remaining $9.1 million in voter approved bonds for completing the modernization projects at Bardin and Sanchez Elementary Schools. If the waiver is approved, it is expected to result in saving over $100,000 in financing and construction cost.

BACKGROUND INFORMATION
Action Item: Some documentation is available for Web viewing. Waiver forms and other hard copy documents are available for viewing at the Waiver Office or State Board Office.

Attachments
- General Waiver Request (5 pages)
- Outstanding Bonding Capacity (2 pages)
CALIFORNIA STATE BOARD OF EDUCATION

JANUARY 2006 AGENDA

General Waiver

SUBJECT

Request by Hesperia Unified School District to waive Education Code (EC) Section 60851(d), the requirement that only certain dates designated by the Superintendent of Public Instruction may be used by districts for testing students on the California High School Exit Exam (CAHSEE).

Waiver Number: 6-11-2005

RECOMMENDATION

☐ Approval ☑ Approval with conditions ☐ Denial


SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

This type of waiver has never been requested before.

SUMMARY OF KEY ISSUES

EC Section 60851(d) allows the state superintendent of public instruction (SPI) to set the testing dates for the CAHSEE. The CAHSEE is a high stakes examination for high school students (graduation requirement) and school districts (state and federal accountability). The March test dates were moved a week later to accommodate Pre-ID orders for districts that wanted to provide the grade 10 census administration in February with the makeup administration in March. CDE posted the revised testing dates for March 2006 approximately 7 months before the start of the new school year that began on July 1, 2005, in accordance with EC Section 37200. Hesperia Unified notes in its waiver request that its calendar is established at least 6 months in advance of the next school year. Therefore, the district had access to the new March 2006 test dates on the CDE Web site within this time frame.

The March 2006 test form has been developed by ETS, the test contractor, and approved by CDE, so it is final and ready to print. March is the largest annual administration of the CAHSEE. In March 2005, nearly 357,000 students in grades 10, 11, and 12 and adult school were administered the CAHSEE. If Hesperia were allowed to test its approximately 1,500 students one week earlier using the current March 2006 test form, it would represent a test security risk that could potentially compromise the test for far more students than Hesperia Unified would test.

Hesperia Unified can test its students during the February 7-8, 2006, administration of the CAHSEE. Last year, Hesperia Unified tested grade 10, 11 and adult students in
March and then May 2005. This year, Hesperia Unified can test in February 7-8 and May 9-10, 2006, without imposing additional costs to the state. Grade 10 students, who do not pass in February, will have up to five additional opportunities to test during high school. For grade 12 students (class of 2006), who have already had several opportunities to take the CAHSEE, a February administration allows them extra time to receive intensive instruction and remediation services before the May 2006 CAHSEE administration.

CDE recommends denial because approval of this waiver it would require the state to use a different test form than the one that has been developed for the March 21-22, 2006, administration of the CAHSEE, which would impose a significant cost to the state of roughly one million dollars (see Fiscal Analysis).

**Authority for Waiver:** EC Section 33050

**Period of request:** July 1, 2005 to June 30, 2006

**Local board approval date(s):** November 7, 2005

**Public hearing held on date(s):** November 7, 2005

**Bargaining unit(s) consulted on date(s):** October 17, 2005

**Name of bargaining unit/representative(s) consulted:** Hesperia Teachers Association, Jim Garrett

**Position of bargaining unit(s) (choose only one):**

- Neutral
- [x] Support
- [ ] Oppose

**Comments (if appropriate):**

**Public hearing advertised by (choose one or more):**

- [ ] posting in a newspaper
- [x] posting at each school
- [ ] other (specify)

**Advisory committee(s) consulted:** Mojave High School/Desert Trails, Sultana High School, Hesperia High School

**Objections raised (choose one):**

- [x] None
- [ ] Objections are as follows:

**Date(s) consulted:** October 18, 2005, (Mojave/Desert Trails), November 2, 2005, (Sultana), and November 9, 2005 (Hesperia)

**FISCAL ANALYSIS (AS APPROPRIATE)**

On average, a CAHSEE test administration is estimated to cost $2.5 million, which represents both fixed and variable costs. Since a new test form for both the English-language arts and math portions of the CAHSEE would be needed for testing security this would require a cost amendment to the contract with ETS, which only specifies development of test forms for the testing dates designated by the SPI.
In order to develop and administer a separate March test form to accommodate approximately 1,500 students in Hesperia Unified, it is estimated that the additional fixed costs could be up to one million dollars for the development of a new test form as well as the need to equate this non-regular administration with all others to ensure comparability of scores.

**BACKGROUND INFORMATION**

**Action Item:** Some documentation is available for Web viewing. Waiver forms and other hard copy documents are available for viewing at the Waiver Office or SBE Office.

**Attachments:**
- General Waiver Request (3 pages)
- Instructional Services Memo Hesperia Unified School District (1 page)
General Waiver

SUBJECT
Request by the San Bernardino County Superintendent of for a waiver of portions of Education Code (EC) Section 48663(a) and (c) relating to the minimum instructional day for a community day school.

Waiver Number: 9-7-2005

RECOMMENDATION
☐ Approval  ☒ Approval with conditions  ☐ Denial
The San Bernardino County Superintendent of Schools (SBCSS) shall comply with the statutory daily minimum of 360 minutes of instructional time in all community day schools (CDSs) with the exception that they may provide 300 minutes of instruction and dismiss one hour early one day every other week to allow time for teachers to meet in professional learning communities to analyze student data and collaborate on lesson design. Accordingly, the SBCSS will operate each CDS for an additional seventh hour one day every other week and report the increase in its yearly audits. CDS apportionments are paid for actual positive attendance. Therefore, the SBCSS would be eligible to receive daily base funding and fifth hour supplemental funding, per Education Code sections 48663(c) and 48667, on the approved shortened days, but would not receive funding for the missing sixth hour of attendance. Likewise, the district would be eligible to receive additional funding per Education Code Section 48664(c) for actual attendance for the required seventh hour of attendance. The waiver is granted for two years less one day, so that EC 33051(c) will not apply, and district must provide an evaluation of the program before renewal.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION
There have not been any previous requests for the State Board of Education to waive minimum day requirements for community day schools.

SUMMARY OF KEY ISSUES
The SBCSS is requesting a limited waiver of the requirement to provide a daily minimum of 360 minutes of instructional time. Research has shown that Professional Learning Communities (PLCs) are instrumental in accelerating learning outcomes for students. The SBCSS proposes to provide 300 minutes of instruction and dismiss one hour early one day every other week to allow time for teachers, specialists, and administrators to meet in regional PLCs to analyze student data and collaborate on lesson design. They propose to operate an additional seventh hour once every other week.

San Bernardino County is the largest county geographically in the contiguous United States and covers over 20,000 square miles. There are 33 school districts in the county. CDSs are often very small, with only one teacher per site. It is many miles from one location to
another. PLCs will be organized in a manner that staff will be able to attend their meeting regionally. Even when separating the classrooms into regions, however, it takes a considerable amount of time to travel to a central regional location where teachers can meet in PLCs. For sites that would require excessive travel of great distance/time, video conferencing will be set up to allow for their participation.

There are not certificated staff who could take the place of the classroom teachers who would be participating in the PLCs. Finding substitutes for this difficult to operate program is a major problem for the SBCSS. They often have a lack of substitute teachers available to cover normal absences due to sickness and personal necessity leave.

The CDS recognizes the value that educator participation in PLCs can mean for students. This is particularly important for high-risk students in schools where teachers are fairly isolated from their professional peers. The SBCSS will be gathering data during the period of the waiver that will be evaluated before renewal is considered. Therefore, the California Department of Education recommends approval for this limited (two years less one day) waiver.

**Authority for Waiver:** EC Section 33050

**Period of request:** January 12, 2006, to January 10, 2008 (two years less one day)

**Local board approval date(s):** July 5, 2005

**Public hearing held on date(s):** July 5, 2005

**Bargaining unit(s) consulted on date(s):** April 28, 2005

**Name of bargaining unit/representative(s) consulted:** California Teachers Association, Doreen Ramsey

**Position of bargaining unit(s) (choose only one):**
- [ ] Neutral
- [x] Support
- [ ] Oppose

Comments (if appropriate):

**Public hearing advertised by (choose one or more):**
- [ ] posting in a newspaper
- [ ] posting at each school
- [x] other (specify)
Notice posted at each regional office.

**Advisory committee(s) consulted:** Alternative Education Steering Committee

**Objections raised (choose one):**
- [x] None
- [ ] Objections are as follows:

**Date(s) consulted:** April 28, 2005
FISCAL ANALYSIS (AS APPROPRIATE)
At the second principal apportionment period in 2004-05, SBCSS reported combined average daily attendance in its CDSs of approximately 750 students. Without this waiver, the SBCSS could not provide less than the 360 minutes of daily instructional time. They would receive no money for a 300 minute day. Based on similar continuing attendance, with the waiver the SBCSS could operate and would receive both base funding and supplemental funding for the fifth (but not sixth) hour on PLC days. The difference is approximately $43,780 per day for 18 days, or approximately $788,000. The SBCSS would receive supplemental funding, per current law, for the required seventh hour of attendance.

BACKGROUND INFORMATION
Action Item: Some documentation is available for Web viewing. Waiver forms and other hard copy documents are available for viewing at the Waiver Office or SBE Office.

Attachments:
- General Waiver Request (3 pages)
- Letter of support (1 page)
General Waiver

SUBJECT
Request by Sacramento City Unified School District for a waiver of Education Code (EC) Section 48661(a) to permit the collocation of MET Charter High School on the same site as Success Community Day School (CDS).

Waiver Number: 10-11-2005

RECOMMENDATION
Approval

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION
The State Board of Education (SBE) has approved several similar requests to allow the collocation of a community day school (CDS) with a high school when the schools could not be located separately and the district has been able to ensure appropriate separation of students between the two schools.

SUMMARY OF KEY ISSUES
The Sacramento City Unified School District requests a waiver of EC Section 48661(a) which states that a CDS shall not be situated on the same site as a high school.

The district conducted an extensive search of facilities owned by the district and in the community and has certified that no appropriate second separate facility is available that would meet safety and access standards.

This site was selected as providing the greatest possible separation from other traditional school classrooms and students. The CDS will not be located on the same site as an elementary, middle, or traditional comprehensive high school. All students in a charter school are enrolled voluntarily.

Each school has a full-time administrative and support staff. Campus monitors ensure that students from each school are separated at all times. Arrival and departure are at separate times and locations to prevent intermingling of students. A locked door separates the classrooms for CDS students in grades seven and eight from the classrooms for the MET Charter High School students. Classrooms for younger CDS students are in a separate building. Each school has its own restrooms.

The district believes that the measures described above will provide a very high level of safety. The local school board voted unanimously to support the waiver request. The School Site Council, representing students, parents, teachers, and administrators from both schools, was consulted and there were no objections. All of
the bargaining units support the waiver proposal. To date, there have been no negative incidents on campus between students from the two schools.

The California Department of Education recommends, based on the safety record during the first four months of this year, that the waiver be approved for one year, as requested, to allow the district time to complete a thorough analysis of current and future facility use.

**Authority for Waiver:** EC Section 33050

**Period of request:** September 6, 2005 to June 30, 2006

**Local board approval date(s):** October 6, 2005

**Public hearing held on date(s):** July 26, 2005

**Bargaining unit(s) consulted on date(s):** Sacramento CTA, SEIU, United Professional Educators, Teamsters – contacts completed by October 6, 2005

**Name of bargaining unit/representative(s) consulted:** Marcie Launey, Ulysses Madison, Harriett Young

**Position of bargaining unit(s) (choose only one):**

☐ Neutral     ☒ Support     ☐ Oppose

Comments (if appropriate):

**Public hearing advertised by (choose one or more):**

☐ posting in a newspaper     ☒ posting at each school     ☐ other (specify)

(1) Posted on the district Web page  (2) Various district sites

**Advisory committee(s) consulted:** School Site Council

**Objections raised (choose one):** ☒ None     ☐ Objections are as follows:

**Date(s) consulted:** September 28, 2005

**FISCAL ANALYSIS (AS APPROPRIATE)**

Approval of this waiver would not have a fiscal impact on the state. Approval of the waiver would allow for more efficient local operations and, thus, the avoidance of costs that would otherwise be borne by the district.

**BACKGROUND INFORMATION**

Action Item: Some documentation is available for Web viewing. Waiver forms and other hard copy documents are available for viewing at the Waiver Office or State Board Office.
Attachments:
  - General Waiver Request (2 pages)
  - Map indicating location of each school site (1 page)
General Waiver

SUBJECT
Request by Kern County Superintendent of Schools for a waiver of Education Code (EC) Section 48916.1(d) relating to county community schools serving kindergarten through sixth grade students with seventh through eighth grade students in a combined program kindergarten through eighth grade, (commingling).

Waiver Number: 3-11-2005

RECOMMENDATION
☐ Approval  ☐ Approval with conditions  ☐ Denial
One day less than two years, EC 33051(c) will not apply.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION
In the prior five years one waiver and renewal of a similar nature, placing EC Section 33051(c) in effect, was approved for Mono County Community School.

SUMMARY OF KEY ISSUES
The Kern County Office of Education (COE) requests a waiver of EC Section 48916.1(d) which states that a student expelled from any of kindergarten through grade six, inclusive, may not be placed in an educational program combined or merged with pupils in any of grades seventh through twelfth grade, inclusive.

Kern County is a large, rural county and in some of the less populated areas it is fiscally impossible to offer the community an educational program that is restricted to kindergarten through grade six due to the subsequent small class size. The granting of this waiver request would result in an option of offering a class serving kindergarten through grade eight that would be 1) capable of supporting itself fiscally, and 2) remain consistent with the intent of the law, which is to separate the younger pupils from the older, more sophisticated, pupil populations.

In 2004-05, the county community school system served a total enrollment of 1,090 students. Kindergarten through grade six enrollment totaled 32 students, grade seven through grade eight enrollment totaled 111 students, and the remaining 947 student enrollment was served in a grade nine through twelve setting. Ten different program locations are strategically positioned throughout the county with 78 percent of the total enrollment served in five sites in Bakersfield and the remaining 22 percent of the total enrollment served in the more remote areas of Delano, Mojave, Taft, Ridgecrest, and Lake Isabella. This waiver specifies waiving the requirement only in reference to combining grade seven and grade eight into the existing kindergarten through grade six setting, not to offer a combined kindergarten through twelve grade program. This option would only be utilized in the five remote areas of Delano, Mojave, Taft, Ridgecrest, and
Currently the county community school system is the only strategy offering an educational program for expelled students. An Individual Learning Plan (ILP) is developed, tailoring the academic programs to each student’s individual need. Currently a staff-to-student ratio of approximately one-to-ten in the seventh through twelfth grade classes and one-to-four in the elementary grades is maintained. Both the county community school site advisory committee and the Kern County Board of Education unanimously voted to approve this waiver request. If granted, it would be the intent of the Kern County Superintendent of Schools Office to use the kindergarten through grade six separation of students whenever possible and only use the kindergarten through grade eight option when the more restrictive option is not feasible.

The California Department of Education recommends approval of this waiver request, although EC 33051(c) will not apply. Kern COE has submitted all requested items and the review of documentation supports waiver approval.

**Authority for Waiver:** EC Section 33050

**Period of request:** July 1, 2005, to June 29, 2006. (One day less than two consecutive years so (EC) Section 33501(c) will not apply. Kern COE originally requested a waiver period of January 1, 2006 to December 31, 2006.)

**Local board approval date(s):** October 11, 2005

**Public hearing held on date(s):** October 11, 2005

**Bargaining unit(s) consulted on date(s):** October 5, 2005

**Name of bargaining unit/representative(s) consulted:** Kern County Educators Association, Teresia Paca, President. Superintendent of Schools Classified Association, Patty Shultz, President.

**Position of bargaining unit(s) (choose only one):**
- ☒ Neutral
- ☐ Support
- ☐ Oppose

**Public hearing advertised by (choose one or more):**
- ☐ posting in a newspaper
- ☒ posting at each school
- ☐ other (specify)

**Advisory committee(s) consulted:** County community school advisory committee (teachers, a principal, a community liaison, probation staff assigned to community school supervisor, representatives from Mental Health).

**Objections raised (choose one):**
- ☒ None
- ☐ Objections are as follows:

**Date(s) consulted:** September 30, 2005

**FISCAL ANALYSIS (AS APPROPRIATE)**

Approval of this waiver would not have a fiscal impact on the state and an approval of
the waiver would allow for potentially increased school offerings.

**BACKGROUND INFORMATION**

Action Item: Some documentation is available for web viewing. Waiver forms and other hard copy documents are available for viewing at the Waiver Office of State Board Office.

Attachments:
- General Waiver Request (2 pages)
- Letter from Kern County Superintendent of Schools (1 page)
General Waiver

SUBJECT
Request by Anaheim City School District for a renewal to waive, California Code of Regulations (CCR), Title 5, Section 3043(d) requiring 20 school days (4 hours each) of attendance for extended school year for Special Education students for a total of 80 hours.

Waiver Number: 3-10-2005

RECOMMENDATION
☐ Approval  ☒ Approval with conditions  ☐ Denial
That the district 1) provide 16 full days of instruction (5 ½ hours - grades 4-6) to provide more than 80 hours, as required; 2) only 16 days of special education average daily attendance (ADA) may be claimed; and 3) Education Code (EC) 33051(c) will apply.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION
This is a renewal of waiver CDSIS-4-8-2003-W-4.

SUMMARY OF KEY ISSUES
California Code of Regulations (CCR), Title 5, Section 3043 requires that a district provide extended school year services (between the close of one academic year and the beginning of the next) to a student who has unique needs and requires special education services and related services in excess of the regular academic year. CCR, Title 5, Section 3043(d) requires that the program be provided for a minimum of 20 instructional days, typically for four hours each day (no less than the regular school day).

The Anaheim City School District feels that providing 16 full days of instruction for their extended school year provides more continuity for delivering instruction to their students. The District requests this waiver so that the extended year program for special education students may be modified to mirror the regular education summer school program. This allows better opportunities to mainstream and is more convenient for parents with children in both programs with regard to transportation.

The California Department of Education recommends that this waiver be approved on the condition that the district provide 16 days of instruction for the following grades: kindergarten - 212 minutes per day; grades first through third - 309 minutes per day; and grades four through six - 335 minutes per day.

In addition, with this waiver, the district may only claim special education average daily attendance reimbursement for 16 days. EC 33051(c) will apply so the district will not have to renew unless conditions change.
Authority for Waiver: EC Section 33050

Period of request: 7/1/05 to 6/30/07

Local board approval date(s): September 26, 2005

Public hearing held on date(s): September 26, 2005

Bargaining unit(s) consulted on date(s): District states N/A

Name of bargaining unit/representative(s) consulted: N/A

Position of bargaining unit(s) (choose only one): ☒ Neutral ☐ Support ☐ Oppose

Comments (if appropriate):

Public hearing advertised by (choose one or more):
☐ posting in a newspaper ☒ posting at each school ☐ other (specify)

Advisory committee(s) consulted: N/A

Objections raised (choose one): ☒ None ☐ Objections are as follows:

Date(s) consulted: September 26, 2005

FISCAL ANALYSIS (AS APPROPRIATE)

This waiver does not impact state or local finances.

BACKGROUND INFORMATION

Action Item: Some documentation is available for web viewing. Waiver forms and other hard copy documents are available for viewing at the Waiver Office or State Board Office.

Attachments:
- General Waiver Request (4 pages)
General Waiver

SUBJECT
Request by Tamalpais Union High School District to waive portions of Education Code (EC) sections 52084 (a)(c) and 52086 (a) Grade Nine Class Size Reduction (Morgan-Hart), the requirement for a 20:1 student to teacher ratio so that the district may provide a 25:1 ratio across four core courses--English, math, science and social studies.

Waiver Number: 2-11-2005

RECOMMENDATION

Approval with conditions

Approval, with the following conditions: 1) the total funding to the district will not exceed two times the grade nine enrollment of the district; 2) all participating English, math, science, and social studies classes will be held to the 25:1 ratio; 3) the participating high schools, Drake, Redwood, and Tamalpais, must be implementing the ninth grade smaller learning communities structure for all ninth grade students and maintain an Academic Performance Index (API) over 800; 4) the waiver will not become permanent; and 5) the district must submit a report tracking identified criteria before renewal is considered.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

In the past, the State Board of Education (SBE) approved requests from Tamalpais Union High School District (TUHSD) as long as the high schools involved had an API over 800. All three TUHSD high schools have an API over 800.

The TUHSD began implementing a modified version of the Grade Nine Class Size Reduction Program beginning in the 2001-02 school year (25:1 in English, mathematics, science, and social studies). The SBE granted waivers for the TUHSD to modify the implementation of the Grade Nine Class Size Reduction Program in May 2001, April 2002, and June 2003. Assembly Bill (AB) 163 by Assemblyman Joe Nation was approved October 2003 which allowed TUHSD to implement ninth grade class size reduction across the four core subjects, instead of two, at a maximum class size of 25. The legislation allowing this pilot project, EC Section 52086.5, sunsets as of July 1, 2006.

The TUHSD has chosen to seek a waiver rather than an extension of legislation based on the information provided by the Governor with the veto message for AB 384, which was a bill to allow Petaluma Joint Union High School District to modify the Grade Nine Class Size Reduction Program: “The State Board of Education is responsible for granting waivers from specific program requirements, when appropriate.”
SUMMARY OF KEY ISSUES

The TUHSD has submitted a waiver request to implement the Grade Nine Class Size Reduction Program across four core subjects, instead of two, with a maximum class size of 25, in order for the district to be able to continue its successful Smaller Learning Communities model.

As part of the original waiver approvals, the district agreed to provide evaluation data. The most recent report to the SBE was in spring 2005. An updated report was included with this waiver (attached) and concludes with the following comment.

The Tamalpais Union High School District strongly advocates for extending the class size reduction options to high schools engaged in school reform efforts. The 20:1 approach simply is too restrictive to facilitate alternative school grouping/organizational patterns. Our data suggests that schools can achieve the desired student achievement goals of Class Size Reduction while still working to increase personalization and student engagement. State resources are better used when multiple improvement goals can be met with the same amount of resources.

The California Department of Education supports this waiver as it is consistent with the Superintendent’s High Performing High Schools Initiative and will allow the TUHSD to continue implementing its smaller learning communities model. Research indicates smaller learning communities have a positive impact on student achievement and yet few resources are available to support this work. The waiver is also consistent in allowing flexibility for program implementation for schools achieving the 800 benchmark on the API.

Approval, with the following conditions: 1) the total funding to the district will not exceed two times the grade nine enrollment of the district; 2) all participating English, math, science, and social studies classes will be held to the 25:1 ratio; 3) the participating high schools, Drake, Redwood, and Tamalpais, must be implementing the ninth grade smaller learning communities structure for all ninth grade students and maintain an Academic Performance Index (API) over 800; 4) the waiver will not become permanent; and 5) the district must submit a report tracking identified criteria before renewal is considered.

Authority for Waiver: EC Section 33050

Period of request: 07/01/06 – 06/29/08

Local board approval date(s): 08/23/05

Public hearing held on date(s): 08/23/05

Bargaining unit(s) consulted on date(s): 01/09/01; 03/14/03; 09/01/05

Name of bargaining unit/representative(s) consulted: Tamalpais Teacher’s Association. Paul Grifo, President (2001); Patrick Gaynor, President (2003); Britt Block,
President (2005)

Position of bargaining unit(s) (choose only one):
☐ Neutral  ☒ Support  ☐ Oppose

Comments (if appropriate):

Public hearing advertised by (choose one or more):
☒ posting in a newspaper  ☒ posting at each school  ☐ other (specify)

Advisory committee(s) consulted: Drake High School, Redwood High School, Tamalpais High School

Objections raised (choose one): ☒ None  ☐ Objections are as follows:

Date(s) consulted: Drake High School 09/28/05; Redwood High School 09/14/05; Tamalpais High School 9/20/05

FISCAL ANALYSIS (AS APPROPRIATE)
Whether this waiver would have any fiscal impact is speculative. It depends upon what the district would do in the absence of the waiver. With the proposed condition limiting claims to two times the ninth grade enrollment in the participating schools, it is reasonable to conclude that any fiscal impact would be minor.

BACKGROUND INFORMATION
Action Item: Some documentation is available for web viewing. Waiver forms and other hard copy documents are available for viewing at the Waiver Office or State Board Office.

Attachments:
- General Waiver Request (4 pages)
- Tamalpais Union High School District Evaluation of Flexibility in Class Size Reduction (5 pages)
## General Waiver

**SUBJECT**

Request by Lemoore Union High School District for Yokuts Continuation High School in the High Priority Schools Grant Program (HPSGP), to waive *Education Code (EC)* Section 52055.650, the assignment of a School Assistance and Intervention Team (SAIT) for failing to meet growth, and *California Code of Regulations (CCR)* Section 1030.8, (the significant growth calculation). Also a request to waive the timelines in *EC 52055.650(e)(1)(C)* for this process.

Waiver Number: 3-12-2005

### RECOMMENDATION

- **Action**
- **Consent**

**RECOMMENDATION**

- **Approval**
- **Approval with conditions**
- **Denial**

Denial of the request to waive Title 5 regulations and the assignment of a School Assistance and Intervention Team (SAIT) based on *Education Code (EC) Section 33051(a)(1)*, the education needs of the pupils are not adequately addressed. Despite a lack of Academic Performance Index (API) data, the alternative test of student progress demonstrated a clear lack of growth. A SAIT team could address the reasons for this and help the school to improve its student achievement.

Approved the timeline waiver on the condition the SAIT timelines are completed by June 30, 2006.

### SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Yokuts High School in Lemoore Union School District was deemed state-monitored at the November 2005 State Board of Education (SBE) meeting. The school was missing a valid API in at least one year and failed to demonstrate growth when alternative growth criteria were applied.

### SUMMARY OF KEY ISSUES

Yokuts High School was awarded a High Priority Schools Grant Program (HPSGP) grant for the 2001-2002 school year and as a consequence agreed to meet specific accountability requirements. An HPSGP school has to make at least significant growth, as determined by the SBE, or face sanctions as described in paragraphs (1) or (2) in *EC Section 52055.650*. Significant growth for HPSGP schools is defined as making 10 API points of combined growth over three years and positive growth in two of the three years. Because Yokuts High School was missing API data in all but one of the three years, it was necessary to apply the alternative growth criteria (defined in *Section 1030.8 of the California Code of Regulations*) in order to determine whether the school had made significant growth. A school participating in the HPSGP without a valid API
score pursuant to *EC* Section 52052(f) in at least one out of three years demonstrates academic growth equivalent to significant growth for purposes of *EC* Section 52055.650 when the school’s weighted average percent proficient across all California Standards Tests in (a) English/language arts and (b) mathematics increased by at least two percentage points over the prior three year period. When the alternative growth criteria were applied Yokuts High School failed to make significant growth in either the English language arts or the mathematics category (see Attachment 1).

Lemoore Union High School District states that no API score was available for the Yokuts High School in three of the four years of its HPSGP participation (beginning in 2001-2002) due to its Alternative Schools Accountability Model (ASAM) status and small student population. API growth reports do include ASAM schools starting with the API growth report for 2002-2003, and Yokuts did receive an API score of 349 for that year, as they tested more than 11 students. The school received no API score for all other relevant years (2001-2002, 2003-2004, 2004-2005), because they tested fewer than 11 students. The district requests that the SBE waive Yokuts’ participation in the state-monitoring process because of the unique attributes of a small continuation school and the impact of the ASAM on the interpretation of API results.

Due to the very small student population, a review of API scores for Yokuts was not possible. Therefore, the alternative growth criteria were applied, with the result that the school failed to make significant growth. In light of that result, the CDE recommends denial of the request to waive Title 5 regulations and the assignment of a SAIT team.

However, the CDE also recommends approval of a timeline waiver to allow the school and district to contract with a SAIT to support the school in improving student achievement.

**Authority for Waiver:** *Education Code (EC) Section 33050*

**Period of request:** CDE only approves only the timeline waiver from December 2005 to June 30, 2006

**Local board approval date(s):** 12-15-05

**Public hearing held on date(s):** 12-15-05

**Bargaining unit(s) consulted on date(s):** 11-15-05

**Name of bargaining unit/representative(s) consulted:**
Lemoore Federation of Teachers, Mike Vorhees, President

**Position of bargaining unit(s) (choose only one):**
☐ Neutral ☑ Support ☐ Oppose

**Public hearing advertised by (choose one or more):**
☐ posting in a newspaper ☑ posting at each school ☐ other (specify)
Advisory committee(s) consulted: The Yokuts High Advisory

Objections raised (choose one): □ None   □ Objections are as follows:

Date(s) consulted: 12-10-05

FISCAL ANALYSIS (AS APPROPRIATE)
If the waiver is approved, funds which might otherwise be available to support the SAIT process would not be allocated to this school.

BACKGROUND INFORMATION
Action Item: Some documentation is available for web viewing. Waiver forms and other hard copy documents are available for viewing at the Waiver Office or State Board Office.

Attachments:
- Results of Application of Alternative Growth Criteria for Yokuts Continuation High School, Lemoore Union High School
- General Waiver Request (5 Pages)
Results of Application of Alternative Growth Criteria

Yokuts Continuation High School, Lemoore Union High School District

<table>
<thead>
<tr>
<th>District Name</th>
<th>School Name</th>
<th>HPSGP Growth Met?</th>
<th>ELA</th>
<th>Math</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lemoore Union High School District</td>
<td>Yokuts Continuation High School</td>
<td>No</td>
<td>0.00*</td>
<td>0.00*</td>
</tr>
</tbody>
</table>

* In order for the school to make significant, the values under the ELA and Math columns would have to be at least 2.
General Waiver

SUBJECT
Request by Lemoore Union High School District for Jamison Continuation High School in the High Priority Schools Grant Program (HPSGP), to waive Education Code (EC) Section 52055.650, the assignment of a School Assistance and Intervention Team (SAIT) for failing to meet growth, and California Code of Regulations (CCR) Section 1030.8 (the significant growth calculation). Also a request to waive the timelines in EC 52055.650 (e)(1)(C) for this process.

Waiver Number: 4-12-2005

RECOMMENDATION
☐ Approval  ☑ Approval with conditions  ☐ Denial

Denial of the request to waive Title 5 regulations and the assignment of a School Assistance and Intervention Team (SAIT) based on Education Code (EC) Section 33051(a)(1), the education needs of the pupils are not adequately addressed. Despite a lack of Academic Performance Index (API) data, the alternative test of student progress demonstrated a clear lack of growth. A SAIT team could address the reasons for this and help the school to improve its student achievement.

Approved the timeline waiver on the condition the SAIT timelines are completed by June 30, 2006.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION
Jamison Continuation School in Lemoore Union High School District was deemed state-monitored at the November 2005 State Board of Education (SBE) meeting. The school was missing a valid (API) in at least one year and failed to demonstrate growth when alternative growth criteria were applied.

SUMMARY OF KEY ISSUES
Jamison High School was awarded a High Priority Schools Grant Program (HPSGP) grant in the 2001-2002 school year and as a consequence agreed to meet specific accountability requirements. An HPSGP school has to make at least significant growth, as determined by the SBE, or face sanctions as described (EC) Section 52055.650. Significant growth for HPSGP schools is defined as making 10 API points of combined growth over three years and positive growth in two of the three years. Because Jamison High School was missing API data in one of the three years, it was necessary to apply the alternative growth criteria (defined in Section 1030.8 of the California Code of...
Regulations) in order to determine whether the school had made significant growth. A school participating in the HPSGP without a valid API score pursuant to EC Section 52052(f) in at least one out of three years demonstrates academic growth equivalent to significant growth for purposes of EC Section 52055.650 when the school’s weighted average percent proficient across all California Standards Tests in (a) English/language arts and (b) mathematics increased by at least two percentage points over the prior three year period. Jamison High School failed to make significant growth when the alternative growth criteria were applied (see Attachment 1).

Lemoore Union High School District states that no API score was available for Jameson High School in 2001-2002 due to its Alternative Schools Accountability Model (ASAM) status and acknowledges that no API score was generated for Jamison in 2002-2003, even though the API base report beginning in 2003 does include ASAM schools (no score was generated because the school failed to test enough students). The district contends that the school showed growth through earned API scores in 2004 and 2005, and should therefore not be subject to state-monitored status. The school did not test enough students and therefore did not have a valid 2003 base; there was no growth information for 2003-2004 school year. So, the district’s reference to a base API of 376 for 2003-2004 is in error. The school did, however, obtain a 2004 API base of 376, and attained a growth API of 402 for the 2004-2005 school year.

In short, the school did not have enough growth information to apply the significant growth criteria, and therefore required the application of the alternative growth criteria, rendering a consideration of the API scores moot. Since the school failed to demonstrate significant growth under the alternative growth criteria, the CDE recommends denial of the request to waive Title 5 regulations and the assignment of a SAIT team.

However, the CDE also recommends approval of a timeline waiver to allow the school and district to contract with a SAIT to support the school in improving student achievement.

Authority for Waiver: Education Code (EC) Section 33050

Period of request: CDE only approves only the timeline waiver from December 2005 to June 30, 2006

Local board approval date(s): 12-15-05

Public hearing held on date(s): 12-15-05

Bargaining unit(s) consulted on date(s): 11-15-05

Name of bargaining unit/representative(s) consulted: Lemoore Federation of Teachers, Mike Vorhees, President

Position of bargaining unit(s) (choose only one):
☐ Neutral  ☒ Support  ☐ Oppose
Public hearing advertised by (choose one or more):
☐ posting in a newspaper  ☑ posting at each school  ☐ other (specify)

Advisory committee(s) consulted: The Jamison High School Advisory

Objections raised (choose one): ☑ None  ☐ Objections are as follows:

Date(s) consulted: 12-10-05

FISCAL ANALYSIS (AS APPROPRIATE)
If the waiver is approved, funds which might otherwise be available to support the SAIT process would not be allocated to this school.

BACKGROUND INFORMATION
Action Item: Some documentation is available for web viewing. Waiver forms and other hard copy documents are available for viewing at the Waiver Office or State Board Office.

Attachments:
- Results of Application of Alternative Growth Criteria for Jamison Continuation High School, Lemoore Union High School
- General Waiver Request (5 Pages)
# Results of Application of Alternative Growth Criteria

**Jamison Continuation High School, Lemoore Union High School District**

<table>
<thead>
<tr>
<th>District Name</th>
<th>School Name</th>
<th>HPSGP Growth Met?</th>
<th>ELA</th>
<th>Math</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lemoore Union High School District</td>
<td>Jamison (Donald C.) Continuation High School</td>
<td>No</td>
<td>-5.11*</td>
<td>-16.67*</td>
</tr>
</tbody>
</table>

* In order for the school to make significant, the values under the ELA and Math columns would have to be at least 2.
General Waiver

SUBJECT
Request by Hacienda La Puente Unified School District for Workman High School of the Immediate High Priority Schools Grant Program (HPSGP) to waive the timelines in Education Code (EC) Section 52055.650(e)(1)(C) for the School Assistance and Intervention Team (SAIT) report of recommendations and the adoption of the report by the local governing board.

Waiver Number: 9-11-2005

RECOMMENDATION
☐ Approval  ☑ Approval with conditions  ☐ Denial
That the district be allowed to re-adjust the timelines described in statute from the original start date of September 8, 2005 to November 10, 2005.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION
No timeline waiver has been submitted for any High Priority Schools Grant Program school identified as state-monitored.

SUMMARY OF KEY ISSUES
Workman High School was assigned a new administrative team composed of a principal and three assistant principals in August, 2005. All four administrators were new to the site. The administrative team inherited the task of preparing the school for a review to be conducted November 14-16 by the Western Association of Schools and Colleges (WASC). The review had been postponed from the 2004-05 school year until fall 2005.

Meanwhile, in September the school was deemed state-monitored and assigned a School Assistance and Intervention Team (SAIT). Administrators were unable to retain the services of a SAIT provider with the experience to address the needs of the student groups at Workman High within the timeline for completion of required reports.

A provider has since been identified, and was approved by the local school board on December 8, 2005. The granting of this waiver request will allow the SAIT team sufficient time to generate corrective actions which are appropriate to the student population and which take into account findings from the WASC review. Approval of the waiver with re-set timelines is recommended.

Authority for Waiver: Education Code (EC) Section 33050

Period of request: From December 8, 2005, to June 1, 2006

Local board approval date(s): 12-08-05
Public hearing held on date(s): 12-08-05

Bargaining unit(s) consulted on date(s): 11-15-05

Name of bargaining unit/representative(s) consulted:
Hacienda La Puente Teachers’ Association, John Crowther, President

Position of bargaining unit(s) (choose only one):
☐ Neutral    ☑ Support    ☐ Oppose

Public hearing advertised by (choose one or more):
☐ posting in a newspaper    ☑ posting at each school    ☐ other (specify)

Advisory committee(s) consulted: The Workman High School Site Council

Objections raised (choose one): ☑ None    ☐ Objections are as follows:

Date(s) consulted: 11-10-05

FISCAL ANALYSIS (AS APPROPRIATE)
The timeline waiver does not alter the disbursement of state-budgeted funds which may be allocated for support of the SAIT process.

BACKGROUND INFORMATION
Action Item: Some documentation is available for web viewing. Waiver forms and other hard copy documents are available for viewing at the Waiver Office or State Board Office.

Attachment 1: General Waiver Request (4 pages)
California Department of Education
SBE-007 Petition (REV 07/21/04)

CALIFORNIA STATE BOARD OF EDUCATION
JANUARY 2006 AGENDA

Petition Waiver

SUBJECT
Petition request under Education Code (EC) Section 60421(d) and 60200(g) by Mountain Valley Unified School District to purchase non-adopted Instructional Resources (Houghton Mifflin Mathematics, grade six) using Instructional Materials Funding Realignment Program (IMFRP) monies.

Waiver Number: 4-10-2005

RECOMMENDATION
Approval

Action

Approval with conditions

Denial

Consent

Approval from January 1, 2006, through December 31, 2007.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION
Since 2001, 4 Instructional Materials Fund petitions, 17 Schiff-Bustamante waiver requests, and 8 IMFRP petitions have been submitted to the State Board of Education (SBE) for grade six of the Houghton Mifflin Mathematics program. Waivers for non-adopted grade levels of Board-adopted programs were specifically addressed by the SBE’s Schiff-Bustamante Waiver Policy, but no specific policies have been adopted regarding IMFRP petitions. All 29 of the prior waiver/petition requests were approved by the SBE.

SUMMARY OF KEY ISSUES
The Mountain Valley Unified School District is petitioning the SBE to use IMFRP funds for the purchase of Houghton Mifflin Mathematics for grade six. The kindergarten through grade five (K-5) program was submitted and adopted under the 2001 Mathematics Adoption.

While no SBE policy currently exists for petitions under the IMFRP, the SBE approved 17 waivers for districts to use this program under its Schiff-Bustamante grade-level extension exemption policy (State Board Policy #99-06). Language within the IMFRP in EC Section 60421(d) specifically authorizes the SBE to grant waivers for the purchase of nonadopted materials with IMFRP funds.

The Houghton Mifflin Mathematics program for K-5 was submitted for review under the 2001 Mathematics Adoption. It was adopted by the SBE. The grade six program was completed after the state adoption of the K-5 program. The district is requesting a waiver for a program that would continue or extend a currently adopted program. At the SBE’s request in 2001, grade six of the Houghton Mifflin Mathematics Program was reviewed by a Curriculum Commissioner and the program was deemed to provide sufficient coverage of the mathematics content standards.
The district’s Academic Performance Index (API) score at its primary elementary school (there is a second small elementary school that does not have an API score) improved from 733 in 2004 to 741 in 2005. The school’s statewide API ranking in 2004 was sixth. A majority of the district’s students are economically disadvantaged. No assessment data were provided; however, this information was not required for an Exemption One waiver request under the former SBE Schiff-Bustamante Policy #99-06.

**Authority for Petition:** EC Section 60421(d) and 60200(g)

**Period of request:** January 1, 2006, through December 31, 2007.

**Local board approval date(s):** September 14, 2005

**Public hearing held on date(s):** September 14, 2005

**Public hearing advertised by (choose one or more):**
- [x] posting at each school
- [ ] other (specify)
  Posted at various public locations in the community.

**FISCAL ANALYSIS (AS APPROPRIATE)**

| Estimated total expenditure for grade six materials: | $2,374 |
| Total IMFRP funding, 2005/06 | $22,560 |
| Percentage of total IMFRP funding included in current request | 10.5% |

**BACKGROUND INFORMATION**

Consent Item: Backup materials, waiver request forms and supporting documents are not available for Web viewing but are available for inspection in the Waiver Office.

**Attachments:**
- Petition Request (2 pages)
- API Growth Report (1 page)
CALIFORNIA STATE BOARD OF EDUCATION

JANUARY 2006 AGENDA

General Waiver

SUBJECT

Request by the Panoche Elementary School District to waive Education Code (EC) Section 35780(a), which requires lapsation of a district with an average daily attendance of less than six students.

Waiver Number: 4-11-2005

RECOMMENDATION

☐ Approval  ☐ Approval with conditions  ☐ Denial

EC 33051(c) will not apply.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The State Board of Education (SBE) has considered three similar waiver requests in the past for other districts. Additionally, the SBE approved a waiver of an earlier threatened lapsation for Panoche Elementary School District (ESD) at its February 1998 meeting (see chart, below).

SUMMARY OF KEY ISSUES

EC Section 35780 establishes the conditions necessary for the county committee on school district organization (county committee) to initiate lapsation proceedings for a school district. Subdivision (a) of this section requires lapsation of an elementary school district when the district’s average daily attendance (ADA) falls below six. Under conditions of lapsation, the county committee is required to annex the territory of the lapsed district to one or more adjoining districts.

The Panoche ESD (kindergarten through eighth grade) is a remote, rural school district covering an area greater than 200 square miles of rolling hills and ranchland. Except for two years (including the 1997-98 year when the SBE approved a similar waiver for the district), the district’s enrollment has been consistently at ten or more students. The following table depicts the district’s California Basic Educational Data System (CBEDS) enrollment for the past ten years.

<table>
<thead>
<tr>
<th>CBEDS Enrollment for Panoche ESD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Year</td>
</tr>
<tr>
<td>--------</td>
</tr>
<tr>
<td>1995-96</td>
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Five students moved out of the district towards the end of the 2004-05 school year,
resulting in the district beginning the 2005-06 school year with fewer than six ADA. The district believes that the younger siblings of current students will stabilize enrollment.

The closest adjoining district to Panoche ESD is Willow Grove Union School District (a kindergarten through eighth grade district with a 2004-05 enrollment of 34). Although this is the closest district, there is no guarantee that the Panoche ESD, if lapsed, would be annexed to this district. The San Benito County Committee on School District Organization (County Committee) would order the Panoche ESD annexed to one or more adjoining districts according to what the County Committee determines is in the best interests of the adjoining districts and the residents of the lapsed district.

The Willow Grove School is located about 30 miles from the Panoche School, a distance that takes 45 minutes to cover in good weather. In the winter, the only road leading from Panoche School to Willow Grove School is often closed due to rockslides and/or flooding. It should be noted that lapsation would not necessarily result in the closure of the Panoche School. A school in lapsed district can continue to operate while having its administrative functions handled by the district it joins. The governing board of the district receiving the Panoche School would make the decision regarding closure of the school.

The San Benito County Superintendent of Schools supports the district’s request to waive EC Section 35780. The San Benito County Board of Education filed the waiver request on behalf of the district when the previous waiver was granted in 1998. The County Superintendent of Schools had offered to work with Panoche ESD this time and file the waiver on the district’s behalf again if the district wanted. It is the opinion of the County Superintendent of Schools that Panoche ESD provides a very valuable service to the residents of a very remote, rural area of the county.

Very small districts occasionally experience significant drops in enrollment whenever a larger than average number of students graduate or if one or two families move out of the district. Panoche ESD historically has had relatively stable enrollment and, upon the occasions that enrollment has dropped, has seen enrollment rebound to those historic levels. Without this waiver, the Panoche ESD still has until June 6, 2006, to determine if enrollment will climb above six students, since the County Committee cannot initiate lapsation until after conclusion of the current school year. Approval of this waiver will give Panoche ESD an extra year (until June 2007) to stabilize enrollment, however EC 33051(c) will not apply. If enrollment is not above six at that time, even with this waiver, the County Committee will initiate lapsation.

Authority for Waiver: EC Section 33050

Period of request: September 1, 2005, to June 30, 2007

Local board approval date(s): September 28, 2005

Public hearing held on date(s): September 28, 2005

Bargaining unit(s) consulted on date(s): No bargaining units in district.
Name of bargaining unit/representative(s) consulted: No bargaining units in district.

Position of bargaining unit(s) (choose only one):
- □ Neutral
- □ Support
- □ Oppose

Comments (if appropriate):

Public hearing advertised by (choose one or more):
- □ posting in a newspaper
- X posting at each school
- □ other (specify)

Advisory committee(s) consulted: School Site Council

Objections raised (choose one):
- □ None
- □ Objections are as follows:

Date(s) consulted: June 6, 2005

FISCAL ANALYSIS (AS APPROPRIATE)

There will be no significant cost to the district, county, or the state due to approval of this waiver.

BACKGROUND INFORMATION

Action Item: Some documentation is available for Web viewing. Waiver forms and other hard copy documents are available for viewing at the Waiver Office or State Board Office.

Attachments:
- General Waiver Request (3 pages)
CALIFORNIA STATE BOARD OF EDUCATION
JANUARY 2005 AGENDA

General Waiver

SUBJECT
Request by Yuba City Unified School District to waive portions of Education Code (EC) Section 51222(a), related to the statutory minimum of 400 minutes of physical education required each ten days for grades nine through twelve in order to implement a block schedule at a new school, River Valley High School.

Waiver Number: 23-6-2005

RECOMMENDATION
☐ Approval  ☑ Approval with conditions  ☐ Denial

That this waiver meets two of the six criteria cited in State Board of Education (SBE) Policy 99-03, and the California Department of Education (CDE) recommends approval with the following conditions:

• By January 15, 2006, the district meets criterion number two by describing a method by which it will monitor students' maintenance of a personal exercise program during the weeks the student is not participating in a physical education course. The necessary evidence to demonstrate the implementation of the monitoring program will include complete information on the training provided to teachers and students, copies of completed student physical activity logs, criteria for monitoring and providing feedback to students, student participation rate data, and program evaluation information.

• By May 15, 2006, the district provides information that shows the physical education program is aligned with the Physical Education Framework (provides a sequential, articulated, age-appropriate program).

• By May 15, 2006, the district meets criterion number five by developing and implementing physical education courses that provide each high school student with required course content in the following areas: (1) the effects of physical activity upon dynamic health; (2) mechanics of body movement; (3) aquatics; (4) gymnastics and tumbling; (5) individual and dual sports; (6) rhythms/dance; (7) team sports; (8) combatives (may include self defense). The necessary evidence to demonstrate the physical education program is in compliance with the California Code of Regulations (CCR), Title 5, Section 10060, will include course objectives, assessment strategies, units of instruction, and course outlines and schedules for all physical education courses.

• By February 1, 2006, the district provides a detailed plan for the administration of the physical fitness test to all students enrolled in grade nine.
• Students receive physical education instruction a minimum of 18 weeks in 70 to 90 minute daily periods during the regular school year.

• The district provides evidence that alternative day scheduling for physical education rather than alternative term scheduling has been thoroughly investigated and reasons why alternative day scheduling will not work must be clearly explained.

• All grade nine students are prepared for and participate in the physical performance testing program during the months of February, March, April, or May as specified in EC Section 60800.

• EC Section 33051(c) will apply.

**SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION**

SBE Policy #99-03, revised in 1999, establishes criteria for granting of waivers related to physical education instructional minutes for the purpose of implementing a block schedule. Over 30 waivers have been approved by the SBE since 1997, none have been denied.

This waiver was scheduled at the November 2005 SBE meeting, but no action was taken. At the January 2006 meeting the SBE must take action on this waiver or the waiver will be automatically approved:

33052(a) If formal action by the State Board of Education on a waiver request is not taken by the second regular meeting of the board following receipt of a complete and documented waiver request by the State Department of Education, the waiver shall be deemed approved for one year, commencing the first day of the following month.

**SUMMARY OF KEY ISSUES**

EC 51222 establishes requirements for minimum instructional minutes of physical education, 400 minutes every ten school days for grades seven through twelve.

River Valley High School has implemented a block schedule that does not provide each student with physical education instruction for 400 minutes every 10 school days. Students are enrolled in physical education courses for only eighteen weeks of the school year.

The district has provided evidence that it meets two of the six criteria outlined in SBE Policy # 99-03 for granting a waiver for block scheduling:

• Criterion 1 - When the students are in a block that includes physical education the district has promised to have students in physical education a minimum of 18 weeks in 70 to 90 minute daily periods, and;

• Criterion 3 - The district provided evidence that alternative day scheduling rather than alternate term scheduling had been evaluated, and clearly explained the reason why this type of scheduling could not be used.
The unmet criteria can be successfully met with additional time for school staff to develop the physical activity monitoring program, and develop and design physical education courses that meet the course content requirements outlined in CCR, Title 5, 10060, and plan for the physical fitness test administration.

The CDE recommends approval of this waiver with the conditions described above. Technical assistance from the CDE will be available to the district upon request.

**Authority for Waiver:** EC 33050

**Period of request:** August 1, 2005 to July 31, 2007

**Local board approval date(s):** June 14, 2005

**Public hearing held on date(s):** June 9, 2005

**Bargaining unit(s) consulted on date(s):** June 28, 2005

**Name of bargaining unit/representative(s) consulted:** Yuba City Teachers’ Association

**Position of bargaining unit(s) (choose only one):**

☐ Neutral  ☑ Support  ☐ Oppose

**Comments (if appropriate):**

**Public hearing advertised by (choose one or more):**

☐ posting in a newspaper  ☑ posting at each school  ☐ other (specify)

**Advisory committee(s) consulted:** Principal’s Advisory Council

**Objections raised (choose one):** ☑ None  ☐ Objections are as follows:

**Date(s) consulted:** May 2, 2005

**FISCAL ANALYSIS (AS APPROPRIATE)**

Approval of this waiver will have no fiscal impact.

**BACKGROUND INFORMATION**

**Action Item:** Some documentation is available for web viewing. Waiver forms and other hard copy documents are available for viewing at the Wavier Office or State Board Office.

**Attachments:**

- General Waiver Request (3 pages)
General Waiver

SUBJECT
Request by Desert Sands Unified School District to waive Education Code (EC) sections 44512(c) and 44515(a)(b) regarding the timelines for twelve school administrators involved in the Principal Training Program, established by Assembly Bill 75 (Statutes of 2001).

Waiver Number: 1-8-2005

RECOMMENDATION
☐ Approval ☑ Approval with conditions ☐ Denial
That the district reports to the department which administrators completed the training before a final payment to the district is released and that the district completes the training of the eight listed principals by June 30, 2006.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION
This is the second time that this type of waiver request will be presented to the State Board of Education (SBE). Assembly Bill 75 created the Principal Training Program and allocated funds for that purpose. Enacted in 2001, Assembly Bill 75 (AB 75) established the Principal Training Program to provide training for school administrators throughout the state. Each district that submits names of school administrators receives $3,000. Administrators under this program receive 160 hours of training and once the training is completed, the district receives the remaining balance. However, since AB 75 defined the timelines for completion of this training, several districts have not completed the required training and need a waiver to complete this program.

SUMMARY OF KEY ISSUES
Desert Sands Unified School District (USD) is requesting a waiver of the Principal Training Program, specifically the code sections 44512(c) and 44515(a)(b) to extend the timeline to complete the initial 80 hours of training and to receive funds beyond the 2003-2004 fiscal year. The district’s Academic Performance Index (API) base report is 680. The California Department of Education (CDE) has approved training for a total of 26 administrative positions for Desert Sands USD. The administrators are at different intervals in the training process and some of their administrators are near their two year time limit mandated by Article 4.6 (commencing with Section 44510) of Chapter 3 or Part 25 of Education Code which requires participants to complete their training within a two year time frame. Desert Sands USD is requesting an extension on this two year time limit for eight administrators through this waiver.

Assembly Bill 430 (Nava), amends the Principal Training Program was signed into law September 28, 2005 by the Governor. This legislation updates the Principal Training Program so that most of the statutory timelines are more realistic. This would reduce the
need for future waivers of this type after the beginning of the 2006-2007 fiscal year.

Therefore, the department recommends approval of this waiver request to extend the timeline of the Principal Training Program with the condition that the district reports to the department on which administrators completed the first 80 hours of training before a final payment to the district is released and that the district completes the training of the eight listed principals by June 30, 2006.

Authority for Waiver: EC Section 33050

Period of request: September 1, 2005 to June 30, 2006

Local board approval date(s): August 16, 2005

Public hearing held on date(s): August 16, 2005

Bargaining unit(s) consulted on date(s): August 1, 2005

Name of bargaining unit/representative(s) consulted: Desert Sands Unified School District Teachers Association, Mike Duran, Union President

Position of bargaining unit(s) (choose only one):

☐ Neutral □ Support ☐ Oppose

Comments (if appropriate):

Public hearing advertised by (choose one or more):

☐ posting in a newspaper □ posting at each school ☐ other (specify)

Advisory committee(s) consulted: School Site Councils

Objections raised (choose one):

☐ None □ Objections are as follows:

Date(s) consulted: October and November 2005 meetings

FISCAL ANALYSIS (AS APPROPRIATE)

If approved, this waiver request will allow Desert Sands Unified School District to complete the training for eight more school administrators under the Principal Training Program (AB 75) and receive $44,400 for the additional training.

BACKGROUND INFORMATION

Action Item: Some documentation is available for web viewing. Waiver forms and other hard copy documents are available for viewing at the Waiver Office or State Board Office.

Attachments:

- General Waiver Request (3 pages)
- List of Principals in the program (1 page)
Specific Waiver

SUBJECT

Request by Fallbrook Union Elementary School District to waive Education Code (EC) Section 56362(c); allowing the caseload of the resource specialist to exceed the maximum caseload of 28 students by no more than four students (32 maximum). Laurie Mack and Paula Mackey assigned at Potter Junior High.

Waiver Number: 5-11-2005

RECOMMENDATION

☐ Approval  ☑ Approval with conditions  ☐ Denial

That the District will provide each Resource Specialist (RS) an instructional aide at least 5 hours per day. The waiver does not result in the same RS teachers having a caseload in excess of the statutory maximum for more than two school years.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Both EC Section 56101 and California Code of Regulations (CCR), Title 5, Section 3100, allow the State Board of Education to approve waivers of RSs to exceed the maximum caseload of 28 students by no more than four students. However, there are specific requirements in these regulations, which must be met for approval, and if these requirements are not met, the waiver must be denied.

A RS is a credentialed teacher who provides instruction and services to children with Individualized Education Programs (IEPs) that are with regular education teachers for the majority of the school day. RSs coordinate special education services with the regular school programs for their students. Statute limits caseload for RSs to no more than 28 pupils unless the State Board of Education grants a waiver.

SUMMARY OF KEY ISSUES

This waiver effects two RS teachers, Paula Mackey and Laurie Mack. The California Department of Education (CDE) consultant confirmed on December 8, 2005, that Paula Mackey did have more than 28 students on her caseload last year but the district director at that time did not apply for a waiver. This year the district has hired a new special education director who is more aware of compliance issues. After discussions with Ms. Mackey, she is in full agreement to accept the overload. On December 8, 2005, the CDE consultant also spoke with Ms. Mack and confirmed that Ms. Mack did not have an overload last year. Currently however, she has a caseload of 32 and is in agreement of this waiver. Additionally on December 9, 2005, the CDE consultant contacted the union representative from Fallbrook Union Elementary district and she did participate in the submission of this waiver. This request is after the start of the new school year, due to undetermined attendance figures.
Authority for the Waiver: EC Section 56101 and CCR, Title 5, Section 3100.

Period of request: August 29, 2005 through June 14, 2006.

Local board approval date(s): December 5, 2005.

Bargaining unit(s) consulted on date(s): November 9 & 10, 2005.

Name of bargaining unit(s)/representative(s): Carol Daley, FETA President
Position of bargaining unit(s) (choose only one):
- [ ] Neutral  - [x] Support  - [ ] Oppose

Comments (if appropriate):

FISCAL ANALYSIS (AS APPROPRIATE)
If this waiver is denied, the district will need to employ additional qualified staff or persons with emergency qualifications to provide services to the special education students.

BACKGROUND INFORMATION
Action Item: Some documentation is available for Web viewing. Waiver forms and other hard copy documents are available for viewing at the Waiver Office or SBE Office.

Attachments:
- Specific Waiver Request (6 pages)
California State Board of Education

JANUARY 2006 AGENDA

General Waiver

SUBJECT

Request by Rockford Elementary School District to waive a portion of Education Code (EC) Section 5018, so that the district may maintain a three-member Board when district total enrollment is over 300.

Waiver Number: 9-10-2005

RECOMMENDATION

☐ Approval  ☑ Approval with conditions  ☐ Denial

This recommendation for approval is conditional upon the average daily attendance (ADA) associated with students residing within the boundaries of Rockford Elementary School District (RESD) remaining below 300.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The State Board of Education (SBE) has not previously considered a waiver of EC Section 5018.

SUMMARY OF KEY ISSUES

A portion of EC Section 5018 requires an elementary school district having a three-member governing board and an ADA of 300 or more during the preceding fiscal year to do one of the following:

- By its own action, increase the size of the governing board from three members to five members, in which case the two additional members would be chosen at an upcoming regularly scheduled election.

- Request that the county superintendent of schools place before the voters of the district the question of whether the board should be increased from three to five members. At the same election, the two additional governing board members would be elected if the increase in the size of the board was approved.

RESD requests that the SBE waive the portion of EC Section 5018 containing this requirement.

RESD is a single-school elementary (kindergarten through eighth grade) school district located in a rural, agricultural portion of Tulare County. According to district records, October 2005 California Basic Educational Data (CBEDs) enrollment for RESD was 374, with only 211 of these students residing within school district boundaries. The remaining students attend RESD on interdistrict transfers.
Parents of students attending RESD on interdistrict transfer are not eligible to serve on the RESD governing board; thus, increasing enrollment through interdistrict attendance does not increase the pool of candidates for the governing board. RESD reports difficulty in finding enough candidates to run for the current three-member board. Moreover, interdistrict attendance students do not increase the numbers of district parents/residents represented by governing board members. A primary purpose for increasing governing board size when a district grows is to ensure adequate representation of parents/residents by the governing board.

California Department of Education recommends that the SBE approve the RESD waiver request subject to the condition that the district’s ADA residing within the boundaries of the school district remain below 300. This condition will ensure that RESD enrollment growth that triggers the need to take action to increase governing board size will reflect an increase in the pool of candidates for governing board and in the number of parents/residents in the district.

Authority for Waiver: EC Section 33050

Period of request: October 13, 2005, to October 13, 2007

Local board approval date(s): October 13, 2005

Public hearing held on date(s): October 13, 2005

Bargaining unit(s) consulted on date(s): September 12, 2005

Name of bargaining unit/representative(s) consulted: Rockford Teachers Association—entire teaching staff.

Position of bargaining unit(s) (choose only one):
☐ Neutral ☑ Support ☐ Oppose

Comments (if appropriate):

Public hearing advertised by (choose one or more):
☐ posting in a newspaper ☑ posting at each school ☑ other (specify)

Besides posting the notice at two different locations within the district office, notices were also posted at the Poplar Post Office and Community Water District.

Advisory committee(s) consulted: School Site Council

Objections raised (choose one): ☑ None ☐ Objections are as follows:

Date(s) consulted: October 18, 2005

FISCAL ANALYSIS (AS APPROPRIATE)

There will be no significant cost to the district, county, or the state due to approval of a waiver that maintains a three member governing board for a district with more than 300 students enrolled. Approval of the waiver will eliminate county and school district costs
of approximately $8,762 for a special election to elect two additional board members.

**BACKGROUND INFORMATION**

Action Item: Some documentation is available for Web viewing. Waiver forms and other hard copy documents are available for viewing at the Waiver Office or State Board Office.

Attachment:
  - General Waiver Request (4 pages)
  - October 31, 2005 letter—additional information (1 page)
General Waiver

SUBJECT

Request by the Los Angeles County Office of Education to waive a portion of Education Code (EC) Section 35706, which requires a county committee on school district organization to approve or disapprove a petition for the transfer of territory between school districts within 120 days of holding public hearings on the petition.

Waiver Number: 7-11-2005

RECOMMENDATION

Approval with conditions

That the waiver only apply to the proposed transfer of territory from Inglewood Unified School District to Culver City Unified School District that is currently being considered by the Los Angeles County Committee on School District Organization.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The State Board of Education (SBE) approved a similar waiver request by the Santa Clara County Office of Education at its June 1997 meeting.

SUMMARY OF KEY ISSUES

A county committee on school district organization (county committee) is required by the EC to take certain actions, including holding public hearings, when it receives a petition to transfer territory between school districts. EC Section 35706 requires the county committee to recommend approval or disapproval of the territory transfer within 120 days of conducting the first public hearing of the petition.

In 1982, the California Supreme Court held that reorganization of school district boundaries is a project within the scope and meaning of the California Environmental Quality Act (CEQA). The county committee, as the agency making the ultimate decision about territory transfers (prior to an election in some cases), is the lead agency for purposes of CEQA. As such, it is required to consider the impact of the territory transfer on the environment.

Historically, county committees have not prepared extensive studies of the environmental effects of territory transfers, primarily because of a belief that changes in school district boundaries will not, on their own, have significant environmental effects. However, a recent focus on CEQA in the context of district reorganization and threats of legal action by opponents of reorganization are occasionally creating circumstances under which county committees determine that it is necessary to expend considerable resources (time and money) to conduct more detailed analyses of the environmental effects of school district reorganizations.
The Los Angeles County Committee has determined that an environmental study of the proposed transfer of territory from Inglewood Unified School District to Culver City Unified School District is necessary. CEQA studies often take more than the 120 days in which EC Section 35706 requires county committees to take action on a reorganization proposal. Since a CEQA study must be completed before the proposal can be approved, a county committee is unable to comply with the 120 day timeline when it believes it is necessary to conduct an environmental study.

**Authority for Waiver:** EC Section 33050

**Period of request:** January 30, 2006, to January 3, 2008

**Local board approval date(s):** November 15, 2005

**Public hearing held on date(s):** November 15, 2005

**Bargaining unit(s) consulted on date(s):** October 28, 2005

**Name of bargaining unit/representative(s) consulted:** Frances Lewis, Service Employees International Association; Mark Lewis, Los Angeles County Education Association; Unit representatives, California School Employees Association.

**Position of bargaining unit(s) (choose only one):**

- [x] Neutral  
- [ ] Support  
- [ ] Oppose  

Comments (if appropriate): Bargaining units were notified and received a copy of the waiver request. No bargaining unit representative spoke at the public hearing.

**Public hearing advertised by (choose one or more):**

- [x] posting in a newspaper  
- [ ] posting at each school  
- [ ] other (specify)

**Advisory committee(s) consulted:** Los Angeles County Counsel

**Objections raised (choose one):**

- [x] None  
- [ ] Objections are as follows:

**Date(s) consulted:** November 1, 2005

**FISCAL ANALYSIS (AS APPROPRIATE)**

There will be no significant cost to the county office of education, any affected district, or the state due to approval of this waiver.

**BACKGROUND INFORMATION**

Action Item: Some documentation is available for Web viewing. Waiver forms and other hard copy documents are available for viewing at the Waiver Office or State Board Office.

Attachment:

- General Waiver Request (3 pages)